Neutral Citation [2012] IEHC 464

THE HIGH COURT

[2007 No. 433 P]

BETWEEN

THOMAS TALBOT

PLAINTIFF

AND

HIBERNIAN GROUP PLC. AND AMICUS THE UNION

DEFENDANTS

AND

THE HIGH COURT

[2009 No. 8581 P]

BETWEEN

THOMAS TALBOT

PLAINTIFF

AND

McCANN FITZGERALD SOLICITORS, AVIVA PLC. AND UNITE THE UNION

DEFENDANTS

JUDGMENT of Ms. Justice Dunne delivered the 25th day of October 2012

Hibernian Group plc., the first named defendant in the first proceedings in the title above, (hereinafter described as the "2007 proceedings") and Aviva plc., the second named defendant in the second proceedings, (hereinafter described as the "2009 proceedings") is the same corporate entity and was formally the employer of the plaintiff herein. Amicus the Union and Unite the Union who are named as defendants in the 2007 and 2009 proceedings are also the same entity. The plaintiff was a member thereof during his time as an employee of the company. For ease of reference I will refer to Hibernian Group plc./Aviva pic. as "the Company" and I will refer to Amicus the Union/Unite the Union as "the Union".

Background

There are identical applications in the 2007 and 2009 proceedings brought by the Company against the plaintiff. In each case the relief sought is the same, in that the Company seeks:-

> 1. An order pursuant to O. 19, r. 28, and/or the inherent jurisdiction of this Court striking or dismissing the plaintiffs claim herein on the grounds that same is frivolous, vexatious and discloses no reasonable cause of action and represents an abuse of the process of this Court;
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> 2. Further and in addition to the foregoing, an order pursuant to the inherent jurisdiction of this Court that no further proceedings be instituted by the plaintiff without the leave of the Court.

At the outset, I wish to refer to an order of the High Court made herein on the 10th August, 2012, before Herbert J. in the 2009 proceedings to the following effect:-

> "This matter being listed before the court on this day (by the President of the High Court on the 30th day of July, 2012) and same coming on accordingly in the presence of the plaintiff in person, solicitor for the Messrs McCann Fitzgerald Solicitors and counsel for the second named defendant.
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> Upon and on reading the judgment of Hanna J. herein dated the 8th day of October, 2010, the orders made herein dated the 17th day of November, 2011, the 8th day of March 2011, and on the 18th day of October, 2011, and on hearing the applicant in person said solicitor and said counsel
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> These proceedings having previously been struck out as against the first named and third named defendants.
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> The court determining
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> (a) That the only litigation remaining before the courts is the action between the plaintiff and the second named defendant
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> (b) That the remaining matter before the court is the notice of motion dated the 16th day of December 2009 by the second named defendant to strike out the plaintiffs claim herein on the grounds that same is frivolous, vexatious and discloses no reasonable cause of action and represents an abuse of the process of this court

The court doth fix the 2nd day of October, 2012, as a hearing date for the said notice before Mr. Justice Herbert."

The order went on to note that the plaintiff objected to Herbert J. hearing the notice of motion. It was ordered that the hearing date was to stand and that the notice of motion was to be transferred to the non-jury list on the 2nd October, 2012, for the purpose of the President assigning another judge to hear the same. It was on that basis that the matter came before me for hearing.

History of the Proceedings
As can be seen from the order referred to above, a number of applications have been made in the 2009 proceedings and, as was pointed out, the only litigation remaining before the courts is the action between the plaintiff and the Company. Orders have been previously made striking out the proceedings against the first named and the third named defendants. I will refer to the history of the proceedings in general insofar as it concerns the other defendants and it would also be useful to make brief reference to earlier proceedings involving the plaintiff, the Company and the Union. The plaintiff in these proceedings commenced earlier proceedings in 2006 entitled "the High Court, record no. 2006/848 P, between Thomas Talbot, plaintiff, and Lionel Hogan, company secretary, Hibernian General Insurance Limited, defendant," and "the High Court, record no. 2006/1726 P, between Thomas Talbot, plaintiff, and Hibernian Group plc., and Amicus the Union, Defendants".

The Company issued a notice of motion seeking the dismissal of those proceedings on the grounds that the same were frivolous, vexatious and disclosed no reasonable cause of action and represented an abuse of the process of this Court. Order 19, r. 28 of the Rules of the Superior Courts was also invoked. The notices of motion in those proceedings ultimately came before me for hearing and I delivered an *ex tempore* judgment on the 11th January, 2007. I made orders at that stage striking out the proceedings. There was also before the Court on that occasion an application by the Union to strike out the proceedings against them and that application was also dealt with and granted on the same date. I have had the benefit of a note on the ex tempore judgment of the 11th January, 2007. In the course of that judgment I observed that it was clear that the plaintiff had a sense of grievance arising from his employment with the first named defendant and he also complained about a maintenance order which had been made in the Family Law Courts. He appeared to have a claim for wages or money which he contended he was entitled to have been paid in the course of his employment going back many years. However, I observed:-

> "It is clear that Mr. Talbot had grievances. However, it is impossible to see what precisely is being claimed. Is there a claim for damages for personal injuries suffered? Maybe. A claim for back money? Maybe: but how much; what cause of action; what remedy?"

I went on to note that Mr. Talbot had been given the opportunity prior to the hearing before me to deliver an amended statement of claim. However, what was furnished did not provide any clarity as to what his claim was. Ultimately as indicated above, I struck out the proceedings. It is noteworthy that having made that order on the 11th January, 2007, the 2007 proceedings were then issued against the Company and the Union on the 22nd January, 2007, some eleven days later.

The 2007 Proceedings
The plenary summons in the 2007 proceedings contained a list of complaints against the Company and the Union respectively. Included amongst the complaints were allegations of fraud, intimidation, perverting justice and discrimination. A subsequent document described as a fifth general endorsement of claim was also provided by the plaintiff. A statement of claim was delivered by the plaintiff on the 30th October, 2007. Defences were delivered on behalf of the defendants and ultimately a motion was brought on behalf of the second named defendant, the Union, pursuant to O. 19, r. 28 of the Rules of the Superior Courts and/or the inherent jurisdiction of the court seeking to strike out the plaintiffs claim and other ancillary relief.

That application was heard and determined by Irvine J. A judgment was delivered by Irvine J. on the 14th November, 2007, granting the relief sought. I propose to refer to part of the judgment in that case. Irvine J. noted at p. 3 of the judgment as follows:-

> "The court notes with significant regret that it appears likely that Mr. Talbot because of his ongoing dispute with the defendants in this action has received no pension payments from the first named defendant since his retirement in November, 2001 and that he has been effectively surviving upon the State old age pension for a number of years. A significant "once off' offer by the solicitors on record for the first named defendant was rejected on the basis that the same might compromise his rights in the within proceedings."

I might comment at this point that when I dealt with the matter in respect of the 2006 proceedings, I noted also that Mr. Talbot had not at that point received his pension. The position remains the same today and I have encouraged Mr. Talbot, so far as I can, to take up his entitlement to his pension although I understand from his comments that his view is that the pension on offer does not reflect the full amount of what he should be entitled to by way of pension, but more importantly he is concerned, notwithstanding the assurances of the Company, that accepting the pension would in some way compromise his position in relation to these proceedings.

Returning to the judgment of Irvine J. she continued:-

> "I have carefully considered the content of the plenary summons delivered on 22nd January, 2007 and also the statement of claim delivered on 30th October, 2007 for the purposes of adjudicating upon the second named defendant's application. I have also compared the statement of claim to the pleas made by the plaintiff in his earlier proceedings which were dismissed by Miss Justice Dunne on 11th January, 2007. Once again the present proceedings assert wrongdoing on the part of Mr. Talbot's employers in terms of the nature and volume of the work which he was required to undertake and also the level of remuneration received by him for such work. Mr. Talbot complains about the manner in which his complaints were dealt with by his employers and he refers to these matters being dealt with by way of an internal appeals system in 1999 and by further complaints being processed through the Labour Court in 2001 and the Employment Appeals Tribunal in 2002. Once again the assertion now made by Mr. Talbot is that he is due extensive payments in respect of arrears of salary from 1984 up to the date of his retirement and significant pension and lump sum payments based upon uplifted salary payments with effect from 31st November, 2001. Interspersed with this claim in respect of salary, lump sum entitlement and pension the plaintiff supplements his claim with damning allegations of fraud, malicious intent, defamation, theft, collusion, conspiracy, bribery and corruption. These allegations are made as against his former employers and it is asserted by the plaintiff that his union the second named defendant not only failed to protect him from such activities but actively colluded and conspired to act against his interests through the agency of one Jerry Shanahan.
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> In terms of the plaintiffs complaints the timeframe of the alleged wrongdoing is significant and much of the wrongdoing is ascribed to actions on the part of the defendants commencing in 1973 and extending beyond his retirement in November, 2001. There are clearly very significant issues as to whether or not or any of these complaints, even if valid are maintainable at this point in time having regard to the statute of limitations. Further, some of the complaints now made by

> the plaintiff have been already been adjudicated upon in some shape or form in other tribunals and this fact may well stifle the validity of any potential valid complaints."

That passage is a useful summary of the position which presented itself before Irvine J. in the 2007 proceedings in relation to the application by the Union to strike out. It summarises, so far as one can, the general nature of the complaints, the history of those complaints, the steps taken over the years in relation to those matters by Mr. Talbot and the breadth of the allegations being made by Mr. Talbot against the Company and the Union. The Court went on to grant the reliefs sought by the second named defendant in its notice of motion.

The plaintiff then appealed that decision to the Supreme Court. Judgment was delivered by the Supreme Court on the 26th March, 2009, and in the judgment of the Court, Kearns J., at p. 2, made the following observation:-

> "The plaintiff may nowadays perhaps be better described as a serial litigant. He has engaged in one or other form of litigation over the past twenty years. Some of this litigation arose from the break up of his marriage, but lengthy and protracted proceedings were also undertaken by or on behalf of the plaintiff against his employers, his trade union and even his golf club. His multiple complaints deriving from his employment were the subject of hearings before the Rights Commissioner, the Labour Court and the Employment Appeals Tribunal. While voluminous papers have been lodged by the plaintiff for the purpose of this appeal, many consist of newspaper clippings, internal communications within the insurance company for which he worked and other documentation with little or no relevance to the issue which this Court must decide. However, a useful summary of the nature of the dispute which existed between the plaintiff and his employers is set out in the decision of the Labour Court on 18th June, 2001 where the dispute was characterised in the following terms."

Kearns J. then set out the summary of the workers' arguments and the Company's arguments as recited in a decision of the Labour Court, for the purpose of setting out the nature of the plaintiff's complaints to the Labour Court in respect of his employer, the Company.

In the course of the decision, having referred at length to the decision of the High Court as set out in the judgment of Irvine J., Kearns J., at p. 6 of the judgment, continued:-

> "In the course of the appeal before this Court, I have heard nothing in the plaintiff's submissions to suggest that the learned trial judge erred in any way in reaching the conclusion which she did. She found that the various claims, contained in numerous handwritten documents, which purport to set out a claim against Amicus remain completely amorphous and are not pleaded in accordance with the Rules of the Superior Courts. I agree. Nor do his pleadings in any way set out facts or contentions which are adequately particularised so as to support any maintainable cause of action. The learned trial judge was, in my view, restrained in her characterisation and comments about the documentation furnished by the plaintiff. I am in this context adverting not only to the seven statements of claim advanced by the plaintiff, but also to his voluminous submissions, including those filed following the conclusion of the appeals herein. The same are in my view prolix, unfocused and irrational to a high degree and almost entirely unrelated to the issue before the Court. There is no attempt made to engage with the reasoning of the learned trial judge or to provide grounds for challenging her conclusions both that the proceedings are frivolous and vexatious and that they fail to disclose a reasonable cause of action. For this simple and basic reason the plaintiffs appeal must fail."

That decision was confined to the position of the Union only, the Union having brought the motion. I now have to consider the application of the Company in respect of those proceedings for the reliefs sought in the notice of motion herein. Many of the comments made by Irvine J. and Kearns J. in respect of the position of the Union can be echoed in respect of the Company. One of the observations I would make at this stage is that as time has progressed and as the plaintiff furnished further documents to the Court by way of pleadings, more details have emerged as to the nature of the complaints and allegations being made against the Company. That is not to say that there is more clarity as to the nature of any cause of action pleaded against the Company. However before dealing with my conclusions in relation to the 2007 proceedings I now want to look at what transpired following the decision of the High Court and the outcome of the appeal of that decision to the Supreme Court in relation to the 2007 proceedings.

The 2009 Proceedings

Following the decision of the Supreme Court in the 2007 proceedings, the plaintiff issued a further plenary summons in proceedings bearing the record no. 2009/8581 P entitled "The High Court, between Tom Talbot, plaintiff, and McCann Fitzgerald Solicitors, Aviva plc., Unite the Union, defendants".

As can be seen, McCann Fitzgerald solicitors were joined as a defendant for the first time in these proceedings. They had acted for Mrs. Talbot in the matrimonial proceedings between Mr. and Mrs. Talbot. The plenary summons was issued on the 24th September, 2009. The plenary summons is in a most unusual form and contains three distinct parts which appear in the form of a sworn statement by the plaintiff in respect of his complaints against the respective defendants. Following the service of that plenary summons, the notice of motion herein was issued on behalf of the Company. That notice of motion was re-entered at a subsequent date. In the meantime a series of other applications were brought to court in connection with the proceedings. They included an application by the solicitors and the Union to strike out the proceedings. The application came on for hearing before the High Court and judgment was delivered by Hanna J. on the 8th October, 2010. In the course of the judgment, Hanna J. explained the reasoning behind the decision to adjourn generally with liberty to re-enter the motion (that is at present at hearing before me). He then went on to deal with the applications by the solicitors and by the Union in that case. I want to refer to a number of passages from the judgment of Hanna J. He first dealt with the application of the Union and stated:-

> "Having read the papers and having heard the legal submissions in this case advanced by the plaintiff, I am satisfied that the case he seeks to make against his trade union is substantially the same, if not identical, to the case he sought to advance in two previous sets of proceedings. The plaintiff did not, in my view, make any effort to attempt to identify some new or fresh cause of action. Thus, we are left in a situation where two sets of previous proceedings levelling much the same case against the third named defendant have been struck out by the High Court. The most recent (the 2007 proceedings) were struck out on the grounds that the pleadings failed to disclose the cause of action and the proceedings were frivolous and vexatious and an abuse of process of the courts. The correctness of this decision by Irvine J. has been endorsed by the Supreme Court. As regards the case brought against the third named defendant, I am of the same view. In my view the case is unsustainable and is frivolous and vexatious. It is my opinion that the plaintiff seeks to use the courts of Ireland as a battlefield to wage unrelenting war against, *inter alia*, the third named defendant. It is my view that such recycling of an unsustainable case is both oppressive of the third named defendant and abuse of the processes of this Court."

He went on to say at p. 6:-

> "As regards the third named defendant, I am satisfied that the proceedings against it should be struck out both pursuant to the Rules of the Superior Courts and by way of exercise of the inherent jurisdiction of this Court to do so upon the grounds that the pleadings disclose no sustainable cause of action and that they are bound to fail and that the proceedings are frivolous and vexatious and constitute an abuse of the process of this Court. I am satisfied from the way the plaintiff has conducted the litigation over the years that he is likely to attempt yet again to bring proceedings under some other form or guise. It is, in my view, of importance to note that when his 2006 proceedings were struck out by Dunne J. his almost immediate reaction was not to seek to appeal her decision, but to issue fresh proceedings levelling, in effect, the same allegations, *inter alia*, at the third named defendant. I am fully conscious of the fact that the court must exercise great caution in considering any act restraining the citizen's right of access to the courts.
>
> Nonetheless, the third named defendant comes before this court with rights certainly no greater than, but at least equal to those of the plaintiff and, most importantly, is entitled to the benefit of finality of litigation and protection from oppressive litigious conduct by another party (see judgment of Keane C.J. in *Riordan v. An Taoiseach* [2001] I.E.S.C. 83 (Unreported, Supreme Court, 19th October, 2001))."

Accordingly, he not only struck out the proceedings, but also made an order restraining the plaintiff from taking any further proceedings against the third named defendant in those proceedings, the Union.

Hanna J. then went to consider the application on behalf of the first named defendant, the solicitors. He pointed out that the legal principles applicable to the third named defendant also applied to the position of the first named defendant. The complaints against the first named defendant related to their involvement on behalf of his wife in family law proceedings. Hanna J. noted at p. 7 of his judgment as follows:-

> "The last act in that sequence was the order of Abbott J. on the 26th June, 2002, refusing the plaintiffs appeal from the pension adjustment order of the Circuit Family Court. Thus over eight years have elapsed since this matter was concluded. In his oral submissions and in the documents prepared by him in this and in the previous cases, the plaintiff repeated a number of allegations against the first named defendant and, indeed, several members of the judiciary. Of course, one must accept the factual matrix, i.e. that the plaintiff was engaged in no doubt torrid and upsetting litigation over a period of some twelve or thirteen years. His wife was legally represented and so was he at one stage but, as noted above, his solicitors and counsel came off record. A number of court orders went against him and, no doubt, this weighed heavily on him then and still does. But that does not mean that this Court must go on to accept the inferences, some of them quite scandalous, which he invites the courts to draw from the sequence of events, which undoubtedly took place, namely the conduct of family law proceedings. The Court is not obliged to accept the inferences of corruption and impropriety levelled by the plaintiff."

He concluded:-

> "In my view, the documents, insofar as they set out allegations against the first named defendant, disclose no reasonable cause of action against it and are unsustainable in law and are frivolous and vexatious. In my view, they constitute a vehicle whereby the plaintiff seeks to vent his spleen and frustration in respect of legal "reverses" which he cannot otherwise reopen. It was apparent in his oral submissions to me that the plaintiff availed of the court time to recite in full his complaints in respect of the family law proceedings, his union representative and his employer (even though their legal representatives were no longer present)."

In the course of the hearing before me I had the benefit of submissions from counsel on behalf of the Company. Reference was made in the course of the submissions to the decision in *Riordan v. Ireland* (No. 5) [2001] 4 I.R. 463, to the judgment of Ó Caoimh J. therein and in particular to a passage at p. 465 of the judgment where it was stated as follows:-

> "Where the court is satisfied that a person has habitually or persistently instituted vexatious or frivolous civil proceedings it may make an order restraining the institution of further proceedings against parties to those earlier proceedings without prior leave of the court. In assessment of the question whether the proceedings are vexatious, the court is entitled to look at the whole history of the matter and it is not confined to a consideration as to whether the pleadings disclose a cause of action. The court is entitled in the assessment of whether proceedings are vexatious to consider whether they have been brought without any reasonable ground. The court has to determine whether the proceedings being brought are being brought without any reasonable ground or have been brought habitually and persistently without reasonable ground."

Ó Caoimh J. then referred to an unreported decision of the Alberta Court of Queen's Bench in *Dykun v.Odishaw* (Unreported, Alberta Court of Queen's Bench, Judicial District of Edmonton, 3rd August, 2000). In that case the following matters were set out and identified by Ó Caoimh J. as showing that a proceeding is vexatious:-

> "(a) The bringing up on one or more actions to determine an issue which has already been determined by a court of competent jurisdiction;
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> (b) Where it is obvious that an action cannot succeed, or if the action would lead to no possible good, or if no reasonable person can reasonably expect to obtain relief;
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> (c) Where the action is brought for an improper purpose, including the harassment and oppression of other parties by multifarious proceedings brought for purposes other than the assertion of legitimate rights;
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> (d) Where issues tend to be rolled forward into subsequent actions and repeated and supplemented, often with actions brought against the lawyers who have acted for or against the litigant in earlier proceedings;
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> (e) Where the person instituting the proceedings has failed to pay the costs of unsuccessful proceedings;
>
> (f) Where the respondent persistently takes unsuccessful appeals from judicial decisions."

It was submitted on behalf of the employer that many of those criteria were applicable and could be identified in the circumstances of the present proceedings.

Reference was also made to the decision of the Supreme Court in *Fay v. Tegral Pipes Limited* [2005] 2 I.R. 261 in which McCracken J. in the Supreme Court stated at p. 266 as follows:-

> "While the words "frivolous and vexatious" are frequently used in relation to applications such as this, the real purpose of the jurisdiction is to ensure that there will not be an abuse of the process of the courts. Such abuse cannot be permitted for two reasons. Firstly, the courts are entitled to ensure that the privilege of access to the courts, which is of considerable constitutional importance in relation to genuine disputes between parties, will only be used for the resolution of genuine disputes, and not as a forum for lost causes which, no matter how strongly the party concerned may feel about them, nevertheless have no basis for a complaint in law. The second, and equally important purpose of the jurisdiction is to ensure that litigants will not be subjected to the time consuming, expensive and worrying process ofbeing asked to defend a claim which cannot succeed."

Reliance was also placed by counsel on behalf of the employer on that passage.

I also had the benefit of submissions in the form of a number of documents submitted by Mr. Talbot on his own behalf. Some bundles of documents were handed in to the Court and read by Mr. Talbot. They were in the form of sworn statements or affidavits. The longest of those documents was described as an affidavit and was sworn by Mr. Talbot on the 23rd May, 2011. The material contained in the various documents submitted by Mr. Talbot tends to be repetitive and I do not propose to refer in any detail to those documents save to say that I have carefully read the documents submitted by the plaintiff.

Those documents were described by the plaintiff as showing that he had "just cause" to have a trial of his various complaints before a judge and jury. Indeed, he expressed concern that the application at hearing before me was listed in the "non jury list". The documents furnished by the plaintiff are a reiteration of his various complaints against McCann Fitzgerald, the solicitors, various judges, solicitors, counsel, registrars and court staff. They are also a reiteration of his complaints against the Company and the Union. Much of what is contained in the documents is irrelevant in respect of any complaint against the Company. Many of the allegations made by the plaintiff against judges, counsel, solicitors and court staff are quite simply outrageous. The one thing that the documents do not provide is a coherent, or focused, or appropriate response to the application in both sets of proceedings before me. Quite simply Mr. Talbot did not engage with the issue before the Court as one might have hoped or expected.

Decision
I first encountered the plaintiff in the context of the 2006 proceedings. Since then the plaintiff has issued the 2007 and 2009 proceedings. As in the 2006 proceedings, it is possible to derive a sense of the plaintiff's grievances against his employer from the pleadings. I have read the pleadings before me in respect of both sets of proceedings and I think it is fair to say that the plaintiff has provided more detail of his grievances in the pleadings as they have developed over the years. However, I have to say that I find it just as difficult now as I did in 2007 to identify a cause of action properly pleaded and particularised in accordance with the Rules of the Superior Courts in respect of the Company. The pleadings before the Court contain much that is irrelevant, some of which is simply impossible to understand and some of which is outrageous. The complaints against the Company go back to 1973. It is clear that the plaintiff availed of internal appeals in respect of his terms and conditions of employment. He has been to the Labour Court and the Employment Appeals Tribunal. He continues to attempt to litigate issues in respect of his employment in these proceedings, many years on.

What is clear from the pleadings is that these proceedings have become a means by which the plaintiff has chosen to "vent his spleen and frustration in respect of legal 'reverses' which he cannot otherwise reopen" to quote once more the comments of Hanna J. in respect of the application before him by the solicitors and the Union in the 2009 proceedings.

The plaintiff has not advanced matters in the pleadings furnished subsequent to the 2006 proceedings which I first dealt with in 2007. There is and has been no attempt by the plaintiff to frame a coherent claim disclosing any reasonable cause of action against the Company in accordance with the Rules of the Superior Courts. The content of the pleadings and the conduct of the 2007 and 2009 proceedings to date by the plaintiff is now such that it can clearly be said that these proceedings are frivolous and vexatious and an abuse of the process of the Court. In that context, I would refer briefly to a motion which was brought before me following the decision of Hanna J. which attempted to re-open the application that had been heard and determined before Hanna J. In that regard I made an order on the 8th March, 2011, refusing the application of the plaintiff. It is noteworthy that the plaintiff did not appeal the order of Hanna J. and in fact did not appeal the order made by me on the 8th March, 2011, referred to above.

One of the more troubling aspects of the conduct of the plaintiff in this litigation is the joinder of the firm of solicitors who acted for his wife in matrimonial proceedings as a defendant in the 2009 proceedings. It is hard to understand why that was done in the context of proceedings involving grievances against the Company and the Union. There is no practical or logical reason for having done so. However, the plaintiff in so doing availed of the opportunity to make scurrilous allegations against many of those who had to deal with the plaintiff in the course of those proceedings as described above. To my mind, this is the essence of abuse of process.

When I first dealt with similar proceedings commenced by Mr. Talbot in January 2007, I referred to a passage from the judgment of the Supreme Court in *Fay v. Tegral Pipes Ltd*. [2005] 2 I.R. 261 at p. 265 and I have again set out that passage in this judgment. I also referred previously to the palpable sense of grievance felt by Mr. Talbot towards his former employer, the Company herein and his former Union; to that list can now be added his wife's former solicitors, his union's solicitors, various court officials and judges. I think it is clear that contrary to the intended purpose of the right of access to the courts for the resolution of genuine disputes as referred to in *Fay v. Tegral Pipes Ltd.*, Mr. Talbot is attempting to use these proceedings as a forum for a lost cause- one which has not given rise to a reasonable cause of action, discernible from the proceedings before the Court. The passage of time and the proliferation of documentation have not produced a clearly pleaded cause of action against the Company. It has previously been noted that an equally important purpose of the jurisdiction of the courts to strike out frivolous and vexatious proceedings is to ensure that litigants should not be put to the trouble and expense of defending litigation that cannot succeed. (See *Fay v. Tegral Pipes Ltd.*)

In all the circumstances I am satisfied that it is appropriate to make the orders sought by the company herein striking out the plaintiffs claim on the grounds that it is frivolous, vexatious and discloses no reasonable cause of action and represents an abuse of the process of this Court.

A further application has been made on behalf of the Company in these proceedings that no further proceedings be instituted by the plaintiff against the Company without leave of the court. The history of these proceedings is such that it is clear that notwithstanding previous orders made striking out the proceedings by the plaintiff against several of the defendants, the plaintiff has then instituted further proceedings without advancing new evidence or new causes of action. In general, the reaction of the plaintiff to an order striking out proceedings has been to institute fresh proceedings. It is worth noting that the plaintiff sought before me to deal with a motion he issued seeking to add back defendants against whom proceedings have been struck out, individual members of

McCann Fitzgerald, the solicitors acting for the Company, and the solicitors who acted for the Union. In those circumstances it seems to me to be appropriate to make an order restraining the plaintiff from taking further proceedings against the Company and its servants and agents, without leave of the court.