



UNITED NATIONS DISPUTE TRIBUNAL

Case No.:	UNDT/GVA/2024/029/T
	UNDT/GVA/2024/035
Order No.:	71 (GVA/2025)
Date:	23 June 2025
Original:	English

Before: Judge Sun Xiangzhuang (Presiding), Margaret Tibulya, Sean Wallace

Registry: Geneva

Registrar: Liliana López Bello

O'REGAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Brandon Gardner, OSLA

Counsel for Respondent:

Kong Leong Toh, UNOPS

Introduction

1. The Applicant, a former Special Advisor to the Executive Director at the United Nations Office for Project Services (“UNOPS”) in Copenhagen, challenges his separation from service in two separate applications:

- a. By application filed on 14 April 2024 and registered under Case No. UNDT/GVA/2024/029/T, the Applicant contests the decision to constructively dismiss him following his reassignment to a new position that was abolished after one year of service; and
- b. By application filed on 15 August 2024 and registered under Case No. UNDT/GVA/2024/035, the Applicant contests the decision not to renew his fixed term appointment (“FTA”) beyond 30 June 2024 following the abolishment of the post he encumbered.

Facts

2. By Order No. 37 (GVA/2025) of 23 April 2025, the Three-Judge Panel decided to invite the parties to a Case Management Discussion (“CMD”), which took place virtually via MS Teams on 12 June 2025.
3. By Order No. 65 (GVA/2025) of 16 June 2025, the Tribunal instructed the parties to confirm the availability of their proposed witnesses to virtually attend a hearing on the merits sometime between 17 July and 13 August 2025.
4. On 19 June 2025, the Applicant and the Respondent filed their respective submissions pursuant to Order No. 65 (GVA/2025).

Consideration

Hearing on the merits

5. The Tribunal assessed the parties’ submissions and considers it appropriate to conduct a hearing on the merits.

6. Counsel for the Applicant proposed that W01, W02, and W03 all testify by written statements. Further, that the Tribunal invite W04, W05, and W06 for examination at an oral hearing.

7. The Respondent did not identify any other witness for examination.

8. Based on its assessment of the case file and the testimonies proposed by the parties, the Tribunal agrees with the Applicant and will invite:

- a. W01, W02, and W03 to provide written statements; and
- b. W04, W05, and W06 to testify at a virtual hearing on the merits.

Tentative schedule

9. At the request of the Tribunal, the Respondent confirmed the availability of the witnesses requested by the Applicant to testify during the proposed period, and provided the following:

- a. W04 will be on leave during the period, but could make himself available to testify on 13 August 2025;
- b. W05 is available throughout the proposed period, except from 21 to 23 July 2025 and from 4 to 13 August 2025; and
- c. W06 is available throughout the proposed period.

10. Based on the information, the tentative schedule of the hearing, which may be subject to change, is as follows:

Wednesday, 30 July 2025 (all times in Geneva time)

2 p.m.	Opening statements.
3 p.m.	The Applicant's Examination-in-Chief by his Counsel, followed by cross-examination by Counsel for the Respondent.

Thursday, 31 July 2025

2 p.m.	W05. Examination-in-Chief by Counsel for the Applicant, followed by cross-examination by Counsel for the Respondent.
4 p.m.	W06. Examination-in-Chief by Counsel for the Applicant, followed by cross-examination by Counsel for the Respondent.

Wednesday, 13 August 2025

2 p.m.	W04. Examination-in-Chief by Counsel for the Applicant, followed by cross-examination by Counsel for the Respondent.
4 p.m.	Closing statements

11. The Tribunal furthermore advises the parties that Counsel for the Applicant and Counsel for the Respondent shall have **one hour each** for their respective examination of witnesses.

Agreed hearing bundle

12. As has been the practice in previous hearings involving disputed facts, the Tribunal finds it appropriate to direct the parties to jointly produce an agreed bundle of documents/evidence on which they intend to rely at the upcoming hearing on the merits, in chronological order, indexed and paginated. Such a bundle will be restricted to the issues proposed to be discussed at the hearing, and used to examine and cross-examine the witnesses.

Motion for judicial notice

13. The Applicant requests the Tribunal to take judicial notice of its factual findings in judgment *Vanshelboim* UNDT/2024/072, specifically paragraphs 31, and 35 to 41.

14. Based on the overlap of facts in *Vanshelboim* and the instant case, the Applicant's motion is hereby granted.

Motion for submission on compensation after the judgment is issued

15. During the CMD, Counsel for the Respondent requested that, if the Tribunal rules in favour of the Applicant in its forthcoming judgment, that it grants the Respondent an opportunity to make submissions on the matter of compensation.

16. The remedies requested by the Applicant were included in his application and, therefore, form part of the written record since the beginning of these proceedings. In his reply, the Respondent already argued his position vis-à-vis the compensations requested.

17. In the Tribunal's view, the issue of possible compensation has already been addressed in the written record to date. The parties should address compensation in their closing submissions, along with the merits. Based on the principles of efficiency and judicial economy, the Tribunal will not reopen case management after it issues its judgment on the merits, which will, necessarily, also deal with the requested remedies.

Conclusion

18. In view of the foregoing, it is ORDERED THAT:

- a. An oral hearing will be virtually held on **30 and 31 July, and 13 August 2025** via Microsoft Teams;
- b. The parties are notified of the tentative schedule of appearances at the hearing as per para. 10 above;
- c. The Applicant shall file the written statements, as per para. 8(a) above, by **Wednesday, 16 July 2025**;
- d. The parties are instructed to provide their contact details, including the witnesses' (email and phone number), no later than **Wednesday, 16 July 2025**;
- e. The parties shall file a joint submission with an agreed hearing bundle of documents attached to it by **Wednesday, 23 July 2025**;

Case No. UNDT/GVA/2024/029/T
UNDT/GVA/2024/035
Order No. 71 (GVA/2025)

- f. The Applicant's motion for judicial notice is granted; and
- g. The Respondent's motion for submission on compensation after the judgment is issued is denied.

Judge Sun Xiangzhuang (Presiding)
Dated this 23rd day of June 2025

Entered in the Register on this 23rd day of June 2025

Liliana López Bello, Registrar, Geneva