
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2015/063
Order No.: 158 (NY/2019)
Date: 8 November 2019
Original: English

Before: Judge Joelle Adda
Registry: New York
Registrar: Nerea Suero Fontecha

NADEAU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Peter A. Gallo, Esq.

Counsel for Respondent:

Alan Gutman, ALD/OHR, UN Secretariat

Introduction

1. By Order No. 136 (NY/2019) dated 10 October 2019, the Tribunal ordered the parties to file their closing statements in the following order of sequence: 21 October 2019 (the Applicant), 28 October 2019 (the Respondent) and 1 November 2019 (the Applicant).

2. On 18 October 2019, the Respondent filed a motion to request that the time limit for filing his closing statement on 28 October 2019 be postponed until 8 November 2019 due to an urgent family matter of his Counsel. By email of the same date (18 October 2019), the Tribunal granted the Respondent's motion and also extended the time limit for the Applicant's final observations from 1 to 14 November 2019.

3. On 21 October 2019, the Applicant filed his closing statement and a motion for leave to amend the remedies sought in the application and to submit expert and medical evidence in support of the remaining remedies sought.

4. By Order No. 145 (NY/2019) dated 7 November 2019, the Tribunal granted the Applicant's motion of 21 October 2019 and ordered him to file the additional evidence by 25 October 2019. Upon the Applicant's request this deadline was extended until 29 October 2019 by which time the Applicant filed the additional evidence.

5. On 7 November 2019, the Respondent filed a motion requesting leave to submit additional documents appending some documents [that] reflect the correspondence and meetings between the Applicant and the Organization from September to November 2015, as well as some correspondence between the parties regarding whether to submit these documents into evidence.

6. On 8 November 2019, the Applicant filed a motion to strike from the record a motion filed by the Respondent with reference to the Respondent's 7 November 2019 motion.

Consideration

7. The Tribunal observes that the Respondent's motion for leave to submit additional evidence is filed unduly late in the proceedings, namely after the proceedings have already been closed, and that this documentation should have been filed much earlier in the process.

8. The Tribunal, however, also notes that the Applicant would not appear to be prejudiced hereby as he will have the possibility to comment on the new evidence in his final observations in response to the Respondent's closing statement. Considering that the Applicant might need additional time and space to do so, the Tribunal will extend that time limit for him to file these observations until 18 November 2019 and allow them to be a maximum of five pages.

9. Considering the particular circumstances of the present case, and also art. 10.5(b) of the Dispute Tribunal's Statute, the Tribunal will therefore allow the Respondent's 7 November 2019 motion.

10. In light of the above,

