[2019] IEHC 664

THE HIGH COURT

2018 No. 4803 P.

BETWEEN

MAJELLA RIPPINGTON

PLAINTIFF

AND

IRELAND AND THE ATTORNEY GENERAL
PRINCIPAL PROBATE REGISTRY
THE LAW SOCIETY OF IRELAND
MURRAY FLYNN MAGUIRE SOLICITORS
SIGHLE DUFFY
ANNE STEPHENSON
(PRACTISING UNDER THE STYLE AND TITLE OF STEPHENSON SOLICITORS)
PETER MAGUIRE
DOMINIC HUSSEY
RITA CONSIDINE

DEFENDANTS

JUDGMENT of Mr. Justice Garrett Simons delivered on 11 October 2019.

INTRODUCTION

1. This judgment addresses the question of where the liability to pay the costs of the within proceedings should fall. A number of the defendants had previously brought an application to have the proceedings as against them struck out on the basis that same represented an abuse of process and/or were frivolous and vexatious. This application was determined in favour of those defendants for the reasons set out in a written judgment dated 24 May 2019, *Rippington v. Ireland* [2019] IEHC 353 ("*the principal judgment*").

2. The successful defendants have since applied for orders directing that the plaintiff do pay the costs of, and incidental to, the proceedings. Those defendants have also applied to have the court measure the costs itself, i.e. to order that a sum in gross be paid in lieu of taxed costs pursuant to Order 99, rule 5 of the Rules of the Superior Courts.

3. The plaintiff, Ms Rippington, who appears as a litigant in person, opposes the application. Ms Rippington filed (amended) written legal submissions in the Central Office of the High Court on 29 July 2019. Ms Rippington also made oral submissions to the court at the hearing on Tuesday, 30 July 2019.

4. Ms Rippington indicated an intention to appeal any costs order which might be made against her to the Court of Appeal. To this end, Ms Rippington requested that judgment on the costs application not be delivered during the course of the legal vacation, and that it instead be deferred to a date early in the new legal term. Ms Rippington explained that she has previously had difficulty in lodging appeal papers during the course of the legal vacation. I acceded to this request, and indicated to Ms Rippington at the end of the hearing on 30 July 2019 that judgment would be delivered on today's date (11 October 2019).

5. The determination of the application before the court requires consideration, in sequence, of the following three issues. First, it is necessary to determine where the liability for costs should fall. Secondly, in the event that it is determined that Ms Rippington is liable, it will then be necessary to consider the defendants' request that the court should measure the costs itself, i.e. as opposed to leaving the costs to be taxed (measured) by the Taxing Master of the High Court in the ordinary way. Thirdly, in the event that it is determined that the court should measure the costs, it will be necessary to carry out that exercise.

(1). LIABILITY FOR COSTS

6. The ordinary rule is that costs follow the event, i.e. an order for costs is usually made in favour of the successful party as against the unsuccessful party. This is expressly provided for under Order 99, rule 1 of the Rules of the Superior Courts (as amended) as follows.

> "(1) The costs of and incidental to every proceeding in the Superior Courts shall be in the discretion of those Courts respectively.
>
> […]
>
> (4) Subject to sub-rule (4A), the costs of every issue of fact or law raised upon a claim or counterclaim shall, unless otherwise ordered, follow the event."
>
> *Emphasis (italics) not in the original.

7. As appears, a court retains *discretion* to make a different order in respect of costs. The judgment of the Supreme Court in *Dunne v. Minister for Environment (No. 2)* [2008] 2 I.R. 775, [27] confirms that where a court departs from the normal rule as to costs, it is not completely at large but must do so on a reasoned basis, indicating the factors which, in the circumstances of the case, warrant such a departure.

8. The Supreme Court has more recently confirmed in its judgment in *Godsil v. Ireland* [2015] IESC 103; [2015] 4 I.R. 535 that the general rule that costs follow the event represents the start point for any application.

> "[52] The overriding start point on any question of contested costs is that the general principle applies; namely, that costs follow the event. All of the other rules, practices and approaches are supplementary to this principle and are designed to further its application or to meet situations where such application is difficult, complex or, indeed, even impossible.
>
> [53] For the rule to apply quite evidently there must be an 'event(s)', which is capable of identification. In most cases that will not cause a difficulty, but in some it might. There may be situations which, it can be said, involve numerous issues, sometimes discrete and sometimes inter-related. Ve*olia Water UK plc v. Fingal County Council (No. 2)* [2006] IEHC 240, [2007] 2 I.R. 81 gives assistance in this regard. When a multiple issue case requires assessment in light of the decision, the courts in more

recent times have become more discerning and nuanced in their approach, sometimes awarding less than full costs and sometimes determining costs relative to issues which have been won or lost as the case may be. Such an approach, as well as perhaps being fairer, can also be considered as part of the court's function to regulate, in an expeditious and cost effective manner, complex litigation which ever increasingly now appears before it. Care, however, must be taken: not all cases will be suitable for such analysis and even when applied, the overall picture must not be lost sight of."

9. On the facts of the present case, the "event" has been decided unequivocally in favour of the defendants. The application to strike out the proceedings was successful. Moreover, the related application, which some of the defendants had brought, for orders restraining Ms Rippington from instituting further proceedings against them without the leave of the President of the High Court (or a judge nominated by him) was also successful.

10. Ms Rippington has not sought to suggest that the "event" has been decided in her favour. Nor does she suggest that this is a case where the opposing side succeeded in only some of their arguments, with the consequence that an apportionment of costs should be made by reference to the principles in *Veolia Water UK plc v. Fingal County Council* [2007] 2 I.R. 81. Rather, the content of Ms Rippington's submissions—both written and oral—is directed to the *underlying merits* of the application to strike out the proceedings. Ms Rippington submits that no order for costs should be made pending an inquiry by a jury into what she perceives as wrongdoing in the administration of the estate of her deceased sister, Celine Murphy.

11. With respect, Ms Rippington is not entitled to use the occasion of an application for costs to seek, in effect, to re-agitate the very issues which have been determined by the principal judgment. The High Court has ruled on the application to strike out the proceedings, and the only issue which remains outstanding before this court is the issue of costs. For the reasons set out in detail in the principal judgment, this court has concluded that the proceedings should be struck out in circumstances where they (i) disclose no cause of action, (ii) are frivolous and vexatious, and (iii) represent an abuse of process.

12. Ms Rippington will, if she so chooses, have an opportunity to challenge these findings by way of an appeal to the Court of Appeal. For the purposes of this costs application, however, this court proceeds on the basis that these findings are correct. The nature of these findings gives an added impetus to applying the general rule, i.e. that costs follow the event, in this case. One of the objectives of costs orders is to regulate litigation by ensuring that it is carried out fairly, reasonably and in proportion to the matters in issue. The jurisdiction to make costs orders provides a mechanism to the courts to dissuade litigation which represents an abuse of process.

13. These principles have been set out with admirable clarity as follows by the Supreme Court, *per* McKechnie J., in *Godsil v. Ireland* (cited above).

"Costs in our legal system

[19] *Inter partes* litigation for those unaided is, or can be, costly: certainly it carries with it that risk. It is therefore essential in furtherance of the high constitutional right of effective access to the courts on the one hand and the high constitutional right to defend oneself, having been brought there, on the other hand, that our legal system makes provision for costs orders. This is also essential as a safeguarding tool so as to regulate litigation, and the conduct and process thereof, by ensuring that it is carried on fairly, reasonably and in proportion to the matters in issue. Whilst the importance of such orders is therefore clearly self-evident, nevertheless some observations in that regard, even at a general level, are still worth noting.

[20] A party who institutes proceedings in order to establish rights or assert entitlements, which are neither conceded nor compromised, is entitled to an expectation that he will, if successful, not have to suffer costs in so doing. At first, indeed at every level of principle, it would seem unjust if that were not so but, it is, with the 'costs follow the event' rule, designed for this purpose. A defendant's position is in principle no different: if the advanced claim is one of merit to which he has no answer, then the point should be conceded: thus in that way he has significant control over the legal process, including over court participation or attendance. If, however, he should contest an unmeritorious point, the consequences are his to suffer. On the other hand, if he successfully defeats a claim and thereby has been justified in the stance adopted, it would likewise be unjust for him to have to suffer any financial burden by so doing. So, the rule applies to a defendant as it applies to a plaintiff.

[…]

[22] There is a second justification, again at the level of principle, for this jurisdiction: it was mentioned in *Farrell v. Bank of Ireland* [2012] IESC 42, [2013] 2 I.L.R.M. 183, *per* Clarke J., at para. 4.12, p. 195. This justification is that, in the absence of such a mechanism, both the bringing and defending of proceedings could be used for abusive purposes. In effect, the financial weight of a litigant could determine the extent to which, if at all, a particular claim or defence could be pursued, and, certainly in some circumstances, could exercise an overly controlling influence on the process. Such of course would be inimicable to justice and could seriously disable the judicial role, as ultimately issues which should be determined may never even reach the point of adjudication. This would be highly undesirable. Accordingly, it is crucial to have such a means available so that the court, where appropriate, can dissuade, and if necessary even punish, exploitative conduct and unprincipled parties."

14. I turn next to apply these principles to the facts of the present case. This court has found in the principal judgment that the within proceedings represent an abuse of process. Not only that, this court has also found that Ms Rippington has been engaged in a relentless

campaign to set aside a procedural order made by the High Court (O'Neill J.) on 23 July 2012 in earlier proceedings, *Rippington & Ors. v. Cox & Anor*. (High Court 2011 No. 8319 P). This campaign represents an abuse of process and has put the defendants to the unnecessary expense of having to respond to multiple sets of proceedings, all of which are unmeritorious. This court has already found, as part of the principal judgment, that the abuse of process is sufficiently serious to warrant the making of an order restraining Ms Rippington from taking any further proceedings against the defendants (without leave of the court). (Restraining orders of this type are often referred to as an *Isaac Wunder* order).

15. In all of the circumstances, the making of a costs order against Ms Rippington is necessary in order to protect the integrity of the court process and to ensure a just result for the defendants. No one is entitled to engage in an abuse of process on this scale with impunity. Having put the defendants to further needless expense by the issuing of the within proceedings, Ms Rippington must suffer the consequence of a costs order requiring her to pay their costs.

(2). SHOULD THE HIGH COURT MEASURE COSTS IN GROSS

16. The general approach which the High Court takes to costs orders is to confine itself to determining which party should bear the costs, and to leave over the measurement of the quantum of those costs to the Taxing Master of the High Court. In some instances, the High Court will provide instructions as to the extent to which costs are to be recovered, e.g. the court might direct that certain costs are to be disallowed, or might direct that a party only recover a specified percentage of its costs. The detailed quantification of those costs is then left to the Taxing Master.

17. The High Court does, however, retain jurisdiction to measure costs itself. More specifically, Order 99, rule 5 provides that in awarding costs the court may direct that a sum in gross be paid in lieu of taxed costs. The language used under the rule suggests that there is a distinction between the exercise to be carried out by the High Court in measuring costs itself, and that which would be carried out by the Taxing Master of the High Court. The fact that a "sum in gross" is to be paid "in lieu of" taxed costs suggests that the former is to be calculated on a different basis. Had it been intended that the High Court would merely exercise the same jurisdiction as the Taxing Master, then the rule would simply have stated that the High Court may tax the costs itself.

18. The interpretation of Order 99, rule 5 has been considered in detail by the High Court (Kearns P.) in *Taaffe v. McMahon* [2011] IEHC 408. The judgment suggests that, in simple and straightforward cases, most judges are well capable of making an appropriate assessment of costs. In measuring costs, the High Court should have regard to the matters set out at Order 99, rule 37 (22) (ii). The judgment does not expressly address the significance, if any, of the distinction between a "sum in gross" and taxed costs.

19. The nature of the function to be exercised by the High Court in measuring costs has been considered more recently by the Court of Appeal in *Landers v. Dixon* [2015] IECA 115; [2015] 1 I.R. 707. The Court of Appeal endorsed the approach in *Taafe*.

"[20] I quite agree with the sentiments contained in that passage [in *Taaffe v. McMahon* [2011] IEHC 408]. It is, of course, implicit in this approach that the judge must have some evidential or other objectively defensible basis for the manner in which costs are measured. The power to measure costs must, of course, be exercised judicially. It would, after all, be unjudicial for a judge to clutch 'a figure out of the air without having any indication as to the estimated costs' (*Leary v. Leary* [1987] 1 W.L.R. 72 at p. 76, *per* Purchas L.J.) This is not to suggest that the judge must hear evidence regarding costs or even invite detailed submissions on this issue before electing to measure costs in any given case. It may be that a judge will have personal knowledge of the sums likely to be allowed in straightforward cases of the type presently before him or her. This would certainly have been the case in *Taaffe v. McMahon* [2011] IEHC 408, (Unreported, High Court, Kearns P., 28th October, 2011) where Kearns P. – with his vast knowledge and experience of judicial review practice and procedure – could readily have made an 'educated estimate' of the level of costs in a straightforward uncontested judicial review case of that kind."

20. The Court of Appeal emphasised at a later point that a court has an express power to direct the parties to produce to the court estimates of the costs incurred by them.

21. The judgment of the Court of Appeal suggests that the exercise to be carried out by the High Court in fixing a gross sum need not be as extensive as that which would be carried out by the Taxing Master. Nevertheless, the exercise must be carried out judicially, and the trial judge must have material available which would enable them to make an appropriate assessment of the gross sum.

22. The import of this case law appears to be as follows. First, the power of the High Court to assess costs should be confined to straightforward cases. Secondly, the parties must be given an opportunity to address the court as to the appropriate sum to be awarded. Thirdly, whereas the exercise of assessing costs need not be as elaborate as that which would be performed by the Taxing Master, there must nevertheless be material before the High Court which allows it to make an informed decision. This material might include, for example, estimates of costs submitted by the parties.

23. Applying these principles to the facts of the present proceedings, I am satisfied that this is an appropriate case in which the High Court should direct the payment of a sum in gross in lieu of taxed costs, for the following reasons. First, the proceedings meet the criteria of being straightforward. The course of the proceedings involved a number of short procedural applications before the President of the High Court for the purposes of case management, and the only substantive hearing was completed within a single day on 15 May 2019. The proceedings were disposed of on the basis of an application to strike out which was heard on affidavit evidence only. The legal principles governing an application to strike out proceedings are well established, and none of the defendants considered it necessary to file written legal submissions on the application. (Ms Rippington did file written legal submissions herself).

24. Secondly, as discussed in more detail under the next heading below, the court has sufficient material before it to allow it to make an informed assessment of costs. In particular, the court has the benefit of two reports from legal costs accountants as to the level at which the costs of such an application would tax. The court also has the benefit of detailed bills of costs from some of the defendants.

25. Thirdly, the history of these proceedings is such that it is desirable in the interests of justice that the issue of costs be resolved expeditiously. These proceedings are merely the latest manifestation of a relentless campaign of litigation by Ms Rippington arising out of an order of the High Court made as long ago as 23 July 2012. The proceedings represent an abuse of process, and all aspects of same should accordingly be brought to a conclusion without any unnecessary further delay or expense. An order directing that the costs be taxed by the Taxing Master in default of agreement would result in further delay without any obvious benefit in circumstances where this court is, given the straightforward nature of the case, in a position to measure costs.

(3). MEASURING THE APPROPRIATE SUM IN GROSS

26. Each of the four defendants has submitted an estimate of their costs. Two of the defendants have also submitted a letter from a legal costs accountant setting out their respective views as to the level at which the legal costs would be measured by the Taxing Master.

27. Mr Noel Guiden of Behan & Associates, by letter dated 18 June 2019, has provided a costs estimate on behalf of the seventh named defendant, Anne Stephenson. Mr Guiden estimates that the solicitors' general instructions fee would be taxed at €15,000, and the brief fee for counsel would be taxed at €2,500. The court also has the benefit of a detailed bill of costs on behalf of the seventh named defendant. This sets out the nature of the work represented by the solicitors' general instructions fee.

28. Mr Rob McCann of McCann Sadlier has, by letter dated 20 June 2019, provided a costs estimate on behalf of Murray Flynn Maguire solicitors and Sighle Duffy, the fifth and sixth named defendants. Mr McCann has estimated that the solicitors' general instructions fee would be taxed at €15,000. Mr McCann has suggested that the brief fee for counsel would be taxed at €5,000. This is a higher sum than that estimated by Mr Guiden. This difference may be explicable, in part, by the fact that the brief fee suggested by Mr McCann is referable to senior counsel and not junior counsel.

29. The court also has the benefit of detailed fee notes from each of the counsel involved in the case. These set out, *inter alia*, the dates of the various procedural hearings before the President of the High Court. They also set out the details of the drafting work undertaken by counsel.

30. Ms Rippington has not engaged with these matters at all, other than to observe that all of the defendants are themselves lawyers, and to suggest that they could have chosen to represent themselves in the proceedings rather than to engage legal representation and

thereby adding what she characterises as "another layer of costs". I will return to consider this point at paragraph 41 below.

31. As discussed under the previous heading, it appears from the case law that the exercise of measuring a sum in gross differs from the exercise of taxing costs. The precise demarcation between the two exercises has not yet been fully delineated. It seems that the exercise of measuring a sum in gross is less elaborate, and does not necessarily require the level of detail which would, for example, be set out in a bill of costs in the form prescribed under Order 99.

32. The judgment in *Taaffe v. Mahon* indicates that regard should be had to the factors which would inform the taxation of costs under Order 99, rule 37(22). Insofar as relevant, this rule provides as follows.

> "(i) Where in Appendix W there is entered either a minimum and a maximum sum, or the word 'discretionary', the amount of costs to be allowed in respect of that item shall, subject to any order of the Court, be in the discretion of the Taxing Master, within the limits of the sums so entered (if any).
>
> (ii) In exercising his discretion in relation to any item, the Taxing Master shall have regard to all relevant circumstances, and in particular to–
>
> (a) the complexity of the item or of the cause or matter in which it arises and the difficulty or novelty of the questions involved;
> (b) the skill, specialised knowledge and responsibility required of, and the time and labour expended by, the solicitor;
> (c) the number and importance of the documents (however brief) prepared or perused;
> (d) the place and circumstances in which the business involved is transacted;
> (e) the importance of the cause or matter to the client;
> (f) where money or property is involved, its amount or value;
> (g) any other fees and allowances payable to the solicitor in respect of other items in the same cause or matter but only where work done in relation to those items has reduced the work which would otherwise have been necessary in relation to the item in question."

33. These criteria have to be read in conjunction with section 27 of the Courts and Court Officers Act 1995. This section provides that the taxation of costs entails a power to examine the "nature and extent of" any work done, or services rendered or provided by counsel or by a solicitor. It also entails consideration of whether any costs, charges, fees or expenses included in a bill of costs in respect of counsel or a solicitor are "fair and reasonable" in the circumstances of the case.

34. The Supreme Court has emphasised in its judgment in *Sheehan v. Corr* [2017] IESC 44; [2017] 3 I.R. 252 that, as a general proposition, the amount of *time* actually spent on a case should not be elevated above the relevant criteria mandated by Order 99, rule

37(22) for fixing costs. The amount of time actually spent on a case is only one element of the relevant circumstances by reference to which the nature and extent of the work done is assessed.

35. I turn next to apply these principles to the circumstances of the present case. The nature of the application before the court, i.e. an application to strike out proceedings, and the fact that same was heard on affidavit evidence only, has the consequence that the court has a much fuller appreciation of the nature and extent of the work required by solicitor and counsel than would be the position, for example, in the instance of a full plenary hearing. This is not a case where there would have been a requirement on the part of the solicitors to seek out and interview expert witnesses for example. Nor is it a case which involved the discovery and production of documents. To put the matter colloquially, the extent of the work which would have taken place "behind-the-scenes" would have been less than in the instance of a full plenary hearing.

36. In reaching its determination on the application to strike out the proceedings, the court had to carefully consider the content of each of the affidavits filed on behalf of the various parties. The court has some sense from this exercise of the extent of the work which would have been required to prepare those affidavits, i.e. in terms of taking instructions and drafting. Again, the work involved would be less than that required in other types of proceedings heard on affidavit such as, for example, judicial review proceedings. The nature of the application in this case dictated that much of the content of the affidavits are directed towards setting out the procedural history, including the earlier proceedings which had been taken by Ms Rippington. Whereas this exercise had, of course, to be carried out with care in order to ensure that a fair and balanced narrative was presented to the court, the task would not have been especially difficult or time-consuming. It would have been a largely mechanical exercise, involving the preparation of a chronology of events by reference to the pleadings, affidavits, judgments and correspondence in the various proceedings. Moreover, the deponents of the affidavits are all lawyers themselves, and as a consequence their involvement would be more hands-on than in the case of a lay client. This would have lessened the burden on the "external" lawyers. For example, a draft affidavit produced by a witness who is a solicitor is likely to require less input than one prepared by a lay witness.

37. The legal issues in the case were also straightforward. The principles governing an application to strike out proceedings as an abuse of process and/or as frivolous and vexatious are well-established. Indeed, the principles are so well-established that none of the defendants considered it necessary to file written legal submissions on the application. The hearing of the application took place over the course of a single day on 15 May 2019.

38. Having regard to all of these factors, I measure the costs in gross in the sum of €6,750 for each of the relevant defendants. This sum has been calculated on the basis of:–

(i). A solicitors' general instruction fee of €3,000;

This fee is also intended to include the solicitors' court attendances and their input into the finalisation of affidavits.

(ii). A brief fee for counsel in respect of the hearing on 15 May 2019 of €2,500;

(iii). A fee of €500 for counsel in respect of their drafting work;

(iv). A fee of €750 for counsel in respect of their attendance at the various procedural hearings before the President of the High Court.

Although the work required of solicitor and counsel in respect of these procedural applications would, obviously, be much less than that involved in the hearing on 15 May 2019, there were a significant number of applications.

39. I also allow an additional sum of €500 (exclusive of VAT) in respect of outlay by each of the firms of solicitors, e.g. costs incurred in respect of post, photocopying, swearing affidavits, court fees etc. This is the figure recommended by Mr McCann, and appears to be broadly within the range of figures put forward in the individual bills of costs submitted by some of the defendants.

40. In making this measurement, I am conscious that whereas the figures allowed for counsel come close to the (lower) range of fees actually charged by counsel, the sum to be allowed in respect of the solicitors falls significantly short of that actually charged. It also falls short of that suggested by the two legal costs accountants. The principal reason for this discrepancy is that I consider that the volume and value of the work required by solicitors in the present case was limited in circumstances where the application was procedural in nature; there was no complex factual background; the deponents were all qualified lawyers themselves; and the application was largely "counsel driven".

DEFENDANTS ENTITLED TO ENGAGE EXTERNAL LEGAL REPRESENTATION

41. As noted earlier, Ms Rippington has suggested that the defendants should not be allowed to recover any costs in respect of external legal representation in circumstances where the defendants are all legally qualified lawyers themselves. I do not accept the submission.

42. For the reasons set out by the Supreme Court in *Godsil v. Ireland*, there is a public interest in ensuring that a person who has been brought to court to answer allegations which are ruled to be unfounded should normally recover costs against the person who instituted and maintained the proceedings. Of course, a successful party is not entitled to a full indemnity in respect of the costs nor to recover unnecessary or unreasonable costs. Costs are instead measured on an *objective* basis. The Taxing Master or the High Court will decide, for example, on whether it was necessary to engage counsel, and, if so, how many. A party may have chosen to brief senior and junior counsel but may nevertheless only be entitled to recover the cost of one counsel from the losing party.

43. It was not unreasonable—nor "luxurious" to use the phrase employed in the older case law—for the defendants to engage independent legal representation. In particular, it was

appropriate to engage counsel to present the case. (The defendants, with one exception, are not practising barristers and should not therefore be expected to act as advocates).

44. Ms Rippington has chosen to make serious allegations—which are entirely unfounded—against the defendants in respect of their professional conduct. The defendants are fully entitled to defend themselves against these serious allegations. It was entirely reasonable for the defendants to avail of independent legal representation in so doing. It is often said that a lawyer who acts for his or herself has a fool for a client. It was proper to engage external lawyers who could present the defence in a calm and objective manner.

45. As appears, I have already made some deduction for the fact that the deponents of the affidavits are all lawyers themselves, and that this would have lessened the burden on the "external" lawyers. Moreover, the solicitors' general instructions fee allowed is less than that suggested by the legal costs accountants. These downward adjustments to the level of costs which might otherwise have been allowed in a case where the clients are not legally qualified are sufficient to cater for the particular circumstances of this case.

CONCLUSION AND FORM OF ORDER

46. There are no special circumstances which would justify departing from the general rule that "costs follow the event". The "event" in this case consisted of the making of orders in favour of the relevant defendants dismissing the proceedings and the making of an *Isaac Wunder* order against Ms Rippington. The making of a consequential costs order against Ms Rippington is necessary in order to protect the integrity of the court process and to ensure a just result for the defendants. No one is entitled to engage in abuse of process, on the scale on which Ms Rippington has engaged, with impunity. Having put the defendants to further needless expense by the issuing of the within proceedings, Ms Rippington must suffer the consequence of a costs order requiring her to pay their costs.

47. This is an appropriate case in which the court should measure the costs itself, i.e. as opposed to leaving the costs to be taxed (measured) by the Taxing Master of the High Court in the ordinary way.

48. For the reasons set out under the previous heading above, this court has measured the costs in gross in the sum of €6,750 for each of the relevant defendants, and allows a further sum of €500 (exclusive of VAT) in respect of outlay by each of the firms of solicitors, e.g. costs incurred in respect of post, photocopying, swearing affidavits, court fees etc.

49. The order for costs will be subject to the usual stay in the event that an appeal to the Court of Appeal is made within time.

SCHEDULE OF PARTIES

The relevant defendants for the purpose of the proposed costs orders are as follows.

Murray Flynn Maguire Solicitors and Sighle Duffy

(One set of costs to cover both these defendants)

Anne Stephenson

Peter Maguire

Rita Considine