



Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Jean-Pelé Fomété

TRY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON A MOTION FOR
EXTENSION OF TIME**

Counsel for applicant:
Edward Patrick Flaherty

Counsel for respondent:
Shelly Pitterman

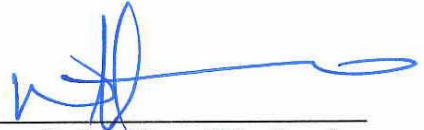
Background

1. The Applicant filed a consolidated document containing three motions on 22 March 2010. This document was served on the Respondent on 24 March 2010. The Respondent was given 14 days to respond to the Applicant's Motion, which deadline expires on 7 April 2010.
2. On 30 March 2010, the Respondent filed an application for a four-week extension of time on the deadline set by the Tribunal. The Respondent contended that two weeks was insufficient time for it to properly respond to the Motion given the number of substantive issues raised by the Applicant. The Respondent further stated that the Applicant's submissions "are not ordinary motions [...] rather makes observations on the Respondent's reply of 26 November 2009 and introduces new issues through these motions." As the Applicant has had "four months to prepare his substantive observations through the three motions," the Respondent believes that the two-week deadline afforded to him is insufficient.
3. As time is the principal issue in the Respondent's application, the Tribunal is concerned that it took as long as one week to request extension of time. The Tribunal must also note that the Motions submitted by the Applicant are preliminary motions which ordinarily arise in the course of proceedings. The Rules provide a specific time limit in respect of the filing of a Respondent's reply to an application, but there are no statutory time-limits for motions or replies to the same. The suggestion, therefore, that the time-limit provided to the Respondent was not in accord "with the principle of equality of arms" is legally misconceived.
4. Be that as it may, in the interest of justice, and given the seriousness of the issues raised in the Applicant's motions, the Tribunal will grant the Respondent an extension of a further two weeks. This extension is to run from 7 April 2010 through 21 April 2010.

Case No. UNDT/NBI/009/061

Order No. UNDT/NBI/O/2010/56

Made in Nairobi, this 7th day of April 2010



Judge Nkemdilim Izuako

Entered in the Register on this 7th day of April 2010



Jean-Pelé Fomété, Registrar