



**SUPREME COURT**



Record No:

**Application for Leave to Appeal**

**Part I**

*The information contained in this part will be published. It is the applicant's responsibility to also provide electronically to the Office a redacted version of this part if it contains information the publication of which is prohibited by any enactment or rule of law or order of the Court*

1. **Date of Filing:**

2. **Title of the Proceedings:**

**Bank of Ireland Mortgage Bank**

**-v-**

**Michael Butler**

3. **Name of Applicant: Michael Butler**

**What was the applicant's role in the original case: [Plaintiff, Defendant, Applicant, respondent etc] DEFENDANT**

Transaction: 100769  
File Date: 05  
Fee: €50.00  
Operator: PML R  
Date: 12/03/2019 11:01:40  
Payment Mtd:

JONAS TULLI DUKIE M POLITE SIAMPA  
STAFF OFFICE COURT HE INCORE

4. **Decision of Court of Appeal (where applicable):**

*Record No: 2017/163*

*Date of Order: 20<sup>th</sup> February 2019*

*Perfection Date: 22nd February 2019*

*Date of Judgment:*

*Names of Judges: Ms Justice Irvine, Mr. Justice Edwards, Ms Justice Whelan*

5. **Decision of the High Court:**

Record No: 2012/32065

Date of Order: 3<sup>rd</sup> April 2017

Perfection Date: 5<sup>th</sup> April 2017

Date of Judgment: 3<sup>rd</sup> April 2017

Names of Judge(s): Mr. Justice Michael Twomey

Where this application seeks leave to appeal directly from an Order of the High Court has an appeal also been filed in the Court of Appeal in respect of that Order?

Yes  No

6. **Extension of Time:** N/A Yes  No

I am appealing the entire decision of the court of Appeal order & Judgement. The Court of Appeal acknowledged that proper procedure were not followed in court below. Justice Twomey made a Judgement without proper procedure being adhered to. **Justice Twomey failed to consider case law regarding "The piercing of the corporate veil".**

I have been denied my right to defend myself as the Court of Appeal denied me discovery documentation. I was unable to apply to the High Court for discovery because the Master had struck out the Notice of Motion.

I was advised by Solicitors for the Plaintiffs, by letter 23<sup>rd</sup> March 2017 to be in attendance in the High Court on the 3<sup>rd</sup> April 2017 in order that best interests are protected. I was misled because proper procedure did not take place. In his Judgement, Justice Twomey referred to notice of motion herein dated 10<sup>th</sup> March 2016 and reading said notice and the Affidavit of Derek Walsh on the 10<sup>th</sup> March 2016, these documents were never served on Michael Butler.

The Judge ordered on the 3<sup>rd</sup> April 2017 that the Master's orders be set aside, and it is ordered and adjudged that the Plaintiffs receive against the Defendant the sum of €521,427.26. This denied me my right to seek discovery at the High Court stage. If my paperwork was not in order, the court or court services would not let me go forward, however this did not seem to matter in regards to the Plaintiffs.

I made the Courts aware, our title deeds were stolen from the secured vault in the Bank of Ireland and used for the financial gain of others, as the Bank of Ireland were financing the business park where I had Title to part of the said lands. I made the Court of Appeal aware that the matter was being investigated by the Garda Bureau of Investigation and I requested a stay on proceedings until such time as the matter was investigated.

I also informed the Court of Appeal that I was made aware of a fraudulent settlement agreement which was signed by Mr. Dundon of Dundon Callanan Solicitors unbeknown to the claimants (Defendants). The claimants referred to in this document only became aware of this false document 8 ½ years later while in Court in November 2017. We did not give Mr Dundon, power of attorney to sign this document. There are no signatures of the claimants or mediators who were in attendance at the mediation meeting on the 11<sup>th</sup> June 2009. This document was hidden from us all this time, this is in fact a fraudulent act

I submitted an authority to the court of appeal "Chandler V Cape PLC" in which the court made no reference in their decision. **This Authority relates to the court will look at the relationship between companies more widely for example, that the parent company has a practice of intervening in the trading operations of the subsidiary, for example production and funding issues.**

*If an application is being made to extend time for the bringing of this application, please set out concisely the grounds upon which it is contended time should be extended.*

N/A

**7. Matter of general public importance:**

*If it is contended that an appeal should be permitted on the basis of matter(s) of general public importance please set out precisely and concisely, in numbered paragraphs, the matter(s) alleged to be matter(s) of general public importance justifying appeal to the Supreme Court.*

*This section should contain no more than 500 words and the word count should appear at the end of the text.*

**8. Interests of Justice:**

*If it is contended that an appeal should be permitted on the basis of the interests of justice, please set out precisely and concisely, in numbered paragraphs, the matters relied upon.*

*This section should contain no more than 300 words and the word count should appear at the end of the text.*

Bank of Ireland Mortgage bank, require the services of branch staff of the Governor and Company of Bank of Ireland to operate and process applications for the Banks mortgages.

The parent company and the subsidiary company are jointly and severally liable as they were entwined in the sale of my assets in which the "Bank of Ireland Group" broke the agreement regarding terms & conditions which were made at mediation meeting with the claimants (Defendants) and have conspired to destroy us financially, using the court system to do so, in concealing evidence of fraud.

The mediation process was dealt with by "Bank of Ireland Group" Copy of letter from Liam Lavelle Solicitor to the mediator Fergus Armstrong, enclosed. The Plaintiffs failed to inform the court of this.

Bank of Ireland mortgage bank are hiding behind being a subsidiary of the Governor & Co of Bank of Ireland, when in fact it is the legal services of "Bank of Ireland Group" who were dealing with the mediation process and broke the agreement. Other member companies of "Bank of Ireland Group" include Bank of Ireland Mortgage bank, this connects all parties.

Michael Butler had to seek funds in order to pay Judicial review legal costs to protect his company, Butler Homes Ltd from being wound up. I had no option but to secure funds on my private investment properties because of the theft of the said deeds by Bank of Ireland. The bank took possession of my properties at 1& 1A, [Lansdowne Villas and Lansdowne Mews) which were valued at €1,300,000 and sold for €350,000 less costs of €33,000. They also took other properties. If this theft did not take place, I would not be in this impossible situation.

Word count – 287

**9. Exceptional Circumstances: Article 34.5.4:**

*Where it is sought to apply for leave to appeal direct from a decision of the High Court, please set out precisely and concisely, in numbered paragraphs, the exceptional circumstances upon which it is contended that such a course is necessary.*

*This section should contain no more than 300 words and the word count should appear at the end of the text.*

Word count

**10. Grounds of Appeal**

*Please set out in the Appendix attached hereto the grounds of appeal that would be relied upon if leave to appeal were to be granted.*

**11. Priority Hearing:**

Yes

No

*If the applicant seeks a priority hearing please set out concisely the grounds upon which such priority is sought.*

*This section should contain no more than 100 words and the word count should appear at the end of the text.*

This matter is going on for 20 years and disrupted our Family life and Business dealings. In the interest of Justice and upholding of our rights from unjust attack.

Word count - 29

**12. Reference to CJEU:**

*If it is contended that it is necessary to refer matters to the Court of Justice of the European Union please identify the matter and set out the question or questions which it is alleged it is necessary to refer.*

**Part II**

*The information contained in this part will not be published*

**15. Legal Aid:**

*In the case of an application by a defendant from an order in a criminal trial please confirm that a Legal Aid (Supreme Court) certificate has been granted by the Court below and please provide a copy of same.*

**Signed:** \_\_\_\_\_  
(Solicitor for) the Applicant

**Date:** \_\_\_\_\_

To be served on: Keating Connolly Sellors Solicitors

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(Solicitors for) Respondent(s)

Please file your completed form in:

The Office of the Registrar of the Supreme Court  
The Four Courts  
Inns Quay  
Dublin 7

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



Notice of Appeal

1. **Title of the Proceedings:** *[As in the Court of first instance]*

**Bank of Ireland Mortgage Bank**

-v-

**Michael Butler**

2. **Grounds of Appeal:**

*Please set out in numbered paragraphs the Grounds of Appeal relied upon if leave to appeal were to be granted.*

1. **The Judges erred in Law & Principle by allowing this matter proceed after notifying them that a fraud had been committed in relation to a false agreement between Bank of Ireland Group & Family members & the Company.**
2. **The Judges denied me my fundamental rights in not allowing Discovery documentation which would enable the Defendant to be able to defend the case before the court.**
3. **The Judges failed to take account of the unjust attacks in which myself and family members and our Company have been subjected to over a 20 year period.**
4. **The Judges of the High Court made a Judgement without proper procedure being adhered to.**
5. **The Judges made no reference to "The piercing of the corporate veil" in making their decision in which they were wrong.**
6. **We have proof that Bank of Ireland Group were involved in the mediation process and subsequently broke the agreement which was made with the Claimants.**

The Family unit is protected under articles 40 & 41 of the Irish Constitution and under the European convention of Human Rights. It is in the interest of Justice that our rights be protected and not violated by those who are sworn in to uphold the Law. Our Family have been subject to 14 Court cases over a twenty year period which is still ongoing, as a result of the theft of our title deeds from the secured vaults at Bank of Ireland and sued for €8,000,000 due to the bank's negligence and fraudulent activity.

We are victims of corporate and financial fraud. The Bank of Ireland Group are aiding and abetting this cover up which is called "concert of action".

3. **Order(s) sought**

**Please set out in numbered paragraphs the order(s) sought if the Appeal were to be successful.**

That the order of the Courts, be overturned. That all orders & Judgements shall be overturned. The Defendant, Michael Butler & Butler Homes Ltd are counter claiming that the Bank of Ireland Group were negligent in failing to produce their title documents when requested to do so. We have suffered significant loss and damage arising from the negligence, breach of duty, breach of contract, breach of trust of the Bank of Ireland Group in failing to keep Title documents safe & secure and causing them undue hardship in defending 14 Court cases.