



Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

MASSART

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Monika Ona Bileris, Esq.

Counsel for Respondent:
Michael Appiateng, UNDP

Introduction

1. On 11 May 2017, the Applicant, a former staff member with the United Nations Development Programme (“UNDP”), filed the application in which he contests his summary dismissal from UNDP. The case was registered with the Dispute Tribunal’s Registry in Nairobi under Case No. UNDT/NBI/2017/044 and assigned to Judge Agnieszka Klonowiecka-Milart.

2. On 15 June 2017, the Respondent filed his reply in which he submits that the decision to dismiss the Applicant was “a lawful exercise of administrative discretion” and that the application was without merit.

3. On 19 October 2019, the case was reassigned to Judge Margaret Tibulya.

4. By Order No. 207 (NY/2019) dated 5 December 2019, Judge Tibulya transferred the case to the Dispute Tribunal in New York with immediate effect. Judge Tibulya further indicated that Counsel for the parties attended a case management discussion on 3 December 2019 at which:

... Counsel for the Respondent told the Tribunal that he was not open to this matter being resolved *inter partes* and that the Respondent is ready for this matter to proceed to trial. Counsel for the Applicant, although prepared to engage in settlement discussions, likewise indicated that they are trial ready.

5. On 9 December 2019, the case was assigned to the undersigned Judge.

6. On 10 January 2020, the parties filed a joint submission in which with reference to Order No. 207 (NBI/2019), they stated, “The Parties wish to take this opportunity to respectfully submit to the Tribunal that neither Party is trial ready and/or wishes for the matter to proceed to a trial or a hearing”.

Consideration

7. The Tribunal notes that the sole issues of the case appear to be:
 - a. Whether the decision to summary dismiss the Applicant was unlawful?
 - b. If the decision is found unlawful, what remedies is the Applicant entitled to?
8. Pursuant to art. 16.2 of the Dispute Tribunal's Rules of Procedure, "A hearing shall normally be held following an appeal against an administrative decision imposing a disciplinary measure".
9. The parties, however, has explicitly stated that they do not want a hearing (or a "trial"). In line herewith, after having closely perused the file, the Tribunal agrees that no such hearing is necessary and otherwise finds that the case is fully informed. As neither party has requested the production of any additional documentation, the case therefore appear ready for adjudication for which reason the parties will be instructed to file their written closing statements.

IT IS ORDERED THAT:

10. By **4:00 p.m. on Friday, 24 January 2020**, the Applicant is to file his closing statement, which is solely to be based on the submissions and evidence on record. The statement is to be five pages maximum, using Times New Roman, font 12 and 1.5 line spacing. Any new submissions and/or evidence will be struck from the record;
11. By **4:00 p.m. on Thursday, 6 February 2020**, the Respondent is to file his closing statement responding to the Applicant's closing statement and maximum be six pages, using Times New Roman, font 12 and 1.5 line spacing. Any new submissions and/or evidence will be struck from the record;

12. By **4:00 p.m. on Thursday, 13 February 2020**, the Applicant is to file his final observations responding to the Respondent's closing statement, which is to be two pages maximum, using Times New Roman, font 12 and 1.5 line spacing. Any new submissions and/or evidence will be struck from the record.

(Signed)

Judge Joelle Adda

Dated this 17th day of January 2020