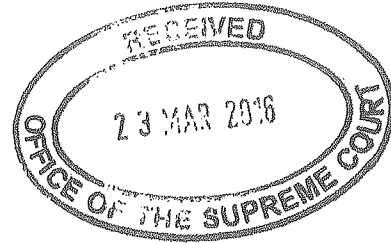


Appendix FF

No. 2

O. 58, r. 18(1)

SUPREME COURT
Respondent's Notice



Supreme Court record number	2016:000029
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[Title and record number as per the High Court proceedings]

Brian O'Donnell and Mary Patricia O'Donnell	V	Christopher Lehane and The Governor and Company of the Bank of Ireland
Record Numbers 2012/2479 and 2012/2480		

Date of filing	23 rd March 2016
Name of respondent	Christopher Lehane as Official Assignee in Bankruptcy and the Governor and Company of the Bank of Ireland
Respondent's solicitors	O'Gradys Solicitors on behalf of Christopher Lehane. Arthur Cox on behalf of The Governor and Company of the Bank of Ireland.
Name of appellants	Brian O'Donnell and Mary Patricia O'Donnell
Appellants' solicitors	In person

1. Respondent Details

Where there are two or more respondents by or on whose behalf this notice is being filed please also provide relevant details for those respondent(s)

Respondent's full name	Christopher Lehane as Official Assignee in Bankruptcy
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The respondent was served with the application for leave to appeal and notice of appeal on date	11 th March 2016
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The respondent intends :

<input type="checkbox"/>	to oppose the application for an extension of time to apply for leave to appeal
--------------------------	---

<input type="checkbox"/>	not to oppose the application for an extension of time to apply for leave to appeal
--------------------------	---

<input checked="" type="checkbox"/>	to oppose the application for leave to appeal
-------------------------------------	---

<input type="checkbox"/>	not to oppose the application for leave to appeal
--------------------------	---

<input checked="" type="checkbox"/>	to ask the Supreme Court to dismiss the appeal
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<input type="checkbox"/>	to ask the Supreme Court to affirm the decision of the Court of Appeal or the High Court on grounds other than those set out in the decision of the Court of Appeal or the High Court
--------------------------	---

<input type="checkbox"/>	Other (please specify)

If the details of the respondent's representation are correct and complete on the notice of appeal, tick the following box and leave the remainder of this section blank; otherwise complete the remainder of this section if the details are not included in, or are different from those included in, the notice of appeal.

Details of respondent's representation are correct and complete on notice of appeal:

Respondent's Representation

Solicitor			
Name of firm	O'Gradys Solicitors		
Email	cmacnamara@ogradysolicitors.ie		
Address	4 th Floor, 8-34 Percy Place, Ballsbridge, Dublin 4	Telephone no.	(01) 661 3960
		Document Exchange no.	179012 Ballsbridge
Postcode	D04 P5K3	Ref.	WFOG/CMACN/OFFA01/0085
How would you prefer us to communicate with you?			
<input type="checkbox"/>	Document Exchange	<input checked="" type="checkbox"/>	E-mail
<input type="checkbox"/>	Post	<input type="checkbox"/>	Other (please specify)

Counsel			
Name	Edward Farrelly B.L.		
Email	edwardfarrelly@eircom.net		
Address	The Law Library, The Four Courts, Dublin 7.	Telephone no.	(01) 817 5427
		Document Exchange no.	816543 Dublin
Postcode			

Counsel			
Name			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode			

If the Respondent is not legally represented please complete the following

Current postal address
Telephone no.
e-mail address

How would you prefer us to communicate with you?			
<input type="checkbox"/>	Document Exchange	<input type="checkbox"/>	E-mail
<input type="checkbox"/>	Post	<input type="checkbox"/>	Other (please specify)

2. Respondent's reasons for opposing extension of time

If applicable, set out concisely here the respondent's reasons why an extension of time to the applicant/appellant to apply for leave to appeal to the Supreme Court should be refused

3. Information about the decision that it is sought to appeal

Set out concisely whether the respondent disputes anything set out in the information provided by the applicant/appellant about the decision that it is sought to appeal (Section 4 of the notice of appeal) and specify the matters in dispute:

4. Respondent's reasons for opposing leave to appeal

If leave to appeal is being contested, set out concisely here the respondent's reasons why:

The decision in respect of which leave to appeal is sought is one that has now been considered by the High Court and Court of Appeal. It does not involve a matter of general public importance being concerned only with the bankrupts desire to set aside Terms of Settlement dated 4th March 2011 on foot of which judgment was entered on the 12th December 2011. The Respondents have, in a number of applications asserted that the Terms of Settlement are void for fraud without substantiating same.

The Supreme Court has found, in Appeal no.344/14 (judgment dated 8th December 2015) that the Bankrupts have no *locus standi* to set aside the judgment of 12th December 2011. The Applicants thereafter, in a High Court motion to the Bankruptcy list have sought an order requiring the Official Assignee to assign the right to conduct the litigation / appeal to them in order to allow them re-litigate this point. This motion is back before the Bankruptcy Court on the 4th April 2016.

The Bankrupts are therefore intent on litigating, what is essentially the same point, again in different Courts notwithstanding the various decisions already made and it is submitted they should not be allowed to do so as it increases the already significant costs for the Estate and the creditors. It is therefore not in the interests of justice that there are yet more hearings on these points.

5. Respondent's reasons for opposing appeal if leave to appeal is granted

Please list (as 1, 2, 3 etc in sequence) concisely the Respondent's grounds of opposition to the ground(s) of appeal set out in the Appellant's notice of appeal (Section 6 of the notice of appeal):

The Official Assignee did not make submissions in the High Court or in the Court of Appeal in respect of the application under Section 85(c) of the Bankruptcy Act 1988. This was in order to save on costs to the Estate in circumstances where the petitioning Creditor, the Bank of Ireland was opposing the matter and no *legitimus contradictor* was necessary. If the Supreme Court hear the Appeal the Official Assignee oppose the Appeal but will continue to simply adopt the submissions of the Bank of Ireland as to why the bankruptcy should not be annulled unless the Supreme Court prefers that he makes separate submissions.

Name of counsel or solicitor who settled the grounds of opposition (if the respondent is legally represented), or name of respondent in person:

Edward Farrelly B.L.

6. Additional grounds on which decision should be affirmed

Set out here any grounds other than those set out in the decision of the Court of Appeal or the High Court on which the Respondent claims the Supreme Court should affirm the decision of the Court of Appeal or the High Court:

Are you asking the Supreme Court to:

depart from (or distinguish) one of its own decisions?

Yes

No

If Yes, please give details below:

make a reference to the Court of Justice of the European Union?

Yes

No

If Yes, please give details below:

Will you request a priority hearing?

Yes

No

If Yes, please give reasons below:

Signed: *D. Grady*
(Solicitor for) the respondent

Please submit your completed form to:

The Office of the Registrar to the Supreme Court
The Four Courts
Inns Quay
Dublin

This notice is to be lodged and served on the appellant and each other respondent within 14 days after service of the notice of appeal.