



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2024/022
Order No.: 023 (NY/2025)
Date: 21 February 2025
Original: English

Before: Judge Solomon Areda Waktolla

Registry: New York

Registrar: Isaac Endeley

ARVIZU TREVINO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER
ON CASE MANAGEMENT

Counsel for Applicant:

Laurence C. Fauth

Counsel for Respondent:

Tamal Mandal, ALD/OHR, UN Secretariat

Steven Dietrich, ALD/OHR, UN Secretariat

Introduction

1. On 18 February 2025, the Tribunal conducted a case management discussion (“CMD”) with the parties in accordance with Order No. 019 (NY/2025).

2. At the CMD, the Tribunal recalled that pursuant to Order No. 087 (NY/2024) of 30 July 2024 instructing the parties to “explore the possibility of resolving the dispute between the amicably”, both parties had reported that they were unable to reach an agreement at that time.

3. The Tribunal noted that the dispute between the parties has been pending for seven years, during which it has undergone numerous proceedings before both the United Nations Dispute Tribunal (UNDT) and the United Nations Appeals Tribunal (UNAT), resulting in the expenditure of considerable resources.

4. It also noted that in the absence of an amicable settlement, the litigation is likely to continue as whichever party is dissatisfied with the Dispute Tribunal’s next judgment will probably file an appeal.

5. Considering the points highlighted in the previous paragraphs, the Tribunal strongly encouraged the parties to pursue a negotiated settlement. Such a resolution would be mutually beneficial and could potentially expedite the conclusion of this prolonged litigation, creating a “win-win” situation for both parties.

6. Accordingly, the Tribunal urged the parties to take advantage of a final opportunity to engage in constructive negotiations aimed at resolving the dispute amicably.

Considerations

7. Pursuant to art. 19 of the Rules of Procedure of the Dispute Tribunal, the Tribunal may at any time issue any order or give any direction which appears to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.

8. In light of the above,

IT IS ORDERED THAT:

9. The parties shall communicate to the Tribunal their willingness to pursue an alternative mutual settlement **by Monday, 3 March 2025**.

10. Once consent is given to pursue mutual settlement, the parties shall engage in negotiations with the aim of resolving the dispute amicably, including, if necessary, with the assistance of the United Nations Ombudsman and Mediation Services. They shall report to the Tribunal regarding this matter **by 4:00 p.m. on Tuesday, March 18, 2025**.

11. The parties may exchange frameworks for a negotiated settlement or pursue any informal procedures they deem appropriate. All communications and exchanges of information are confidential and shall not be brought to the attention of the Tribunal or admitted as evidence before the Tribunal.

12. Upon receipt of the parties' report(s), the Tribunal will issue relevant instructions for further case management.

(Signed)

Judge Solomon Areda Waktolla

Dated this 21st day of February 2025

Entered in the Register on this 21st day of February 2025

(Signed)

Isaac Endeley, Registrar, New York