



THE SUPREME COURT

**[Appeal Nos 61/2007
55/2009:]**

**Clarke C.J.
O'Malley J.
Baker J.**

Between/

VINCENT KEANEY

PLAINTIFF/APPELLANT

AND

JAMES SULLIVAN

FIRST DEFENDANT

JOAN SULLIVAN

SECOND DEFENDANT

ST. JOHN CULLIGAN

THIRD DEFENDANT

MICHAEL NOLAN

FOURTH DEFENDANT

**TITANIC QUEENSTOWN TRADING COMPANY LIMITED (IN
LIQUIDATION)**

FIFTH DEFENDANT

**MAGPIE INTERNATIONAL HOLDING COMPANY LIMITED (IN
LIQUIDATION)**

SIXTH DEFENDANT

TITANIC QUEENSTOWN MEMORABILIA LIMITED (IN LIQUIDATION)

SEVENTH DEFENDANT

ALLIED IRISH BANKS PLC

EIGHTH DEFENDANT

Q.E.F. GLOBAL LIMITED

NINTH DEFENDANT

**ROGER DUNCAN, GEOFFREY LEWIS, DAVID MARSH, TOM MOORE,
DECLAN O'LUANAIGH, NEIL PAYNE, DAVID ISAACSON (CARRYING
ON PRACTICE UNDER THE STYLE AND TITLE OF ORMSBY RHODES
AND BKR ORMSBY RHODES)**

**TENTH TO SIXTEENTH
DEFENDANTS**

TREGAN PROPERTIES

**SEVENTEENTH
DEFENDANT**

JULIA NOLAN

**EIGHTEENTH
DEFENDANT**

Ruling of the Court delivered on 16th July, 2021.

1. These proceedings are one of a number of cases which predated the establishment of the Court of Appeal but where final orders had not been made. Most of such cases were listed before the Court on 14 April, 2021 with a view to progressing towards finalising any outstanding issues. On that occasion, the solicitor for the fourth and eighteenth named defendants/respondents indicated that he wished to seek the costs of the proceedings as against the plaintiff/appellant and also seek an order vacating a *lis pendens* which had been filed in respect of certain properties as a result of the existence of the proceedings.

2. There was no appearance by or on behalf of Mr. Keaney and the Court indicated on that occasion that it was minded to make the orders sought but that Mr. Keaney should be written to and given an opportunity to put forward any reason for suggesting that the orders in question ought not be made. Mr. Keaney wrote to the Court setting out the basis on which he suggested that the requested orders should not be made.

3. The matter was listed again on 15 July when the solicitor for the fourth and eighteenth named defendants/respondents repeated his submission to the effect that the orders previously sought in April should be made while Mr. Keaney made oral submissions along the lines set out in his written communication to the Court.

4. In substance, Mr. Keaney's argument went no further than repeating the accusations which he had made in these proceedings, which claims had been rejected both by the High Court and by this Court on appeal. All issues in the proceedings have been finally determined as a result of two judgments of this Court (*Keaney v. O'Sullivan & ors* [2015] IESC 75 and *Keaney v. O'Sullivan & ors* [2017] IESC 23). The issues were decided against Mr. Keaney and they can, therefore, provide no basis for departing from what would be the usual course of action being that costs follow

the event and any *lis pendens*, whose validity was dependent on the existence of the proceedings, would have to be vacated now that the proceedings have been determined in a manner adverse to the plaintiff.

5. In those circumstances the Court sees no reason to depart from that normal practise and will, therefore, award the fourth and eighteenth defendants/respondents their costs of the appeal and affirm any previous orders made in respect of the costs of those parties. The Court will also direct that the *lis pendens* in question be vacated and will make an order to that effect under s.123 of the Land and Conveyancing Reform Act, 2009. This order will supersede a previous order made in respect of the *lis pendens* concerned which can be regarded as no longer in force.

6. It should be noted that none of the other parties named in the title to the proceedings were involved at this stage so that the orders thus directed relate solely to the fourth and eighteenth named defendants/respondents.