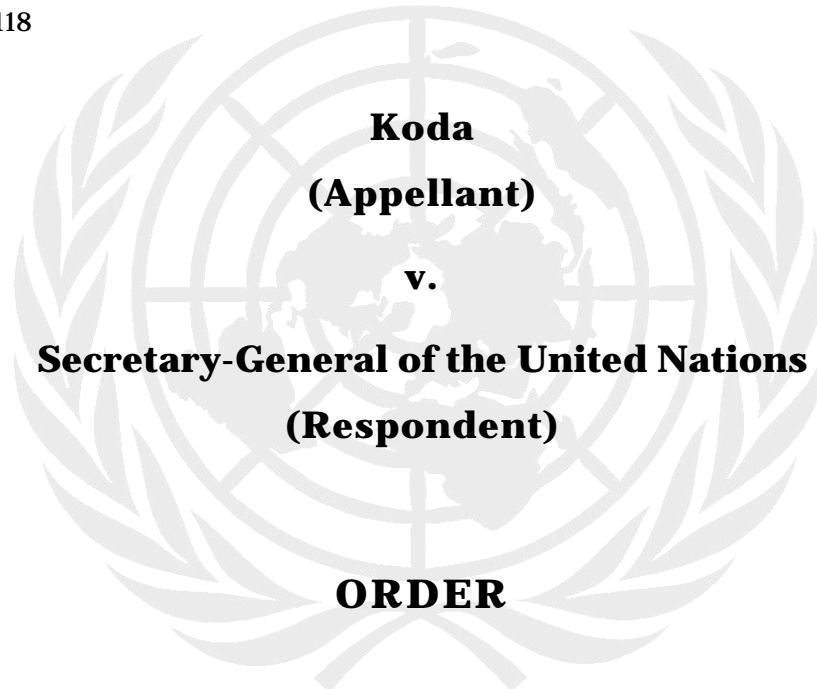




**UNITED NATIONS APPEALS TRIBUNAL  
TRIBUNAL D'APPEL DES NATIONS UNIES**

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Case No. 2010-118



**Koda  
(Appellant)**

**v.**

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

**ORDER**

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Before:	Judge Kamaljit Singh Garewal, Duty Judge
Order No.:	20 (2010)
Date:	26 October 2010
Registrar:	Weicheng Lin

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Counsel for Appellant: Steven Powles

Counsel for Respondent: John Stompor

**KODA'S APPLICATION TO FILE A REPLY**

1. On 8 August 2010, Koda filed an appeal against Judgment No. UNDT/2010/110 of the United Nations Dispute Tribunal (UNDT or Dispute Tribunal). The Dispute Tribunal dismissed Koda's application, which sought relief for being constructively dismissed from her position as the Director of the United Nations Information Centre in Tokyo. The Secretary-General filed an answer to the appeal on 24 September 2010.
2. On 5 October 2010, Koda filed an "Application to reply to Respondent's answer to the appeal of UNDT Judgment No. 2010/110 and request for oral hearing". Koda seeks leave to file a reply so that the Appeals Tribunal "has all relevant points and arguments from both parties before it". Koda asserts that the response of the Secretary-General "advances a series of arguments that mischaracterize [Koda's] true position and are therefore invalid".
3. On 15 October 2010, the Secretary-General filed observations on the application. The Secretary-General submits that Koda has not demonstrated any exceptional circumstances justifying the need to file a reply. The Secretary-General observes that Koda submitted an appeal brief of 15 pages, together with 43 annexes, and argues that she is now simply seeking an opportunity to submit additional arguments through a reply.

**Considerations**

4. Articles 8 and 9 Of the Rules of Procedure of the Appeals Tribunal (Rules) provide for an appellant to submit an appeal form, accompanied by a brief, and for a respondent to submit an answer form, accompanied by a brief. There is no provision under the Rules for the parties to submit additional pleadings.
5. Under Article 31(1) of the Rules, the Appeals Tribunal may allow additional pleadings in exceptional circumstances.<sup>1</sup> The matters that Koda seeks to address in a reply are essentially a repetition of, or supplementary to, the submissions made in her

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<sup>1</sup> *Crichlow v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-035; *Wasserstrom v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-066.

appeal. I consider that the application does not establish that there are exceptional circumstances justifying the need to file a reply to the Secretary-General's answer.

6. It is appropriate for Koda's request for an oral hearing of her appeal to be considered by the panel which hears the appeal.

**Order**

7. For the foregoing reasons, I, Judge Kamaljit Singh Garewal, Duty Judge, reject Koda's application to file a reply. I make no order on Koda's application for an oral hearing.

Dated this 26<sup>th</sup> day of October 2010 in New York, United States.

Original: English

*(Signed)*

Judge Garewal, Duty Judge

Entered in the Register on this 26<sup>th</sup> day of October 2010 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar  
United Nations Appeals Tribunal