



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2013-430

Ivanov
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

ORDER No. 130 (2013)

1. On 3 January 2013, Mr. Serguey Ivanov filed an appeal against Judgment No. UNDT/2012/176 rendered by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in New York on 13 November 2012 in the case of *Ivanov v. Secretary-General of the United Nations*. On 1 March 2013, the Secretary-General filed his answer.

2. On 4 March 2013, Mr. Ivanov filed a motion for leave to present comments on the Respondent's answer with the United Nations Appeals Tribunal (Appeals Tribunal). On 18 March 2013, 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 or to otherwise comment, the underlying rationale being that submissions could otherwise continue endlessly. If the Appeals Tribunal requires additional information or clarification, it will so order or decide to hold an oral hearing.

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. In the instant matter, the motion does not demonstrate the existence of exceptional circumstances justifying the need to reply to, or comment on, the Secretary-General's answer.

5. For the foregoing reasons, I reject Mr. Ivanov's motion.

Original and Authoritative Version: English

Dated 22nd day of March 2013 in New York, United States

(Signed)
Judge Luis María Simón, President

Entered in the Register on this 25th day of March 2013 in New York, United States.

(Signed)
Weicheng Lin, Registrar