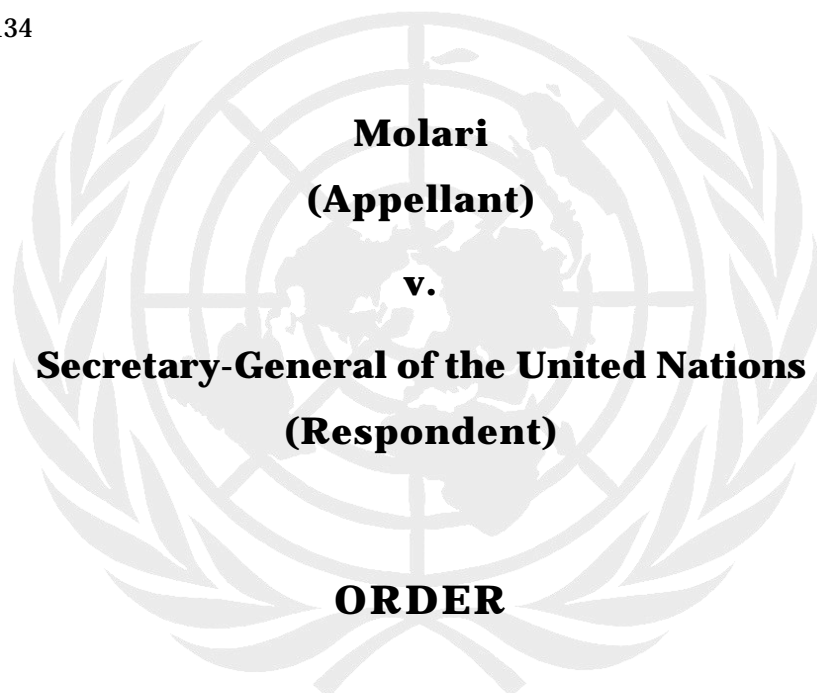




**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Case No. 2010-134



**Molari
(Appellant)**

v.

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

ORDER

Before: Judge Jean Courtial, President

Order No.: 15 (2010)

Date: 7 October 2010

Registrar: Weicheng Lin

Counsel for Appellant: Edward P. Flaherty

MOLARI'S REQUEST FOR EXTENSION OF TIME TO FILE APPEAL

1. On 7 April 2010, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment No. 2010/058 in French in the case of Elisabetta Molari (Molari), a former staff member of the United Nations Office for Project Services (UNOPS) in Copenhagen, Denmark. Molari received a copy of the English translation of the judgment on 25 August 2010. The deadline for appealing this judgment is therefore 11 October 2010.

2. On 17 September 2010, Molari filed a request for suspension of the deadline to appeal the UNDT judgment until 30 days after she receives a definitive reply from the Danish Parliamentary Ombudsperson whom she has seized in parallel to her appeal. Molari submitted that she needed to include "such potentially decisive and relevant evidence" because this document and others on the alleged interference and malfeasance by the Danish Ministry of Foreign Affairs in her internal disciplinary case were "quite relevant to a fundamental claim put forward by [her] in her appeal, and that their submission to the UNAT as part of her multi-pronged appeal of the UNDT judgment is in the best interest of the parties, [this] Tribunal and justice".

3. On 30 September 2010, I issued Order No. 11 (2010), rejecting the request for a suspension of her appeal.

4. On 1 October 2010, counsel for Molari submitted a request for an extension of time of 30 days or such lesser time that the Appeals Tribunal deems appropriate. Counsel argues that such extension is required in view of Order No. 11 (2010), the forthcoming deadline for filing the appeal, his other professional commitments, and Molari's current unavailability due to the pursuit of her case before the Danish Parliamentary Ombudsperson and a complaint before the Danish Data Protection Agency.

CONSIDERATIONS

5. Pursuant to Article 7(1) of the Appeals Tribunal's Rules of Procedure (Rules), "[a]ppeals instituting proceedings shall be submitted to the Appeals Tribunal through the Registrar within: (a) 45 calendar days of the receipt by a party appealing a judgment of the Dispute Tribunal". Molari received a copy of the English translation of the judgment on 25 August 2010 and, accordingly, the time limit to file her appeal expires on 11 October 2010.

6. Article 7(2) of the Rules provides that "[i]n exceptional cases, an appellant may submit a written request to the Appeals Tribunal seeking suspension, waiver or extension of the time limits referred to in article 7.1".

7. The Appeals Tribunal has repeatedly held that it "has been strictly enforcing, and will continue to strictly enforce, the various time limits".¹

8. However, it is in the interests of justice to ensure that the parties have sufficient time to prepare meaningful submissions in full conformity with the applicable provisions. In the circumstances of this case, I consider that an extension of 20 days is reasonable and justified for the purposes of preparing an appeal.

¹ See *Messinger v. Secretary-General of the United Nations*, Order No. 8 (2010); *Islam v. Secretary-General of the United Nations*, Order No. 7(2010); *Mezoui v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-043.

ORDER

9. For the foregoing reason, I, Judge Jean Courtial, President of the Appeals Tribunal, grant Molari's request for an extension of time to file her appeal; and order that her appeal is due no later than 1 November 2010. I further order Molari to attach this Order to her appeal.

Dated this 7th day of October 2010 in Paris, France.

Original: English

(Signed)

Judge Courtial, President

Entered in the Register on this 10th day of October 2010 in New York, United States.

(Signed)

Weicheng Lin, Registrar