

ED A O S SP E R B , AL

Judge Su X a g z u a g

e e va

Re é M. argas M.

KA OSH

v.

SECRETARY- GENERAL
OF THE ED A O S

Wa ge Wa ome Aked

Re e a Br t e HCR
Fra s o avarro HCR

1.

9. The respondent's Reply as a ready provided the format requested by the Rules Order No. 123 (A 2023) there is no need to adjudge the pending motions as they are moot.

10. The respondent's Reply as to Order No. 123 (A 2023) by 28 September 2023 Counsel for the Applicant was to:

- a. File Add to a Evidence pursuant to the motion at the CMD; and
- b. Carry the Applicant's position with respect to the allegation of use of electronic data use.

Add to a Evidence

11. On 28 September 2023 Counsel for the Applicant submitted more than 150 files spread across several folders subfolders and zip files which included documents in various formats i.e. MS Word PDF format audio video and pictures. Counsel for the Applicant filed a motion to produce the files submitted. The mere listing of 33 documents as the "add to a Evidence" over "the Applicant were requiring... support of the case".

12. Having reviewed the above-mentioned submission the Rules finds it appropriate that the Applicant's Counsel's attempt to file the Code of Conduct for Legal Representatives and Litigants Person ("the Code of Conduct") which sets the standard of professional conduct is not required.

13. Article 4 of the Code of Conduct provides that:

- 2. Legal representatives and litigants persons shall conduct themselves in a professional and ethical manner and shall avoid unnecessary delay in the conduct of proceedings.

14. e r u a f ds t at er su m ss o of 28 Septem er 2023 t e App a t s Cou se fa ed to proper y omp y w t Order o. 123 (A 2023) a d rea ed arts. 4.2 of t e Code of Co du t. S e f ed a arge um er of do ume ts a d sorga zed ma er a d w t out a y e p a at o .

15.

the App a t s ar f at o s

19. By Order o. 123 (A 2023) t e r u a stru ted t e App a t to ar fy s argume t a out t e a egat o of se ua e p o t a t o a d a use .e. w et er s p o s t o s t a t t e r e w a a o s e s u a s e u a r e a t o s p e t w e e two adu ts or t a t t e r e w a s o s e u a r e a t o s p a t a .

20. s su m s s o t e App a t d a t e s t a t a t o u g “t e r e [w a s] a o s e s u a r e a t o s p e t w e e t e p a r t e s ... t e r e w a s o s e u a t e r o u r s e a d o r p e t r a t o t a t o u r r e d d u r g t e p e d e y o f t e r f r e d s p a d o r r e a t o s p”. H e a s o a d d s t a t “t w a s a f r e d s p e t w e e t w o o s e t g a d u t s a d a t o p o t w a s t e r e a y o e r o a d o r m a p u a t o f r o m t e App a t”.

21. e r u a o s d e r s t e App a t s r e s p o s e s t a m g u o u s a d t u r g e s t e App a t t o a r f y s a r g u m e t t s r e s p e t : s t t e App a t s p o s t o t a t t e r e w a s o s e u a r e a t o s p a t a ?

22. v e w o f t e a o v e t e d e a d e f o r t e R e s p o d e t t o f e s r e s p o s e t o t e App a t s s u m s s o s w e e t e d e d a o r d g y.

23. v e w o f t e f o r e g o g t s O R D E R E D H A :

a. e App a t s 28 S e p t e m e r 2023 s u m s s o s s t r u k f r o m t e r e o r d ;

. t e App a t s a p r o p e r y o m p y w t O r d e r o. 123 (A 2023) p a r t u a r y r e s p e t o f t e g u d e s p r o v d e d p a r a s . 15 16 a d 18 a o v e ; a d

. t e R e s p o d e t s a f e s o m m e t s o t e App a t s a o v e s u m s s o .

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Judge Su X a g z u a g

Dated t s 9th day of O to er 2023

E tered t e Reg ster o t s 9th day of O to er 2023

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Re é M. argas M. Reg strar e eva