THE HIGH COURT

JUDICIAL REVIEW

[2025] IEHC 77

Record No. 2022 844 JR

BETWEEN:

IRISH SKYDIVING CLUB CLG & ANOR

Applicant

AND

IRISH AVIATION AUTHORITY DAC

Respondent

JUDGMENT of Ms Justice Nuala Jackson delivered on the 12th February 2025

INTRODUCTION

1. The Applicant seeks reliefs by way of judicial review in relation to inspections carried out by the Respondent and consequent decisions made and an application for leave was made in consequence in accordance with the Rules of the Superior Courts (RSC). The application proceeded by way of originating notice of motion pursuant to Order 84, Rule 22(1) of the RSC. A chronology of proceedings is annexed to this decision and it records the voluminous number of affidavits which have been sworn. There is a high degree of controversy contained therein.

2. It is usually the case that judicial review matters are heard on affidavit evidence only but this is in circumstances in which the argument between the parties is usually a legal one and there is no controversy as regards factual issues. As has been often recognised, where there is factual controversy, affidavit evidence gives rise, in any litigation, to considerable difficulties. This is such a case. It is, of course, possible in such circumstances to endeavour to resolve such disputes by the service of Notices to Cross-Examine, with the controversies in the various affidavits then being capable of being probed through oral testimony in the context of such cross-examination. This does not

frequently occur in the course of judicial review proceedings but lack of frequency is not to diminish the appropriateness of such course of action in certain instances. The motion under consideration by me relates to a further possibility in the context of judicial review applications in which there is vast factual controversy between the parties or other complexities or litigation requirements. This is the possibility that the matter would be determined by way of plenary hearing. This is likewise possible but yet more unusual than the cross-examination route. In the present case, it is common case that there is a significant degree of factual dispute in the affidavits filed (although the positions of the parties as to the degree of such dispute would appear to have itself fluctuated over the course of the proceedings). I have been asked to determine whether leave should be granted for the service of Notices to Cross-Examine or whether it is more appropriate that the matter be heard by way of plenary hearing or whether neither of these courses of action is required.

THE MOTION

3. The motion currently before me issued on the 9th July 2024. The primary relief was in relation to mode of trial with there being an application for discovery of certain audio and video recordings also. This latter aspect of the application had been resolved by agreement prior to hearing commencement and orders were made accordingly. This application relates only to an application pursuant to Order 84, rule 22(1) of the Rules of the Superior Courts (RSC) directing that the substantive hearing of this judicial review application be by way of plenary hearing together with such directions as are considered appropriate consequent upon the foregoing.

4. The motion was grounded upon the Affidavit of James Roche, a solicitor in the firm on record for the Respondent. The deponent deposes to the *"significant level of dispute between the parties in relation to a whole range of issues."* He set out in brief the dispute arising between the parties which arise from inspections carried out by the Respondent in 2022 on aircraft operated by the First Named Applicant, the second named Respondent being a licensed pilot and a director of the First Named Applicant and consequential findings made and restrictions imposed. These included a grounding instruction in relation to an aircraft and the provisional suspension of the Second Named Applicant's pilot's licence.

5. The reliefs sought in the judicial review proceedings are numerous and various. *Inter alia*, certiorari is sought in relation to two ramp inspection reports and the suspension of the Second Named Applicant's licence but mandamus, declaratory relief and damages are also sought.

6. A significant number of affidavits have been sworn in the substantive proceedings, some of which are very lengthy. Excluding the affidavits pertaining to this motion, these are 10 in number and are referenced in the chronology to this judgment. There is considerable factual dispute between the parties in these affidavits including in relation to the events which occurred on the dates of the inspections aforementioned being the 26th August 2022 and the 16th September 2022. There is also dispute (set out in the affidavits) in relation to the nature and terms of the relevant regulatory regime. There is no doubt (and it was most evident at the hearing of this motion) that there is considerable acrimony in relation to almost all matters at issue in these proceedings.

7. The solicitors for the Respondent wrote to their opposites by letter of the 20th June 2024 suggesting that trial by way of plenary hearing would be appropriate *"in view of the extent of the factual issues in dispute, the number and length of the affidavits that had been sworn to date and the complexity of the issues arising."*

8. The solicitors for the Applicants responded by letter of the 24th June 2024. This letter is referred to at paragraph 17 of the Affidavit of Mr Roche but I do believe that the letter was somewhat more proactive than is suggested in that paragraph. This letter does state that the Applicants are not agreeable to plenary hearing being directed. There is no doubt that this is a forthright, robust and accusatory letter, indicative of the undoubted high level of conflict arising. Importantly, the letter states *"The extensive evidence on Affidavit cannot now simply be disregarded in favour of a plenary hearing and our clients have incurrent (sic) significant costs in preparing and swearing Affidavits and exhibits to include making a reply to the five Affidavits sworn by five separate deponents on behalf of your client."* It does have to be said, however, that it is clear from this letter that there is factual conflict between the parties. The Applicants

assert that contemporaneous recordings will resolve such conflicts in their favour but this does not diminish the fact that there is factual conflict which will have to be resolved at the substantive hearing.

9. It is most unusual that there was no reference to cross-examination in the letter of the 24th June 2024 aforementioned. This is so for two reasons; first, the applicants had referred to their desire that the Affidavits which had been prepared not be wasted and cross-examination upon them would achieve this end and, secondly, the Affidavit of the Second Named Applicant of the 30th April 2024 had stated:

> *"I am advised that the nature and extent of the facts in dispute between the parties are matters which are not capable of being resolved by evidence adduced on affidavit. I am advised there is a relevant and material conflict of fact between the Applicants and the Respondent and its deponents which must be resolved in order to adjudicate properly or fairly on the Judicial Review application. In this regard, the Applicants will apply for leave to cross examine the Respondent's deponents."*

It is somewhat difficult to understand how this position was averred to on the 30th April 2024 and, without such application for leave to cross-examine being made, the Respondent was, less than two months later, indicating that a hearing date was going to be applied for on the 25th June 2024 for mention date. It is unclear to me what transpired between the 30th April 2024 and the 24th June 2024 which altered the position in relation to evidential conflict and cross-examination being necessary.

10. Mr. Roche's Affidavit proceeds to set out the reasons relied upon for asserting that plenary hearing is appropriate and these are:
    i. Factual disputes between the parties;
    ii. The seriousness of the allegations made against a number of the respondent's deponents including allegations that they have misled the Court;
    iii. The complexity of issues arising;
    iv. The fact that discovery is sought by the Respondent (this matter was, as previously indicated, resolved by consent).

    He proceeds to detail substance of these reasons.

11. It is averred that there is factual dispute, *inter alia*:
    (a) in relation to what occurred at the inspections;
    (b) as to the sufficiency of parachute safety procedures and as to the consideration given to same by officials from the Respondent;
    (c) as to the proper interpretation of the term "operator", as to the Respondent's previous versus its current interpretation of this term and as to the Respondent's misconstruing of its role in conducting the inspections;
    (d) as to the competence, qualifications, expertise and training of the Respondent's officials relating to the matters under inspection;
    (e) in relation to whether ramp inspection powers where being improperly used when an audit was the proper or appropriate course of action;
    (f) in relation to regulatory engagements and/or agreements between the parties or their representatives on dates prior to the inspections the subject of the within proceedings and the outcomes thereof;
    (g) as to whether there has been misleading averments, false impressions or other litigation misconduct by the Respondent's officials in the course of this litigation;

    Mr. Roche avers that these factual issues will inform the legal issues arising resulting in a greater than usual complexity. He references an interplay between issues of fact and law arising.

12. A lengthy affidavit in reply was sworn and filed by Setanta Landers, solicitor for the Applicants. While recognising that it is a matter for me to determine, this deponent avers that the Applicants do not consider a plenary hearing to be necessary *"based on the explanations provided on behalf of the Respondent*". The arguments against such hearing are:
    i. The advanced stage of the proceedings;
    ii. The costs which such a hearing would impose;
    iii. The respondent's reasons for same do not form the basis of seeking such a hearing.

    The deponent avers that what happened on the occasions of the visits by the Respondent's inspectors to the airfield cannot be in dispute due to the recordings of same being available. However, it would appear that the first recording is audio only.

In addition, I have examined the transcript of this recording (Exhibit "EN4" in the Affidavit of Eoin Nevin of the 30th April 2024 and it is clear that it does not commence at the start of the inspection visit. I note that at Line 8ff, Mr. Byrnes states *"Everything that the IAA have done so far is unlawful because they have not told you what power they are exercising.*" (underlining added) and at Line 11 of the first page thereof, Mr Donnelly states *"Now, I'm concluding the inspection*." Likewise, the transcript of the 16th September 2022 (and I understand that audio and video is available for this date) begins not at the start of the visit but midway through a conversation (I can have no idea how long or what conversations or actions occurred prior to the commencement of the transcript) but appears to relate primarily to issues surrounding the recording of the visit and a delay thereto occasioned by the Applicants' lawyer not being present and deferral of the inspection pending his arrival. The contents of these recordings may or may not be of significance in terms of cross examination, indeed, the applicants contend that they will be of considerable significance. However, it appears to me that this circumstance favours cross-examination rather than negates the necessity for it.

13. Mr. Landers disputes that the Applicants' letter of the 24th June 2024 represents a *volte face* from the averments of Mr. Nevin at paragraph 5 of his Affidavit of the 30th April 2024, referencing a clear distinction between plenary hearing and cross-examination on matters of material factual dispute in the parties' respective affidavits. In this regard, the applicants are no doubt correct. There is a difference between plenary hearing and leave to cross-examine which I will address below. However, it would appear to be the Applicants' position from paragraph 13 of Mr. Landers' affidavit that, as he denies any *volte face*, that the suggestion that cross-examination is appropriate remains the applicants' position as indicated in the April affidavit. Mr. Landers in fact refers to the absence of response on the part of the Respondent to the suggestion of cross-examination. The position of the applicants is far from clear to me particularly as, notwithstanding the averment of Mr. Nevin in his Affidavit of the 30th April 2024 and notwithstanding the, at its lowest, implicit denial of any *volte face* at paragraph 13 of Mr. Landers' affidavit, it is averred at paragraph 14 "*If the affidavits are closed, then the matter ought to be listed for hearing as a judicial review based on the existing affidavit evidence within the confines of the grounds contained in the proceedings."*

Whether this is to be subject to leave to cross-examination being sought or not, is unclear to me.

14. Mr. Landers avers to the Respondent's failure to attempt to reach any agreement in relation to disputed facts and further that the Respondent should identify all such factual disputes as are germane to the conduct impugned in the proceedings. The position of the Applicants would appear to be that there are a number of disputed matters but that these are matters which are adequately addressed in the affidavits filed or are matters of law which will not be assisted by plenary hearing. It does, however, appear to me that the Affidavit of Mr. Landers sets out many issues in dispute between the parties which cross-examination would assist. Some of these are issues of fact and some relate to mixed issues of fact and law. In many instances, this Affidavit appears to contend that the need for cross-examination is negated by the transcripts exhibited in the Affidavit of Mr. Nevins of 30th April 2024. If this is so, it is difficult to understand why Mr. Nevins, in that same affidavit, averred to an intention to bring an application for leave to cross-examine. The Affidavit conducts a most comprehensive analysis of the affidavits filed and, essentially, concludes, in respect of all matters of factual dispute, the affidavit evidence of the Applicants is sufficient to determine the matter or, alternatively, that the averments of the Applicants have not been evidentially opposed by the Respondent. In this regard, I believe that the complexity and extensive nature of the issues concerned, as deposed to in considerable detail by Mr. Landers, supports the appropriateness and necessity of cross-examination to properly and fully resolve such issues of factual dispute.

15. A further Affidavit of James Roche was sworn on the 12th September 2024. He references a desire to avoid an "open-ended exchange of affidavits covering such a complicated subject matter". He further states that:

> *"If, as appears inevitable if the case is to proceed in its current format, the parties are required to exchange further affidavits covering the board range of issues in dispute, the progress of the proceedings is likely to be delayed further rather than expedited."*

Also, of significance in my view, he deposes at paragraph 10 to concerns about unilateral interpretation of the affidavit evidence to date:

"Throughout his affidavit Mr. Landers offers his own commentary on, and interpretation of, the affidavit evidence and the exhibits. Although it will be a matter for submission, I say, believe and have been advised that while this was not an appropriate exercise to undertake, his analysis of the strength of the evidence and the extent to which inferences can be drawn from the material before the Court in fact serves to reinforce how complicated the dispute is and why the court of trial will require oral evidence in this case to resolve those issues."

16. Much has been made of allegation and counter-allegation of delay. I did not find these allegations of very considerable assistance in determining the issue before me. These proceedings are in being and need to be progressed to resolution. The issue is what is the necessary and appropriate mode by which such resolution may best be achieved. A cursory glance at the chronology demonstrates that there might on occasion have been less tardiness by both parties but I am of the view that this is better viewed as a lesson for the future rather than focussing on it as a defect of the past.

SUBMISSIONS OF THE RESPONDENT

17. The Respondent in its submission referred to the judgment of Simons J. in **Abdelaatti v College of Anaesthesiologists of Ireland & Anor** [2024] IEHC 341, in particular paragraphs 14, 20 and 23, which decision is considered at length below. The circumstances in which cross-examination is required in judicial review proceedings were addressed and the *dictum* of Humphreys J. in **Banik v. Minister for Justice and Equality** [2019] IEHC 785 (para 14) in this regard was opened to me:

"*To summarise, to say that cross-examination in judicial review arises in exceptional circumstances is an empirical description based on the general nature of judicial review cases, not the articulation of an independent rule of law. There is no basis in logic or justice for such an alleged rule. Where, as here, there is a clear conflict of fact between deponents from opposite sides, relevant to at least one of the issues on the pleadings, the court should lean in favour of cross-examination. That is not rocket science; and applying that here, the appropriate order is to allow*

cross examination […], limited to the specific conflict of fact that has been identified above in this judgment."

18. Reference was also made to the decision of the Supreme Court in **RAS Medical v Royal College of Surgeons** [2019] IESC 4 which decision is also referenced below. The Respondent then referenced the affidavits which have been filed in this matter and the factual conflicts arising between them. There is no doubt that there is very considerable allegation and counter-allegation in the numerous affidavits filed and that very considerable conflict between the various deponents for each side emerges. That this is so is the Respondent's position in this application but, importantly, is also clearly the position of the Applicant as articulated in the Affidavit of Mr. Nevin of the 30th April 2024.

19. In response to a query from me, Counsel for the Respondent fairly conceded that in the present instance there was little difference between granting leave to serve Notices to Cross-examine and directing plenary hearing. I believe that this is so as there would not appear to be discovery issues outstanding. In the context of the motion that the Respondent has brought, Counsel was satisfied that the court could make an order for cross-examination.

SUBMISSIONS OF THE APPLICANT

20. The Applicant accepted that the issue of seeking leave to cross-examine had been raised in the Affidavit of Mr. Nevins but stated that there was no response from the Respondent to this and that that road of travel had been interrupted by the issuing of the present motion by the Respondent. The Applicant was strongly opposed to plenary hearing being directed and argued that this was a very different route to leave to cross-examine. **Abdelaatti** was referenced in this regard. The Applicant contended that the substantive proceedings in this instance did not have the technicalities or complexities of the precedent case. There was, it was argued, no complex factual matrix in this instance. The Applicant was concerned that the Respondent had not confirmed whether or not affidavits were closed or whether it wished or intended to file further such. The Applicant expressed concern about leave to cross-examine absent the exchange of affidavits being complete.

ORDER 84 RSC (RELEVANT RULES)

Rule 20.

(1) No application for judicial review shall be made unless the leave of the Court has been obtained in accordance with this rule.

(2) An application for such leave shall be made by motion ex parte grounded upon:

(a) a notice in Form No 13 in Appendix T containing:

(i) the name, address and description of the applicant,

(ii) a statement of each relief sought and of the particular grounds upon which each such relief is sought,

(iii) where any interim relief is sought, a statement of the orders sought by way of interim relief and a statement of the particular grounds upon which each such order is sought,

(iv) the name and registered place of business of the applicant's solicitors (if any), and

(v) the applicant's address for service;

(b) an affidavit, in Form No 14 in Appendix T, which verifies the facts relied on.

Rule 22.

(1) An application for judicial review shall be made by originating notice of motion save in a case to which rule 24(2) applies or where the Court directs that the application shall be made by plenary summons.

Rule 22

(4) Any respondent who intends to oppose the application for judicial review by way of motion on notice shall within three weeks of service of the notice on the respondent concerned or such other period as the Court may direct file in the Central Office a statement setting out the grounds for such opposition and, if any facts are relied on

therein, an affidavit, in Form No 14 in Appendix T, verifying such facts, and serve a copy of that statement and affidavit (if any) on all parties. The statement shall include the name and registered place of business of the respondent's solicitor (if any).

Rule 24

(3) On the hearing of an application for leave directed to be on notice or for judicial review (or on any adjournment of such hearing), the Court may give directions and make orders for the conduct of the proceedings as appear convenient for the determination of the proceedings in a manner which is just, expeditious and likely to minimise the costs of those proceedings which, where appropriate, may include:

(a) directions as to the service of notice of the application or of the proceedings on any other person, including mode of service and the time allowed for such service (and the Court may for that purpose adjourn the hearing or further hearing of the application or notice of motion to a date specified);

(b) directions as to the filing and delivery of any further affidavits by any party or parties;

(c) orders fixing time limits;

(d) directions as to discovery;

(e) directions as to the exchange of memoranda between or among the parties for the purpose of the agreeing by the parties or the fixing by the Court of any issues of fact or law to be determined in the proceedings on the application, or orders fixing such issues;

(f) an order under rule 27(5) or rule 27(7) (and the Court may for that purpose make orders and give directions in relation to the exchange of pleadings or points of claim or defence between the parties);

(g) directions as to the furnishing by the parties to the Court and delivery of written submissions;

(h) directions as to the publication of notice of the hearing of the application and the giving of notice in advance of such hearing to any person other than a party to the proceedings who desires to be heard on the hearing of the application.

CASELAW

21. The jurisdiction to direct that judicial review proceedings be adjourned for plenary hearing was accepted by the Supreme Court in **PCO Manufacturing Ltd v. The Irish Medicines Board** [2001] IESC 46. In that case, Murphy J. stated:

> *"I am fully satisfied that a Judge dealing with such an application has an implicit or inherent power to make or amend an order as to how the proceedings should be disposed of when he has had the opportunity of hearing the parties and assessing more accurately the nature of the issues involved."*

In addition to recognising the jurisdiction to so direct, there is to be found in that judgment guidance as to the issues which arise to influence such a direction. Murphy J. continued:

> *"It is beyond doubt that the issues in the present case require oral evidence to be given and that the witnesses be subject to cross-examination. Having regard to the complexities of the issues it seems to me unlikely that this could be achieved merely by cross-examining those witnesses by whom affidavits are sworn. In fact, Counsel for each of the parties in their submissions before this Court agreed that a plenary hearing – if available at law – would be the appropriate means of conducting the proceedings."*

22. The insuperable difficulty of resolving conflicts of fact on affidavit evidence was clearly articulated by the Supreme Court in **RAS Medical v. Royal College of Surgeons** [2019] 1 I.R. 63. At paragraph 92 of his judgment, Clarke J. states:

> *"92. But it is frankly not appropriate for parties to enter into controversy as to the facts contained either in affidavit evidence or in documents which are admitted before the court without successful challenge, without exploring the necessity for at least some oral evidence. If it is suggested that there are facts which are material to the final determination of the proceeding and in respect of which there is potentially conflicting evidence to be found in such affidavits or documentation, then it is incumbent on the party who bears the onus of proof in establishing the contested facts in its favour to use appropriate procedural measures to ensure that the potentially conflicting evidence is challenged.*

Where, for example, two individuals have given conflicting affidavit evidence and where it is considered that a resolution of the dispute between those witnesses is necessary to the proper disposition of the case, then there has to be cross-examination and the onus in that regard rests on the party on whom the onus of proof lay to establish the contested fact."

23. Of huge assistance in this case (and heavily relied upon by both parties) is the judgment of this Court (Simons J.) in **Abdelaatti v. College of Anaesthesiologists of Ireland and others** [2024] IEHC 341. That case can be distinguished from the present in that the resistance to plenary hearing was based upon concerns of the Respondent therein that this would convert the proceedings to private proceedings in consequence of which judicial review, public law defences (time limits and *locus standi*) would be lost. No such issues have been raised in this case and the application for plenary hearing is being made by the Respondent in this instance. Simons J. proceeds to discuss the difficulties that arise in the context of factual controversies in judicial review proceedings. At paragraph 7 of the judgment, he states:

"It should be emphasised, however, that this practical reality should not be mistaken as being predicated upon a principle, with canonical status, that judicial review proceedings are different, and that cross-examination or oral evidence are to be avoided."

24. Having reflected upon the reference to a direction that a judicial review application be made by "plenary summons" contained in Order 84, rule 22(1) of the RSC and the fact that such a direction would be made at the commencement of proceedings, at which time factual conflict in affidavits subsequently filed would not be known, the Court referenced (at paragraph 14) the circumstances which would influence such a direction:

"It follows, therefore, that Order 84 does not envisage that the existence of disputed facts is a condition precedent to a decision to direct a plenary action. Rather, the court must be entitled to have regard to a broader range of considerations. These would include, inter alia, whether a large number of witnesses may be required; whether the evidence is technical or complex, such that it would be better received by oral testimony; whether the applicant may require to subpoena witnesses who might not be prepared to provide affidavit

evidence voluntarily; and whether the discovery of documents is likely to be required. This indicative list is not intended to be exhaustive."

25. The applicable test for leave to cross-examine is stated (paragraph 23) to be whether there is a factual dispute in existence. However, it would appear that a broad range of factors is to be considered in the context of directing a plenary hearing, including those referenced at paragraph 14 of the judgment recited above.

26. Therefore, it appears to me that the questions here arising are:

(i) Is this a case which may properly and adequately be determined upon affidavit evidence only?

(ii) If not, should I direct that there be leave to serve Notices to Cross-Examine on affidavits sworn and filed or should I direct that the matter be heard by way of plenary hearing which will leave the parties at large to call witnesses other than those who have sworn affidavits herein?

(iii) It seems to me that, in so deciding, the pertinent issues include (but this is not an exhaustive list) those set out in Order 84 Rule 24 of the RSC

(a) What is *"convenient for the determination of the proceedings"*?

(b) What is *"just, expeditious and likely to minimise the costs of those proceedings"*?

27. I am satisfied that I have jurisdiction to determine the appropriate mode of hearing and to case manage the within proceedings whether pursuant to Order 84, Rule 24 of the RSC, the inherent jurisdiction of this Court or pursuant to the reliefs sought at 2 and/or 4 of the Notice of Motion herein.

28. I have determined that such is the level of factual conflict between the parties herein as elucidated in the ten affidavits sworn to date and recognised by both parties at various stages, this is not a case which may properly and adequately be determined upon affidavit evidence only. Having regard to the averments of the Mr. Nevin in his Affidavit of the 30th April 2024 and the submissions of Counsel for the Respondent at the hearing of this motion, there would appear to be some degree of agreement between the parties that leave to cross-examine would be appropriate in this case. In addition

to this degree of welcome agreement between the parties, however, I also am of the view that there are cogent reasons for granting leave to cross-examine. As the applicants have pointed out, considerable attention and expense has gone into the preparation of affidavits herein and this should not be wasted. The proceedings are at an advanced stage. In addition, I am of the view that directing that the trial proceed in this way with, to some extent, corral a potentially unwieldy hearing. The affidavits will provide a form of witness statement upon which there may be cross-examination. This will curtail the amount of time to be expended on examination in chief. If there are other witnesses desired by either side, affidavits may be sworn by such persons (there was no indication at the hearing of this motion that there would be any difficulty experienced in this regard in terms of potential witnesses being unprepared to swear affidavits) within a strict time frame and thereafter the matter may be set down for hearing with full use being made of the affidavit evidence while at the same time permitting it to be tested.

29. I will list this matter for case management within the next 14 days at a time convenient to Counsel in order to ascertain whether or what additional affidavits are desired to be filed and the timeframe for this. Once these affidavits are complete, there will be no further impediment to setting the matter down for hearing and, in addition, this will be in the context of affidavit evidence, the ambit of which is known in advance.

ANNEX – CHRONOLOGY OF PLEADINGS

- Ex Parte Motion Docket, dated 10th of October 2022,
- Statement to Ground Application for Judicial Review, dated 10th of October 2022,
- Grounding Affidavit of Eoin Nevin, sworn on the 7th of October 2022 (Affidavit No. 1),
- Booklet of Exhibits to Grounding Affidavit
- Supplemental Affidavit of Eoin Nevin, sworn 15th December 2022 (Affidavit No. 2),
- Second Supplemental Affidavit of Eoin Nevin, sworn 23rd February 2023 (Affidavit No. 3),
- Booklet of Exhibits, 'EN3'
- Notice of Motion, dated 28th March 2023,
- Amended Statement to Ground Application for Judicial Review, dated 27th February 2023,
- Statement of Opposition, dated 12th May 2023,
- Affidavit of Simon White, sworn 9th May 2023 (Affidavit No. 4),
- Booklet of Exhibits, 'SW1'
- Affidavit of Michael Dowd, sworn on the 9th of May 2023 (Affidavit No. 5),
- Booklet of Exhibits, 'MD1',
- Affidavit of Gerard Lawlor, sworn on the 11th May 2023 (Affidavit No. 6),
- Booklet of Exhibits, 'RL1',
- Affidavit of Robert Linehan, sworn on the 11th May 2023 (Affidavit No. 7),
- Booklet of Exhibits, 'RL1',
- Affidavit of Ernie Donnelly, sworn on the 15th May 2023 (Affidavit No. 8),
- Booklet of Exhibits, 'ED1'
- Notice to Produce, dated 30th January 2024,
- Order of Hyland J. dated the 30th January 2024 with directions in relation to production of documents,
- Affidavit of Eoin Nevin, sworn 30th April 2024 (Affidavit No. 9),
- Booklet of Exhibits, 'EN4'
- Affidavit of David Byrnes, sworn on the 30th April 2024 (Affidavit No. 10),
- Booklet of Exhibits, 'DB1'
- Request for voluntary discovery sent by the Respondent dated the 31st May 2024,
- Reply to request for voluntary discovery sent by the Applicant dated the 10th June 2024,
- Request for plenary hearing made by the Respondent dated the 20th June 2024,
- Response in opposition dated 10th June 2024.