

**THE HIGH COURT  
JUDICIAL REVIEW**

[2015 No. 618 J.R.]

BETWEEN

JOHN GAYNOR (A BANKRUPT)

APPLICANT

AND  
THE COURTS SERVICE OF IRELAND  
AND  
THOMAS KINIRONS

RESPONDENTS

AND  
NOEL SHERIDAN  
AND  
PETER QUINN  
AND BY ORDER  
THE OFFICIAL ASSIGNEE

NOTICE PARTIES

(No. 3)

**JUDGMENT of Mr. Justice Richard Humphreys delivered on the 31st day of July, 2018**

1. The present application arises out of a long-running dispute between the applicant and his former solicitors, which has given rise to a substantial number of written decisions of the Superior Courts to date (at least 9 judgments or determinations if the present application is included). In *Sheridan v. Gaynor* [2009] IEHC 421 (Unreported, High Court, 14th September, 2009), Feeney J. dealt with on certain aspects of the dispute. In *Sheridan v. Gaynor* [2012] IEHC 410 (Unreported, High Court, 8th November, 2012), Finlay Geoghegan J. ordered the applicant to deliver vacant possession of certain lands to his former solicitors. In *Gaynor v. Courts Service* (No. 1) [2015] IEHC 876 I refused the applicant leave to seek judicial review of the failure by the Courts Service to accept his application for an order setting aside the bankruptcy summons. The applicant appealed the refusal of leave to the Court of Appeal, Record No. 2015/591.

2. On 7th December, 2015 he was adjudicated bankrupt by Costello J. On 3rd March, 2016 the Court of Appeal (Kelly P.) struck out the aforementioned appeal with liberty to re-enter. On 20th April, 2016, O'Connor J. dismissed the applicant's application to show cause against the adjudication. In *Sheridan v. Gaynor* [2016] IESCDET 90 the Supreme Court refused leave to appeal to the applicant in relation to a possession order on foot of a judgment mortgage relating to the underlying debt. In *Sheridan v. Gaynor* [2016] IESCDET 91 the Supreme Court dismissed an application to cancel a direction transferring the foregoing matter to the Court of Appeal, an application which had become moot by that point.

3. The applicant appealed the adjudication of bankruptcy to the Court of Appeal, Record no. 2016/6. That was dismissed on 10th October, 2016. On 8th December, 2016 the applicant brought a motion seeking to re-enter the judicial review at High Court level. I rejected that in *Gaynor v. Courts Service of Ireland* (No. 2) [2016] IEHC 730 [2016] 12 JIC 1601 (Unreported, High Court, 16th December, 2017). In *Re Gaynor (a bankrupt)* [2017] IEHC 27 (Unreported, High Court, 23rd January, 2017) the bankruptcy was extended by Costello J. The applicant then sought leave to appeal against the Court of Appeal decision regarding the adjudication of bankruptcy and that was dismissed by the Supreme Court in *Sheridan v. Gaynor* [2017] IESCDET 124. The applicant now applies yet again to set aside or re-enter my original order refusing leave to seek judicial review. That application must be refused for a number of reasons:

(i.) The matter which was the subject of the original application was inherently ephemeral and transitional. It is superseded by the hearing and determination of the bankruptcy summons.

(ii.) A proper remedy against my order is appeal, not re-entry at High Court level. The fact that the applicant has already unsuccessfully appealed does not assist.

(iii.) The applicant previously applied to me for almost exactly the same relief in 2016, which I refused. He did not appeal that decision; it is a complete abuse of process to apply again two years later.

(iv.) The underlying application for leave to seek judicial review had no merit for the reasons stated in (No. 1) judgment.

4. Accordingly, the application is refused. Given the clear pattern of abuse of the court process I will hear from the applicant as to why he should not be subject to an *Isaac Wunder* order.

**Postscript – Isaac Wunder Order**

5. Given that the applicant has indicated that he has certain health difficulties and he wishes to have time to prepare legal submissions I will give the applicant liberty to make any legal submission as to why he should not be the subject of a permanent *Isaac Wunder* order; and it is probably more appropriate that he make that submission to the judge in charge of the bankruptcy list, currently Costello J. But in the meantime, in order to protect the court process and having regard to the clear pattern of abuse of that process by the applicant, I will make a temporary *Isaac Wunder* order, until such a submission is made and dealt with, that the applicant be restrained from instituting any further proceedings without the consent of a judge of the High Court.