



Before: Judge Rowan Downing

Registry: Geneva

Registrar: René M. Vargas M.

GIULIANO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON FURTHER SUSPENSION
OF PROCEEDINGS**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Jérôme Blanchard, UNOG

Introduction

1. By email of 1 August 2017, the Applicant requested an extension of time by 180 days in which to file an application against the decision of the Organization to underpay him with regard to education grant claims during the school year 2012/2013.

2. The Tribunal, through Order No. 148 (GVA/2017) of 4 August 2017, granted the Applicant's motion for extension of time, but not for the requested time, directing that the Applicant file his complete application by 11 August 2017.

3. In the same Order, the Tribunal noted that the Applicant's claim for education grant began in 2013 and the payment by the Administration was only done in 2017. It further noted that the duration taken to reach a decision on the payment to the Applicant was, at best, inordinate and there was no reason why there should be any further delays in having the matter resolved.

4. On 8 August 2017, the Applicant filed a motion for summary judgment indicating that there were no material facts in dispute. On 9 August 2017, the application and the motion for summary judgment were served on the Respondent with 9 September 2017 as the deadline to file a reply.

5. On 30 August 2017, the parties filed a "joint application for extension of time limits to respond to a submission". The Tribunal interpreted the motion as a request for suspension of proceedings for the parties to pursue amicable settlement of the dispute.

6. By Order No. 166 (GVA/2017) of 31 August 2017, the proceedings were suspended until 9 October 2017 to allow the parties to engage in amicable settlement discussions.

7. On 9 October 2017, the parties filed another joint request for a further suspension of proceedings for three months indicating that discussions were still ongoing and, through Order No. 190 (GVA/2017), the Tribunal granted the request and suspended the proceedings until 9 January 2018.

8. On 5 January 2018, the parties filed another joint motion requesting that the proceedings be suspended for a further three months. The Tribunal, through Order No. 5 (GVA/2018) issued on 8 January, granted the parties' request and suspended proceedings until, 9 April 2018.

9. On 9 April 2018, at 8.59 p.m. (Geneva time), the Respondent, on behalf of both parties, submitted another request for suspension of proceedings until 9 June 2018, stating that the discussions were still ongoing.

Consideration

10. Article 15.5 of the Tribunal's Rules of Procedure provides that the time limit for mediation normally shall not exceed three months.

11. In order to encourage the parties to settle the matter informally, the Tribunal repeatedly extended the time limit. However, the actions of the parties to request an extension of time on the last date of the initially suspended proceedings, and after close of business is unprofessional and improper. Both parties are cautioned to take note that if they are to make any requests and or motions to the Tribunal, this should be made in a timely manner to allow for adequate consideration.

12. The Tribunal notes that the subject matter of the Applicant's claim commenced in 2012-2013, almost five years ago. The Applicant filed his case on 1 August 2017, nine months ago, and despite the several extensions of time to suspend proceedings for mediation, the parties do not seem to make any progress.

13. This Tribunal finds that frequent applications for suspension of proceedings with no apparent progress made do not serve the cause of justice and unnecessarily load the Tribunal's docket. This conduct is also tantamount to an abuse of the process of this Tribunal. (See *Solloway* Order No. 079 (NBI/2012)).

14. The Tribunal will, therefore, not grant a further extension. There must be an end to litigation and to this end, the Respondent shall be ordered to file his reply to the Applicant's application and response to motion for summary judgment in this matter. Also, the parties are advised that given the timeline of the current application, the matter will be fast tracked.

Conclusion

15. In view of the foregoing:

- a. The 9 April 2018 motion for further suspension of proceedings is rejected; and
- b. The Respondent is ordered to file his reply to the Applicant's application and his response to the Applicant's motion for summary judgment by **Thursday, 10 May 2018 at 5.30 p.m. (Geneva time)**.

(Signed)

Judge Rowan Downing

Dated this 10th day of April 2018

Entered in the Register on this 10th day of April 2018

(Signed)

René M. Vargas M., Registrar, Geneva