



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/057  
Order No.: 141 (NY/2023)  
Date: 12 December 2023  
Original: English

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**Before:** Judge Rachel Sophie Sikwese

**Registry:** New York

**Registrar:** Isaac Endeley

SCHIFFERLING

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**  
**ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Cristian Gimenez Corte

**Counsel for Respondent:**

Kong Leong Toh, UNOPS  
Tiffany Henderson, UNOPS

## **Introduction**

1. In response to the Tribunal's inquiry by email of 7 December 2023 from the Registry, by emails of 11 December 2023, the parties confirmed their availability at a hearing from 5-9 February 2023 in accordance with the directions provided in the present Order.

## **Consideration**

2. With reference to the Registry's email of 6 December 2023, the Tribunal notes that in the Applicant's response of 7 December 2023, he requested (a) to hear Ms. Grete Faremo and Mr. Bernardo Mario as additional witnesses, (b) to postpone the hearing, which was initially scheduled for 13-15 December 2023, to allow for further time for preparations, and (c) to set new deadlines for the parties to submit their witness statements and chronologically paginated trial bundles.

3. For the fair and expeditious disposal of the case and to do justice to the parties, by email of 7 December 2023, the Tribunal granted the Applicant's requests. Accordingly, it ordered that the 13-15 December 2023 hearing to be postponed and Ms. Faremo and Mr. Mario to be called as the Applicant's witnesses. This meant that Counsel for the Applicant would need to ensure the availability of Ms. Faremo and Mr. Mario at the hearing and undertake the examination-in-chief, after which the Respondent would be allowed to cross-examine them.

4. In light of the above,

**IT IS ORDERED THAT:**

5. By **9:00 a.m. on Thursday, 28 December 2023**, each party is (a) to ensure the availability of their respective witnesses as per the agenda below and inform the Tribunal thereabout and (b) to file coherent witness statements setting out the main topics of each witness's testimony;

6. By **9:00 a.m. on Thursday, 18 January 2024**, the parties are to agree on and submit a chronological and paginated common trial bundle;

7. **The hearing will be held on 5-9 February 2024** via MS Teams at which the witnesses will be heard as follows, noting that 55 minutes will be allowed for the examination-in-chief (relevant party stated in parenthesis) and 55 minutes for the cross-examination, followed by a brief session of follow-up questions:

- a. From **9:00-11:00 a.m. (NY time) on 5 February 2024**: the Applicant (the Applicant)
- b. From **9:00-11:00 a.m. (NY time) on 6 February 2024**: Ms. Faremo (the Applicant)
- c. From **9:00-11:00 a.m. (NY time) on 7 February 2024**: Mr. Mario (the Applicant)
- d. From **9:00-11:00 a.m. (NY time) on 8 February 2024**: Mr. Niels Guenther (the Respondent);
- e. From **9:00-11:00 a.m. (NY time) on 9 February 2024**: Mr. Anthony O'Mullane (the Respondent)

8. Relevant technical details will be communicated by the Registry to the parties in due course.

*(Signed)*

Judge Rachel Sophie Sikwese

Dated this 12<sup>th</sup> day of December 2023

Entered in the Register on this 12<sup>th</sup> day of December 2023

*(Signed)*

Isaac Endeley, Registrar, New York