



UNITED NATIONS DISPUTE TRIBUNAL

Cases Nos.: UNDT/NY/2021/021/R1
UNDT/NY/2021/024/R1
Order No.: 090 (NY/2022)
Date: 30 September 2022
Original: English

Before: Judge Joelle Adda
Registry: New York
Registrar: Morten Albert Michelsen, Officer-in-Charge

OVCHARENKO ET AL.

KUTNER ET AL.

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

George Irving

Counsel for Respondent:

Lucienne Pierre, ALD/AS/OHR, UN Secretariat

Jenny Kim, ALD/AS/OHR, UN Secretariat

Introduction

1. In the Appeals Tribunal's judgment in *Ovcharenko et al. Kutner et al.* 2022-UNAT-1262, the Tribunal's Judgment No. UNDT/2021/084 was reversed and remanded to the Tribunal for "a trial on the merits". Hence, in Judgment No. UNDT/2021/084, the Tribunal had otherwise held that the applications in both present cases were not receivable.

Consideration

2. The Tribunal notes that in Order No. 55 (NY/2021), the Tribunal decided to handle the issue of receivability as a preliminary matter and therefore suspended the deadlines for the Respondent to file his replies in both cases until the Tribunal's further instructions.

3. Subsequent to the Appeals Tribunal's rulings in *Ovcharenko et al. Kutner et al.* 2022-UNAT-1262, the Respondent is therefore now to submit his replies in both cases, addressing their merits. The Tribunal also instructs the Respondent to file his submissions on whether the two cases may reasonably be joined under one case number, as requested by the Applicant in the application of *Kutner et al.*

4. In light of the above,

IT IS ORDERED THAT:

5. By **4:00 p.m. on Monday, 31 October 2022**, the Respondent is to file his replies in both cases, addressing: (a) the merits of the two cases, and (b) the issue of joining the two cases under one case number.

(Signed)

Judge Joelle Adda

Dated this 30th day of September 2022