

Introduction

1. On 13 December 2024, following Order No. 120 (NY/2024) dated 4 December 2024, a Case Management Discussion (“CMD”) was held virtually via MS Teams to discuss (a) the Applicant’s disclosure requests and (b) the possibility of calling a hearing, including possible witnesses and date(s). Counsel for both parties, as well as the Applicant, participated in the CMD.

Consideration

Additional written documentation

2. At the CMD, Counsel for the Applicant reiterated the request to have the Respondent disclose (a) “[t]he special review/audit report carried out in March 2020 by [the Office of Internal Oversight Services]/Audit”, and (b) “[t]he Second (Special Review 2)”. He explained that these documents are critical to understand his client’s line of defense. On the other hand, Counsel for the Respondent objected to the request, arguing that the requested documents are not relevant to the present case as the issues covered therein are not before the Tribunal.

3. The Tribunal noted that the Applicant’s disclosure requests were to be resolved before the issue of holding a hearing. The Respondent would therefore need to state his objection in writing after which the Applicant would be granted the possibility to file a response.

Oral evidence (witnesses)

4. Counsel for the Applicant reiterated his request for the Applicant to testify before the Tribunal. Regarding the witness, MR, he stated that since an affirmed witness statement had already been submitted, he saw no reason to further question her unless the Respondent wished to hear her in cross-examination. Counsel for the Respondent remarked that she did not wish to cross-examine MR.

5. The Tribunal noted that as the present case is disciplinary, the Applicant should be allowed to provide his testimony, but since the Respondent did not wish

to cross-examine MR, then there was no need to hear her as a witness. The remaining question was therefore when to hold the hearing. The Tribunal found that, at maximum, three to four hours would be required to examine the Applicant and that it preferred to hold the hearing either on a Monday or a Friday in early 2025. The parties would therefore be instructed to agree on possible dates and submit their requests to the Tribunal for its consideration.

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12. By **4:00 p.m. on Thursday, 9 January 2025**, the parties are to file a jointly signed submission in which they propose dates for hearing the Applicant's testimony on either 17, 20, 24 or 27 January, starting at 10 a.m. (New York time).

(Signed)

Judge Francis Belle

Dated this 17th day of December 2024

Entered in the Register on this 17th day of December 2024

(Signed)

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