



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/002

Order No.: 143 (NY/2023)

Date: 15 December 2023

Original: English

**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:**  
Robbie Leighton, OSLA

**Counsel for Respondent:**  
Lucienne Pierre, AS/ALD/OHR, UN Secretariat

## **Introduction**

1. By Order No. 009 (NY/2023) dated 13 February 2023, the Tribunal granted the 2 February 2023 motion of the parties by which they (a) sought to suspend proceedings pending a decision from the Appeals Tribunal in another case dealing with the same question of law (UNAT Case No. 2022-1757), and (b) requested that the Respondent's reply be due three weeks after the issuance of the Appeals Tribunal's judgment.
2. On 30 November 2023, the Appeals Tribunal issued its judgment in UNAT Case No. 2022-1757, namely *Barbulescu* 2023-UNAT-1392.
3. On 13 December 2023, the Respondent filed a motion for summary judgment and to have receivability determined as a preliminary matter.
4. On 15 December 2023, the Applicant filed a "request for extension [of] time to respond to motion".

## **Consideration**

5. In accordance with art. 19 of the Dispute Tribunal's Rules of Procedure, for the fair and expeditious disposal of the case and to do justice to the parties, the Tribunal will grant the Respondent's request to have receivability decided as a preliminary matter. Consequently, the deadline for filing the reply under art. 10.1 of the Dispute Tribunal's Rules of Procedure is to be suspended. Also, the Applicant is to be instructed to file a rejoinder in response to the Respondent's submissions on receivability.
6. As for the motion for summary judgment, the determination thereof is reserved to the Dispute Tribunal Judge to whom the present case will be assigned.

IT IS ORDERED THAT:

7. The Respondent's motion to have receivability decided as a preliminary matter is granted;
8. The deadline for the Respondent to file his reply in accordance with art. 10.1 of the Dispute Tribunal's Rules of Procedure is suspended until the issue of receivability has been determined;
9. By **4:00 p.m. on Friday, 19 January 2024**, the Applicant is to file a rejoinder responding to the Respondent's submissions regarding the non-receivability of the application.
10. The Respondent's motion for summary judgment is reserved to the Dispute Tribunal Judge to whom the present case will be assigned.

*(Signed)*

Judge Joelle Adda

Dated this 15<sup>th</sup> day of December 2023

Entered in the Register on this 15<sup>th</sup> day of December 2023

*(Signed)*

Isaac Endeley, Registrar, New York