



**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Case No. 2010-120

**Messinger
(Appellant)**

v.

Secretary-General of the United Nations

Counsel for Respondent: Jay Pozenel

RESPONDENT'S REQUEST FOR EXTENSION OF TIME TO FILE ANSWER

1. On 25 June 2010, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) issued Judgment No. 2010/116 in the case of Rudolf Messinger (Messinger). On 30 July 2010, Messinger requested an extension of time to file his appeal. On 9 August 2010, the Appeals Tribunal granted Messinger's request for an extension of time to file his appeal until 19 August 2010. Messinger filed his appeal on 19 August 2010.

2. By e-mail dated 23 August 2010, the Registry of the United Nations Appeals Tribunal (Appeals Tribunal) forwarded the appeal to the Secretary-General. On 20 September 2010, the Secretary-General filed a request for an extension of time until 22 October 2010 to file his answer.

3. The Secretary-General submits that the judgment addressed two separate applications which relate to three separate decisions; and that the complexity of the issues raised before the UNDT and the comprehensive consideration of the issues in the UNDT Judgment would require detailed examination of the 18 annexes to the appeal brief as well as the six binders of relevant materials that were referred to during the proceedings. He further submits that the proceedings before the UNDT involved significant oral testimony which requires him to carefully review the evidence adduced during the course of the proceedings. He contends that the present appeal will not be considered by the Appeals Tribunal during its 2010 fall session and that, accordingly, an extension of the deadline to file an answer would not prejudice Messinger's rights.

4. Under Article 9(3) of the Appeals Tribunal's Rules of Procedure, the respondent's answer is due within 45 days of the date on which the respondent received the appeal transmitted by the Registrar. In the present case, the Registrar transmitted the appeal on 23 August 2010, and the respondent's answer is accordingly due on 7 October 2010.

5. However, under Article 30 of the Appeals Tribunal's Rules of Procedure, "the President or the panel hearing a case may shorten or extend a time limit fixed under the rules of procedure or waive any rule when the interests of justice so require". The

Appeals Tribunal has repeatedly held that it “has been strictly enforcing, and will continue to strictly enforce, the various time limits”.¹

6. However, it will greatly assist the Appeals Tribunal in its deliberations to receive well reasoned submissions from both parties in any given case. Considering the circumstances of the present case and, in particular, the volume of material that the Secretary-General is required to consider, including the evidence led during the oral proceedings before the UNDT, a request for an extension of time of 15 calendar days is reasonable.

ORDER

7. For the foregoing reasons, I, Judge Jean Courtial, President of the Appeals Tribunal, grant the Secretary-General’s request for an extension of time to file his answer; and determine that the time limit is extended to 22 October 2010. I further order the Secretary-General to attach a copy of this Order to his answer.

Dated this 24th day of September 2010 in Paris, France.

Original: English

(Signed)

Judge Courtial, President

Entered in the Register on this 24th day of September 2010 in New York, United States.

(Signed)

Weicheng Lin, Registrar
United Nations Appeals Tribunal