



THE SUPREME COURT

**Clarke C.J.
O'Donnell J.
MacMenamin J.**

**[Supreme Court 2009/228]
[Record No. 2006/4849P]**

BETWEEN:

**MICHAEL AND THOMAS BUTLER LIMITED, MICHAEL BUTLER AND
WILLIAM BUTLER**

PLAINTIFFS

AND

BOSOD LIMITED, CROHAN O'SHEA AND THOMAS O'DRISCOLL

DEFENDANTS

**[Supreme Court 2010/89]
[Record No. 2006/4849P]**

BETWEEN:

**MICHAEL AND THOMAS BUTLER LIMITED,
MICHAEL BUTLER AND WILLIAM BUTLER**

PLAINTIFFS

AND

**BOSOD LIMITED, CROHAN O'SHEA
AND THOMAS O'DRISCOLL**

DEFENDANTS

[Supreme Court 2011/60]
[Record No. 2010/39SP]

BETWEEN:

CROHAN O'SHEA

PLAINTIFF

AND

MICHAEL BUTLER AND WILLIAM BUTLER

DEFENDANTS

[Supreme Court 2019/153]
[Record No. 2006/4849P]

BETWEEN:

**MICHAEL AND THOMAS BUTLER LIMITED,
MICHAEL BUTLER & WILLIAM BUTLER**

PLAINTIFFS

AND

BOSOD LIMITED, CROHAN O'SHEA AND THOMAS O'DRISCOLL

DEFENDANTS

AND

CROHAN O'SHEA AND MICHAEL BUTLER AND WILLIAM BUTLER

DEFENDANTS

Ruling on Costs delivered by Mr. Justice John MacMenamin dated the 5th day of October, 2021

1. On the 10th day of September, 2021, this Court delivered final judgment in the matters named in the title, bringing this litigation to a conclusion. The parties were allowed time to submit brief submissions on the question of costs. The judgment expressed the preliminary view that, subject to what was said in the submissions, the default position appeared to be that the respondents, having succeeded in the appeals, should be granted the costs of the appeals, together with the costs of the hearings before Kelly P., referred to in the judgment.

2. The judgment of this Court stipulated that any submissions on costs were to be confined to that one issue of costs, and no other matter. Regrettably, the appellants did not comply with that order. Instead, in breach of the Court's direction, the appellants purported to make further legal submissions on the merits of the cases, seeking to raise yet further issues, none of which were relevant, and when, as was abundantly clear, the case had been concluded. Those submissions should not have been made. They have no legal status. The issues before this Court were those as dealt with in the judgment, and no other issues. The Court will not engage with any issue other than costs therefore.

3. In light of the fact that the appellants have made no significant argument on the question of costs, therefore, the costs-order proposed in the final judgment of this Court will now come into effect, as well as any other orders consequent on the

judgment. Any stay on orders for costs in the courts below will be vacated. No further issue arises, or can arise. The case is now at an end.