

No. 1
SUPREME COURT

Application for Leave and Notice of Appeal

For Office use

- Supreme Court record number of this appeal Subject matter for indexing
- Leave is sought to appeal from
The Court of Appeal .2006/6 ?
IN THE MATTER OF A PETITION FOR ADJUDICATION OF BANKRUPTCY BY PETER QUINN AND NOEL SHERIDAN TRADING UNDER THE STYLE AND PRACTICE OF SHERIDAN QUINN AGAINST JOHN GAYNOR
- Date of filing Name(s) of Applicant(s)/Appellant(s) .JOHN GAYNOR
Solicitors for Applicant(s)/Appellant(s) NONE
Name of Respondent(s) PETER QUINN NOEL SHERIDAN T/A SHERIDAN QUINN
Respondent's solicitors .SHERIDAN QUINN SOLICITORS PEMBROKE ROAD DUBLIN 4

Has any appeal (or application for leave to appeal) previously been lodged in the Supreme Court in respect of the proceedings?

- Yes .

If yes, give Supreme Court record number(s)

Are you applying for an extension of time to apply for leave to appeal? YES The intention to file within a 28 day period was formed and acted upon on the 7th of November 2016 Upon attendance in the Supreme Court on the 7th of November 2016 the form of appeal was not acceptable as portion of it was hand written and portion of it was in type script . This was replaced by a version submitted in word without interlineations which appear on the Court Service format and the format was altered a number of times ultimately appearing in the script now deposited and which is hopefully acceptable.

1. Decision that it is sought to appeal

- Name(s) of Judge(s) The President Ms J Irvine Mr Justice Fulham..... Date of order/ Judgment 10th October 2016
- Appellant's full name .JOHN GAYNOR

2 Applicant Details JOHN GAYNOR

Original status Respondent

If the Applicant / Appellant is not legally represented please complete the following

- Current postal address RATHCONRATH WESTMEATH . e-mail address johnjamesgaynor@gmail.com Telephone no. ..0877580064.

How would you prefer us to communicate with you?

- Post

3. Respondent Details

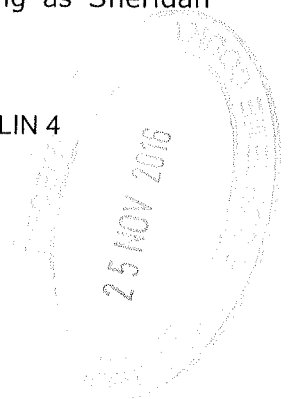
Where there are two or more respondents affected by this application for leave to appeal, please provide relevant details, where known, for each of those respondents

- Respondent's full name Peter Quinn and Noel Sheridan trading as Sheridan Quinn

ORIGINAL STATUS Petitioner

Solicitor^o Sheridan Quinn Solicitors 74 PEMBROKE ROAD DUBLIN 4

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



It is sought to appeal from (a) the entire decision of the Court of Appeal striking out the Appellant's Appeal I on the 10th of October 2013 on the basis that failures in procedure in Bankruptcy by the Judge of the High Court and refusal /failure by the Judge to adhere to the jurisdictional gateways contained in Sections 8 (5) and (6) and Section 11 of the Bankruptcy Act 1988 were not sufficient grounds on which to advance an appeal against the making of the decision and neither was it sufficient to argue that proceedings tainted by fraud should not be supported and endorsed by the Court of Appeal

5. Reasons why the Supreme Court should grant leave to appeal

1. It is of public importance that the Supreme Court should strike out the Order of the Court of Appeal and the Order of Miss Justice Costello with a view to protecting the bankruptcy process in the jurisdiction. The duty of a Bankruptcy Court Judge is to apply the law, protect the party before the Court under the pretence of being a Debtor from abuse of process and not reform or create a new law or fashion it to advantage one party over another
2. Public interest is not served by a Judge who holds that:
 1. court is entitled to overlook an abuse by the Court Service of a litigant in ease of ;" *petitioners who has complied with procedural rules are not to be faulted by the fact that there is an inherent ambiguity between the form of words used on the bankruptcy summons which states that the challenge can be brought by filing an affidavit rather than by saying by filing an affidavit and bringing a notice of motion which led the Court Service into the error "*
 2. *"the debtor could raise any or all arguments that he wished to raise in relation to the bankruptcy summons by way of defence to the petition and I have heard the petition on that basis ",in circumstances where the court is actually prohibited from hearing a dismissal application under Section 8(5) if an issue arises for trial*
 3. *a person needs to be bankrupt before a certain date (in this case)December 8th when a "Judgment" (which does not appear upon the record) "expired"*
 4. *a determination to adjudicate can be made in advance by a Judge who directs that Section 14(2) be implemented prior to Section 11 and 14(1)*
3. The public interest requires that those served with a Bankruptcy Summons initiating bankruptcy procedures contained in s. 8 ,11, S 14 , S 16 of the Bankruptcy Act 1988 and Rules of Superior Courts should have a right to the application of this procedure with a right to the protection of the litigant by the Judge who ought to ensure that the jurisdictional gateways are met which are set forth in :
 1. Section 8(5) of the Bankruptcy Act 1988 which provides :-"A debtor served with a bankruptcy summons may apply to the Court in the prescribed manner and within the prescribed time to dismiss the summons".was denied to the Appellant by the Court Office who was obliged by Statute to receive it .
 2. Section 8(6) upon filing of an affidavit at the hearing thereafter fixed when statute mandates that the Court—(a) "may dismiss the summons with or without costs, and(b) shall dismiss the summons if satisfied that an issue would arise for trial".
 3. Section 11 which provides :A creditor is only entitled to present a petition for adjudication against a debtor if *inter alia* the debt is a liquidated sum (c) the act of bankruptcy on which the petition is founded has occurred within three months before the presentation of the petition
 4. Section 14.— (1) Subject to subsection (2), where the petition is presented by a creditor, the Court shall, if satisfied that the requirements of section 11(1) have been complied with, by order adjudicate the debtor bankrupt.(2) Before making an order under subsection (1), the Court shall consider the nature and value of the assets available to the debtor, the extent of his liabilities, and whether the debtor's inability to meet his engagements could, having regard to those

matters and the contents of any statement of affairs of the debtor filed with the Court, be more appropriately dealt with by means of etc-

4. Upon the making by Counsel for the Respondent of a submission "*There is no application to dismiss the summons, Judge. Such an application was never brought or filed and I have no notice of any such application*", the judge's response indicated her knowledge that the Court Service had acted unlawfully when they obstructed the Plaintiff from engaging with Section 8(5) and Section 8(6)": *His complaint is that he wasn't allowed to bring it*".
5. The non-cooperation of the Court Service and the practice by them of blocking of filings by of Affidavits to Dismiss the Bankruptcy Summons greatly prejudice the bankruptcy process in the jurisdiction . The consequences to the creditor arising from such conduct by the Court Service in this case was that the summons was incurably impugned and could not ground jurisdiction for the Petition which the Court Service issued The act of sealing a Petition with the Court Seal when the party presenting it lacked entitlement to obtain it was a further attack upon the Court and the Appellant in a 13 year long campaign of deliberate ,premeditated and unlawful obstructions of procedure aimed at inching the predators towards the trophy of access to the vast Gaynor wealth which they hoped the rigged bankruptcy procedure would give them .
6. Upon being refused access to the Court process in Bankruptcy under Section 8(5) of the Bankruptcy Act 1988 he Appellant took Judicial Review Proceedings .. After a number of court hearings these proceedings were compromised when the Bankruptcy Judge offered to perform both sets of adjudicative functions in Bankruptcy and Judicial Review .
7. The Applicant's judicial review of the Court Service conduct in obstructing the Appellant from filing in response to the Bankruptcy Summons was met by the Court Service with a claim that the matter was moot arising from an "offer" from Judge Costello to permit an application to dismiss to proceed (informally).
8. The existence of such an agreement made without reference to the Appellant is evidenced on the 16th of November 2015 when Costello J uttered the following words in an attempt to parody the procedures in Section 8(5) and 8(6) and 11 of the Bankruptcy Act 1988 "*And this is your application to Dismiss the Bankruptcy Summons*"; *Just summarise the grounds for me upon which you want to apply to have the bankruptcy summons dismissed*"The Judge's comment that she was "*trying to stop the court getting tied up in procedural knots*" disclosed the Court's attempt to circumnavigate the impediment caused by the error made by the Court Service which impacted on the coming into being of an act of bankruptcy the necessary jurisdictional gateway for the issue of a Petition under Section 11 of the Bankruptcy Act 1988
9. On the 16th of November 2013 The Judge directed that "*petitioners who has complied with procedural rules are not to be faulted by the fact that there is an inherent ambiguity between the form of words used on the bankruptcy summons which states that the challenge can be brought by filing an affidavit rather than by saying by filing an affidavit and bringing a notice of motion which led the Court Service into the error* "
10. Legislation directs procedure in the Court of Bankruptcy whose jurisdiction lies within and is confined and delimited by the Bankruptcy Act 1988. The transcript of November 11 2015 discloses that the Judge expressed an intention to proceed with the hearing of a Petition in the knowledge that the Court was obliged to abandon the statutory procedure directed by the Oireachtas to which the Appellant was entitled .
11. It is a matter of public importance that the Court of Appeal should not have acceded to an application from the Respondent to remove the Appeal from the lists of cases within its jurisdiction as this act would permit fraud to which the Appellant has been subject since 2003 find its expression .
12. Evidence of this 2003 fraud is clear, both as to the fact of fraud and as to the Court Service knowledge of it . Strong corroborative evidence in the form of "the Record" emanating from the Court and Court Service remained indisputable and unchallenged and rendered the Order of Possession of Ms Justice Finally Geoghegan unenforceable .
13. The Court Service when given an opportunity to answer for how an Order came into being on the 8th of December 2003 failed to provide any adequate answer or explanation for how the document calling itself a Court Order bearing a date of 8th of December 2003 arrived upon the Record .

14. A Court Order could not properly be expected in Cause 2002 539S Peter Quinn and Noel Sheridan v John Gaynor on December 8th 2003 ; (a)without a court listing on that date , (b)on the removal of the aforesaid Cause from the Common Law List before it could be adjudicated upon on the 17th of November 2003 by Judge Donovan , (c) the failure to list or to Order its re entry on foot of a Motion the before the Court for re entry into a Common Law List (d) the TRANSFER of the said Motion to the"Examiner's Court" which lacked jurisdiction to list it , adjourn hear it , or adjudicate upon it and (e) the evidence upon the Record of the failure to Transfer the Motion back to the Common Law Lists (f) the evidence that the Cause then expired .
15. The the only realistic inference for the court to to draw on the material before it emanating from the Record by the Court is that of forgery of a document bearing date of the 8th of December 2003 and the subsequent passing of of it as the outcome of a court adjudication which was pronounced , uttered and spoken by the Judge named thereon .
16. The falsified Record and the certification of it as being true by the Court Service in and of itself makes out a sufficient case of fraud as does the Court Service correspondence of the Principal Registrar , Registrar of the Examiner's Court and Head of Supreme and High Court Operations which stand upon the record .
17. While the President of of the Court of Appeal made known that the failure to comply with a 10 day limit for an expedited appeal was not grounds for refusing to permit an appeal the decision to strike out the appeal was unanimous . All three judges holding that breaches of statutory procedure which are not contradicted and the underlying substantive issue of fraud (also admitted in transcript) was not sufficient grounds for an appeal to proceed to hearing . As an obiter dicta the President of the Court of Appeal forcibly denied fraud on the part of the Court Service saying the claim (of a forged document pretending it was made at a court listing and a court hearing) was not true.
18. The public interest require and demand observance by a Court of Appeal of the Irish Constitution and Ireland's treaty obligations which mandate :
 1. The right to a fair trial
 2. A right to fair procedure
 3. A Right to a fair and impartial Judge
 4. An Application of NEMO IUDEX IN CAUSA SUA
 5. A Right to the implementation of Article 1 Protocol 1
 6. A right to the application of statute and court procedure
19. Nemo Iudex in Cause Sua applied as Mr Justice Ryan and Mr Justice Fullam failed before embarking upon adjudication to disclose their connections with the Court Service , took exception to the statement that irregularities abounded the case in the High Court including falsification of the Record for which they were land remain liable under the Criminal Justice Act 2011 .

6. Ground(s) of appeal which will be relied on if leave to appeal is granted

1. The Applicant has the right – ex debito justitiae – to have the Order made on the 7th of December 2015 set aside which means that the Court did not not have

discretion to turn a blind eye to the gross illegality which the Order represented both in abandonment of Bankruptcy Process and abandonment of all Court procedure including re hearings in the High Court ; multiple Orders (An Order of the 21 June 2004 and 12th of July 2004) in respect of one summons ; Incorrect registration of a Charge in the Land Registry over lands not owned by the Appellant .

2. The Court is on notice of fraud upon the Record and Fraud upon the court lacked jurisdiction to make any order without speaking to the Orders made seriatim in which "costs" were awarded.
3. Void orders in Bankruptcy and the Examiners Court before it ,were incurably void and all proceedings based on the invalid claim in Bankruptcy or void act are also void and cannot be righted by the striking out of the appeal .
4. The Bankruptcy Order was malicious following upon the failure of Sheridan and Quinn to enforce the 2010 Order for Possession made by Miss Justice Finlay Geoghegan from 2013 once the Appellant became aware of the fraud which occurred in 2003
5. A decision of the higher Courts such as this decision of the Court of Appeal and the Supreme Court also if it follows upon it if it refuses this application will be void once the decision is founded on an invalid claim or void act, because Bankruptcy cannot be founded on nothing.
6. The alleged debt referred to in the Bankruptcy Summons arose from "Costs" awarded upon "an Order for Possession" which the second in a series of ultra vires "Orders for Possession " made by the Judge in the Examiners Court the first made June 2010 ;the subject of an appeal to the Supreme Court 2016
7. The Bankruptcy Court was bound by the Record and could not react with indifference to
 1. The evidence of Mr Peter Quinn that he did not know the name of the Judge who made the Order on the 8th of December 2003 or court in which it was made .
 2. Correspondence from the Court Service in 2013 advising of the removal of cause 2002 539S from the Common Law Lists on the 17th of November 2003 to the Examiners Court which had no jurisdiction to receive it , adjourn it or hear it and did not do so ; the Cause thereafter expired and could not ground proceedings howsoever arising .
8. The statement by Mr Quinn that he did not know the name of the Judge who made the Order could have left the Court in no doubt that there had been a forgery created and placed in the Court file in circumstances where the Court Service cannot point to a listing of the Cause in any Court on the 8th of December 2003 and in any event even if it had been listed which the Court Service deny, it was without reference to the Applicant despite a claim of such service contained in the impugned document Proper service and proper procedure is a prerequisite to obtaining jurisdiction in the Court of Bankruptcy over a party and if the Appellant has not been properly

served or blocked from taking part in proceedings any order the court enters against him is void

11. The Appellant's subsequent appearance at the Petition and in filing a Motion to Show Cause is not intended to show that he has submitted to the jurisdiction of the Bankruptcy Court and or has waived any objections with regard to jurisdiction and/or sufficiency of process.

- Name of solicitor or (if counsel retained) counsel or applicant/appellant in person:NONE

7. Other relevant information

Neutral citation of the judgment appealed against e.g. Court of Appeal [2015] IECA 1 or High Court [2009] IEHC 608

High Court Petition Number 1678P

8. Order(s) sought: SETTING ASIDE THE ORDER MADE DECEMBER 7 2015

An Order Nul Tiel Record

Set out the precise form of order(s) that will be sought from the Supreme Court if leave is granted and the appeal is successful:

Order being appealed:

- set aside

Original order:

- set aside
-

Are you asking the Supreme Court to:

- ~~No~~

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

- YesIf applicable

Will you request a priority hearing?

- Yes Applicant has been ill throughout SINCE this further assault in

November December 2015 BY THE COURT SERVICE.

Please submit your completed form to:

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

together with a certified copy of the Order and the Judgment in respect of which it is sought to appeal.

This notice is to be served within seven days after it has been lodged on all parties directly affected by the application for leave to appeal or appeal.

John Jaynor 11/11/2016