



UNITED NATIONS APPEALS TRIBUNAL

TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2014-UNAT-471

**Landgraf
(Appellant)**

v.

**Secretary-General of the United Nations
(Respondent)**

JUDGMENT

Before: Judge Richard Lussick, Presiding

Judge Inés Weinberg de Roca

Judge Mary Faherty

Case No.: 2013-544

Date: 17 October 2014

Registrar: Weicheng Lin

Counsel for Ms. Landgraf: Alexandre Tavadian and Daniel Trup/OSLA

Counsel for Secretary-General: Stéphanie Cartier

JUDGE RICHARD LUSSICK, PRESIDING.

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal filed by Ms. Susan Landgraf against Judgment No. UNDT/2013/128, rendered by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Geneva on 17 October 2013. Ms. Landgraf appealed on 11 November 2013, and the Secretary-General of the United Nations filed his answer on 13 January 2014.

Facts and Procedure

2. The following facts are uncontested:¹

... The Applicant joined [the Office of the United Nations High Commissioner for Refugees (UNHCR)] in February 1996 on an intermediate-term appointment as an Information Systems Officer (L-3) in Geneva. In January 2000, following several extensions, her appointment was converted to an indefinite appointment, with the same job title, at the P-3 level. The Applicant's post was subsequently abolished on 30 September 2011 as part of a restructuring exercise carried out by [the Division of Information Systems and Telecommunications (DIST)]. The Applicant thereupon assumed the temporary functions of Information Systems Officer in Geneva, and has been performing the temporary functions of Project Officer since January 2012. She and the other DIST staff affected by the restructuring were invited to apply for posts advertised after the restructuring.

Job opening No. 6242

... The post of [Information and Communications Technology (ICT)] Officer (Infrastructure – [Headquarters (HQ)]) was initially advertised internally as job opening No. 6242 on 6 April 2011 in addendum 1 to the March 2011 compendium. The Applicant applied for the post under this job opening on 15 April 2011. A shortlist of eligible and potentially suitable candidates was drawn up by the UNHCR Division of Human Resources Management (DHRM), and the Director of DIST, who was the hiring manager for the vacancy, provided her views on the shortlisted candidates, including the Applicant, in a memorandum dated 30 June 2011. She recommended not the Applicant, but another internal candidate, Mr. S. M. Regarding the Applicant, the Director of DIST, noted in that memorandum:

She does not have the relevant experience in ICT infrastructure, video and IP telephony protocol and WLAN technology. She does not have adequate working knowledge of network and network security, LAN, MAN and WAN

¹ Impugned Judgment, paras. 3-20.

and internet technologies. In view of this I do not recommend her for this position.

... In July 2011, DHRM, at a final recommendation meeting, recommended an internal candidate other than the Applicant and the internal candidate recommended by the DIST Director in her aforementioned memorandum of 30 June 2011. As the candidate recommended by DHRM for job opening No. 6242 was subsequently recommended for another post, DHRM decided, at another final recommendation meeting in September 2011, to readvertise job opening No. 6242. The DIST Director was then invited once again to submit her views on the candidates, which she did in a memorandum dated 6 October 2011. She again recommended the same internal candidate, Mr. S. M., and did not recommend the Applicant, for the same reasons given in her memorandum of 30 June 2011.

... As the internal candidate recommended by the DIST Director for job opening No. 6242 was monolingual, DHRM decided on 11 November 2011 to readvertise the post both internally and externally.

... On 28 October 2011, the Applicant filed a management evaluation request to the High Commissioner in relation to the decision not to select her for the post advertised as job opening No. 6242. Subsequently, she filed a submission with the Tribunal, registered as No. UNDT/GVA/2012/018, seeking an extension of time to complete her application pending receipt of the decision on her management evaluation request. The Applicant later withdrew her application and the Tribunal took note of that fact by Order No. 72 (GVA/2012) of 12 April 2012.

Job opening No. 6916

... On 22 November 2011, the post of ICT Officer (Infrastructure - HQ), at the P-3 level, was readvertised as job opening No. 6916, this time both internally and externally, in the addendum to the September 2011 compendium.

... The Applicant had previously been informed that her application for job opening No. 6242 would be considered for job opening No. 6916 without the need for her to submit a new application. DHRM drew up a shortlist of eligible and potentially suitable candidates for job opening No. 6916, which included the Applicant, and sent it to the DIST Director for her views on the shortlisted candidates.

... By memorandum dated 12 April 2012, the DIST Director indicated that she had concluded that there were no suitable internal candidates for the post. As the post had been advertised both internally and externally, she requested the full list of all external candidates. Regarding the Applicant, the DIST Director noted, *inter alia*:

She does not have working knowledge of complex networking environment and network security, Messaging, mobile devices, LAN, WAN and telephony protocols. She does not have work experience with configuring and supporting firewalls and routers, and skills in ICT infrastructure to provide

2nd level line support. In view of this I do not recommend her for this position.

... At a final recommendation meeting held on 18 April 2012, an internal candidate, other than the Applicant, was preselected. That candidate had not been recommended before by either DHRM or the DIST Director, although he had applied for the post under job opening No. 6242. The minutes of the final recommendation meeting of 21 May 2012 note that the job opening was “reopened” following subsequent consultations with the DIST Director, who expressed reservations concerning the DHRM recommendation, and that DHRM released the list of external candidates. On 12 July 2012, the DIST Director recalled that no suitable internal candidates had been identified despite the posting of several job openings for the position; noted her views on the external candidates, four of whom had been interviewed; and recommended one of them, Mr. S. W.

... At a meeting on 24 July 2012, DHRM supported the recommendation in respect of the external candidate recommended by the DIST Director. The recommendation was subsequently endorsed by the Joint Review Board (JRB).

... On 3 August 2012, the decisions of the High Commissioner on assignments were sent to all UNHCR staff. The notice indicated, in relation to the appointment for the position advertised under job opening No. 6916, that an external candidate had been selected.

... On 1 October 2012, the Applicant submitted a request for management evaluation of the decision not to select her for the post advertised as job opening No. 6916 (position No. 10017235). She filed an application with the Tribunal on 13 December 2012. The Respondent filed a reply on 16 January 2013.

... By Order No. 53 (GVA/2013) of 6 May 2013, the Tribunal requested the Respondent to submit all documents related to the selection process for job openings Nos. 6242 and 6916. The Respondent transmitted the documentation, some of which was provided confidentially, to the Tribunal on 21 May 2013.

... By Order No. 76 (GVA/2013) of 7 June 2013, the Tribunal instructed the Respondent to provide the Applicant with all but one of the confidential documents, including some documents in redacted form. The Tribunal gave the Applicant the opportunity to submit comments on those documents and on the Respondent’s reply, which she did on 20 June 2013.

... On 1 October 2013, the Applicant’s counsel filed a request to introduce additional evidence and a request for permission to hear an “expert witness”. By Order No. 141 (GVA/2013) of the same date, the Tribunal ordered that only one of the two attachments to the request should be incorporated into the case file as additional evidence. The Tribunal also rejected the request for permission to hear the “expert witness”.

... On 2 October 2013, the Applicant's counsel filed a new request for permission to hear an "expert witness", submitting that the witness could objectively enlighten the Tribunal as to the technical and scientific aspects of the case and could give an opinion on the qualifications of the selected candidate, in light of his university education and professional experience.

... By Order No. 146 (GVA/2013) of 3 October 2013, the Tribunal recalled the contested decision and rejected the new request for permission to hear an expert witness. It also recalled the Applicant's contentions with respect to her qualifications for the post and the reason given by the Respondent for not selecting her, namely her lack of experience in certain technical areas. The Tribunal noted that the Applicant, as a computer expert, should be able to answer any technical questions related to her qualifications for the post concerned. The Tribunal also ordered the Respondent to make arrangements to ensure that it would be able to answer any technical questions that the Judge might ask during the hearing and, if necessary, to be accompanied by a UNHCR staff member who would be able to answer such questions.

... A hearing was held on 8 October 2013 in the presence of the Respondent's counsel and the Applicant. The Applicant's counsel participated via video link. The Respondent's counsel was accompanied by the DIST Director. At the hearing, the Applicant's counsel asked questions of the Applicant. The Tribunal asked technical questions of the Respondent, to which the DIST Director replied. At the Tribunal's invitation, the Applicant's counsel asked questions of the DIST Director.

3. On 17 October 2013, the UNDT rendered its Judgment, dismissing the application. In its "Consideration" section, the UNDT gave "[a]n explanation of the procedure followed at the hearing". The UNDT recalled that "[i]n view of the highly technical nature of the grounds for the decision not to recommend [Ms. Landgraf] for the post", the latter sought leave to present an expert witness who could provide technical information. The UNDT rejected the request, "considering that, provided that the grounds for the decision not to recommend her were clearly explained, [she] herself was fully competent to challenge those grounds". The UNDT however requested that the Secretary-General "invite to the hearing someone from the Administration who could give the Tribunal details on the technical grounds for the decision not to recommend [Ms. Landgraf]".²

4. The UNDT also rejected Ms. Landgraf's request that she and the DIST Director be sworn in in accordance with Article 17 of the UNDT Rules of Procedure (UNDT Rules). The UNDT held that neither Ms. Landgraf nor the DIST Director could be considered as witnesses "because one of them was the Applicant and the other was the author of the contested

² Impugned Judgment, para. 25.

recommendation and therefore a party to the defence". Further, the facts of the case were not at issue.

5. Turning to the merits of the case, the UNDT rejected Ms. Landgraf's claim that the decision not to select her was vitiated by procedural irregularities. The UNDT held that under the applicable legal framework, there was no requirement that Ms. Landgraf needed to be interviewed. The UNDT also found that Ms. Landgraf's allegation that the other internal candidates were interviewed was denied by the Secretary-General and was unsupported by the evidence.

6. Finally, the UNDT examined the validity of the grounds for the DIST Director's decision not to recommend Ms. Landgraf. Considering the wording of the vacancy announcement for the position, the 12 April 2012 memorandum and the DIST Director's testimony, the UNDT concluded that it had not been established that "the Administration abused its discretion in the selection process or that the decision not to select her was based on an error of fact or a manifest error of judgment".³

Submissions

Ms. Landgraf's Appeal

7. Ms. Landgraf submits that the UNDT denied her the opportunity to call an expert witness on a matter requiring expertise and instead invited the Administration to call its own expert witness. Ms. Landgraf contends that the jurisprudence of the European Court of Human Rights (ECHR) prescribes the right to call expert witnesses, provided that the request is both relevant and essential. Accordingly, the UNDT had an obligation to allow her to call an expert witness, since the expert evidence was both relevant and necessary: relevant, given that, as the UNDT itself recognized, the main issue revolved around highly technical matters, and necessary for the Dispute Tribunal's understanding of the intricacies of the impugned decision and Ms. Landgraf's ability to fairly establish her case.

³ Ibid., para. 41.

8. As the UNDT noted, administrative decisions are presumed to be lawful and Ms. Landgraf had the burden of proving that she was not given a fair opportunity to compete for the post. By not allowing her to produce “independent, reliable and relevant evidence”, the UNDT deprived Ms. Landgraf of the opportunity to rebut the presumption of regularity and as a result, breached her right to a fair trial.

9. The UNDT committed a further reviewable error in refusing to administer an oath to witnesses and in basing the entirety of its Judgment on such unsworn evidence. In support of her contention, Ms. Landgraf makes reference to the *Azzouni* case⁴, in which the Appeals Tribunal set aside a UNDT judgment where a witness for the Secretary-General had provided unsworn testimony.

10. The UNDT erred in law by concluding that Ms. Landgraf could not be a witness simply because she was a party to the proceedings. She witnessed the events and had personal knowledge of the material facts. By refusing to consider her as a witness, the UNDT effectively deprived her of an opportunity to prove her case. Similarly, the UNDT erred by concluding that the decision-maker (the DIST Director) could not be considered as a witness, but subsequently relied on her “testimony”. She either was a witness, in which case the UNDT had an obligation to administer an oath, or was not a witness, in which case her testimony could not be relied upon.

11. Ms. Landgraf contends that the UNDT erred in law by finding that the UNHCR rules do not require a written test or an interview for shortlisted candidates. Shortlisted candidates deserve a chance to compete and there should be no differential treatment among them. The UNDT furthermore erred in fact by concluding that there was no evidence to corroborate the assertion that some internal candidates had been interviewed. In this regard, the UNDT failed to take into account Ms. Landgraf’s testimony as well as exhibits placed before it by the Administration itself.

12. Ms. Landgraf requests that the UNDT Judgment be set aside and that the matter be remanded to the UNDT for a *de novo* hearing by a different Judge.

⁴ *Azzouni v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-081.

The Secretary-General's Answer

13. The UNDT correctly concluded that Ms. Landgraf did not establish that the Administration abused its discretionary powers in deciding not to select her for the position. The vacancy announcement emphasized the critical nature of specific expertise in complex networking environments and in communication infrastructures. Such criteria were objectively assessed. However, Ms. Landgraf's letter of motivation and Fact Sheet did not reveal such specific expertise.

14. The Secretary-General contends that Ms. Landgraf has not established any error by the UNDT warranting a reversal of the Judgment. Under Articles 17(6) and 18(5) of the UNDT Rules, the UNDT has discretion to decide whether the presence of witnesses is required and it may limit oral evidence as it deems fit. In the present case, the UNDT did not exceed its discretion by limiting oral evidence to Ms. Landgraf and the DIST Director. Furthermore, Ms. Landgraf did have additional means of presenting her expertise and professional background, including the Fact Sheet detailing her work experience, her letter of motivation, the written submissions to the UNDT and the annexes attached to her written submissions. Ms. Landgraf's reliance on the jurisprudence of the ECHR is misplaced; the jurisprudence cited does not support her view that the ECHR recognized the existence of a "universal and non-derogable right" to call expert witnesses in civil proceedings.

15. Turning to Ms. Landgraf's contention that the UNDT erred by relying solely on the testimony of the DIST Director when it failed to administer an oath to her, the Secretary-General submits that the *Azzouni* case, which she relies on, is materially different from the present case. In the *Azzouni* case, the Appeals Tribunal held that the UNDT erred in relying on evidence given by a witness who had not been sworn in and whose testimony was contradictory. Conversely, in the case of the DIST Director, the oral evidence given was consistent with previous written evaluations which were part of the record of the case. Furthermore, the UNDT did not, as Ms. Landgraf suggests, rely solely on the oral testimony of the DIST Director, but rather relied heavily on the written record of the case.

16. The Secretary-General contends that the question of whether or not the DIST Director and Ms. Landgraf were considered as witnesses before the UNDT is immaterial since both were heard by the UNDT.

17. Ms. Landgraf has failed to substantiate her view that the UNHCR rules expressly require that a written test or interview be administered to candidates shortlisted by DHRM before the candidates are reviewed by the Hiring Manager. Also, any claims regarding other candidates fall outside the scope of appellate review, since they were not contested in the management evaluation request.

18. The Secretary-General requests that the Appeals Tribunal affirm the UNDT Judgment and dismiss the appeal in its entirety.

Considerations

19. The following is a majority Judgment, Judge Inés Weinberg de Roca partially dissenting.

20. Ms. Landgraf requests that the UNDT Judgment be set aside and the case remanded to the UNDT for a hearing *de novo* before a different judge.

21. This prayer is based on three alleged procedural errors. Two of these alleged errors relate to witnesses, namely: (i) that the UNDT refused to administer an oath to witnesses yet relied on their evidence; and (ii) that the UNDT erred in concluding that Ms. Landgraf and the decision-maker could not be witnesses.

22. Ms. Landgraf submits in relation to these alleged errors that “[t]here is nothing in the statute or rules of procedure which limits, contemplates or suggests that an applicant cannot provide testimony and be a witness in his or her own case”.

23. We agree with this submission. Article 9 of the UNDT Statute and Articles 17, 18(2), 18(5) and 19 of the UNDT Rules give the Dispute Tribunal a broad discretion to allow or disallow the presentation of any evidence.

24. Article 9 of the UNDT Statute provides:

1. The Dispute Tribunal may order production of documents or such other evidence as it deems necessary.
2. The Dispute Tribunal shall decide whether the personal appearance of the applicant or any other person is required at oral proceedings and the appropriate means for satisfying the requirement of personal appearance.

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3. The oral proceedings of the Dispute Tribunal shall be held in public unless the Dispute Tribunal decides, at its own initiative or at the request of either party, that exceptional circumstances requires the proceedings to be closed.

Article 17 of the UNDT Rules stipulates:

1. The parties may call witnesses and experts to testify. The opposing party may cross-examine witnesses and experts. The Dispute Tribunal may examine witnesses and experts called by either party and may call any other witnesses or experts it deems necessary. The Dispute Tribunal may make an order requiring the presence of any person or the production of any document.

2. The Dispute Tribunal may, if it considers it appropriate in the interest of justice to do so, proceed to determine a case in the absence of a party.

3. Each witness shall make the following declaration before giving his or her statement: "I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth."

4. Each expert shall make the following declaration before giving his or her statement: "I solemnly declare upon my honour and conscience that my statement will be in accordance with my sincere belief."

5. Any party may object to the testimony of a given witness or expert, stating reasons for such objection. The Dispute Tribunal shall decide on the matter. Its decision shall be final.

6. The Dispute Tribunal shall decide whether the personal appearance of a witness or expert is required at oral proceedings and determine the appropriate means for satisfying the requirement for personal appearance. Evidence may be taken by video link, telephone or other electronic means.

Article 18 of the UNDT Rules provides in part:

2. The Dispute Tribunal may order the production of evidence for either party at any time and may require any person to disclose any document or provide any information that appears to the Dispute Tribunal to be necessary for a fair and expeditious disposal of the proceedings.

...

5. The Dispute Tribunal may exclude evidence which it considers irrelevant, frivolous or lacking in probative value. The Dispute Tribunal may also limit oral testimony as it deems appropriate.

Article 19 of the UNDT Rules of Procedure provides:

The Dispute Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties.

25. These provisions are sufficiently comprehensive to give the UNDT the discretion to allow a party to the proceedings to give oral evidence as it deems necessary. If a party is permitted by the UNDT to give oral evidence, then that party becomes a witness in the case and must make the declaration prescribed in Article 17(3) of the UNDT Rules.

26. In the present case, it was within the discretion of the UNDT to refuse to allow Ms. Landgraf and the DIST Director to testify as witnesses. However, the UNDT did in fact take evidence from both of them and then relied on the evidence given by the latter. In our view, this procedure qualified both of them as witnesses and, as such, they were required to make the declaration prescribed in Article 17(3) of the UNDT Rules. We find that the UNDT erred in failing to administer this declaration.⁵ However, in the instant case, it is our view that this error would not, of itself, be of such seriousness as to affect the decision of the case.

27. The third procedural error alleged by Ms. Landgraf is that the UNDT failed to give her an adequate opportunity to prove her case by refusing to allow her to adduce expert evidence.

28. The UNDT was cognizant of the burden facing Ms. Landgraf at trial. It identified the main point at issue as being “whether [Ms. Landgraf] met the requirements of the post for which she applied”.⁶ As regards the onus of proof of this issue, the UNDT correctly cited the applicable law when it stated that “there is always a presumption of regularity in respect of official acts performed by the Administration and that if the management is able to even minimally show that an applicant’s candidature was given full and fair consideration, the burden of proof shifts to the applicant, who must show through clear and convincing evidence that he or she was denied a fair chance of promotion”.⁷

⁵ Cf. *Pacheco v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-281, para 27.

⁶ Impugned Judgment, para. 25.

⁷ Impugned Judgment, para. 37, citing *Rolland v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-122.

29. The UNDT recognised that the grounds for the decision not to recommend Ms. Landgraf for the post of ICT Officer (Infrastructure – HQ) were of a highly technical nature. It therefore invited a technical expert from the Administration to explain details of the technical grounds on which such decision was based. However, notwithstanding that the burden of proof rested upon Ms. Landgraf and that a party may call witnesses and experts to testify pursuant to Article 17(1) of the UNDT Rules, the UNDT rejected Ms. Landgraf's application to call an expert witness. Ms. Landgraf had sought to call an expert in order to assist her case that the Administration was wrong to conclude that she did not possess the technical qualifications for the post.

30. The rejection of Ms. Landgraf's application to call expert evidence meant that the only expert evidence before the Dispute Tribunal was the evidence produced by the party opposing her application (which evidence was in fact given by the DIST Director whose decision Ms. Landgraf challenges). According to Ms. Landgraf, her expert witness would have been able to "demonstrate that the Director of DIST had erroneously excluded the Appellant from the selection process on the basis she 'does not have the relevant experience in ICT infrastructure, video and IP telephony protocol and WLAN technology'". Due process required that Ms. Landgraf be permitted to effectively challenge the expert evidence given on behalf of the Secretary-General by presenting expert evidence of her own.⁸

31. In our view, the UNDT's refusal to allow Ms. Landgraf to call expert evidence was a clear violation of due process, resulting in Ms. Landgraf being denied fair and equal treatment under the law. We find that the UNDT committed an error in procedure such as to affect the decision of the case. Consequently, the Judgment of the UNDT must be annulled and the case remanded for hearing before a different judge.

Judgment

32. The appeal is allowed in part and the Judgment of the UNDT is set aside. The case is remanded to the UNDT for hearing *de novo* before a different judge.

33. Judge Inés Weinberg de Roca appends a partially dissenting opinion.

⁸ Cf. *Kacan v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-426, paras 25 and 26; *Hepworth v. Secretary-General of the United Nations*, Judgment 2011-UNAT-178, paras 30 and 31.

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Original and Authoritative Version: English

Dated this 17th day of October 2014 in New York, United States.

(Signed)

(Signed)

Judge Lussick, Presiding

Judge Faherty

Entered in the Register on this 22nd day of December 2014 in New York, United States.

(Signed)

Weicheng Lin, Registrar

Judge Weinberg de Roca's Partial Dissenting Opinion

1. I differ from the approach taken in the Judgment arriving at the conclusion that the UNDT Judge erred in refusing to hear Ms. Landgraf and the DIST Director as witnesses in the case.
2. The Statute and the Rules of Procedure allow the UNDT to manage a case, give directions to the parties, determine a case in the absence of a party and examine witnesses and experts called by either party and any other witness or expert it deems necessary.
3. The clear wording of Article 17 of the UNDT Rules indicates that the parties and the judge may call witnesses. There is no provision which specifically allows for a party itself to be a witness and to testify under oath.
4. Witnesses and experts differ from the parties in their very nature because witnesses are supposed to be impartial. Parties express their views in their applications, submissions and oral arguments and have a vested interest in the outcome of the case. Their roles differ and the UNDT Judge explained this to the parties during the oral proceedings. From a common law perspective, parties can testify under oath. However, the United Nations jurisdiction is not a common law jurisdiction, but a system which encompasses both civil law and common law features. In civil law, a party is not sworn in and cannot commit perjury. The United Nations system of justice with its Statutes and Rules of Procedure is based on different national systems and endeavours to make them compatible.
5. It is well within the competence of the UNDT to manage its cases as it sees fit. In *Yapa*, the Appeals Tribunal held: “[I]t is clear from [the above provisions] that it is for the Tribunal to decide whether anyone’s presence at oral proceedings is required. In the present case, the Dispute Tribunal decided that even though the Applicant had requested that certain witnesses should be heard, it was not necessary to satisfy this request since the parties could give full explanations in writing and that it was not necessary to hear witnesses.”⁹

⁹ *Lauritzen v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-282, para. 26, quoting *Yapa v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-168, para. 32. See also *Gehr v. Secretary-General of the United Nations*, Judgment No. 2012-UNAT-236; *Larkin v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-134 and *Messinger v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-123.

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6. The UNDT Judge determined that he wanted to hear what both parties had to say regarding the non-selection of Ms. Landgraf. The UNDT Judge exercised his discretion and heard the parties as such. Ms. Landgraf has not demonstrated how the procedure adopted affected or violated her due process rights.

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Dated this 17th day of October 2014 in New York, United States.

(Signed)

Judge Weinberg de Roca

Entered in the Register on this 22nd day of December 2014 in New York, United States.

(Signed)

Weicheng Lin, Registrar