



Appendix FF

No. 2

O. 58, r. 18(1)

SUPREME COURT

Respondent's Notice

Supreme Court record number	S:AP:IE 2015/000033
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[Title and record number as per the High Court proceedings]

ALLIED IRISH BANKS PLC	V	MICHAEL QUINN AND BRIGID QUINN
Record No.2011/9355 P		

Date of filing	
Name of respondent	ALLIED IRISH BANKS PLC.
Respondent's solicitors	GARTLAN FUREY
Name of appellant	MICHAEL QUINN AND BRIGID QUINN
Appellant's solicitors	NONE

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	
26 JUNE 2015	

The respondent intends :

to oppose the application for an extension of time to apply for leave to appeal

not to oppose the application for an extension of time to apply for leave to appeal

to oppose the application for leave to appeal

not to oppose the application for leave to appeal

to ask the Supreme Court to dismiss the appeal

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

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	Gartlan Furey		
Email	Paul.mcdonnell@gartlanfurey.ie		
Address	20 Fitzwilliam Square	Telephone no.	7998000
		Document Exchange no.	51
Postcode	Dublin 2	Ref.	PMC/NC/ALL107/0104
How would you prefer us to communicate with you?			
<input type="checkbox"/>	Document Exchange	<input checked="" type="checkbox"/>	E-mail
<input checked="" type="checkbox"/>	Post	<input type="checkbox"/>	Other (please specify)

Counsel			
Name	John Gleeson SC		
Email	johngleeson@johngleesonsc.ie		
Address	2 Arran Square	Telephone no.	8720600
		Document Exchange no.	
Postcode	Dublin 7		

Counsel			
Name	Ciaran Lewis BL		
Email	ciaran@3arransquare.com		
Address	3 Arran Square	Telephone no.	5589718
		Document Exchange no.	
Postcode	Dublin 7		

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:

The Respondent takes issue with both points 1 and 2 in Section 4 of the notice of appeal. However, both points appear to be submissions of law rather than statements of fact.

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. The proceedings concerned the application of well-established legal principles to the facts as found by the trial judge. No novel legal issue was considered or determined by the Court below.

It is not, in the interests of justice, necessary that there be an appeal to the Supreme Court. To allow this appeal would be to ignore the established criteria applied by the Supreme Court in determining the circumstances in which appeals might be allowed.

**delete where inapplicable*

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):

1. The Court of Appeal was correct to uphold the determination of the Trial Judge that an equitable mortgage had been created over plots B and C (as defined in the judgment of the High Court).
2. The Court of Appeal was correct to uphold the determination by the Trial Judge that a constructive trust had been created in respect of plots B and C.
3. Contrary to the statement at paragraph 1 of Section 6 of the Notice of Appeal, neither the Trial Judge nor the Court of Appeal determined that the Defendants entered into personal commitments as a consequence of entering into a facility letter as directors of a company.
4. A constructive trust is not a controversial remedy.

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

Ciarán Lewis BL
[John Gleeson SC]

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: Paul Mc Donnell
(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.