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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/018  
Order No.: 169 (NY/2019)  
Date: 29 November 2019  
Original: English

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**Before:** Judge Joelle Adda  
**Registry:** New York  
**Registrar:** Nerea Suero Fontecha

NADEAU

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Peter A. Gallo, Esq.

**Counsel for Respondent:**

Elizabeth Gall, ALD/OHR, UN Secretariat

## **Introduction**

1. By Order No. 107 (NY/2019) dated 15 July 2019, the Tribunal ordered the parties to file a jointly signed statement by 3 September 2019 providing the following: (a) consolidated lists of agreed and disputed facts; (b) separate lists of additional written and oral evidence that each of the parties requested to be produced; and (c) information on whether the parties would be willing to enter into negotiations on resolving the case amicably.

2.

2019 submission, he indicated that the parties have not been able to agree to a jointly filed statement. In the Applicant submission dated 3 September 2019, he provided a list of proposed 37 witnesses.

3. On 8 October 2019, the Applicant filed a motion for stay of the proceedings to discuss an informal settlement of the present case.

## **Consideration**

### *The issues of the present case*

4. In Order No. 107 (NY/2019), the Tribunal noted that based on the application the only decision under review in the present case is the decision to terminate his continuing appointment albeit interrelated, any decision taken in the context of the performance appraisal process is an entirely different and independent decision. Accordingly, the Tribunal found that the sole substantive issue of the present case is therefore whether the decision to . None of the parties has

challenged this definition of the scope of the case in their subsequent submissions. The Tribunal therefore identifies the following issues to be addressed in the present case:

- a. Was  
lawful?
- b. If not, what relief would he be entitled to?

5. The Tribunal notes that by Order No. 107 (NY/2019), para. 12(d)(ii), if proposing any witnesses, a brief statement or . The Tribunal further observes that the Applicant in his submission dated 3 September 2019 has not provided any such statement or summary regarding any of the 37 witnesses that he proposes to be heard.

6. After closely perusing the case file, the Tribunal notes that all the written documentation on which the termination decision was based appears to have been submitted in evidence and that neither party has requested any further written documentation to be produced.

7. Considering the limited scope of the present case, the Tribunal finds that the case is fully informed and that

*a stay of the proceedings*

9. Considering the lack of cooperation between the parties in responding to

Case No. UNDT/NY/2019/018

Order No. 169 (NY/201