



**Before:** Duty Judge  
**Registry:** New York  
**Registrar:** Isaac Endeley

BARBULESCU

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Dorota Banaszewska, OSLA

**Counsel for Respondent:**

Yehuda Goor, AAS/ALD/OHR, UN Secretariat

## **Introduction**

1. On 19 January 2023, the Applicant filed an application with the Tribunal contesting the decision not to grant her 14 weeks of maternity leave or, alternatively, special leave with full pay (“SLWFP”) following the birth of her second daughter via surrogacy on 18 September 2022.
2. On 20 January 2023, the application was served to the Respondent for him to file his reply by 20 February 2023.
3. On 2 February 2023, the parties filed a joint submission seeking to suspend proceedings pending a decision from the United Nations Appeal Tribunal (“UNAT”) in another case dealing with the same question of law (UNAT Case No. 2022-1757). The parties further request that the Respondent’s reply will be due three weeks after the issuance of the UNAT’s decision in said case.

## **Consideration**

4. Art. 10.1 of the Tribunal’s Statute provides that it “may suspend proceedings in a case at the request of the parties for a time to be specified by it in writing”.
5. In their joint submission, the parties indicate that, on 23 September 2021, the Applicant filed an application with this Tribunal contesting the decision not to grant her 14 weeks of maternity leave or, alternatively, SLWFP following the birth of her first daughter via surrogacy (“the first application”). Said application was granted by this Tribunal in judgment *Barbulescu* UNDT/2022/090, which was appealed by the Respondent and is currently pending with the Appeals Tribunal (UNAT Case No. 2022-1757).
6. The Tribunal agrees with the parties that the forthcoming decision by the Appeals Tribunal regarding the first application will likely also resolve the present application as both applications raise the same question of law and involve similar facts.

7. Consequently, in the interest of judicial efficiency and in accordance with art. 10.1 of its Statute, the Tribunal agrees to suspend the present proceedings pending a decision by the Appeals Tribunal in relation to the first application.

IT IS ORDERED THAT

8. The parties' motion of 2 February 2023 is granted;

9. The proceedings before this Tribunal be suspended pending a decision by the Appeals Tribunal in relation to the appeal of the first application (UNAT Case No. 2022-1757);

10. The Respondent's reply shall be filed within **three weeks** after the issuance of the Appeals Tribunal's decision in the above-mentioned case; and

11. If a settlement agreement is reached within this period, the parties shall inform the Tribunal accordingly without delay, and the Applicant shall confirm to this Tribunal, in writing, that her application is withdrawn.

*(Signed)*

Judge Joelle Adda

Dated this 13<sup>th</sup> day of February 2023