

O. 58, r. 18(1)

SUPREME COURT**Respondent's Notice**

Supreme Court record number	2017/000166
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[Title and record number as per the High Court proceedings]

Permanent TSB plc & Cheldon Property Finance Ltd	V	Jerry Beades
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Date of filing	3 January 2018
Name of respondent	Permanent TSB Plc
Respondent's solicitors	Donal O'Kelly & Co.
Name of appellant	Jerry Beades
Appellant's solicitors	N/A – Appellant is a litigant 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	
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The respondent was served with the application for leave to appeal and notice of appeal on date
The First Respondent was not formally served pursuant to the Rules of the Superior Courts. The First Respondent only became aware of the Appellant's intention to appeal when opening up an unaddressed envelope on 20 th December, 2017 that had been left in the letter box at 1 Grand Canal Wharf, South Dock Road, Dublin 4.

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

<input type="checkbox"/> not to oppose the application for leave to appeal
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<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
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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	Donal O'Kelly & Co		
Email	info@donalokellyandco.ie		
Address	1 Grand Canal Wharf, South Dock Rd, Grand Canal Dock, Dublin	Telephone no.	(01) 665 8540
		Document Exchange no.	
Postcode		Ref.	
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	Patrick Kevans BL		
Email	patrickkevans@hotmail.com		
Address	Distillery Building 145-151 Church Street Dublin 7	Telephone no.	085 7208744
		Document Exchange no.	818225
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 checked="" 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

N/A

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:

The First Respondent disputes the information provided by the Appellant, in that it does not correctly reflect the judgement of the Court of Appeal and in any event appears to be merely extracts from the transcript of the Judgement as opposed to a brief synopsis of what transpired in the court hearings.

In ease of this Honourable Court, the First Respondent does not intend to restate the factual nexus as presented by the Second Respondent and in that regard, it endorses the Second Respondent's account of the factual issues and the findings of the Court of Appeal in its Respondent's Notice as being a true and accurate reflection of what has occurred to date.

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:

In the case of an application for leave to appeal to which Article 34.5.3° of the Constitution applies (i.e. where it is sought to appeal from the Court of Appeal)-

- * the decision in respect of which leave to appeal is sought does not involve a matter of general public importance
- * it is not, in the interests of justice, necessary that there be an appeal to the Supreme Court

Note: The First Respondent does not seek to appeal, cross appeal or vary the order in respect of which the application for leave is being made.

The Appellant has raised no issues that involve a matter of general public importance nor is it

in the interests of justice, necessary that there be an appeal to the Supreme Court.

The Supreme Court previously rejected an Article 64.3.3 application by the Appellant by way of determination dated 10th June, 2016. In particular it stated that: *“the Applicant (Mr. Beades) has not demonstrated that the appeal raises legal issues of general public importance in relation to which it could be inferred that it is probable that his appeal will come back to this Court and is unlikely to significantly benefit from an intermediate appeal to the Court of Appeal. Nor has the Applicant demonstrated any other compelling issue that it is in the interests of the administration of justice and the efficient determination of appeals to cancel the Direction so far as it relates to his appeal”*.

The First Respondent contends that this position has not altered since the hearing of the appeal before the Court of Appeal.

The First Respondent further endorses in full the reasons for opposing leave to appeal as set out in the Second Respondent’s Notice as the matters being considered are not of general public importance nor is it in the interests of justice that it is necessary for leave to appeal to be granted by the Supreme Court

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 First Respondent endorses each and every reason from 1 to 15 for opposing the appeal if leave is granted as set out in the Second Respondent’s Notice and restates them in full as its own opposition to the Appeal in the event leave is granted by this Honourable Court.

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

Patrick Kevans 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:

N/A

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:

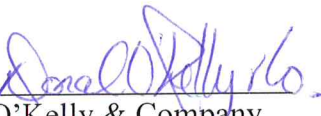
Will you request a priority hearing?

Yes

No

If Yes, please give reasons below:

Signed:



Donal O'Kelly & Company
(Solicitor for) the First Respondent
Grand Canal Wharf,
South Dock Rd,
Grand Canal Dock,
Dublin

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.