



Before: Judge Alexander W. Hunter, Jr.
Registry: New York
Registrar: Morten Albert Michelsen, Officer-in-Charge

CARUSO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Daniel Trup, OSLA

Counsel for Respondent:
Alan Gutman, ALS/OHRM, UN Secretariat

Introduction

1. On 9 January 2017, the Applicant, a Director at the D-2 level with the Department of Political Affairs, contested the decision not to renew her fixed-term appointment. As relief, the Applicant seeks that the impugned decision be rescinded or, in the alternative, that she receive compensation of 24 months of net base salary.

2. On the same date (9 January 2017), the Registry acknowledged receipt of the application and, pursuant to art. 8.4 of the Rules of Procedure, transmitted it to the Respondent, instructing him to file a reply by 8 February 2017 in accordance with art. 10 of the Rules of Procedure.

3. On 8 February 2017, the Respondent filed his reply in which he contends that the application is without merit as the decision not to renew the Applicant's appointment was lawful and fully complied with the provisions of ST/AI/2010/5 (Performance Management and Development System).

4. The present case was initially assigned to Judge Ebrahim-Carstens and it was reassigned to Judge Alexander W. Hunter, Jr. on 8 January 2018.

Consideration

5. The Tribunal notes that, in the reply, the Respondent states that he "denies all facts and claims presented by the Applicant unless specifically admitted [him] in this Reply." To get a better overview of the case, including to assess how to most efficiently proceed with the matters before it, the Tribunal finds it necessary to request the parties to produce a consolidated and chronological list of the facts which they agree on and those which they dispute.

6. At the same time, the parties need to state their views as to whether a hearing should be held in this case or whether the matter should be decided on the papers before the Tribunal. In the event the parties agree that this matter may be dealt with

on the papers, they will be provided with an opportunity to file closing submissions, following which the Tribunal will render its judgment on the papers before it.

7. In the event the parties choose/prefer that the Tribunal hold a hearing, the Tribunal needs to understand if they wish to produce any further written documentation and adduce oral evidence.

8. In light of the foregoing, to ensure a fair and expeditious disposal of the case and to do justice to the parties,

IT IS ORDERED THAT:

9. By **5:00 p.m., Friday, 26 January 2018**, the parties shall file a joint submission in which, under separate headings, they provide information to each of the items listed below. Where there is disagreement over an item, the submission shall identify the parties' respective positions.

a. A consolidated list of agreed facts in chronological order, including clear background information on the Applicant's work experience within the United Nations (including her grade and step level);

b. A list of agreed legal issues;

c. A list of document(s), if any, which each party requests production of indicating the relevance of the document(s). If either party objects to the production of said document(s), the party shall state reasoned grounds for the objection;

d. Whether the parties agree to decide this case on the papers or request a hearing on the merits.

e. If the parties request a hearing on the merits of the case, the jointly filed submission shall also include the following:

i. Precise reason(s) why a hearing on the merits is necessary;

- ii. An agreed bundle of documents which the parties intend to rely upon at the hearing. The bundle shall contain an index of the documents contained therein, with each page of the bundle clearly paginated;
 - iii. A list of witnesses each party intends to call, together with:
 1. A brief statement of the evidence each party intends to elicit from their proposed witness(es);
 2. The relevance of each proposed witness' testimony;
 3. A proposed order of appearance of each witness, confirming whether such appearance will be in person or remotely, and providing contact details;
 4. In the event some witness appearances are to occur remotely, a proposed time, taking into account the possible time difference between the New York time zone and the zone where the proposed witness(es) is/are located; and
 5. A proposed hearing date (or dates) in the period from 5 to 26 February 2018 and availability of each proposed witness,
10. Thereafter, the Tribunal will issue further orders as it deems appropriate.

(Signed)

Judge Alexander W. Hunter Jr.

Dated this 19th day of January 2018