

SUPREME COURT
AMENDED Respondent's Notice
IN RESPONSE TO APPLICANT'S AMENDED NOTICE OF APPEAL
OF THE 25th JANUARY, 2017

Supreme Court record number	2016/000141
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[Title and record number as per the High Court proceedings]

Francis Lanigan	V	Governor of Cloverhill Prison, Minister for Justice and Equality, Ireland, Attorney General
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Date of filing	24th February, 2016
Name of respondent	Governor of Cloverhill Prison
Respondent's solicitors	Chief State Solicitor's Office
Name of appellant	Francis Lanigan
Appellant's solicitors	Padraig O'Donovan & Co. Solicitors

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	Governor of Cloverhill Prison, Minister for Justice and Equality, Ireland, Attorney General.
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The respondent was served with the application for leave to appeal and notice of appeal on date
9th December, 2016

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
<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	Chief State Solicitor's Office		
Email	Hugh_dockry@csso.gov.ie		
Address	Osmond House, Little Ship Street,	Telephone no.	4176100
		Document Exchange no.	186
Postcode	Dublin 2	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	Robert Barron SC		
Email	rbarron@lawlibrary.ie		
Address	Law Library, Four Courts	Telephone no.	8174570
		Document Exchange no.	816015
Postcode	Dublin 7		

Counsel			
Name	Tony McGillicuddy		
Email	tmcgillicuddy@lawlibrary.ie		
Address	Law Library, Four Courts	Telephone no.	8175980
		Document Exchange no.	810292
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

The order of the Court of Appeal was perfected on the 26th October, 2016. Thereafter, a Notice of Application was filed by the Applicant's Solicitor with the Supreme Court Office on the **1st December, 2016**.

Order 58, rule 16(1) of the Rules of the Superior Courts (as amended) requires that a Notice of Appeal is filed within 28 days of the perfecting of the Order appealed against. The said Application for Leave was, therefore, not made within 28 days of the perfecting of the relevant Court Order.

Furthermore, no Application for an Extension of Time is contained in the original Notice of Appeal or in the Amended Notice of Appeal.

The Applicant has, therefore, not made any application for an extension of time even though one is required in the circumstances outlined above.

Nor was consent to an extension of time sought from the Respondents herein. Same was required pursuant to Section 4 of the Supreme Court Practice Direction (SC16), which states that Applicants who are seeking an Extension of Time should set that out in the Notice of Appeal. Furthermore, it states that the Respondent's views on the Extension of Time should be sought and, if possible those views should be communicated with the Application for Leave. That was not done in this case by the Applicant.

In overall terms, no reason has been advanced as to why the original Notice of Appeal was not filed within 28 days of the perfecting of the Order of the Court of Appeal. Moreover, no application for an extension of time has been sought either in the original Notice of Appeal or in the Amended Notice of Appeal.

In the circumstances the Application should be dismissed on that basis alone.

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

The Respondents consider that the information provided by the Applicant is incomplete and misleading and provides the following information to set out the proper context.

In doing so, the Respondents herein do not agree with the narrative outlined by the Applicant in any respect. The said narrative is polemic in nature and does not set out "facts" to assist this Honourable Court with the matters at issue in these proceedings.

However, insofar as the Applicant has set out matters concerning the history of the proceedings the following is set out to provide assistance.

Section 16 proceedings in the High Court and uncertified appeal to the Court of Appeal:

1. In the High Court Ms. Justice Murphy ordered the surrender of the Applicant (the Respondent in the EAW proceedings themselves) to the issuing state pursuant to s.16 of the *European Arrest Warrant Act, 2003* on the 4th September, 2015.
2. The High Court had delivered a preliminary judgment in the proceedings on the 17th November. Following that, it had made an Article 267 Reference to the Court of Justice

(Case 237/15). A further hearing took place on the 20th July 2015 in the High Court. Thereafter, the High Court delivered its further judgment on the application on the 2nd September, 2015 and dismissed all of the Respondent's objections.

3. The Applicant then applied for leave to appeal on the 4th September, 2015 on seven distinct questions of law, all of which were refused, and which are all attached as a schedule to the second order made by Ms. Justice Murphy on the 4th September, 2015.
4. Following that, the Applicant filed a Notice of Appeal on or about the 11th September, 2015 and set out 6 Grounds of Appeal on the same or similar matters for which leave to appeal had been refused by Ms. Justice Murphy in the High Court pursuant to s.16(11) of the *European Arrest Warrant Act, 2003*.
5. The Respondent's Notice dated the 21st September, 2015 set out the grounds of opposition which included the claim that the Court of Appeal had no jurisdiction to entertain the appeal as the High Court had not certified that the case was one falling within the terms of Section 16(11) of the European Arrest Warrant Act, as amended.
6. On foot of that Notice, the Respondent issued a Notice of Motion on 29th September 2015 seeking to have the appeal struck out. That motion was heard on the 11th January 2016 and judgment delivered on 16th March 2016 striking out the appeal.
7. In its judgment of the 16th March, 2016 the Court of Appeal recited the six Grounds of Appeal which were pleaded by the Applicant and held, at paragraph 22, that the said grounds contained no challenge to the validity of the Act or of any of its provisions. Arising from that, the Court of Appeal struck out the said appeal.
8. The Applicant did not seek to challenge the constitutionality of any law either in his application for leave to appeal before the High Court or in his (uncertified) Notice of Appeal to the Court of Appeal. Thus, no assertion was made in the said application(s) that any law was invalid having regard to the provisions of the Constitution.
9. The Applicant sought leave to appeal the decision of the Court of Appeal to the Supreme Court. That application was dismissed in a Determination dated the 27th June, 2016 with reference number [2016] IESCDET 85.

Article 40 proceedings before Mr. Justice Barrett and Court of Appeal:

10. The Applicant instituted Article 40 proceedings before Mr. Justice White on the 9th September, 2015. Thereafter, the said Inquiry was granted by Mr. Justice Hunt, to whom the matter had been adjourned, on the 11th September, 2015. A hearing date was given for the Article 40 application of the 14th September, 2015.
11. The said proceedings were heard by the High Court (Mr. Justice Barrett) on the 14th September, 2015 and judgment was delivered on the 17th September, 2015 dismissing the Article 40 application.
12. Thereafter, the Applicant's appeal was dismissed by the Court of Appeal in its judgment of the 19th October, 2016 after a hearing which took place on the 18th March 2016.

Plenary Proceedings instituted by the Applicant in the High Court:

13. Separately, the Applicant issued plenary proceedings in the High Court (entitled *Francis Lanigan Plaintiff -v- Central Authority, Minister for Justice and Equality, Ireland and Attorney General Defendants* hearing record number 2014/6374P) on 23rd

constitutionality of provisions of the *European Arrest Warrant Act, 2003*.

14. The Defendants in those proceedings brought a motion to strike out the proceedings and same was heard by the High Court (Mr. Justice White). Judgment on that motion was delivered on the 11th November, 2016 in which the proceedings were dismissed. The costs of the action were awarded to the Respondents in those proceedings.
15. A separate Notice of Appeal has been filed by the Applicant in respect of those proceedings with the Supreme Court office. A Notice of Appeal has also been filed with the Court of Appeal in respect of those proceedings.

Article 40 Proceedings before Mr. Justice Humphreys:

16. The Applicant instituted Article 40 proceedings before Mr. Justice Noonan in October 2015. Thereafter, the application for the said Inquiry, made on an *ex parte* basis, was refused by Mr. Justice Noonan on the 15th October, 2015.
17. That refusal to grant an inquiry was appealed to the Court of Appeal. In its judgment of the 19th October, 2016 the Court of Appeal granted leave to bring the Article 40 Inquiry on the ground that had been argued before Mr. Justice Noonan.
18. Thereafter, the said Article 40 proceedings were heard by the High Court (Mr. Justice Humphreys) on a number of dates in December 2016. An *ex tempore* judgment was delivered on the 16th December, 2016 dismissing the Article 40 application. Following that, Mr. Justice Humphreys delivered a written judgment in the application on the 23rd January, 2017.
19. Thereafter, the Applicant herein has filed a Notice of Appeal with this Honourable Court and has also filed a Notice of Appeal with the Court of Appeal.

General

20. Much of the Applicant's information is extraneous to the issues in the proceedings. The key matter is that the Article 40 proceedings were instituted by the Applicant with the stated aim, as set out in paragraph 1 of the document "*Application for Inquiry – Article 40.4*" for an "*Inquiry under Article 40.4.2 of the Constitution into the constitutionality of the order made by the Honourable Ms. Justice Murphy on 4th September, 2015.*"
21. When the Inquiry was granted by the High Court (Hunt J.) on the 11th September, 2015 the parties were in agreement that the matter be heard on the 14th September, 2015. The complaints of the Applicant are without merit and vexatious in the circumstances where same were instituted by the Applicant and where Article 40.4.2 of the Constitution requires the High Court to inquire "*forthwith*" into the complaints made by the Applicant.
22. In that regard, the Applicant's claims at paragraph 12 of the section entitled "*Background*" that he "*envisaged*" that the Article 40 proceedings would be tried in conjunction with the plenary case are mis-conceived.
23. The High Court conducted that hearing on the 14th September, 2015 as it was required to do by the Constitution. The hearing took place over the course of a full day and the Respondents set out the reasons why the Applicant's detention was in accordance with law. That included submissions on the points raised in the Applicant's "*Application for Inquiry – Article 40.4*" and also as set out in the Applicant's submissions. The High

Court delivered a ruling thereafter on the 17th September, 2015 in which it dismissed the Article 40 application and same has been upheld by the Court of Appeal.

24. In the circumstances, the Applicant's arguments at paragraphs 13 – 16 of the Applicant's Amended Notice of Appeal are mis-conceived. The Applicant was given a full opportunity to present his case to the High Court and the High Court dismissed his application. Thereafter, the Court of Appeal upheld the High Court order. The criticisms of the High Court and the Court of Appeal amount to an attempt to further appeal the findings made by those Honourable Courts, something that is not permissible in the application to this Honourable Court.
25. Insofar as the Applicant has referred to conditions in Maghaberry Prison in paragraph 16(i) of the "*Background*" section **no** such reference to the "*report*" (which appears to be a reference to a report entitled *Maghaberry Prison Conditions Report from November 2015*) was made in the proceedings before the High Court (Mr. Justice Barrett) or in the Court of Appeal. No application was made to adduce new evidence of any type relating to Maghaberry Prison in either court.
26. Furthermore, the references to the proceedings before White J. and Humphreys J. have no bearing whatsoever on the within proceedings and whether an application for leave to appeal should be granted by this Honourable Court. The Applicant's reference to matters in those proceedings in paragraph 16 (ii) and (iii) of the "*Background*" section are apt to mislead and are not relevant to the determination of the application before this Honourable Court in this case. The attempt to conjoin those matters is mis-conceived.
27. In the circumstances the attempt by the Applicant to introduce these matters into these proceedings at this juncture, without any indication being given that he wishes to raise these as "new" matters not previously raised in these proceedings, is an abuse of the process of this Honourable Court.
28. Furthermore, the attempt to conflate and conjoin the separate proceedings and, in effect, re-argue matters from the EAW proceedings before Ms. Justice Murphy where the said objections raised by the Applicant were dismissed are also an abuse of the processes of this Honourable Court.

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

Interests of Justice:

1. As outlined above, allegations and contentions being made by the Applicant in paragraph (i) of Section 5 of his Notice under the heading "*Interests of Justice*" concerning an alleged "*uncontested and un-contradicted evidence of a threat to his life*" were not raised by the Applicant in these proceedings in the High Court

either the High Court or the Court of Appeal in these proceedings. The attempt to raise these matters now is an abuse of the process of this Honourable Court.

2. Furthermore, the argument that the trial of the Article 40 Inquiry "*never took place*" contained in paragraph (i) of Section 5 is ridiculous. The said hearing/trial took place over the course of a full day before Mr. Justice Barrett in the High Court. In the circumstances, the Applicant's arguments are an abuse of the processes of the Superior Courts and an insult to the Courts concerned. They should be dismissed on that basis.
3. In relation to paragraph (ii) of Section 5, as was held by the Court of Appeal it is clear from the Applicant's own written submissions in this case that he had brought the Article 40 Application for the purpose of delay so that the plenary proceedings instituted by him could be heard. This is set out in paragraph 49 of the judgment of the Court of Appeal.

This is not the purpose of Article 40 proceedings and the High Court had to determine whether the Applicant's detention was in accordance with the law. The High Court held that the Applicant's detention was in accordance with law and the Court of Appeal upheld that in its judgment of the 19th October, 2016.

4. The High Court (Barrett J.) heard and determined the Article 40 application in accordance with Article 40.4.2 of the Constitution, which mandates that the judge of the High Court "*forthwith enquire*" into the complaint made by an applicant and that the High Court "*shall.... order the release of such person from such detention unless satisfied that he is being detained in accordance with the law*". In the circumstances, the application for an adjournment pending the hearing of separate plenary proceedings was contrary to the Constitution. The High Court so found and the Court of Appeal upheld that judgment.
5. As already outlined above, the Article 40 application was heard for a full day on the 14th September, 2015 and judgment was reserved to the 17th September, 2015, whereupon a written judgment was delivered and the Article 40 Application was dismissed by the High Court. A full hearing took place in the Court of Appeal on the 18th March, 2016 and judgment on same was delivered on the 19th October, 2016.

Thus, there was no "*denial of fair procedures*" by Barrett J. in the conduct of the hearing or by the Court of Appeal in upholding the findings made by Barrett J. and the Applicant's claims to the contrary in paragraph (ii) of the section "*Interests of Justice*" are without any merit whatsoever.

6. In relation to the matters argued at paragraph (iii) of the section "*Interests of Justice*" it is submitted that this is a further attempt to conflate and conjoin matters from separate proceedings where those matters were not argued before Barrett J. or the Court of Appeal in this case. The said contention does not aid the Applicant in showing that it is in the interests of justice for this Honourable Court to accept the application.

General Public Importance:

7. Arising from the foregoing, there is no issue of law of general public importance that arises in this case. Neither do the interests of justice require this Honourable Court to allow a further appeal. The Applicant's stated aim of his proceedings is

application to this Honourable Court is an abuse of process and, to the extent to which the Applicant has sought to add issues extraneous to these proceedings in this application for leave to appeal that is a further abuse of the process of the Court.

8. The High Court conducted and determined the Article 40 application by the Appellant in accordance with Article 40.4.2 of the Constitution. In the circumstances the Applicant's submissions about the need to set out "*for trial courts principles*" on three matters in (a) – (c) inclusive are misconceived. There is no issue of law of general importance that needs to be determined as the High Court determined the Article 40 application in accordance with the precepts of the Constitution itself.

9. In relation to paragraph (a), the entitlement to make an Article 40 application is referred to in express terms in s.16(4)(a) of the *European Arrest Warrant Act, 2003* itself for a person whose surrendered has been ordered on foot of a European Arrest Warrant. No further explanation is required.

Furthermore, the references in paragraph (b) to the *U.N. General Assembly's Report of the Working Group on Arbitrary Detention* is irrelevant and otiose. No reference to this report was made either before the High Court or the Court of Appeal and the attempt to introduce it at this stage is an abuse of process. In any event, the said "report" is not part of the domestic law of the State and the references to it are not pertinent to the determination of the issues in this case.

Paragraph (c) appears to be a repetition of the points in paragraphs (a) and (b) and does not further the Applicant's position.

10. Furthermore, there was no failure to address the arguments made by the Appellant in the Article 40 Application either in the High Court or the Court of Appeal. A written judgment was delivered by both courts and the reasoning for the determinations made by both Courts are outlined in those written judgments.
11. The High Court heard and determined all of the points argued and contended for by the Appellant in the Article 40 proceedings (as summarised in paragraph 8 of the High Court Judgment). Furthermore, the High Court allowed the Appellant's Counsel to raise additional matters in reply (as set out in paragraph 23 of the High Court Judgment).
12. In the circumstances the contentions of the Applicant that issues of EU law are involved and/or that issues concerning Article 5(4) of the European Convention on Human Rights are involved are fanciful, frivolous and vexatious where the Appellant applied for the Article 40 Application and Counsel on his behalf made arguments before the High Court in the application both before the High Court and the Court of Appeal. The stated aim of the Article 40 proceedings was to delay surrender to allow the plenary proceedings to be heard. That is an extraneous purpose to that for which Article 40 proceedings are designed for.
13. Dealing with the point made at paragraph (ii) of the section "*General Public Importance*", no error arises from the High Court's refusal to refer questions of law to the Court of Justice of the European Union pursuant to Article 267 of the Treaty on the Functioning of the European Union and the upholding of that decision by the Court of Appeal. Furthermore, no attempt has been made by the Applicant to set out what questions of law, if any, might require an Article 267 reference. For there to be a point of general public importance, the Applicant

must at least specify what it is and explain why it is claimed that it arises in these proceedings and why it is a point of general public importance.

14. The Applicant's arguments are vague, unsubstantiated and wholly lacking in any substance, including but not limited to the fact that the Applicant has failed to particularise what aspects of "*EU law*" are involved and/or how the rejection of the Article 40 Application "*contravened EU law*".
15. It should also be recalled that the Applicant's application for an Article 267 reference in the Article 40 Application before Mr. Justice Barrett was made after the Article 40 application had been dismissed by the High Court. The said rejection of that application was upheld by the Court of Appeal as they were matters to be ventilated in the EAW proceedings before Ms. Justice Murphy (see paragraph 54 of the judgment of the Court of Appeal).
16. The Applicant's further argument that the "*procedure*" to be adopted in seeking a reference under Article 267 itself means that a reference on that issue is "*called for*" is incorrect and is not an issue of general public importance. The Applicant in this case has never identified the questions or specific points on which an Article 267 Reference was sought to the C.J.E.U. Insofar as any such applications were made in this case by the Applicant they were rejected by Barrett J. and by the Court of Appeal and there is no issue of general public importance arising for the "*procedure*" for such applications.
17. No issue of law of general public importance arises in the case in those circumstances. In addition, it is not in the interests of justice to allow a further appeal in the instant case. The Applicant has brought a series of different overlapping applications and appeals which have served to delay his surrender to Northern Ireland (notwithstanding the time limits contained in the Framework Decision which the Applicant invoked in his reference to the Court of Justice of the European Union). It is contrary to the interests of justice that any further delay is caused by any further appeal where no issue of general public importance has been raised and indeed the express purpose of the application made to the High Court was to delay surrender pending the hearing of plenary proceedings (which have since been dismissed by the High Court, albeit pending another appeal).
18. To the extent that the Applicant seeks to argue at points (i) – (iii) at the end of Section 5 of his Amended Notice of Appeal that the within application is not an abuse of process the Respondent rejects those arguments and maintains that the within application is frivolous and vexatious. The conflation and conjoining of matters from separate proceedings, as contained in (i) and (ii) are further evidence of that.
19. Moreover, the contention that the Respondents "*persuaded*" the Court of Appeal that a trial of the Article 40 "*may have occurred*" on the 14th September, 2015 when they were under an obligation to be "*frank*" with the Court about what occurred is an abuse of the process of this Honourable Court and is insulting to the integrity of the Courts concerned.
20. The High Court judgment and the Court of Appeal judgment both dealt with the arguments raised by the Applicant during the hearing on the 14th September, 2015. To suggest otherwise is mis-conceived. If deemed appropriate, the Respondents herein will provide the transcript of the proceedings on that date for consideration by this Honourable 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):

- i. The Court of Appeal was correct in deciding that a full trial had taken place before the High Court in respect of all relevant issues. Both parties were heard in the Article 40 proceedings before the High Court over the course of a full day.

In addition, the stated aim of the Applicant's Article 40 proceedings, as outlined in his written submissions (see paragraph 49 of the judgment of the Court of Appeal) was to delay his surrender pending the hearing and determination of separate proceedings.

The said application by the Applicant is abusive of the process of the Superior Courts and/or of Article 40.4.2 of the Constitution itself insofar as that pertains to the use of the Article 40.4.2 application in this manner.

- ii. There was no infringement of the Applicant's rights in the hearing conducted by the High Court on the 14th September, 2015 and in the Judgment delivered on the 17th September, 2015. The Applicant instituted the instant proceedings and same were listed for hearing on the 14th September, 2015. That is in accordance with the requirements of the Constitution itself and, further, the Applicant did not object to the 14th September, 2015 being set as the hearing date. It was for the Applicant to bring forward the relevant arguments to contend that he was in unlawful detention. Having set out such arguments in his application for the Inquiry the Respondent addressed those issues, including the constitutional law issues, in the submissions made on the 14th September, 2015. The Applicant was allowed to make further arguments before the High Court and, in that regard, a full hearing took place.
- iii. The points made at (i) and (ii) above are repeated in respect of this matter. The Applicant was given a full opportunity before both courts to make his arguments. No failure of fair procedures arose.
- iv. The High Court decided the Article 40 Application in accordance with the precepts of the Constitution by inquiring "forthwith" into whether the Applicant's detention was in accordance with the law. The Court of Appeal was correct to uphold the High Court's determination and to decide that Article 40 applications cannot be used as a mechanism to pursue other proceedings (see paragraph 52 of the judgment of the Court of Appeal).
- v. There were no substantive grounds advanced for a reference to be made to the Court of Justice of the European Union under Article 267 of the Treaty. No issue of EU law has been identified in the High Court proceedings or before the Court of Appeal or before this Honourable Court for such a reference.

The Applicant is seeking to re-litigate matters which have already been determined by the High Court in the EAW proceedings (the judgments of the High Court of the 17th November, 2014 and 2nd September, 2015) and seeking to re-argue matters on points where he was refused leave to appeal (4th September, 2015) and had his un-certified appeal dismissed by the Court of Appeal (March 2016) and upheld by the Supreme Court (June 2016).

Additional Submission:

The Applicant contends in Section 8 of his Notice of Application that this Honourable Court should “*set aside Order of the Court of Appeal – Civil upholding the rejection of the habeas corpus application and direct that application should be tried in conjunction with what remains of the pending plenary action [2014 no. 6374P].*”

It is submitted that this is a further indication of the unlawful use which is being made of Article 40 proceedings by the Applicant herein.

In addition, the allegation that the “*procedure in the High Court contravened inter alia Art. 5(4) of the Convention*” was not made at any previous stage of the proceedings and is an attempt to introduce new and unwarranted arguments.

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

Tony McGillicuddy BL
Robert Barron 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?

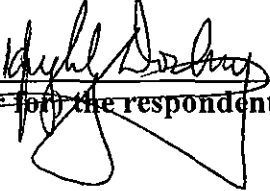
☐ Yes

☒ No

If Yes, please give details below:

If Yes, please give reasons below:

Given that these Article 40 proceedings are linked to EAW proceedings for which a surrender order was made by the High Court in September 2015 the Respondent is anxious that the litigation in respect of same is concluded as soon as possible.

Signed: 
(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.