



ÉIRE

Irish Republican Brotherhood

Maria Brown
Acting Chief State Solicitor
Chief State Solicitors Office
Osmond House
Ship Street Little
Dublin 8
D08 V8C5

Your Ref: RL/2022/00527/
By Certified Post and Via Email Ruth_Lynch@csso.gov.ie

6TH February 2023

Re: John-Declan Flanagan -v- Tony Holohan and Norma Foley Record No 2022/120P

Dear Maria Brown,

I acknowledge receipt of your letter dated 2nd February 2023 in relation to High Court Proceedings of 2nd February 2022.

Your maintained stance that Government Ministers can have no personal responsibility or liability for their actions is disturbing repulsive and repugnant. The People of Ireland are entitled to full accountability for all actions of Governmental Departments of State.

Given your position, and in circumstances where this matter is considered to be of exceptional public importance, I intend to seek approval from the Registrar of the Sovereign Dáil Éireann Courts to have the matter transferred there for Hearing and I reserve my rights to expand Proceedings and co-join additional Plaintiffs if appropriate, including, but not limited to, the Irish Republican Brotherhood.

I trust you will note accordingly.

John-Declan Flanagan
John-Declan Flanagan
Ballyvara House
Doolin
Clare
Éire
V95 K440



OIFIG AN PHRÍOMH-ATURNAE STÁIT
CHIEF STATE SOLICITOR'S OFFICE

2nd February 2023

John-Declan Flanagan
Ballyvara House
Doolin
Clare

Your Ref.:

Our Ref.: RL/2022/00527/

**Re: John-Declan Flanagan -v- Tony Holohan and Norma Foley
Record No 2022/120P**

Dear Mr. Flanagan,

We refer to previous correspondence and to the Plenary Summons issued by you which seek relief in respect of the Health (Amendment) Act, 2021, the Health (Amendment) (No. 2) Act, 2021 and the Criminal Justice (Covid 19) (Amendment) Act, 2021.

We now enclose an Appearance entered on behalf of the Defendants by way of service on you. Entry of an Appearance is not a concession that the Defendants are validly named in the proceedings and, in this regard, we repeat our objection to the incorrect naming of Defendants as set out in our letters of 7 February and 4 March.

As previously stated, proceedings cannot, and should not, be maintained against Ministerial office holders in their personal capacity for matters which they undertook in their official capacity. Such proceedings are defective and the Minister, personally named, should be removed from the proceedings. For the avoidance of doubt, we have no objection to the amendment of your proceedings naming, as Defendant, “the Minister for Education” and will enter an appearance to any such amended proceedings.

Similarly, as previously stated, proceedings cannot, and should not, be maintained against Tony Holohan for actions undertaken in his official capacity as Chief Medical Officer of the Department of Health, a civil servant and official of the Minister for Health. Under the law, actions undertaken by the CMO in an official capacity are the acts of the Minister and it is adequate to name the Minister for Health when those acts are to be challenged. Further, as you are aware Dr. Holohan no longer holds the position of CMO.

The Appearance entered should be seen in this light: where no action is maintainable against Norma Foley or Tony Holohan, the proceedings should be amended or reconstituted to remove them. In the event that you do not arrange for such amendments to be made, it will be necessary for the Chief State Solicitors Office to bring an application to have the title of the proceedings amended. If that application is brought, we will seek to have you fixed with the costs of it.

Yours faithfully,



// **MARIA BROWNE**
CHIEF STATE SOLICITOR