



1. The United Nations Dispute Tribunal (UNDT) in Geneva issued Judgment No. UNDT/2022/056 on 13 June 2022 in the case of the Judgment). It dismissed Mihai Nastase's (Appellant) challenge of the decision of the Under-Secretary-General for Operational Support (USG/DOS) to close, after a preliminary assessment, his complaint of prohibited conduct against the Chief Infrastructure Operations Section (CIOS), United Nations Global Service Centre (UNGSC).
2. On 10 August 2022, Mr. Nastase filed an appeal of the Judgment with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal), which was registered as Case No. 2022-1718. On 14 October 2022, the Secretary-General (Respondent) filed his answer.
3. On 17 January 2023, Mr. Nastase filed a Motion for additional pleadings. He submitted that the additional pleadings included relevant information and additional

Unit's review of Administration decision not to investigate; and (4) 2 December 2020 result of the Management Evaluation Unit's review.

4. On 30 January 2023, the Secretary-General filed his comments on Mr. Nastase's 17 January 2023 Motion, requesting that it be dismissed because it did not meet the legal requirement of exceptional circumstances justifying the introduction of additional pleadings and evidence.

5. On 13 February 2023, in Order No. 505 (2023), the Appeals Tribunal denied Mr. Nastase's 17 January 2023 Motion for additional pleadings. The Appeals Tribunal found that there were no exceptional circumstances in this case to justify receipt of the additional pleadings or submissions and that it was not in the interests of justice and of efficient and expeditious resolution of the proceedings to receive the additional submissions provided.

6. Meanwhile, on 19 January, Mr. Nastase had filed another Motion for additional pleadings. He requests that the Appeals Tribunal accept additional pleadings for the reason that the UNDT misinterpreted the law, misrepresented the facts, validated a decision taken on the basis of fraudulent documents, and contradicted itself.

7. On 19 February 2023, Mr. Nastase filed yet another Motion for additional pleadings. He submits that the additional pleadings include relevant information and additional documents, all of them already shared with the UNDT; that the UNDT Judgment ignored facts; and that some relevant documents were not included in his list of Annexes submitted to the Appeals Tribunal. He seeks to adduce documents identified as follows: (1) "Your underperformance" communications of 12 May 2020 between CIOS and Appellant; (2) Appellant's 27 October 2020 request for the Management Evaluation Unit's review of Administration decision not to investigate; and (3) 2 December 2020 result of the Management Evaluation Unit's review.

8. On 29 March 2023, the Secretary-General filed his comments on Mr. Nastase's 19 February 2023 Motion, requesting that it be dismissed because it does

9. On 11 April 2023, the Secretary-General filed his comments on Mr. Nastase's 19 January 2023 Motion, requesting that it be dismissed because it does not meet the legal requirement of exceptional circumstances justifying the introduction of additional pleadings and the Motion does not meet the page limitation for motions for additional pleadings, which are required to be a maximum of five pages.

10. Article 31(1) of the Appeals Tribunal's Rules of Procedure and Section II.A.3 of the Appeals Tribunal's Practice Direction No. 1 provide that a motion to file an additional pleading may be granted if there are "exceptional circumstances justifying the motion".

11. Article 2(5) of the Appeals Tribunal's Statute (Statute) reads: s'ss101 (A)-0.ridAL.9 (i)-4.5 (r(s)9

repetition of these strategies puts him at risk of being declared vexatious and at risk of an order for costs.

that Mr. Nastase's 19 January 2023 and 19 February 2023
Motions for additional pleadings are .

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Decision dated this 13th day of April 2023 in
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