



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

Case No. 2010-135

**Beaudry
(Respondent/Applicant)**

v.

**Secretary-General of the United Nations
(Appellant/Respondent)**

ORDER

Before: Judge Jean Courtial, President

Order No.: 10 (2010)

Date: 29 September 2010

Registrar: Weicheng Lin

Counsel for Appellant/Respondent: Jay Pozenel

SECRETARY-GENERAL'S REQUEST FOR EXTENSION OF TIME TO FILE APPEAL

1. On 4 March 2010, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment No. 2010/039 on the merits of the case of Louise Beaudry (judgment on merits and Beaudry, respectively). The Secretary-General appealed that judgment on 19 April 2010. The appeal will be considered by this Tribunal in its forthcoming session (18 to 29 October 2010).

2. On 18 August 2010, the UNDT issued Judgment No. 2010/146 on the issue of compensation (judgment on compensation). It ordered the Secretary-General to pay Beaudry USD 12,082. The deadline for appealing this judgment is 4 October 2010.

3. On 23 September 2010, the Secretary-General filed a request for extension of the deadline to appeal the judgment on compensation for 15 calendar days following the publication of the synopsis of the Appeals Tribunal's judgment on his appeal of the judgment on merits.

4. The Secretary-General submits that the decision of this Tribunal in the appeal of the judgment on merits will affect the nature and scope of his submissions in the appeal of the judgment on compensation, and that it is therefore important for him to have the benefit of this Tribunal's decision on merits so as to enable him to better prepare his appeal of the judgment on compensation without advancing legal arguments that have already been examined by this Tribunal, and to respond to any additional considerations that may be reflected in the said Appeals Tribunal's judgment. In his opinion, as the outcome of the appeal of the judgment on merits will be announced only at the end of this Tribunal's 2010 fall session, after the deadline for appealing the judgment on compensation, it would be in the interests of judicial economy to extend the deadline to appeal the judgment on compensation. The Secretary-General notes that, as an appeal of the judgment on compensation will not be considered by this Tribunal until the spring session in 2011 at the earliest, an extension of the deadline to file the appeal will not delay the consideration of this matter by this Tribunal and will not prejudice Beaudry's rights.

5. Article 7.2 of the Rules of Procedure of the Appeals Tribunal provides that: "[i]n exceptional cases, an appellant may submit a written request to the Appeals Tribunal

seeking suspension, waiver or extension of the time limits referred to in article 7.1.” Under article 30 of the same Rules of Procedure, “the President or the panel hearing a case may shorten or extend a time limit fixed by the rules of procedure or waive any rule when the interests of justice so require”.

6. Considering the inter-relatedness of the two UNDT judgments and the effect that the outcome of the Appeals Tribunal’s judgment on the appeal of the judgment on merits will have on the nature and scope of the Secretary-General’s appeal of the judgment on compensation, I consider it judicially and economically reasonable for the Secretary-General to decide whether and how to appeal the judgment on compensation after the publication of the synopsis of the Appeals Tribunal’s judgment.

ORDER

7. For the foregoing reasons, I, Judge Jean Courtial, President of the Appeals Tribunal, grant the Secretary-General’s request, and determine that the time limit is extended to 15 November 2010. I further order the Secretary-General to attach a copy of this Order to his appeal.

Dated this 29th day of September 2010 in Paris, France.

Original: English

(Signed)

Judge Courtial, President

Entered in the Register on this 29th day of September 2010 in New York, United States.

(Signed)

Weicheng Lin, Registrar