



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2011-205

Obdeijn (Respondent/Applicant)

v.

Secretary-General of the United Nations (Appellant/Respondent)

ORDER No. 74 (2011)

REQUEST FOR LEAVE TO SUPPLEMENT RESPONDENT'S ANSWER

1. On 28 March 2011 the Secretary-General lodged an appeal against Judgment No. UNDT/2011/032 (Obdeijn). The Registry transmitted the appeal to Mr. Obdeijn on 29 March 2011, and Mr. Obdeijn filed an answer on 15 May 2011.
2. On 12 December 2011 Mr. Obdeijn filed a request for leave to submit two new documents, namely, Judgment No. UNAT-2011-178 (Hepworth) issued on 21 October 2011 and ILOAT Judgment No. 3041 issued on 6 July 2011.
3. In support of his request, Mr. Obdeijn submits that both Judgments address the arguments that the Secretary General has advanced as his main grounds of appeal against Judgment No. UNDT/2011/032 (Obdeijn).
4. Having regard to the argument advanced, and noting that the additional documents in respect of which leave is sought to file outside of the prescribed time limit are Judgments issued after the expiry of that time limit I have decided to grant the request.
5. It will be for the Panel of Judges considering the Appeal to determine whether the aforesaid Judgments "address the argument the Secretary General advances as his main ground of appeal against the *ratio decidendi* of the [UNDT] Judgement", as contended for by the Respondent.
6. I hereby grant the request and direct the Registrar to add the said Judgments as part of the Respondent's submissions to the Secretary General's appeal. I also direct that the Registrar transmit a copy of each of the Judgments (together with a copy of the Respondent's motion) to the Secretary-General, who shall have fifteen days from 22 December 2011 to file a rebuttal, if any.

Original and Authoritative Version: English

Dated this 19th day of December 2011
in Dublin, Ireland.

(Signed)
Judge Faherty, Duty Judge

Entered in the Register on the 22nd day of
December 2011 in New York, United States.

(Signed)
Weicheng Lin, Registrar