



Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Nerea Suero Fontecha

WILSON

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Alan Gutman, ALD/OHR

Introduction

1. By Order No. 13 (NY/2019) dated 17 January 2019, the Tribunal first identified the issues of the case on a preliminary basis and without prejudice to any subsequent findings. As the Applicant had made a number of new factual and legal submissions to which the Respondent had not had a chance to respond to, the Tribunal ordered the parties to file a jointly signed statement by 21 February 2019 providing information as to: (a) a consolidated list of agreed facts; (b) a consolidated list of disputed facts; (c) the necessity for a hearing for witnesses to provide testimony to support any disputed facts or any other issue; and (d) if the parties would be willing to enter into negotiations on resolving the case amicably either through the assistance of the Office of the Ombudsman and Mediation Services or *inter partes*.

2. On 21 February 2019, contrary to Order No. 13 (NY/2019), each party filed an individual submission in which it was indicated that the parties could not agree on a jointly signed statement. As such, separate chronologies of facts were proposed. Also, while the Applicant wished a hearing to be held at which he would call two witnesses, the Respondent stated that the case could be handled on the papers but reserved his right to identify witnesses should the Tribunal decide to hold a hearing. Both parties stated their willingness to enter into informal dispute resolution discussions. In this regard, the Respondent stated that he is “agreeable to informal dispute resolution discussions under the auspices of the Office of the Ombudsman and Mediation Services” whereas the Applicant submitted that he did not agree to enter into informal dispute resolutions through the Ombudsman as “he considers that this is a waste of time” but he would be willing to do so *inter partes*. In another submission of the same date, the Applicant objected to the preliminary identification of issues as per Order No. 13 (NY/2019).

Consideration

3. The Tribunal notes with concern the extreme lack of cooperation between the parties as they failed to comply with its orders as per Order No. 13 (NY/2019) by not

filing a jointly signed statement. This is not conducive to an efficient, expeditious and fair judicial process, and the parties have the obligation and duty to assist the Tribunal therewith. In this regard, the parties are reminded that, in accordance with art. 10.6 of its Statute, “[w]here the Dispute Tribunal determines that a party has manifestly abused the proceedings before it, it may award costs against that party”. Herein, there is no reason why the Tribunal cannot award cost against both parties. Also, the Tribunal observes that while both parties state that they are willing to enter into informal discussions, they are not capable of agreeing on an appropriate way to do so.

4. Considering the difficulties that the parties are having with themselves and with following the orders of this Tribunal, the Tribunal orders them to attend a case management discussion to discuss the way forward involving further proceedings, including: what are the overriding and basic issues of the case; in light thereof, what are the factual matters about which the parties disagree; what is the need, if any, for further evidence, including witness testimonies; and what are the options for informally resolving the case.

IT IS ORDERED THAT:

5. The parties are to attend a Case Management Discussion at the courtroom of the Dispute Tribunal at **10:00 a.m. on Thursday, 21 March 2019**.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 7th day of March 2019