



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2009/098
Order No.: 118 (NY/2010)
Date: 18 May 2010
Original: English

Before: Judge Memooda Ebrahim-Carstens

Registry: New York

Registrar: Hafida Lahiouel

JAEN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Susan Maddox, ALS/OHRM, UN Secretariat
Josianne Muc, ALS/OHRM, UN Secretariat

Introduction

1. On 5 May 2010, counsel for the respondent filed a submission seeking leave “to file an additional submission addressing the new issues and allegations raised by the applicant in her submission pursuant to Order No. 71”. Counsel for the respondent seeks one month in order to consult with the various departments. Considering the particular circumstances in this case and the complexity of the issues raised, I find the respondent’s request will not infringe on the applicant’s right to have her case disposed of without undue delay and is reasonable and in the interests of justice.

2. In the submission received on 5 May 2010, counsel for the respondent also objected to the applicant’s request to retract paras 3 to 11 of her submission dated 24 February 2010. I am not minded at this stage to preclude either party from amending their pleadings provided that the amendments are made in good faith and benefit the just resolution of the matter. In this very instant case, the respondent also sought in his submission dated 16 February 2010 to retract several statements previously made to the Tribunal (also in response to Order No. 23) and I see no reason not to allow it.

3. Considering the circumstances in this case, the fact that pleadings are not yet closed and that the matter is still under consideration, I find that both parties should be allowed to amend their pleadings as requested.

IT IS ORDERED THAT:

1. The respondent’s objection to the applicant’s request to have paragraphs 3 to 11 of her submission dated 24 February 2010 is dismissed.

2. The applicant is granted leave to amend her submission dated 24 February 2010 by the deletion of paras 3 to 11 of said pleading.

3. The respondent is granted leave to amend his submission of 25 January 2010 as requested in his submission dated 16 February 2010.

4. The respondent is granted leave to file and serve a submission in response to the applicant's submission dated 30 April 2010. The respondent's submission is due **on or before Friday, 18 June 2010.**

5. No further submissions by either party will be allowed without leave of the Tribunal.

(Signed)

Judge Memooda Ebrahim-Carstens

Dated this 18th day of May 2010