



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

Case No. 2010-119

**Rolland
(Appellant)**

v.

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

ORDER

Before: Judge Mark P. Painter

Order No.: 32 (2011)

Date: 10 January 2011

Registrar: Weicheng Lin

Counsel for Appellant: Gritakumar E. Chitty

**ROLLAND'S REQUEST FOR EXTENSION OF TIME TO FILE
ADDITIONAL SUBMISSION AND ANSWER TO CROSS-APPEAL**

1. On 18 May 2010, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment No. UNDT/2010/095 in respect of an application by Catherine Rolland (Rolland). Rolland appealed that Judgment on 24 July 2010. On 12 November 2010, the Secretary-General filed his Answer¹ and a Cross-Appeal.

2. By letter dated 31 December 2010, Counsel for Rolland seeks an extension of time with respect to two distinct filings. First, he seeks a 30-day extension to file an answer to the Secretary-General's Cross-Appeal; and second, he requests 30 additional days to file a "reply" to the Secretary-General's Answer to Rolland's Appeal. He argues that he cannot get hold of his client to receive her instructions; Rolland has been relocating to France from New York in November and December 2010 and her Counsel presumes that "in the process she has no access or has limited access to her documentation and electronic communications".

3. With respect to the first request, I note that under Article 9(3) of the Rules of Procedure of the Appeals Tribunal (Rules), the answer to an appeal is due 45 days from the date on which the respondent received the appeal transmitted by the Registrar. The time-limit for filing an answer to the Secretary-General's cross-appeal would have therefore expired on 27 December 2010. But the President's Order dated 29 October 2010 provides that the Appeals Tribunal's "(j)udicial recess commences on Monday, 20 December [2010] and ends on Friday, 7 January 2011"; and that "[t]ime limits falling within this period shall be extended to Monday, 10 January 2011". The time limit for filing an answer to the Secretary-General's appeal therefore falls within the Appeals Tribunal's recess and is automatically extended until 10 January 2011.

4. 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

¹ By Order No. 23 (2010) dated 26 October 2010, the Appeals Tribunal granted the Secretary-General's request for extension of time until 12 November 2010 to file his Answer.

Tribunal has repeatedly held that it “has been strictly enforcing, and will continue to strictly enforce, the various time limits”.²

5. I am not persuaded that the present case warrants an extension of time to file an answer to the cross-appeal. Because Rolland has an appeal pending before the Appeals Tribunal, she should have ensured to maintain contact to her counsel throughout the proceedings. The relocation to another country is not a convincing reason warranting an extension of time and the situation, as presented, suggests that Rolland failed to exercise due diligence in pursuing her case. Therefore, her request for an extension of time to file an answer to the Secretary-General’s Cross-Appeal must fail.

6. Counsel for Rolland further requests 30 additional days to file a “reply” to the Secretary-General’s Answer. The Appeals Tribunal’s Statute and Rules do only provide for the filing of an appeal and answer. Under Article 31(1) of the Rules, the Appeals Tribunal may allow additional pleadings in exceptional circumstances.³ In the present case, counsel for Rolland has made no effort to demonstrate exceptional circumstances warranting, in this particular case, the filing of additional submissions. Accordingly, her request for an extension of time to file a reply has become moot.

² See *Alauddin v. Secretary-General of the United Nations*, Order No. 31 (2011); *Bernadel v. Secretary-General of the United Nations*, Order No. 30 (2010); *Islam v. Secretary-General of the United Nations*, Order No. 7 (2010); *Mezoui v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-043.

³ Cf. *Koda v. Secretary-General of the United Nations*, Order No. 20; *Crichlow v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-035; *Wasserstrom v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-060.

ORDER

7. For the foregoing reasons, I dismiss the Motion in its entirety.

Dated this 10th day of January 2011 in Cincinnati, United States.

Original and authoritative version: English

(Signed)

Judge Painter, Duty Judge

Entered in the Register on this 10th day of January 2011 in New York, United States.

(Signed)

Weicheng Lin, Registrar