

THE HIGH COURT

[2022] IEHC 17
[2018 7377 P]

BETWEEN

ANTHONY COLEMAN

PLAINTIFF

AND

**IRELAND, THE ATTORNEY GENERAL AND THE MINISTER FOR JUSTICE AND EQUALITY
DEFENDANTS**

JUDGMENT of Ms. Justice Stack delivered on the 18th day of January, 2022.

Introduction and procedural background

1. This is a motion by the Defendants to strike out the above-entitled proceedings on a number of alternate, but related, bases, as follows:
 1. Pursuant to O.19, r.28 of the Rules of the Superior Courts, 1986, on the grounds that the claim is unnecessary, misconceived in law, frivolous, vexatious, stands no reasonable prospect of success, and/or discloses no reasonable cause of action against the Defendants;
 2. Pursuant to the inherent jurisdiction of this Court on the basis that it discloses no cause of action, is bound to fail, and/or is frivolous and vexatious;
 3. Pursuant to O.19, r.28 and/or the inherent jurisdiction of the court on the basis that the subject matter thereof is *res judicata* and/or on the basis of the Rule in Henderson v. Henderson and/or on the basis that the within proceedings constitute a manifest abuse of process.
2. The defendants also seek an order striking out or dismissing the within proceedings on the grounds that the plaintiff is an undischarged bankrupt and has commenced the within proceedings without the leave of the Official Assignee in Bankruptcy.
3. The motion was listed with similar motions brought in the following sets of proceedings:
 - (1) Anthony Coleman, plaintiff, and Ireland, the Attorney General, the Minister for Justice, the Courts Service, defendants (High Court Record No. 2018/1378P);
 - (2) Anthony Coleman, plaintiff, and Ireland, the Attorney General, the Minister for Justice and Equality, defendants (High Court Record No. 2018/3069P);
 - (3) Anthony Coleman, plaintiff, and Ireland, the Attorney General, the Minister for Justice, the Director of Public Prosecutions, defendants (High Court Record No. 2018/2113P);
 - (4) Anthony Coleman, plaintiff, and Ireland, the Attorney General, and the Minister for Justice, defendants (High Court Record No. 2018/3542P);
 - (5) Anthony Coleman, plaintiff, and Ireland, the Attorney General, and the Minister for Justice, defendants (High Court Record 2019/120P);

- (6) Anthony Coleman, plaintiff, and Ireland, the Attorney General, and the Minister for Justice, defendants (High Court Record 2018/6818P).
4. In each of the above-named six sets of proceedings, a motion similar to that set out at para. 1 hereof has been brought by the Chief State Solicitor on the instructions of Ireland, the Attorney General, the Minister for Justice and Equality, and the Courts Service. I will refer to those parties as "*the State Defendants*".
 5. Three of the six proceedings have an additional feature. These proceedings (2018/7377P), and those bearing High Court Record Nos. 2018/6818P and 2019/120P, were issued after the plaintiff had been declared bankrupt, and in those three sets of proceedings, accordingly, the State Defendants also seek to dismiss the proceedings on the basis that they were brought without leave of the Official Assignee in Bankruptcy. This is not an issue in the other four proceedings.
 6. In view of the fact that the applications pursuant to O.19, r.28 and/or the inherent jurisdiction of the court are common to all six sets of proceedings to which this judgment applies, I will consider the issues material to those applications first, and then (if necessary) deal with any issues arising out of the failure to obtain the leave of the Official Assignee in Bankruptcy in relation to the proceedings bearing High Court Record Nos. 2018/7377P, 2018/6818P and 2019/120P at the conclusion of this judgment.
 7. At the hearing of the applications to strike out, the State Defendants to the proceedings bearing High Court Record No. 2018/1378P sought an adjournment for the purposes of considering whether or not to file an additional affidavit, and that was granted. Accordingly, the motions were only fully heard in relation to the other six sets of proceedings, and this judgment is therefore a composite judgment applying to the remaining six sets of proceedings: 2018/7377P, 2018/3069P, 2018/2113P, 2018/3542P, 2019/120P, and 2018/6818P.
 8. The court had the benefit of very helpful written and oral submissions on behalf of the State Defendants. Of necessity, the different basis for seeking to strike out an action under either O.19, r.28 or under the inherent jurisdiction of this Court overlap to a significant degree, albeit with a very important difference, which is well established, that in an application pursuant to the inherent jurisdiction of the court, this Court can engage in a limited analysis of the facts for the purpose of determining whether the relief should be granted, whereas in an application pursuant to O.19, r.28, the court looks only at the pleadings.
 9. The plaintiff has filed a typed replying affidavit, most of which is in bold font, and some of which is block capitals. It is indicated by the inclusion of the record numbers of all seven proceedings in which the State Defendants have applied to dismiss that it is to be considered in each of the seven proceedings. Along with claiming various rights under the Constitution, European Convention on Human Rights, and the European Treaties, this affidavit alleges that the Chief State Solicitor has "*knowingly and willingly committed*

perjury” by making the within application. The affidavit is entirely incoherent, and does not advance the plaintiff’s claim in any way.

10. I summarise below the issues raised by the plaintiff in the six proceedings to which this judgment relates. It seems to me, having read the indorsement of claim in each of those six proceedings and the affidavits purporting to be statements of claim, as well as the grounding affidavit filed in support of each application to dismiss and the composite replying affidavit filed by the plaintiff in respect of all seven sets of proceedings in which applications to dismiss have been brought by the State Defendants, that the two most pertinent grounds upon which the State Defendants’ applications should be considered are:
 - (i) The jurisdiction to strike out a claim pursuant to O.19, r.28 on the basis that pleadings fail to disclose a reasonable cause of action;
 - (ii) The inherent jurisdiction of this Court to strike out proceedings which it regards as frivolous and/or vexatious, or as an abuse of process.
11. As regards the failure to disclose a reasonable cause of action within the meaning of O.19, r.28, the State Defendants rely on *Delany and McGrath on Civil Procedure*, 4th ed., (Roundhall, 2018). In discussing the jurisdiction of this Court to dismiss proceedings pursuant to O.19, r.28 on these grounds, the authors note that Birmingham J. stated in *O’N. v. McD* [2013] IEHC 135 at [18] that there is no question of a litigant in person, such as this plaintiff, “*being deprived of his right of access to the courts by reason of any lack of skill as a draftsman*”. Therefore, in considering these applications, I have afforded leeway to the Plaintiff as a lay litigant and have looked at the substance of what is pleaded or deposed to on affidavit, overlooking any minor defects.
12. Turning to the basis on which an application to dismiss on this ground is made, it should be noted that Delany and McGrath state (at para. 16-07):

“A pleading such as a statement of claim can be struck out where it fails to disclose a reasonable cause of action, i.e., where the facts and matters pleaded in the statement of claim do not constitute a cause of action that is known to the law or likely to be established.”

13. As regards the inherent jurisdiction of the court to strike out proceedings on the basis that they are frivolous or vexatious, I have found the judgment of Ó Caoimh J. in *Riordan v. An Taoiseach (No. 5)* [2001] 4 I.R. 463 particularly helpful. That was an application for leave to institute proceedings by an intended plaintiff who was the subject of an Isaac Wunder order. In discussing the exercise of the inherent jurisdiction of the courts to make such an order, Ó Caoimh J. stated (at p. 465):

“Where the court is satisfied that a person has habitually or persistently instituted vexatious or frivolous civil proceedings it may make an order restraining the institution of further proceedings against parties to those earlier proceedings

without prior leave of the court. In assessment of the question whether the proceedings are vexatious, the court is entitled to look at the whole history of the matter and it is not confined to a consideration as to whether the pleadings disclose a cause of action. The court is entitled in the assessment of whether proceedings are vexatious to consider whether they have been brought without any reasonable ground. The court has to determine whether the proceedings being brought are being brought without any reasonable ground or have been brought habitually and persistently without reasonable ground."

14. Ó Caoimh J. then approved the decision of the Ontario High Court in *Re. Lang Michener and Fabian* (1987) 37 D.L.R. (4th) 685 at p. 691, where the following indicia that a proceeding is vexatious were set out:-

"(a) the bringing up on one or more actions to determine an issue which has already been determined by a court of competent jurisdiction;

(b) where it is obvious that an action cannot succeed, or if the action would lead to no possible good, or if no reasonable person can reasonably expect to obtain relief;

(c) where the action is brought for an improper purpose, including the harassment and oppression of other parties by multifarious proceedings brought for purposes other than the assertion of legitimate rights;

(d) where issues tend to be rolled forward into subsequent actions and repeated and supplemented, often with actions brought against the lawyers who have acted for or against the litigant in earlier proceedings;

(e) where the person instituting the proceedings has failed to pay the costs of unsuccessful proceedings;

(f) where the respondent persistently takes unsuccessful appeals from judicial decisions."

15. In *Behan v. McGinley* [2011] 1 I.R. 47, Irvine J. expressly approved those indicators as to when proceedings would be regarded as having been brought without any reasonable grounds or being potentially vexatious, both for the purposes of striking out proceedings on the grounds that they were vexatious either within the meaning of O.19, r.28, and for the purpose of the court's inherent jurisdiction.

16. I will therefore consider each of the six proceedings the subject of this judgment against the background of those criteria.

Background to the applications

17. The background to each of the six proceedings to which this judgment applies is set out in a grounding affidavit of Mr. Peter Clifford, a solicitor in the Chief State Solicitor's Office, filed in each case. The main purpose of these affidavits is to inform the court of litigation which has already concluded, and which forms the background to the within proceedings,

as well as the basis on which the State Defendants now seek to dismiss all of the proceedings to which this judgment applies.

(a) Circuit Court Proceedings No. 2014/000011

18. These proceedings, entitled Danske Bank A/S v. Patrick Fitzsimons, Anthony Coleman and Ann T. Coleman, Danske Bank sought judgment against the plaintiff, his wife, and Mr. Patrick Fitzsimons, in Sligo Circuit Court. Judgment was obtained in Sligo Circuit Court office on 4 June 2014 in the amount of €28,220.61. This was obtained in default of defence by filing necessary papers in the Office.
19. By notice of motion dated 26 March, 2015, the plaintiff brought an application before Her Honour Judge Flanagan in Sligo Circuit Court, seeking to set aside the default judgment, and was successful. The judgment was set aside, the plaintiff was afforded six weeks to lodge a typed defence, and costs were reserved. It is averred by the defendants' solicitor that the plaintiff took the erroneous view that the court had erred in failing to strike out the proceedings in their entirety.

(b) Judicial Review (High Court Record No. 2015/406 JR)

20. The plaintiff then sought leave of the High Court to quash the Order of Judge Flanagan, even though it was in his favour. This was refused by this Court (Noonan J.) on 13 July, 2015, and the plaintiff appealed that refusal. I have not seen the Order but Mr. Clifford deposes on affidavit to the fact that the plaintiff was granted leave on 16 November, 2015 to apply for Judicial Review on the limited ground that there had been a breach of s. 127 (4) of the Stamp Duties Consolidation Act, 1999 by the acceptance into evidence of an affidavit of debt. Apparently, the plaintiff was directed to serve an originating notice of motion on the Sligo County Registrar and on Danske Bank.
21. On 13 December, 2015, the plaintiff issued the notice of motion seeking Judicial Review on the permitted ground. According to the grounding affidavit sworn in each of these motions, his verifying affidavit sworn 18 January, 2016, alleged illegal and criminal activities involving Judge Flanagan, the Sligo County Registrar, Courts Service staff, Danske Bank, and Danske Bank's solicitor. He also alleged that Danske Bank and its solicitor were defaming him. On 28 April, 2016, Noonan J. struck out the proceedings for failing to disclose a maintainable cause of action, and the plaintiff was directed to pay the costs of the respondent, Judge Flanagan, and Danske Bank, who were a notice party to the proceedings.
22. That Order was appealed to the Court of Appeal, and Mr. Clifford deposes that the grounds of appeal claimed that the High Court had ignored fraud, perjury and treason, and alleged perjury by the Chief State Solicitor. In the Notice of Appeal, it was alleged that the Court of Appeal (which I assume was a reference to the court which granted leave on 16 November, 2015, to apply on a limited basis by way of judicial review), had recognised that her Honour Judge Flanagan had accepted fraud in evidence, and that the Court of Appeal knew that "*this was treason by the Judge.*"
23. Danske Bank applied to dismiss the appeal to the Court of Appeal on the basis it was bound to fail, frivolous and vexatious, or amounted to an abuse of process. On 20 March,

2017, the Court of Appeal (in Appeal No. 2016/276) acceded to that application and dismissed the appeal with an order for costs against the plaintiff.

(c) Summary proceedings 2013/3016S

24. On 19 September, 2013, Danske Bank apparently issued a summary summons seeking judgment against the plaintiff and his wife. On 28 April, 2014, this Court (Ryan J.) dismissed the motion seeking summary judgment and remitted the matter to plenary hearing, with directions as to the exchange of pleadings. On 3 February, 2017, the plaintiff issued a motion in those summary proceedings seeking to find Danske Bank in contempt of court. This was refused by this Court (Cross J.) on 27 February, 2017. The plaintiff apparently appealed this to the Court of Appeal.

(d) 2016 Summary Proceedings

25. On 5 August 2016, Danske Bank issued a summary summons against the plaintiff, his wife and another defendant for a liquidated sum, which apparently arose out of a separate loan facility. The plaintiff issued two motions in the matter, one for discovery and another for "contempt", both of which were separately struck out for non-attendance. On 24 July, 2017, the motion for summary judgment was listed before this Court (Twomey J.). There was no attendance in court by any of the three defendants, and the court granted judgment to the bank in the sum of €303,151.39 against all three defendants on a joint and several basis, with an order for costs against them.

(e) Other proceedings against the State Defendants

26. In addition to the seven sets of proceedings in which the State Defendants have brought motions to strike out, six of which are the subject of this judgment, the plaintiff, along with others, has apparently commenced proceedings against Ireland, the Attorney General, the Minister for Justice and Equality, An Garda Síochána, the Courts Service and Danske Bank under High Court Record No. 2017/5937P. On 13 March, 2019, this Court, on the application of each of the defendants, struck out the matter and made an Isaac Wunder order against the plaintiff, restraining him from bringing any further proceedings against each of the defendants therein without the leave of this Court.

(f) Bankruptcy proceedings against the plaintiff

27. The plaintiff was adjudicated bankrupt by this Court on 16 July, 2018. An appeal against that adjudication was dismissed by the Court of Appeal on 4 March 2019. On 4 November 2019, the plaintiff's period of bankruptcy was extended by this Court to 15 July, 2026.

(g) Proceedings by the plaintiff's wife

28. The plaintiff's wife has apparently brought at least one set of proceedings against the State Defendants and other defendants, entitled "Ann T. Coleman v. Ireland, the Attorney General, the Minister for Justice and Equality, Insolvency Services Ireland, Danske Bank A/S trading as Danske Bank, Ivor Fitzpatrick Solicitors and the Property Registration Authority" and bearing High Court Record No. 2019/6768 P. Those proceedings were struck out by this Court by Order made 18 November, 2019, on the basis that the plaintiff therein, wife of the plaintiff herein, was an undischarged bankrupt who had commenced proceedings without leave of the Official Assignee in Bankruptcy and/or the court.

29. I will now consider each of the proceedings to which this judgment relates and whether the high threshold for dismissal has been met.

1. The claim in the above-entitled proceedings (2018/7377P)

30. The plaintiff has issued a plenary summons dated 15 August, 2018, in which a handwritten indorsement of claim complained that he was denied his constitutional right to a fair hearing by this Court (Meenan J.) on 15 August, 2018, when Meenan J. refused to hear the plaintiff's "evidence of fraud in multiple High Court cases, 2016/1435S, 2013/3016S and 2015/406 JR." It is alleged that the judge refused to view the plaintiff's affidavits and exhibits which included an email from a detective in the Bridewell to the effect that fraud files had been sent to the DPP relating to these High Court proceedings. The plaintiff also complains that Meenan J. allowed a solicitor for Insolvency Services Ireland to address the court even though they were not a party to the case and are, according to the plaintiff, a party to the fraud on him.

31. It appears from what the plaintiff says in the indorsement of claim that the application was for an injunction against Danske Bank and the plaintiff had a complaint about the means of knowledge, and perhaps the authority, of the deponent of the affidavit filed on behalf of Danske Bank to swear same. The plaintiff also complains that the solicitor for Insolvency Services Ireland handed him an affidavit sworn by the then Official Assignee, which the plaintiff appears to allege consists of "*perjury and defamation*". The indorsement of claim says that a detailed statement of claim will be provided, and finally seeks €10 million in damages. No statement of claim has been provided.

32. I believe it is only necessary to set out the contents of the indorsement of claim for it to become clear that the plenary summons in this case does not disclose any reasonable cause of action. If the plaintiff was dissatisfied with the outcome of his application to this Court for an injunction, then he had a right of appeal.

33. I am satisfied that these proceedings should therefore be struck out pursuant to O.19, r.28 on the basis that they fail to disclose a reasonable cause of action.

34. In addition, I am satisfied that these proceedings should be struck out pursuant to the inherent jurisdiction of this Court on the basis that they are frivolous and/or vexatious and that they also constitute an abuse of process, as they attempt to relitigate an application to this Court (Meenan J.), which itself attempted to reopen the issues previously determined by this Court in proceedings bearing record numbers: 2016/1435 S, 2013/3016 S and 2015/406 JR.

2. High Court proceedings 2018/3069 P

35. In these proceedings there is a typed indorsement of claim which states as follows:

"The plaintiff seeks a Declaration from the Honourable Court that the Plaintiff's Constitutional Right was denied due to the failure of the High Court and the Court of Appeal to prosecute Danske Bank its servants and agents who, contrary to the Masters High Court order No. 2013/3016 S which sent that case for a plenary hearing in the High Court, failed to reply to my affidavits in case No. 2013/3016 S

and sold my house while it was the subject of ongoing High Court proceedings. The full details of this ongoing contempt of the Master's High Court order No. 2013/3016 S along with related Crime by the Plaintiff's, which will be provided in my statement of claim.

The Plaintiff's claim is for two million Euro."

36. It will be seen immediately that this is an allegation that this Court and the Court of Appeal failed to prosecute Danske Bank for an alleged fraud.
37. In these proceedings (2018/3069P), the plaintiff has sworn two affidavits which he tenders as statements of claim. If the motion to strike out does not succeed, then a statement of claim in appropriate form will have to be delivered. However, solely for the purpose of this motion, and given that the threshold for dismissal is high, I am going to review them as if they were statements of claim.
38. The first of these affidavits is sworn 16 May, 2018, and complains of contempt by Danske Bank of the Order of Ryan J. in the summary proceedings 2013/3016S, and alleges that a statement has been given to the Gardaí which complains about the orders of Cross J. and Ryan J. in those proceedings. This is quite clearly an attack on the orders made by this Court in those summary proceedings, a matter which – if there were truly any grounds for complaint – should be corrected by way of an appeal.
39. The second affidavit was sworn 28 August, 2018, and alleges that a named member of the staff of Danske Bank committed perjury in his affidavit and proceedings No. 2016/1435 S. It is averred that National Irish Bank (whose involvement was not explained but may well have been the predecessor-in-title of Danske Bank in respect of a mortgage granted to the plaintiff or perhaps in respect of loans and facilities provided to him) never sued the plaintiff for the debt because they were afraid they would be countersued by the plaintiff for defamation. It is alleged that National Irish Bank defrauded the plaintiff.
40. This purported statement of claim then goes on to allege that multiple High Court judges ignored perjury by the deponent of the affidavit filed by Danske Bank in proceedings Record No. 2016/1435 S. The plaintiff claims therefore that all the judgments were procured by fraud and that the High Court judges involved in proceedings No. 2016/1435 S were all aware that they had concealed perjury and had denied the plaintiff's constitutional right to a fair hearing.
41. This purported statement of claim also appears to have referred to a summons issued by the plaintiff in the District Court in the Criminal Courts of Justice, Parkgate Street, Dublin 7. Again, it is not clear, but it seems that the plaintiff was attempting to initiate a prosecution of the deponent of the affidavit sworn on behalf of Danske Bank. The plaintiff appears to allege that he was frustrated by both the District judge and Courts Service staff in bringing that summons, and he alleges that both the District judge and the Courts Service staff were party to a criminal offence and are concealing perjury, which he alleges

constitutes treason. The complaint appears to be, not the outcome of proceedings in the District Court, but the failure to issue a summons. It is not clear to me how this can give rise to any cause of action against the defendants to these proceedings, as presumably the plaintiff is entitled to simply issue another summons if there has been some mishap in relation to the first one.

42. I am again satisfied that, even taking the indorsement of claim on the plenary summons together with this purported statement of claim, they fail to disclose a reasonable cause of action. It is generally incoherent and does not identify the relief sought other than damages, nor does it indicate against whom those damages are sought or what cause of action gives rise to a claim for damages. Furthermore, it possibly goes without saying that neither the High Court nor the Court of Appeal have any function in prosecuting anybody, therefore the entire claim in the indorsement of claim is fatally misconceived.
43. Insofar as the affidavit of the plaintiff sworn 28 August, 2018, is acceptable as the statement of claim, which I have already stated I am prepared to accept for the purposes of only this motion, the claim amounts to an allegation that an affidavit filed in High Court proceedings 2016/1435 S was fraudulent and that this was unlawfully ignored. Unlike the indorsement of claim, this purported statement of claim does not allege that the court should have prosecuted the deponent for perjury. Rather, it complains that multiple judges ignored the fraud and instead accepted the affidavit as evidence.
44. In the completely implausible event that several High Court judges would ignore fraud in a High Court affidavit, the plaintiff had a right of appeal to the Court of Appeal which, he does not appear to have exercised. The relevant evidence is contained at para. 11 of the grounding affidavit of Mr. Peter Clifford, solicitor in the Chief State Solicitor's Office, and he does not comment one way or another on whether the order of Twomey J. of 24 July, 2017, was or was not appealed, but he does state quite clearly that there was no attendance in court by the plaintiff, his wife, or their co-defendant when Danske Bank's application for summary judgment came on for hearing before Twomey J. on 24 July, 2017, in these 2016 summary proceedings.
45. A failure to oppose the proceedings would probably have made it difficult for the plaintiff to appeal the Order of Twomey J. but, in any event, if the plaintiff was dissatisfied with the Order of Twomey J. or any aspect of how the 2016 summary proceedings were dealt with, his remedy was to appeal that Order or any other order with which he was dissatisfied.
46. It perhaps needs to be reiterated for the plaintiff's benefit that lack of success in court proceedings is not indicative, in itself, of either bias on the part of the court, or fraud on the part of either the court or one's opponent.
47. In my view, it is clear that the claim is wholly unsustainable and that no reasonable cause of action has been disclosed.

48. Furthermore, I am satisfied that the proceedings were frivolous and/or vexatious and constitute an abuse of process, as they seek to relitigate matters already determined in the 2016 summary proceedings. Accordingly, I will also dismiss these proceedings.

3. Proceedings Record No. 2018/2113P

49. The plenary summons was issued on 12 March, 2018, and seeks a declaration that the plaintiff's "*Constitutional Right was denied due to multiple unlawful and Criminal activities including multiple parties.*" It goes on to complain about the fact that the plaintiff has apparently been told by the Gardaí in Sligo that the Director of Public Prosecutions will not prosecute the fraud committed on Sligo Circuit Court by Danske Bank and its solicitors in Sligo Circuit Court proceedings 2014/11. The indorsement of claim also complains that the DPP has ignored perjury by a solicitor in Messrs. Ivor Fitzpatrick, solicitors. According to the indorsement of claim this solicitor, who acted for Danske Bank, swore an affidavit which was accepted by "the Judge", which seems to refer to Her Honour Judge Flanagan.

50. It then complains that the plaintiff's judicial review was struck out, which concealed the fraud by Danske Bank and its solicitors, and complains that the judicial review should not have been struck out and the judge should not have made the order. Although these proceedings are not identified by their record no., this is obviously a reference to High Court Judicial Review Record No. 2015/406 JR.

51. Complaint is also made about "3 Judges in the Court of Appeal", which I presume is a reference to the matters deposed to at paras. 8 and 9 of the grounding affidavit of Mr. Clifford, sworn in support of the motion to dismiss. He states that the plaintiff appealed the Order of Noonan J. of 28 April, 2016, which dismissed his judicial review proceedings, to the Court of Appeal, and that the plaintiff's appeal was struck out by the Court of Appeal on 20 March, 2017.

52. Finally, the indorsement of claim alleges that the DPP is in contempt of the High Court since 2007 because of High Court Case No. 2006/1114 P and then complains that the DPP is "not entitled to make decisions in relation to Criminal files" and has "undermined all of the plaintiff's High Court cases". The plaintiff then seeks two million euro in damages.

53. I have no hesitation in finding that the plenary summons in this set of proceedings fails to disclose any reasonable cause of action. It is both entirely unclear what cause of action is asserted against which defendant or what relief is sought against any defendant, and is patently obvious that the plaintiff's real grievance is that his Judicial Review seeking to quash an order of Her Honour Judge Flanagan, which was actually in his favour, was struck out by the High Court and again by the Court of Appeal.

54. Furthermore, I am also satisfied pursuant to the inherent jurisdiction of this Court that these proceedings are frivolous and/or vexatious and constitute an abuse of process. They attempt to relitigate the issues apparently canvassed in High Court Judicial Review No. 2015/406 JR. There is no basis at all for any such proceedings and I have no hesitation in dismissing them.

4. High Court Proceedings 2018/3542 P

55. In these proceedings, the handwritten indorsement of claim on the plenary summons dated 23 April, 2018, complains that this Court (O'Connor J.) struck out the plaintiff's motion for discovery in High Court proceedings bearing record no. 2016/1435 S "while that motion was before the Master". It is very difficult to follow what is alleged by the plaintiff in these proceedings. Mr. Clifford has sworn an affidavit that the plaintiff's motion for discovery was in fact struck out for non-attendance.

56. I have already commented on the incoherence of the only replying affidavit filed by the plaintiff in response to these motions. It most certainly does not dispute Mr. Clifford's averment that the plaintiff brought a motion for discovery in High Court proceedings 2016/1435 S and it was struck out for non-attendance. That being the case, it is appropriate to strike out the proceedings pursuant to Order 19, rule 28, as failing to disclose a reasonable cause of action as well as pursuant to the inherent jurisdiction of the court, on the basis that they are frivolous and/or vexatious and are an abuse of process.

5. High Court Proceedings Record No. 2019/120 P

57. The plenary summons in this case issued 8 January, 2019, and consists of two typed paragraphs. The first of these paragraphs seeks a declaration from this Court that the plaintiff's constitutional rights are being denied "due to the fact that all orders made against the defendant since 2007 are invalid." It goes on to allege various matters which appear to have nothing whatsoever to do with the plaintiff and indeed the whole of the first, relatively lengthy, paragraph in the indorsement of claim is identical to the first paragraph in the indorsement of claim in proceedings bearing High Court Record No. 2019/121 P, between Michael Butler, plaintiff, and Ireland, the Attorney General and the Minister for Justice, defendants. It has nothing whatsoever to do with the plaintiff and there is no explanation as to how it came to be in a plenary summons issued by him as plaintiff.

58. The second paragraph of the indorsement of claim, however, complains that the plaintiff was adjudicated bankrupt in proceedings bearing record no. 2018/4682 "as a result of Fraud and Perjury". The plaintiff complains that this Court has concealed fraud and perjury and assisted Danske Bank in obtaining orders in the summary proceedings Record No. 2016/1435 S and the related bankruptcy in proceedings no. 2018/4682.

59. As already stated, but it bears repeating as I am considering each set of proceedings brought by the plaintiff individually, if the plaintiff had any legitimate grievance about the orders made in proceedings 2016/1435 S, it was his right to appeal them to the Court of Appeal, and this does not appear to have been done. However, I have positive evidence on affidavit, as I have already stated, to the effect that Twomey J. entered judgment against the plaintiff in the sum of €303,151.39 in these proceedings on 24 July, 2017, on which date there was no appearance by the plaintiff, his wife, or their co-defendant.

60. I am satisfied that the claim should be dismissed pursuant to O.19, r.28 of the Rules of the Superior Court on the basis that it does not disclose any reasonable cause of action. I

am further satisfied that the proceedings should be dismissed pursuant to the inherent jurisdiction of this Court on the basis that they are frivolous and/or vexatious and they are an abuse of process, as they aim to re-litigate the issues already determined in High Court proceedings 2016/1435 S and the bankruptcy proceedings bearing record no. 2018/4682.

6. Proceedings Record No. 2018/6818 P

61. The plenary summons in this case was issued 25 July, 2018, and the indorsement of claim consists of a single hand written, but relatively lengthy, paragraph.
62. It seeks a declaration from this Court that the plaintiff's constitutional rights were infringed when he was adjudicated bankrupt by this Court (Costello J.) on 16 July, 2018, because Costello J. ignored his sworn affidavits in which he stated there was an ongoing criminal investigation of fraud by Danske Bank on the plaintiff, along with a High Court Order Record No. 2015/239 JR directing an investigation of fraud by Danske Bank and their solicitors on Sligo Circuit Court in Case No. 2014/11.
63. I have not seen the order in proceedings bearing record no. 2015/239 JR, though I suspect these are the proceedings dealt with by Meenan J., and which are the subject of complaint in the above-entitled proceedings (2018/7377P). However, the jurisdiction of this Court in Judicial Review does not include any power to direct an investigation of fraud, and this claim is entirely lacking in credibility, and appears to disclose a fundamental misunderstanding of the High Court Judicial Review jurisdiction.
64. In effect, this portion of the indorsement of claim asks this Court to look behind its own orders in proceedings bearing Record No. 2015/239 JR and in the bankruptcy proceedings which were dealt with in the first instance by Costello J. As already stated, her order has been upheld by the Court of Appeal, and subsequently extended by this Court (Pilkington J.).
65. The indorsement of claim also makes complaint about the progress of proceedings bearing Record No. 2016/1435 S which is said to be "an ongoing case in the Master's Court". It is difficult to see how this could be so as of the date of summons when, some months previously, this Court (Twomey J.) had already entered judgment against the defendant, his wife and their co-defendant in the very same proceedings. The indorsement of claim makes reference to a motion for discovery before the Master on 15 October, 2018, but if judgment had already been entered, it is difficult to see how such a motion could be properly before the Master, or indeed before this Court.
66. I am again satisfied that the indorsement of claim discloses no reasonable cause of action, and should be struck out pursuant to O. 19, r. 28 of the rules of this Court.
67. I am also satisfied that the proceedings should in any event be dismissed pursuant to the inherent jurisdiction of this Court as they are frivolous and/or vexatious because they seek to re-litigate issues already determined in other High Court proceedings (in at least one case affirmed on appeal), and are an abuse of process for the same reason.

Conclusion

68. I will therefore make an order in each of the six proceedings the subject of this judgment dismissing the proceedings as against Ireland, the Attorney General, the Minister for Justice and Equality and, where a party, the Courts Service, on the following grounds:

- (1) An order pursuant to O. 19, r. 28 of the rules of this Court, on the basis the proceedings disclose no reasonable cause of action and are doomed to fail;
- (2) An order pursuant to the inherent jurisdiction of this Court dismissing each of the six sets of proceedings on the basis that they are frivolous and/or vexatious, doomed to fail and constitute an abuse of process.

69. I would only comment that the six sets of proceedings dealt with in this judgment are a text book example of the type of abuse of process described by the Canadian courts and approved by Irvine J. in *Behan v. McGinley* in the manner which has been endorsed on numerous occasions previously by this Court as being vexatious. While I have no evidence as to whether or not the plaintiff has paid costs of unsuccessful proceedings where he was ordered to do so, the grounds in paragraphs (a), (b) (c), (d) and (f) are all present in each of the six sets of proceedings dealt with in this judgment. As submitted by counsel for the State Defendants, this is "*litigation about litigation about litigation*".

70. In the circumstances I do not need to deal with any application based on the fact that the plaintiff brought these proceedings without the leave of the Official Assignee in Bankruptcy.