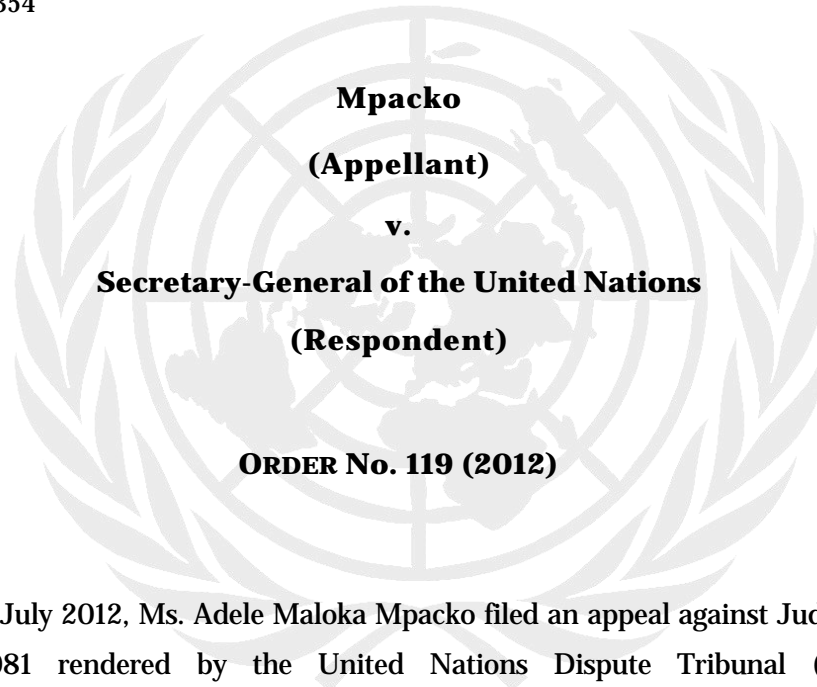




UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2012-354



Mpacko
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

ORDER No. 119 (2012)

1. On 30 July 2012, Ms. Adele Maloka Mpacko filed an appeal against Judgment No. UNDT/2012/081 rendered by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in New York on 31 May 2012 in the case of *Mpacko v. Secretary-General of the United Nations*. On 28 September 2012, the Secretary-General filed his answer.
2. On 8 October 2012, Ms. Mpacko filed a motion to file additional pleadings with the United Nations Appeals Tribunal (Appeals Tribunal). On 15 November 2012, the Secretary-General filed his response requesting that the Appeals Tribunal dismiss the motion, or grant him a reasonable period of time to respond to such a pleading should the Appeals Tribunal decide to accept it.
3. Articles 8 and 9 of the Rules of Procedure of the Appeals Tribunal (Rules) provide for an appellant to submit an appeal form, accompanied by a brief, and for a respondent to submit an answer form accompanied by a brief. There is no provision under the Rules for the parties to submit additional pleadings.
4. The Appeals Tribunal has previously held that, under Article 31(1) of the Rules, it may accept additional pleadings based on the existence of exceptional circumstances.

5. However, the additional pleadings that Ms. Mpacko seeks to file contain merely supplementary arguments to her appeal in response to the Secretary-General's answer and therefore, her motion does not demonstrate the existence of exceptional circumstances justifying the need to reply to the Secretary-General's answer.

6. For the aforementioned reasons, I decide to dismiss Ms. Mpacko's motion.

Original and Authoritative Version: English

Dated 12th day of December 2012 in
Paris, France.

(Signed)
Judge Jean Courtial, Duty Judge

Entered in the Register on this 12th day of December
2012 in New York, United States.

(Signed)
Weicheng Lin, Registrar