



Before: Duty Judge
Registry: Nairobi
Registrar: Wanda L. Carter

CLINE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON THE RESPONDENT'S MOTION
FOR COMPLIANCE WITH
PRACTICE DIRECTION NO. 4**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Nisha Patel, AS/ALD/OHR, UN Secretariat

Charlene Ndirangu, AS/ALD/OHR, UN Secretariat

Introduction

1. On 10 February 2025, the Applicant filed an application contesting the decision to remove her functions and to laterally reassign her to the Division of Administration.
2. The deadline for the Respondent's reply is 13 March 2025.
3. On 14 February 2025, the Respondent filed a motion requesting the Tribunal to direct the Applicant to comply with Practice Direction No. 4, "Filing of Applications and Replies". The Respondent submits that the application violates para. 23 of the Practice Direction because it includes an annex that contains 10 pages of arguments and facts that are in addition to the arguments and facts in the Applicant's filed application form.
4. The Respondent further submits that the application also violates para. 7(b) of the Practice Direction because the management evaluation decision dated 6 November 2024 is not annexed thereto.
5. The Respondent requests the Dispute Tribunal to: (i) order the annex electronically labelled "application undt" be expunged from the record per paragraph 23 of Practice Direction No. 4, (ii) order the Applicant to file a copy of the management evaluation decision dated 6 November 2024 per paragraph 7(b) of Practice Direction No. 4, and (iii) re-set the deadline for the Respondent's reply to 30 calendar days from the service of a conforming application.
6. The Applicant did not file a response to the motion by 21 February 2025 as required by para. 6 of Practice Direction No. 5.¹

Consideration

7. The Management evaluation decision was previously filed in this case as Annex 4a to the Applicant's motion for extension of time to file application. The

¹ Where the motion is contested, either as to law or fact, the opposing party may file a response. Unless otherwise directed by the Tribunal, a response to a motion filed by a party shall be filed within five working days of service of the motion on that party.

Registry has uploaded the management evaluation decision dated 6 November 2024 into the application folder in the Court Case Management System, so this part of the Respondent's request has been fulfilled.

8. The Tribunal agrees with the Respondent that the Applicant must comply with the requirements for filing an application set forth in paras. 5, 6, 22 and 23 of Practice Direction No. 4 as reproduced below.

5. Applications shall be submitted on the appropriate current forms of the Dispute Tribunal. The current templates and forms are posted on the website of the Dispute Tribunal (<https://www.un.org/en/internaljustice/undt/>) and are available through the eFiling portal (see <http://www.un.org/en/oaj/dispute/efiling.shtml>). They may also be obtained by writing to one of the Registries (undt.geneva@un.org, undtnairobi@un.org, undt-newyork@un.org)

6. The application should not exceed 10 pages, in font Times New Roman, font size 12, line spacing of 1.5 lines. The cover page and the page containing the list of annexes and signatures shall not be included in counting the number of pages

...

22. Annexes are to be used for submitting evidence for consideration by the Dispute Tribunal. As such they should consist of pre-existing documents, files, and items such as photographs and videos.

23. Annexes are not to be used to submit additional argument or facts that could not be included in the motion or response

9. It is apparent that the Applicant has failed to comply with these provisions. Specifically, the Applicant filed, as an annex, ten pages of arguments and facts beyond those set forth in the application form.

Conclusion

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

- a. The Applicant shall file an amended application which is in compliance with paras. 5, 6, 22 and 23 of Practice Direction No. 4 by **5 p.m.** (Nairobi time), on **Thursday, 6 March 2025**.

b. The Respondent's request to reset the deadline for the reply is granted. The Respondent shall file a reply by **5 p.m.** (Nairobi time), on **Monday, 7 April 2025**.

c. A ruling on the Respondent's request to expunge the annex electronically labelled "application undt" from the case record is deferred at this time.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 27th day of February 2025

Entered in the Register on this 27th day of February 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi