

**Appeal brought on 26 January 2010 by Luigi Marcuccio against the order of the Civil Service Tribunal of 10 November 2009 in Case F-70/07, Marcuccio v Commission**

(Case T-38/10 P)

(2010/C 80/68)

*Language of the case: Italian*

**Parties**

*Appellant:* Luigi Marcuccio (Tricase, Italy) (represented by G. Cipressa, lawyer)

*Other party to the proceedings:* European Commission

**Form of order sought by the appellant**

- In any event, set aside in its entirety and without exception the order under appeal.
- Declare that the action at first instance, in relation to which the order under appeal was made, was admissible in its entirety and without any exception whatsoever.
- Allow in its entirety and without any exception whatsoever the relief sought at first instance.
- Order the Commission to reimburse the appellant in respect of all costs, disbursements and fees incurred by him in relation to both the proceedings at first instance and the present appeal proceedings.
- In the alternative, refer the case back to the Civil Service Tribunal, sitting in a different formation, for a fresh decision.

**Pleas in law and main arguments**

The present appeal is brought against the order of the Civil Service Tribunal (CST) of 10 November 2009. That order dismissed as manifestly inadmissible the first, second, third and sixth heads of claim in an action for an order that the Commission pay compensation for the damage allegedly

suffered as a result of the refusal to reimburse the appellant in respect of the recoverable costs purportedly incurred in Case T-176/04 *Marcuccio v Commission*.

In support of his claims, the appellant alleges misinterpretation and misapplication of the concept of a request within the meaning of Articles 90 and 91 of the Staff Regulations, illogical and unreasoned failure to have regard to the relevant case-law, absolute failure to state reasons, breach of the obligation to disregard the defence when it is lodged out of time, an error in accepting a document entitled 'application for a declaration that there is no need to adjudicate', and infringement of Article 6 of the European Convention on Human Rights and Article 47 of the Charter of Fundamental Rights of the European Union.

**Appeal brought on 3 February 2010 by Luigi Marcuccio against the order of the Civil Service Tribunal of 25 November 2009 in Case F-11/09, Marcuccio v Commission**

(Case T-44/10 P)

(2010/C 80/69)

*Language of the case: Italian*

**Parties**

*Appellant:* Luigi Marcuccio (Tricase, Italy) (represented by G. Cipressa, lawyer)

*Other party to the proceedings:* European Commission

**Form of order sought by the appellant**

- In any event, set aside in its entirety and without exception the order under appeal.
- Declare that the action at first instance, in relation to which the order under appeal was made, was admissible in its entirety and without any exception whatsoever.
- Allow in its entirety and without any exception whatsoever the relief sought by the appellant at first instance.