
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2015/035
UNDT/NY/2015/062
Order No.: 2 (NY/2017)
Date: 9 January 2017
Original: English

Before: Judge Alexander W. Hunter, Jr.

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4. Accordingly, based on the joint submission of 14 September 2016, the only date on which both parties were available in the first half of October was Thursday, 6 October 2016.

Applicant's motion of 14 September 2016

5. Also on 14 September 2016, the Applicant filed a motion identifying seven individuals as witnesses he would like to call at the hearing on the merits. He

-Finding Panel, including all
annexes.

Case management discussion of 27 September 2016

6. On 27 September 2016, the Tribunal held a case management discussion on the merits of the two cases. The Applicant and counsel for the Respondent attended the CMD in person.

On 14 September 2016 concerning his proposed list of witnesses, the Tribunal noted at the CMD that some of these proposed witnesses were listed by the Applicant for the purpose of providing oral evidence on the settlement-related discussions that took place between him and the Administration, including the Management Evaluation Unit. The Tribunal noted that such discussions were not a matter for adjudication as they have no probative value in relation to the substantive issues before the Tribunal (see Order No. 225 (NY/2016) dated 28 September 2016, summarizing the discussion at the CMD). The Tribunal also reminded the parties that, in these types of cases, the Tribunal is not expected to conduct a *de novo* review and is not to assume the functions of an investigative body (cf. *Messinger* 2011-UNAT-123).

Order No. 225 (NY/2016) of 28 September 2016

7. By Order No. 225 (NY/2016) dated 28 September 2016, the Tribunal scheduled a one-day hearing on the merits for 6 October 2016, as this was the only

as a witness for
the reasons already set forth in Order No. 233 (NY/2016).

IT IS ORDERED THAT:

19. By **5:00 p.m. on Tuesday, 10 January 2017**, the Applicant is ordered to update the Tribunal as to whether he has been instructed to serve as a juror before the New York Supreme Court on 12 and 13 January 2017, and if so, provide substantiating documentation. The Tribunal will thereafter provide its instructions as to the further conduct of the proceedings.

20.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 9th day of January 2017