



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2014-680

James
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

ORDER No. 217 (2015)

1. On 25 November 2014, Mr. Mike James filed an appeal against a Judgment on Receivability, Judgment No. UNDT/2014/135, rendered by the Dispute Tribunal on 19 November 2014 in the case of *James v. the Secretary-General of the United Nations*. On 26 January 2015, the Secretary-General filed his answer.

2. On 30 January 2015, Mr. James filed a “Motion for Leave to File a Response to the Respondent’s Answer” and on 5 February 2015, the Secretary-General filed his observations. On 25 February 2015, the Appeals Tribunal issued Order No. 212 (2015) in which it dismissed Mr. James’ motion on the basis that he had not demonstrated exceptional circumstances justifying the motion.

3. On 2 March 2015, Mr. James filed the “Appellant’s Response to Court Order No. 212 (2015)” in which he noted that “[a]lthough the Court Order does not convey any direction as to whether any of the Parties are to submit a response to the Court Order, the Appellant deems it necessary to file this submission in order to clarify some issues raised in the Court Order as well as in the Respondent’s Observations on the Appellant’s Motion”. In particular, the Appellant contends that “exceptional circumstances” existed insofar as his motion sought to rectify “a deliberate distortion of material facts” by the Secretary-General which are at the heart of the present dispute.

4. The Registry has not deemed it necessary to transmit the “Appellant’s Response” of 2 March 2015 to the Secretary-General for comment. As the Appellant correctly

acknowledged, Order No. 212 indeed did not convey any direction requiring the parties to submit a response. Orders of the court, as their name denotes, are a directive by the court definitively disposing of a party's motion or directing further actions deemed necessary by the Tribunal. In the absence of explicit directions calling on the parties to file additional submissions, it is not open to parties to respond to an order of this court, nor does a party have any right to file additional pleadings contesting an order of the Appeals Tribunal.

5. Accordingly, I dismiss Mr. James' motion.

IT IS HEREBY ORDERED that Mr. James' motion **IS DISMISSED**. The Registry is instructed not to include the additional filing on the case file.

Original and Authoritative Version: English

Dated 30th day of April 2015 in London,
United Kingdom.

(Signed)
Judge Richard Lussick,
President

Entered in the Register on this 30th day of
April 2015 in New York, United States.

(Signed)
Weicheng Lin, Registrar