

13:38:55 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON TUESDAY,**
2 **29TH JANUARY, 2008, AT 2:00 P.M:**

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14:08:46 5 MS. DILLON: Good afternoon.

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7 CHAIRMAN: Good afternoon, Ms. Dillon.

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9 MS. DILLON: Good afternoon, Sir. Mr. Noel C Duggan, please.

14:08:55 10
11 CHAIRMAN: Good afternoon, Mr. Duggan. I have to ask you to take the oath.
12 Would you stand and take the Bible in your right hand.

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14
14:08:56 15 **MR. NOEL DUGGAN, HAVING BEEN SWORN, WAS QUESTIONED**

16 **BY MS. DILLON AS FOLLOWS:**
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19 CHAIRMAN: Good afternoon, Mr. Duggan. Thank you.

14:09:36 20
21 MS. DILLON: Good afternoon, Mr. Duggan.

22 A. Good afternoon.

23 Q. 1 On the 11th of March 1994 you were an attendee at a dinner held in the home of
24 Mr. Niall Welsh, isn't that right?

14:09:48 25 A. That's right, yes.

26 Q. 2 Would you outline first of all to the Tribunal the circumstances in which you
27 came to attend the dinner, who asked you?

28 A. Well Mr. O'Callaghan knew that I wanted to meet Mr. Reynolds because I had
29 invested heavily in Green Glenn arena in Millstreet and I needed to get the
14:10:08 30 roads fixed coming in to Millstreet and Mr. O'Callaghan knew that I wanted to

- 14:10:13 1 do that and he rang, called me and he said Mr. Reynolds would be in Cork and
2 now's your chance if you want to meet him.
- 3 Q. 3 And did Mr. O'Callaghan indicate to you, did he tell you first of all what kind
4 of a meeting was going to take place in Mr. Welsh's house?
- 14:10:29 5 A. He said it was a dinner.
- 6 Q. 4 And did he mention or discuss with you any question of fundraising?
7 A. No.
- 8 Q. 5 Did you make a donation on the night of the dinner?
9 A. Yes, I did.
- 14:10:39 10 Q. 6 In the amount of 5,000 Pounds?
11 A. Yes.
- 12 Q. 7 Isn't that right? How did you come to make that donation can you remember?
13 A. I do. When I got there I saw that -- I learnt that everybody else was doing it
14 and I happened to have my cheque with me.
- 14:10:52 15 Q. 8 When you say you learnt that everybody else was doing it. Does that mean that
16 you understood from the time you arrived in Mr. Welsh's house that everybody
17 else was making a donation that night?
18 A. Yes.
- 19 Q. 9 And was that the first time that you became aware that there was in fact a
20 fundraising element to this dinner?
14:11:07 21 A. Well, I had an idea that it was.
- 22 Q. 10 When you say you had an idea that it was, do you mean before you attended at
23 Mr. Welsh's house you had an idea that there was a fundraising element?
24 A. Yes.
- 14:11:21 25 Q. 11 And from whom did you get that idea Mr. Duggan that it was a fundraising
26 element?
27 A. I have to say that it was from Mr. O'Callaghan.
- 28 Q. 12 Can you remember at all the conversation you had with Mr. O'Callaghan about the
29 fundraising element?
14:11:32 30 A. No, it would be very, very short and sweet.

14:11:35 1 Q. 13 And had you made out the cheque before you arrived at Mr. Welsh's house?
2 A. No.
3 Q. 14 If I can show you at 21955. And it will come up on the screen beside you
4 Mr. Duggan, a copy of a document that you provided. If you turn the other way,
14:11:49 5 the small screen in front of you?
6 A. Uh-huh.
7 Q. 15 You will see there. This is an extract from your, it is the counter foil on
8 your cheque book, isn't that right?
9 A. Yes.
14:11:58 10 Q. 16 And you provided that to the Tribunal, isn't that right?
11 A. Yes.
12 Q. 17 And the document reads "reference Owen O'Callaghan" isn't that right? And
13 that's what was on the cheque stub, isn't that the position?
14 A. Yes.
14:12:11 15 Q. 18 And when you subsequently dealt with the payment of 5,000 pounds to Fianna Fail
16 in the books and records you described this as a donation, isn't that right?
17 A. Yes.
18 Q. 19 And in the first instance it was entered under the name of Mr. O'Callaghan,
19 isn't that right?
14:12:29 20 A. I don't know because I wouldn't have anything to do with the cheques or the
21 book-keeping part of the business.
22 Q. 20 Yes I think if you look at 21954. And you will see this is an extract from the
23 books and records of Millstreet and under the heading of the "Nominal Account
24 833" which is headed "donations", do you see that?
14:12:56 25 A. Yes.
26 Q. 21 And you will see beneath that "11th of March 94 detail Owen O'Callaghan 5,000
27 Pounds" isn't that right?
28 A. Yes.
29 Q. 22 In fact there was not a cheque to Mr. O'Callaghan isn't that the position
14:13:06 30 Mr. Duggan?

14:13:08 1 A. Yes.

2 Q. 23 The cheque was in fact a cheque to Fianna Fail, isn't that right.

3 A. Yes.

4 Q. 24 And I think that in the books and records of Millstreet it was ultimately

14:13:16 5 entered up as a donation, correctly entered into the books, isn't that right?

6 A. Yes.

7 Q. 25 And that I think can be seen at 21951. Where in an extract from the trial

8 balance, if one comes down about nine entries, you see an entry for the year

9 end 1st of December 94 in the sum of 5,000 pounds under the heading "donation",

14:13:37 10 isn't that right?

11 A. Yes.

12 Q. 26 And that is the donation of 5,000 Pounds, isn't that the position?

13 A. Yes.

14 Q. 27 Can I suggest to you Mr. Duggan that because you entered Mr. O'Callaghan's name

14:13:51 15 in the cheque stub, that it is likely that it was Mr. O'Callaghan who discussed

16 with you the fundraising aspect?

17 A. Yes.

18 Q. 28 Because you put his name on the cheque stub and I am suggesting to you it's

19 unlikely that you would have done that if it wasn't in connection with Mr.

14:14:02 20 O'Callaghan, isn't that so?

21 A. That is so, yes.

22 Q. 29 So it would follow from that that you would have known before the you came to

23 the dinner on the 11th of March 94 that in fact there was a fundraising

24 element?

14:14:12 25 A. I had an idea.

26 Q. 30 And when you arrived at the dinner were you reinforced in that idea that it was

27 a fundraising dinner?

28 A. Yes.

29 Q. 31 And how were you reinforced in that idea Mr. Duggan?

14:14:22 30 A. Well there were others there and it became fairly obvious after a very short

14:14:30 1 time.

2 Q. 32 How did it become obvious Mr. Duggan?

3 A. A bit of chatter between a couple of people I would say.

4 Q. 33 And was that conversation amongst people that were there, amongst other people

14:14:41 5 who attended the dinner about the amount of money that was to be paid or about

6 the fact that it was a fundraising dinner?

7 A. Both.

8 Q. 34 And did you discuss with anybody else a rate or how much other people, what

9 contribution other people were making?

14:14:54 10 A. I did.

11 Q. 35 Can you remember who you discussed that with?

12 A. Persons sitting next to me, I think, was Mr. Granger.

13 Q. 36 And did you discuss that with him?

14 A. Yes.

14:15:03 15 Q. 37 And did you discuss it with anybody else?

16 A. No.

17 Q. 38 Was any mention made at all of cash at the dinner can you remember?

18 A. No, definitely not.

19 Q. 39 Anybody that you spoke to were making their contribution by way of cheque, is

14:15:22 20 that right?

21 A. Yes.

22 Q. 40 Now, your cheque, by the cheque stub, I beg your pardon refers to Mr.

23 O'Callaghan the cheque itself was made out to Fianna Fail, isn't that right?

24 At 21966.

14:15:34 25 A. I presume so. I hadn't seen it any more after.

26 Q. 41 Yes?

27 A. That occasion.

28 Q. 42 Yes well this is a copy.

29 A. Yeah, well I accept that.

14:15:41 30 Q. 43 And you will see there that it's made out I think to Fianna Fail?

14:15:45 1 A. Yeah.

2 Q. 44 While it's quite a poor copy I think it's clear from that?

3 A. Oh, yes.

4 Q. 45 That the cheque that you wrote was a cheque to Fianna Fail notwithstanding what

14:15:53 5 was in the cheque stub, isn't that right?

6 A. All right, yes.

7 Q. 46 Did you ever receive a receipt from Fianna Fail in respect of that payment?

8 A. No.

9 Q. 47 Did you ever receive an acknowledgement from Fianna Fail in respect of that

14:16:03 10 payment?

11 A. No.

12 Q. 48 Had you ever made any political contribution or donation to Fianna Fail in

13 advance of the 11th of March 1994?

14 A. No, never.

14:16:11 15 Q. 49 And is this the only contribution Mr. Duggan?

16 A. Yes.

17 Q. 50 That you made? Did you have your discussion with Mr. Reynolds about the roads

18 outside Millstreet?

19 A. Oh, I did. Across the table from him I told him that there were 200,000 people

14:16:26 20 coming in to my town and the road from Macroom to Milltown had 61 bends and

21 several ups and downs and I asked him to see could he do anything to get it

22 repaired. From what I hear from everybody, right up to this day, coming

23 through to Millstreet to different events, pity about the roads, pity about the

24 roads.

14:16:46 25 Q. 51 Can you remember how many approximately were at the dinner?

26 A. I think probably 18/20 I'd say.

27 Q. 52 Would you have known most who were at the dinner?

28 A. No if fact because I ... whether I remember, I stated it in my statement. It

29 is only two or three or four people I think but I've learnt a lot about a lot

14:17:06 30 of them since in the meantime from publicity.

- 14:17:09 1 Q. 53 Did you know Mr. Joe Kelly Mr Duggan by any chance?
- 2 A. No, name doesn't ring a bell to me at all.
- 3 Q. 54 You can't say whether or not you remember him being at the dinner?
- 4 A. No.
- 14:17:16 5 Q. 55 Do you remember Mr. Des Richardson being at the dinner, did you know him?
- 6 A. Yes, I think so, yes.
- 7 Q. 56 Did he speak can you remember to the dinner?
- 8 A. No not while I was there anyway. He was moving about the building or the room.
- 9 Q. 57 And Mr. Pat Farrell who was then General Secretary of Fianna Fail?
- 14:17:32 10 A. Yes I know. I knew pat Farrell yes.
- 11 Q. 58 Did he say a few words to the ...?
- 12 A. Not while I was there.
- 13 Q. 59 Do you remember who collected, you put your cheque in an envelope?
- 14 A. Yes.
- 14:17:42 15 Q. 60 And do you remember did anyone collect the envelopes or your envelope from you?
- 16 A. I left it on the table.
- 17 Q. 61 And were there other envelopes left on the table?
- 18 A. I can't say for sure. I wasn't looking like that but it's quite possible.
- 19 Q. 62 Yes. But from the conversation -- sorry I beg your pardon?
- 14:18:02 20 A. Some of the others might have passed it, I'm not too sure about that.
- 21 Q. 63 Yes but from your conversations from the other people that you spoke with at
- 22 the dinner. There was a discussion about the fundraising aspect of the dinner
- 23 and a discussion about the rate is that right?
- 24 A. Yes.
- 14:18:14 25 Q. 64 And did you understand that the general rate was 5,000 Pounds?
- 26 A. I'd say that was probably a minimum.
- 27 Q. 65 You felt that was probably a minimum?
- 28 A. Yes, uh-huh.
- 29 Q. 66 And you felt, is it that that was the least that you could give at that
- 14:18:30 30 particular circumstance?

14:18:31 1 A. Yes that's right yes.

2 Q. 67 All right. Thank you very much, Mr. Duggan. If you would answer any questions

3 that anybody may have for you?

4 A. All right.

14:18:37 5

6 CHAIRMAN: Mr. Duggan, could I just ask you in relation to the decision to

7 give 5,000 Pounds. Was that figure suggested by Mr. Granger?

8 A. No, Mr. Granger and I had a few words, you know, how much are you paying, how

9 much are you giving. And I don't know what he give. I think it could well be

14:18:59 10 more than that but I think the minimum was accepted, or the 5,000 was accepted

11 as the minimum.

12

13 CHAIRMAN: And how did you make that decision that this was the minimum?

14 A. I was going for the minimum, Your Honour.

14:19:14 15

16 CHAIRMAN: Did somebody say something to you which left you with the idea that

17 that would be the minimum?

18 A. Yes, that particular man mentioned.

19

14:19:23 20 CHAIRMAN: Is that Mr. Granger?

21 A. Yes.

22

23 CHAIRMAN: That it was 5,000 or more?

24 A. Yes.

14:19:28 25

26 CHAIRMAN: And it was on that basis that you ...

27 A. Yes.

28

29 CHAIRMAN: Paid that

14:19:32 30 A. Yes.

14:19:36 1
2 CHAIRMAN: And where did you get the -- were there envelopes provided for
3 A. No but I had my own accommodation.

4
14:19:45 5 CHAIRMAN: All right. Thank you very much, Mr. Duggan
6 A. Thank you.

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14:19:52 10 **THE WITNESS THEN WITHDREW.**

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14:19:53 15 MR. QUINN: Mr. Gerard Leahy.

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14:20:18 1 **MR. GERARD LEAHY, HAVING BEEN SWORN, WAS QUESTIONED**

2 **BY MR. QUINN AS FOLLOWS:**

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14:20:30 5 CHAIRMAN: Good afternoon, Mr. Leahy

6 A. Hi. Sit down?

7

8 CHAIRMAN: Yes, sit down.

9 Q. 68

14:20:35 10

11 MR. QUINN: Good afternoon Mr. Leahy. Mr. Leahy, I think on the 14th of
12 September 2004 the Tribunal wrote to you. If we could have pages 2661 and 2662
13 particularly 2662 please. They outlined and advised you that it was its
14 intention to hold an inquiry into certain planning matters in relation to lands
15 at Quarryvale now Liffey Valley.

14:20:58 15

16

17 And I think at 2662 it asked that you might provide to it a detailed narrative
18 statement outlining dealings, if any, that you might have had in respect of the
19 said lands. And it also advised you that the statement should include details

14:21:15 20

21 in relation to a number of individuals including Mr. Frank Dunlop, Frank Dunlop
22 & Associates, Owen O'Callaghan, Peter Brady, Ambrose Kelly, Liam Lawlor, any
23 member of the then Dublin County Council's. Subsequently South Dublin County
24 Council, any member of the staff of Dublin County Council and subsequently
25 Dublin Corporation. And any representatives of Barkhill Limited, isn't that
26 right?

14:21:37 25

26 A. Yeah.

27 Q. 69 And I think on the 7th of October 2004 at 2663 you wrote to the Tribunal
28 enclosing a narrative statement as sought. And that narrative statement I
29 think is to be found at pages 2664 and 2665, isn't that correct?

14:21:54 30

A. Yeah, it looks right.

- 14:21:55 1 Q. 70 And if I could just perhaps take you through that statement and ask you one or
2 two questions arising from it?
- 3 A. Right.
- 4 Q. 71 I think in the introduction you say that you commenced practice as an
14:22:05 5 auctioneer in 1978 in Dublin city?
- 6 A. Correct.
- 7 Q. 72 And in 1980 you decided to open a branch in West Dublin, Palmerstown. You
8 selected an area after a number of months investigating the Local Development
9 Plan and you say that it was obvious to you that a major expansion in Dublin
10 was going to be in West County Dublin. And you say that in 1988 a large press
11 launch announced detailed proposals, sorry announced proposals to build a new
12 town centre at a location in Palmerstown called Quarryvale and it was to be
13 known as the Westpark Centre. This development you thought would enhance the
14 entire locality and be good for business. In 1988 you opened a second office
14:22:42 15 in the region in Lucan, is that correct?
- 16 A. Yes.
- 17 Q. 73 And you say you joined Gunne Estate Agents as Managing Director of the Dublin
18 West operation on 1st of October 1989. You say that as part of your work and
19 because you lived locally you kept a lively interest in all development that
14:22:56 20 took place in the locality. You say that you at all times through your
21 involvement in local organisations consistently supported the Quarryvale
22 Development and you were of the view that the development at Quarryvale was in
23 the best interest of the Lucan/Palmerstown area and did not pose any
24 significant threat to the Blanchardstown proposals. You were absolutely
14:23:14 25 against the Council's plans for a new town centre at Balgaddy, is that correct?
- 26 A. Yes.
- 27 Q. 74 If I could just stop there for a moment, Mr. Leahy. You were an auctioneer
28 isn't that correct?
- 29 A. Still am.
- 14:23:30 30 Q. 75 Had been in the city and had moved out to West Dublin, is that correct?

- 14:23:30 1 A. That's correct.
- 2 Q. 76 Can you tell the Tribunal of your involvement with Gunne Estate Agents, how did
3 that come about?
- 4 A. What did I say, 89? About maybe six months before that or a number of months
14:23:39 5 before that sometime in 89, Fintan Gunne approached me and asked me to go and
6 see him and said that he was involved in the assembly of the lands for, it was
7 called Westpark at that time. He bought the lands for Mr. Gilmartin or
8 assisted in assembling them or whatever and that he was going to be doing
9 business there and he was going to open an office there etc. and that they were
14:24:02 10 a very big firm that pretty much I could fight them as an independent or he
11 would -- come and work with him and I'd be part of a bigger team.
- 12 Q. 77 Would it be fair to say that it was certainly Mr. Gunne's ambition to exploit
13 the development of the Quarryvale site?
- 14 A. Oh, absolutely yes.
- 14:24:18 15 Q. 78 And to build on his relationship with Mr. Gilmartin, is that correct?
- 16 A. Yeah, yeah.
- 17 Q. 79 Did you know Mr. O'Callaghan at that stage?
- 18 A. No.
- 19 Q. 80 Had you ever met Mr. Gilmartin?
- 14:24:28 20 A. No.
- 21 Q. 81 So would it be fair to say that when you joined Gunne's in October 1989 you did
22 so in contemplation of developing the Gunne's interests in the developing
23 Quarryvale site?
- 24 A. No, no, that's the wrong, that would take the wrong end of it. I joined
14:24:44 25 Gunne's because if I didn't join them they'd be my opposition, they'd wipe me
26 out. I had no interest then now or in the future in commercial. I don't do
27 commercial so Quarryvale would be of no interest. The Quarryvale development
28 would be of no interest to me personally.
- 29 Q. 82 After you joined Gunne's?
- 14:25:00 30 A. No or now or since I went out on my own again ever. I have never sold a

- 14:25:06 1 commercial property in my life ever.
- 2 Q. 83 Presumably if Gunne's -- had the development in Quarryvale taken off as
- 3 envisaged in 1989 and had Mr. Gilmartin developed the site, presumably Gunne's
- 4 would have had an interest in developing and selling on and leasing the various
- 14:25:24 5 shop units?
- 6 A. Absolutely. My ... sorry go on.
- 7 Q. 84 All of that would have increased your profile in West Dublin and Gunne's
- 8 profile and profit?
- 9 A. I'm sure it would have increased Gunne's. My concern was that they were going
- 14:25:37 10 to open an office in the centre and compete with me for residential house sales
- 11 in the area. That was my concern.
- 12 Q. 85 Now I think if we revert to your statement. I think you say that under the
- 13 headings "Mr. Frank Dunlop, Frank Dunlop & Associates and Mr. Owen O'Callaghan"
- 14 you say the following. "At the height of the public debate Lucan Community
- 14:25:57 15 Council and Lucan Planning Council had held a meeting in the Spa Hotel to
- 16 discuss the development and invited all of the interested parties and the
- 17 general public to discuss the proposal to rezone the lands at Quarryvale. I
- 18 attended the meetings and spoke towards the end of the meeting strongly in
- 19 favour of the proposal for Quarryvale/Westpark. To the best of my recollection
- 14:26:16 20 I was only one of two speakers to support the proposal on that night in a very
- 21 packed meeting room. Towards its end the meeting was addressed by Mr.
- 22 O'Callaghan who was accompanied by his architect Mr Ambrose Kelly. I had not
- 23 met these men previously and did not meet them on that evening." Now just in
- 24 relation to that meeting in the Lucan on the Lucan Community Council and Spa
- 14:26:42 25 Hotel. When do you say that meeting took place?
- 26 A. I'd have said it was around '91ish. 1991. I mean the ... I don't really know.
- 27 It was certainly before any proposals. I mean the proposals to the Council
- 28 started around 90, I think, was it 91.
- 29 Q. 86 I think if we take the, what might be referred to as the McGrath motion which
- 14:27:10 30 was a successful meeting in May 1991?

- 14:27:14 1 A. So it would have been before that.
- 2 Q. 87 It was before that. So it was sometime?
- 3 A. Late 90 type of.
- 4 Q. 88 Late 1990?
- 14:27:20 5 A. Yeah.
- 6 Q. 89 So do you say that Mr. O'Callaghan was promoting the Quarryvale proposals as
7 early as late 1990?
- 8 A. I mean whenever that meeting was he was obviously promoting it. It was, he was
9 the public face of it and everything at that stage. I don't really know when
10 it was.
- 14:27:38 10
- 11 Q. 90 Would it be fair to say that there appears to have been a transfer of public
12 face on this project from Mr. Gilmartin to Mr. O'Callaghan at that stage?
- 13 A. Yes.
- 14 Q. 91 What can you tell the Tribunal about that from your local knowledge at the
15 time?
- 14:27:51 15
- 16 A. Well I mean I don't know. I do know that the original proposal was for you
17 know a new City, a million and a half square feet and houses. I mean it was
18 phenomenally huge and it was launched with the press and everybody else and
19 everybody read about it. Maybe a year or two, I don't know how it came about.
20 But suddenly it was Owen O'Callaghan, it was the Quarryvale Centre, Liffey
21 Valley and O'Callaghan driving it and Mr. Gilmartin didn't seem to be there.
- 14:28:12 20
- 22 Q. 92 Well presumably you discussed this change with Mr. Gunne?
- 23 A. Oh, yeah well Fintan Gunne told me that he had bought the land for Gilmartin
24 and that he was going to be involved with O'Callaghan because he was AIB's man
25 and AIB were going to ensure that he was in the middle. That was my reading of
26 it.
- 14:28:33 25
- 27 Q. 93 I think Mr. Gunne had done some work for Allied Irish Bank?
- 28 A. Yes a lot of work. He would do a lot of work for AIB.
- 29 Q. 94 He would have been very close to AIB?
- 14:28:47 30 A. That was certainly the feel we would have got, the staff.

- 14:28:50 1 Q. 95 Are you saying that Mr. Gunne's information had come from Allied Irish Bank or
2 from Mr. Gilmartin?
- 3 A. There seemed to be at some stage, I mean I was only a member of staff, I wasn't
4 in Head Office, I was out in the sticks as it were but there seemed to be an
14:29:05 5 impression that Fintan Gunne and Mr. Gilmartin. Mr. Gilmartin was flavour of
6 the month when I joined. And sometime later Mr. O'Callaghan became flavour of
7 the month. Now what happened in between I don't know. But that was how I read
8 it.
- 9 Q. 96 Well did Mr. Gunne have any involvement with Mr. O'Callaghan before Mr.
14:29:25 10 O'Callaghan became involved on the site?
- 11 A. I wouldn't know, I don't know.
- 12 Q. 97 Well throughout Mr. Gunne would have had involvement with Allied Irish Bank?
- 13 A. Well again that's only hearsay. That's what was always the understanding in
14 the office, that he always certainly did a lot of work for AIB.
- 14:29:40 15 Q. 98 And certainly I think your evidence is that Mr. Gunne was instrumental in
16 assisting Mr. Gilmartin in assembling the site?
- 17 A. Well, that's what he told us anyway.
- 18 Q. 99 Had Mr. Gunne any involvement, for example, in getting Allied Irish Bank to
19 provide finance to Mr. Gilmartin?
- 14:29:54 20 A. I don't know, I don't know, I haven't a clue, I don't know.
- 21 Q. 100 You go on to say "the first occasion that I met Mr. O'Callaghan and Mr. Dunlop
22 was in December 1991 as at fundraising function in Finnistown House Hotel in
23 the company of Mr. Frank Dunlop. As Chairman of the function I introduced
24 myself to all of the guests. I think that even at this stage you had an
14:30:15 25 involvement with Fine Gael?
- 26 A. Over the years.
- 27 Q. 101 You say "thereafter I would see both men at various functions and Mr.
28 O'Callaghan at horse showings and both our kids did show jumping. We never
29 discussed business. In summer 1992 the late Fintan Gunne --
- 14:30:31 30 A. Sorry can you scroll down a bit. Thanks.

14:30:34 1 Q. 102 I can provide you with a hard copy?
2 A. No, no, no, that's grand, yeah.

3 Q. 103 You say that in "In Summer 1992, the late Fintan Gunne, Managing Director of
4 Gunne Estate Agents, my boss, arranged for me to meet Mr. Dunlop and Mr.
14:30:45 5 O'Callaghan to update them on local feelings about the project. They were well
6 aware of my public support for the project through local organisations like
7 Lucan traders, Lucan Fine Gael and Lucan Planning council. I assured them of
8 my personal belief in their project and would continue to speak in favour at
9 any opportunity. They thanked me for my support. I met Mr. O'Callaghan with
14:31:07 10 Fintan Gunne on his own two or three times over the next 18 months in relation
11 to purchasing a house from Mr. O'Donoghue and acquiring him a new house. This
12 deal did not happen. The last time I met Mr Dunlop was at his son's funeral.
13 Mr. O'Callaghan at his daughter's funeral.
14

14:31:21 15 Under the heading "Peter Brady" you say "that I have known Peter Brady since
16 1983 when I moved to live in Lucan and joined Fine Gael. I often debated
17 Quarryvale with Peter at public meetings and we did not agree. He thought it
18 was much too big and I didn't. We did both agree that the Council's planned
19 for a new town in Balgaddy was crazy and wouldn't happen". Under the heading
14:31:44 20 "Ambrose Kelly" you say "I saw Ambrose Kelly at public meetings at the Spa
21 Hotel as outlined above. I met someone from his office with the Commercial
22 Department of Gunne's Estate Agents in Ballsbridge while looking at plans for
23 Quarryvale for a client of Fintan Gunne's from abroad."
24

14:31:59 25 Under the heading "Liam Lawlor" you say you never had any dealings with
26 Mr. Lawlor in relation to these lands.
27

28 And then in relation to your meetings with councillors and others you say that
29 "As with Peter Brady I regularly debated this project with other Fine Gael
14:32:13 30 councillors in our constituency. Tom Morrissey adamantly opposed it and

14:32:18 1 supported Green Properties. Therese Ridge strongly supported it. I never had
2 any dealings with members of staff in Dublin County Council, South Dublin
3 County Council or Dublin Corporation." And then you say that you never had any
4 dealings with Barkhill, Riga or O'Callaghan Properties, is that correct?

14:32:41 5 A. That's correct.

6 Q. 104 Now, you would have been, I think, with Gunnes in 1990, isn't that correct,
7 because you had joined Gunnes in October?

8 A. '89 I think, yeah.

9 Q. 105 Yes. And we know for example that on the 11th of September 1990 Mr. Gunne
14:32:51 10 wrote to Mr. O'Callaghan enclosing a memo which he had received. If we could
11 have 4362, please. This is a letter from Mr. Gunne to Mr. O'Callaghan and it
12 encloses a memo at 4359. Did you know a Mr. Ed McDonald at this time?

13 A. Yes, he worked in head office with Gunnes.

14 Q. 106 Yes. And he had obviously attended a meeting at Dublin County Council. And he
14:33:21 15 had, he was briefing Mr. Gunne in relation to the developments of the proposals
16 in relation to the rezoning of West Dublin at this time, isn't that right?

17 A. I never seen it. That seems to be yeah, that seems to be it yes.

18 Q. 107 Yeah. And we know that for example that Mr. Gunne provided a report to
19 O'Callaghan Properties in relation to this site in December 1991, isn't that
14:33:49 20 right? If we could have 6431 please. This is a report, valuation on the site.
21 And at 6432 you will see that it's prepared, dated the 10th of December 1991
22 for O'Callaghan Properties Limited?

23 A. Correct.

24 Q. 108 For Mr. O'Callaghan in fact of O'Callaghan Properties Limited do you see that?

14:34:08 25 A. I do. But I mean this would have all gone on in head office I would have had
26 no idea that this was going back ...

27 Q. 109 Your views would never have been sought from head office in relation to these
28 matters?

29 A. Absolutely not.

14:34:18 30 Q. 110 Had you known that in December 1991 head office had valued the Quarryvale site

- 14:34:22 1 for 19,500 million, at 6440?
- 2 A. Wouldn't have a clue. It's commercial. Valuation Department would never
3 contact me first of all and secondly, if they did it would only be in relation
4 to residential. I wouldn't have a clue about commercial land.
- 14:34:36 5 Q. 111 And there was a document, I want to just put a document to you which has been
6 discovered by Gunnes at 14254. It appears to be a brief picture of Gunne's
7 relationship with Owen O'Callaghan, do you see that document?
- 8 A. I do yeah.
- 9 Q. 112 Do you know how that document came into existence?
- 14:34:53 10 A. It was drawn up after a number of drafts being circulated or whatever as,
11 what's the word I'm looking for, probably briefing document or ammunition for a
12 court case that Gunne's were taking against O'Callaghan. I think Gunnes were
13 suing O'Callaghan yeah.
- 14 Q. 113 And would it be fair to say that the drafts leading up to this document would
15 have been circulated to you?
- 14:35:13 16 A. Yeah.
- 17 Q. 114 Because you are referred to in this document, isn't that right?
- 18 A. Yeah, yeah, yeah.
- 19 Q. 115 There is a further document I think. If we could have 7639. It's headed
14:35:25 20 "notes of meeting with Owen O'Callaghan and F Dunlop on 25th of June 1992 at 6
21 p.m."?
- 22 A. Yeah.
- 23 Q. 116 Can you tell the Tribunal how that document came into existence?
- 24 A. Same way. It would have been drafted over and back. This would have been all
14:35:39 25 done pre the proceedings. So maybe a year or two after the meetings or these
26 things would have taken place. Fintan would be regularly saying we need,
27 whatever case he was taking, and send out a draft do you agree with that and
28 over and back.
- 29 Q. 117 So can the Tribunal take it that you would have seen the drafts?
- 14:35:57 30 A. Yes.

- 14:35:58 1 Q. 118 And you would have seen this final document and this is a document you would
2 have signed off on, is that correct?
- 3 A. Well I would have seen it but signed off on it -- it was a tactical ...
- 4 Q. 119 No, We will decide why in a moment why it came into existence
- 14:36:12 5 A. Yeah. I would know it was there yeah.
- 6 Q. 120 More than know it was there. Presumably you would agree with what is there?
- 7 A. No.
- 8 Q. 121 You don't agree with what's on this document?
- 9 A. No.
- 14:36:22 10 Q. 122 I see. Even Though you would have received the drafts leading up to this
11 document?
- 12 A. Yeah.
- 13 Q. 123 We just read the document for a moment if we can Mr. Leahy, just to see can we
14 try and sort?
- 14:36:35 15 A. This, sorry, when I say I wouldn't agree ...
- 16 Q. 124 Just wait a second. I am now reading a document which you say you do not agree
17 with, isn't that correct?
- 18 A. No sorry. Might be a little bit confused. I agree that it was absolutely and
19 I signed off on it and I saw it or whatever. I don't agree with it that it
14:36:52 20 accurately -- I was asked to swear earlier. I won't put my hand up and swear
21 that that reflects what happened. Maybe I am misunderstanding you.
- 22 Q. 125 Well we will just clarify that for a moment. Somebody produced a draft of what
23 occurred at a meeting on the 25th of June 1992?
- 24 A. Yeah.
- 14:37:10 25 Q. 126 And you saw that draft?
- 26 A. Correct.
- 27 Q. 127 Presumably amended that draft and it went backwards and finally there was a
28 final document produced, isn't that correct.
- 29 A. Yes?
- 14:37:22 30 Q. 128 And that document is now on screen?

- 14:37:24 1 A. Yes.
- 2 Q. 129 You say that it doesn't accurately reflect what transpired at the meeting on
3 the 25th of June 1992?
- 4 A. Yes.
- 14:37:32 5 Q. 130 How could that possibly be the case Mr. Leahy.
- 6 A. Well in the private interview or whatever you call it, when I met Patricia and
7 Members of the Tribunal earlier on or whatever I spent half an hour or three
8 quarters of an hour telling them effectively ...
- 9 Q. 131 Mr. Leahy, could you just concentrate for a second?
- 14:37:47 10 A. I'm trying to come to this.
- 11 Q. 132 Please. Could you explain to the Tribunal now that you are under oath and
12 here, how a document which purports to reflect what transpired at a meeting on
13 the 25th of June 1992, drafts of which you contributed to?
- 14 A. Uh-huh.
- 14:38:00 15 Q. 133 Does not accurately reflect what actually did transpire on that date?
- 16 A. Because I was instructed by Fintan Gunne right and guaranteed by him that this
17 was purely tactics to put the squeeze on a case they were bringing and I told
18 him at that time that I would never swear or sign off on that being. And he
19 said don't worry about it, we're purely just, you know, whizzing it up.
- 14:38:25 20 Q. 134 Can the Tribunal take it therefore from your evidence that you were prepared
21 to sign off on a document which didn't accurately reflect what actually
22 transpired.
- 23 A. I didn't sign anything.
- 24 Q. 135 Well are you saying that you never saw this document?
- 14:38:37 25 A. Oh, saw it but to sign off. I didn't sign it.
- 26 Q. 136 Did you make an amendment to this document?
- 27 A. Not to this final one, no.
- 28 Q. 137 So this a is a final document which comes into existence as a result of a
29 number of drafts.
- 14:38:53 30 A. Correct.

- 14:38:53 1 Q. 138 It doesn't accurately reflect what it purports to suggest occurred at the
2 meeting or transpired at the meeting on the 25th of June but nonetheless you
3 were prepared to go along with that as a tactic, is that correct?
4 A. Correct yeah.
- 14:39:07 5 Q. 139 Well let's look at the document and see what you don't agree with?
6 A. Yeah.
- 7 Q. 140 "I met Frank Dunlop and Owen O'Callaghan in my office and discussed the
8 Quarryvale project and how it was going" is that true?
9 A. Yeah.
- 14:39:19 10 Q. 141 Had any amendments been made to that or had anything been suggested to you in
11 relation to that by Mr. Gunne?
12 A. I have no idea. I can't remember. Well I mean that is true I did meet them.
- 13 Q. 142 We can take that as true, is that correct?
14 A. Sorry yeah I think there was one amendment that originally I put down that
15 Fintan had set up the meeting and he took that out. That sentence is true.
- 16 Q. 143 Had that sentence have remained in would it have been true that?
17 A. Fintan set up a meeting. Oh, that was the truth yeah.
- 18 Q. 144 Okay. So we can take it that therefore not alone is that first sentence
19 correct but if we were to add in the fact that this meeting was arranged by
14:39:54 20 Fintan Gunne that also would be true?
21 A. Yeah.
- 22 Q. 145 Next line "general chat; they said they hoped to get zoning through by
23 September/October" was that correct?
24 A. Yeah, sounds about right, yeah.
- 14:40:08 25 Q. 146 Okay well we'll say that's correct "I told them of my involvement in local
26 politics and as the whole matter was now very much in the political domain for
27 zoning decision that perhaps I might be of some assistance through my political
28 contacts and local knowledge" is that true?
29 A. No.
- 14:40:23 30 Q. 147 Okay, well did you tell them of your involvement in local politics?

- 14:40:27 1 A. Well they would have either known. It certainly was discussed yeah.
- 2 Q. 148 Okay. And did you tell them that as the whole matter was now very much in the
3 political domain for a zoning decision that perhaps you could be of assistance?
- 4 A. No.
- 14:40:38 5 Q. 149 Through your political contacts and local knowledge?
- 6 A. No. We can go through it line by line if you wish but the essence of it was I
7 had been supportive of Westpark/Quarryvale for three, four, five years ever
8 before I joined Gunnes. And I was supportive of it plain and simply because I
9 didn't agree with the principle of doing away with the town of Lucan and
10 Clondalkin and form a new town called Ronanstown. And if the town centre
11 wasn't going to be Ronanstown, if it was in Liffey Valley the whole new town of
12 Ronanstown would never happened. I said that at the start at public meetings.
13 Nothing to do with Quarryvale. If the town centre wasn't there. I live in
14 Lucan and I didn't want to live in a place called Ronanstown full stop.
- 14:41:22 15 Q. 150 Mr. Leahy why did Mr. Gunne ask to you meet with Mr. O'Callaghan and Mr.
16 Dunlop?
- 17 A. Well to basically you know to keep them sweet and tell them how hard everybody
18 in Gunne's was working to ensure that the public perception of Quarryvale was
19 positive and to impress them I suppose.
- 14:41:39 20 Q. 151 And why didn't he meet with them?
- 21 A. Well sure maybe he did but I mean he asked me.
- 22 Q. 152 Why do you think you were asked to meet with them Mr. Leahy?
- 23 A. Well I presume because I was in the local -- I was local and secondly at the
24 time there wouldn't have been an awful lot of people attending public meetings
14:41:56 25 speaking publicly in favour of Quarryvale/Westpark.
- 26 Q. 153 This wasn't a public meeting?
- 27 A. You asked why they might want to meet me.
- 28 Q. 154 Why did you have a 6 o'clock meeting with Mr. O'Callaghan and Mr. Dunlop in
29 your office?
- 14:42:09 30 A. Because Fintan Gunne rang me the day before to say that Frank Dunlop was

- 14:42:12 1 wanting to me and I said grand.
- 2 Q. 155 Did you know that you were going to meet Mr. O'Callaghan?
- 3 A. I'm not sure about that. I could have been, I don't know.
- 4 Q. 156 Did Mr. Dunlop, did Mr. Gunne tell you why Mr. Dunlop, what was going to be
- 14:42:29 5 discussed between yourself and Mr. Dunlop.
- 6 A. No he I had said. I'm probably sure you he did mention it. He said Frank
- 7 Dunlop wants to meet you and keep it positive Gerry keep emphasising how much
- 8 work you're doing, keep it positive.
- 9 Q. 157 Did you expect to meet Mr. O'Callaghan at that meeting?
- 14:42:44 10 A. Probably in fairness I did.
- 11 Q. 158 So you knew that you were meeting Mr. Dunlop in the context of Quarryvale and
- 12 you were going to meet him with Mr. O'Callaghan?
- 13 A. Probably yeah.
- 14 Q. 159 And this meeting would have occurred about a year after the local elections,
- 14:42:56 15 isn't that right, because I think?
- 16 A. Could be.
- 17 Q. 160 I think they were 1991?
- 18 A. Was it.
- 19 Q. 161 I think there was a row at that election for the those that supported the
- 14:43:05 20 Quarryvale project?
- 21 A. Yes.
- 22 Q. 162 I think in that election you had been the Campaign Manager for Mr. Morrissey is
- 23 that correct?
- 24 A. That's correct yeah.
- 14:43:12 25 Q. 163 And I think Mr. Morrissey was then and remained throughout opposed to the
- 26 Quarryvale project?
- 27 A. Correct yeah.
- 28 Q. 164 So the candidate that you had promoted in that election the year previously had
- 29 opposed the Quarryvale proposal?
- 14:43:24 30 A. Was opposing at that time yeah.

- 14:43:26 1 Q. 165 And you say that the Tribunal must accept that what's written here, namely that
2 you advised Mr. Dunlop and Mr. O'Callaghan on the night that you might be of
3 some assistance through your political contacts and local knowledge that you
4 allowed that to be put into this document at the behest of the late Mr. Gunne
14:43:46 5 and that it's incorrect and doesn't accurately reflect?
6 A. No, I absolutely said that I would continue to support positively, publicly
7 every where I could, have done since and did four years before that,
8 absolutely. And if that sentence reflects that that's fair enough. But what
9 it doesn't, the bit that I wouldn't sort of -- the language I wouldn't use is
14:44:08 10 "assisted through my political contacts". Well you could say it's true.
11 Q. 166 Well five or ten minutes on Mr. Leahy and we can take it that that sentence is
12 correct. In this context I refer to my publicly declared support for the
13 Quarryvale project at a public meeting in the Lucan Spa Hotel, Lucan".
14 Presumably that's correct?
14:44:28 15 A. Yeah.
16 Q. 167 "This support was specifically referred to and appreciated by Owen" presumably
17 Mr. O'Callaghan, is that correct?
18 A. Yeah, yeah, yeah.
19 Q. 168 "Following a general discussion of the previous local elections we discussed a
14:44:37 20 number of councillors who might support the proposals" is that correct?
21 A. We certainly wouldn't have discussed numbers but I mean certainly would have
22 said you know how's it going or are you going well or whatever. Something to
23 that effect.
24 Q. 169 So there was a discussion?
14:44:49 25 A. Yes.
26 Q. 170 And a discussion of the number of councillors who would have supported it.
27 A. Absolutely never had numbers.
28 Q. 171 No numbers?
29 A. No never.
14:44:57 30 Q. 172 Well what was discussed then concerning the support for the proposed

- 14:45:03 1 councillors?
- 2 A. It was pretty much again as I said in the interview with Patricia then that
- 3 was Owen O'Callaghan was certainly giving me to understand that it was done and
- 4 dusted, it was all going to happen. They were going to win it 80 nil that type
- 14:45:18 5 of thing. It was all are very positive and I said "I don't know about that. I
- 6 think there's opposition", it was that type of discussion.
- 7 Q. 173 We're talking about councillors?
- 8 A. Oh, yeah.
- 9 Q. 174 And he is advising you that he has the support and you are saying perhaps not?
- 14:45:30 10 A. Wouldn't be so sure, yeah.
- 11 Q. 175 Yes. And presumably you are telling him that because that's your local
- 12 knowledge?
- 13 A. That's what I would have felt, yes.
- 14 Q. 176 So we are discussing the possible rezoning of the Quarryvale project at this
- 14:45:42 15 meeting, the possible support of councillors, isn't that correct?
- 16 A. Yeah, yeah.
- 17 Q. 177 And if we go on you say that "Owen said that they were absolutely confident of
- 18 success as Fianna Fail, Fine Gael, Progressive Democrats and most independents
- 19 were okay" do you agree with that?
- 14:45:56 20 A. That's what I said you know.
- 21 Q. 178 "I indicated that that was not what I had heard" which is correct presumably if
- 22 your evidence just now is to be accepted.
- 23 A. Yeah.
- 24 Q. 179 "Frank more or less agreed that it was not all plain sailing" is that correct?
- 14:46:12 25 A. He would be more accurate.
- 26 Q. 180 "Owen said that GV Wright B Coffey and C McGrath were in agreement" is that
- 27 correct?
- 28 A. Well there's one of the issues now for example that I certainly can't stand
- 29 over that were said. I mean that would have been put in when the drafts were
- 14:46:29 30 coming over and back. I have no recollection of those names being mentioned.

- 14:46:33 1 I am not saying that they weren't but I absolutely never remember them
2 mentioning names like that. They could have been but the general conversation
3 was --
- 4 Q. 181 Let me put it this way Mr. Leahy. Neither Mr. Dunlop or Mr. O'Callaghan put
14:46:47 5 those names into this memo?
- 6 A. But I didn't put them in.
- 7 Q. 182 You didn't put them in?
- 8 A. No.
- 9 Q. 183 So who are you saying put these three names?
- 14:46:56 10 A. Well the draft would have come from Fintan so either somebody in his office or
11 somebody would have put them in.
- 12 Q. 184 "And that Frank was organising the rest of Fianna Fail" was that said?
- 13 A. That certainly wasn't said no but that wouldn't be an unreasonable assumption.
14 Frank was a Fianna Fail man so that was kind of ...
- 14:47:14 15 Q. 185 So just to highlight so far to that point down to Fianna Fail?
- 16 A. Yeah.
- 17 Q. 186 The thing you disagree with is the inclusion of the names, Councillor Wright
18 Coffey and McGrath as being in agreement with the proposal?
- 19 A. Well certainly my recollection was that that was never mentioned at that
14:47:32 20 meeting.
- 21 Q. 187 Councillor McGrath I think had put forward and signed the motion in 1991 isn't
22 that right.
- 23 A. I'm sure I don't know. But I'm sure that's correct.
- 24 Q. 188 So it wouldn't be a surprise that he would be in support?
- 14:47:43 25 A. Absolutely.
- 26 Q. 189 And you would have known that he was a supporter?
- 27 A. He was public. I don't know that he put down any motions. Councillor McGrath
28 was very supportive of it yeah.
- 29 Q. 190 And that Frank was organising the rest of Fianna Fail?
- 14:47:56 30 A. That wouldn't be earth shattering news to anyone.

- 14:47:59 1 Q. 191 "The Progressive Democrats were being co-ordinated by G Tyndall who was
2 handling the insurance?"
- 3 A. Now that's one of the reasons why I know this was done post the event or
4 wherever. I read somewhere during the week in Mr Dunlop's evidence that there
14:48:14 5 was no insurance granted for a year or two afterwards. That's something I
6 found out way after this thing was done because Fintan asked me about it and I
7 said that I had heard that. That's when this document was being prepared a
8 year or nine months later. I would have had no knowledge of that.
- 9 Q. 192 Are you saying that you were party to an attempt to suggest that it was said to
14:48:38 10 you at a meeting in June 1992 that Mr. Tyndall was coordinating the Progressive
11 Democrat councillors because he was handling the insurance. That that was
12 never said?
- 13 A. That was never said.
- 14 Q. 193 But it was included in a document which purported to reflect accurately what
14:48:54 15 was said at the meeting you were at. Your document, isn't that correct?
- 16 A. It's not my document, it's Fintan's document. Yes, that was never said at the
17 meeting, absolutely never said.
- 18 Q. 194 At the top of the document it says "I met Frank Dunlop" who is the I?
- 19 A. Me.
- 14:49:09 20 Q. 195 Yeah and you are now hear saying what was indicated to you at the meeting isn't
21 that right and we have dealt with what Mr. O'Callaghan has said about his
22 confidence of success, Mr. Dunlop less certain of success than what Mr.
23 O'Callaghan is alleged to have said to you about councillors Wright, Coffey and
24 McGrath being in agreement and Mr. Dunlop organising the rest and isn't it
14:49:34 25 obvious from the document that it purports to suggest that you heard either Mr.
26 Dunlop or Mr. McGrath say at that meeting on the 25th of June that the
27 Progressive Democrats were being co-ordinated by Mr. Tyndall who was handling
28 the insurance?
- 29 A. This document was designed top, start and finish to put as much pressure as
14:49:53 30 possible on Owen O'Callaghan.

- 14:49:55 1 Q. 196 Can I ask you Mr. Leahy.
- 2 A. That name was never mentioned to me.
- 3 Q. 197 Who is this document to be given to?
- 4 A. It was forming the basis. Fintan Gunne was forming the basis of, what's the
- 14:50:06 5 word I'm looking for, a dispute or proceedings between Fintan Gunne and Owen
- 6 O'Callaghan.
- 7 Q. 198 What was the purpose of the document?
- 8 A. I presume as kind of whatever you call it frightening tactic or whatever.
- 9 Fintan told me and I said this to you already. Fintan told me "Gerry we need
- 14:50:25 10 to get all of this. You will never be asked to sign it" and I told him that I
- 11 would never swear it or stand over it and I said that to Patricia two years
- 12 ago, I said it in my statement.
- 13 Q. 199 Who was to receive this document when it was typed?
- 14 A. It went to Fintan. I don't know where it went after that.
- 14:50:49 15 Q. 200 Who did you understand was going to receive this document?
- 16 A. Fintan was going to receive it.
- 17 Q. 201 Yes. And what was he going to do with it?
- 18 A. Well I presume he was going to use it as ammunition.
- 19 Q. 202 Well when you say use. What do you mean use as ammunition?
- 14:50:58 20 A. Well all I can tell you is right what I said umpteen times already right. That
- 21 there was no problem, he could rev it up as much as he wanted. This was a
- 22 revving up process and I had no problem with that but that I would never sign
- 23 or swear. I think that's reflected in those proceedings which was drafted way,
- 24 way on later on which are far more closer to the accuracy. But I would never
- 14:51:24 25 stand over some of the stuff in this and I told Fintan that at the time. I was
- 26 employed by him. He done up the drafts, sent them over and back. I never
- 27 signed them. I never signed off on them and I will never swear to them. I
- 28 took an oath here today. That is not accurate.
- 29 Q. 203 Why do you think Mr. Gunne was sending you drafts if he wasn't seeking your
- 14:51:44 30 agreement on a final document?

14:51:45 1 A. Oh, he was trying to gather as much. He didn't need my agreement. I did what
2 I was told. I was an employee of Fintan Gunne and I told him that I would do
3 what he asked. No, except sign or swear to something that was untrue.

4 Q. 204 I suggest to you that if as you now allege that this was a fabrication by
14:52:05 5 Mr. Gunne there was no necessity for him ever to have sent this or its previous
6 drafts to you?

7 A. It's not a fabrications, it's just slightly glossed up. There was a meeting.
8 We discussed certain things or whatever. This is a glossed up version used I
9 would have presumed in tactics because he was having a court case for Owen
14:52:25 10 O'Callaghan. This was done in preparation for the court case. And I would say
11 that note could have been done a year, maybe two years after the meeting.
12 Certainly it was done a long time after it.

13 Q. 205 Frank admitted that FG were all over the place, is that correct?

14 A. That's pretty good. That would have been the tone of the telephone.

14:52:41 15 Q. 206 That's correct, is it?

16 A. Yeah yeah.

17 Q. 207 Tom Morrissey was very found up and Owen and Frank were working hard on him?

18 A. Yeah that's pretty.

19 Q. 208 Frank and Owen had recently met Austin Curry. Frank knew him from his time in
14:52:53 20 the North and while he had no vote he was important and had listened to them"
21 was that the case?

22 A. That sounds fairly right yeah.

23 Q. 209 "Therese Ridge was very strong in support" is that correct?

24 A. Yeah.

14:53:04 25 Q. 210 "Owen however was very worried about Peter Brady especially following recent
26 lobbying of him from the trade in Lucan" is that right?

27 A. That's about right, yeah.

28 Q. 211 "It was agreed that Peter was crucial" was that said?

29 A. I mean it was, it may have been yeah. I wouldn't have said it was agreed but
14:53:23 30 it was obvious yeah.

- 14:53:24 1 Q. 212 "I said that I would talk with Tommy and Peter and that I would do my best?"
- 2 A. That is a sentence encompassing what I said, that I would continue to push
- 3 Quarryvale to Tommy, Peter, anyone that would listen to me. I still do it.
- 4 Q. 213 Did you say that you would talk?
- 14:53:43 5 A. I'm sure I said I would probably continue to talk and keep pushing it yeah.
- 6 Q. 214 You had been Mr. Morrissey his election agent in the 1991 election agent, isn't
- 7 that right?
- 8 A. Yeah.
- 9 Q. 215 And you were very close to Peter Brady, isn't that correct, and you lobbied
- 14:53:58 10 Mr. Brady in relation to this?
- 11 A. Yeah.
- 12 Q. 216 "Owen emphasised the importance of Peter Brady not voting against and that
- 13 while his support would be invaluable his vote against would be a killer blow?"
- 14 A. I am not saying it didn't happen. I don't recall it.
- 14:54:15 15 Q. 217 Well the two thing that are very obvious from this. First of all that
- 16 Mr. Brady was a key and crucial Councillor, is that correct?
- 17 A. Yeah, yeah, yeah.
- 18 Q. 218 And secondly, that a vote against the project from Mr. Brady would be, as
- 19 described here a killer blow, isn't that right?
- 14:54:36 20 A. Well I wouldn't have said that but he was certainly a local Councillor. He was
- 21 certainly important, yeah.
- 22 Q. 219 Now it goes on to say "I told Owen that Gunnes would be very keen to be
- 23 appointed as selling agents and asked who would be the selling agents for the
- 24 development when it went ahead" was that discussed?
- 14:54:50 25 A. Absolutely.
- 26 Q. 220 That's correct?
- 27 A. Well no it's not quite the wording but yes we discussed who would be selling in
- 28 Quarryvale.
- 29 Q. 221 Who would be appointed, that was discussed?
- 14:55:01 30 A. Yeah, sorry it was mentioned who was selling.

- 14:55:04 1 Q. 222 If you want to amend the sentence as it appears there to accurately reflect
2 what you say was said please do so?
- 3 A. Well it would have been again in the interview that I did with the Tribunal to
4 start off, Owen raised it or I raised it but certainly the selling agents for
14:55:19 5 Quarryvale was mentioned.
- 6 Q. 223 Well?
- 7 A. Absolutely, no doubt about it.
- 8 Q. 224 Was it mentioned between yourself and Mr. Gunne in advance of the meeting?
- 9 A. Well no as far as I'm concerned Gunnes were always going to be. Fintan had
14:55:31 10 told me for years that Gunnes were going to be the agents in Quarryvale.
- 11 Q. 225 That was in Mr. Gilmartin's time?
- 12 A. Since then. Post that. It was always the case.
- 13 Q. 226 Yes. So that seems to suggest that Mr. O'Callaghan who seems to have had some
14 involvement at a certain stage had give answer commitment to Mr. Gunne that
14:55:51 15 Gunnes would be the agents?
- 16 A. I don't know that. Fintan always, since I joined Gunnes Fintan said that he
17 was going to be involved in Quarryvale.
- 18 Q. 227 So therefore you wouldn't have had to ask Mr. O'Callaghan?
- 19 A. Yeah.
- 14:56:02 20 Q. 228 And yet you say that this accurately reflects what was said which would suggest
21 that you did ask the question?
- 22 A. No, I didn't say it accurately reflected, certainly there was a discussion
23 about the selling agents.
- 24 Q. 229 Why would there be a discussion if it had been agreed between?
- 14:56:15 25 A. If there was no Quarryvale there was no selling agents right so it would be a
26 bit silly for me. Fintan had asked me to be positive and I said I would be
27 positive and I said that to Owen. I said I believe you are working or looking
28 after Gunnes. I know Fintan and we'll keep in touch.
- 29 Q. 230 I think you commenced your evidence by advising the Tribunal insofar as you
14:56:38 30 personally were concerned it mattered little what happened in Quarryvale?

- 14:56:41 1 A. None
- 2 Q. 231 Therefore if you did raise a query in relation to it it would have to have been
- 3 on ...
- 4 A. On Fintan's behalf.
- 14:56:46 5 Q. 232 That would have arisen as a result of a conversation between yourself and
- 6 Mr. Fintan Gunne that you would raise this issue with Mr. O'Callaghan at this
- 7 meeting?
- 8 A. I told you at the start, Gerry be positive, and you know that's fair enough.
- 9 Q. 233 And I suggest to you if what you say is correct, namely that Mr. O'Callaghan
- 14:57:02 10 had guaranteed Mr. Gunne an agency on the site that that wouldn't have been
- 11 necessary for you to raise that issue, isn't that right?
- 12 A. But I mean there was a phenomenally big site. Gunne's were going to be
- 13 involved right. And I would be silly and not doing my job if I didn't mention
- 14 when I was sitting in front of one of the biggest clients in West Dublin.
- 14:57:23 15 Q. 234 Can I suggest to you in the proceedings that were threatened or brought
- 16 subsequently it was never suggested that the agreement that Gunnes would be the
- 17 agents predated this meeting of June 92, isn't that right?
- 18 A. I don't know, I don't know, I don't know.
- 19 Q. 235 We'll continue "Owen recalled that he had known your father and knew you to
- 14:57:43 20 talk to" no reference there to a close meeting or previous commitment between
- 21 Mr. O'Callaghan and Mr. Gunne, isn't that right.
- 22 A. Yeah but you see that would have been a draft. In hindsight obviously they
- 23 weren't that close if he put that in, you're quite right.
- 24 Q. 236 If Mr. Gunne is fabricating a document to support his position surely what he
- 14:58:04 25 would insert there is that Owen recalled that he had previously given a
- 26 commitment to Fintan Gunne that would be appointed the agents?
- 27 A. I don't know.
- 28 Q. 237 Would you agree with me that that would make sense?
- 29 A. I absolutely can't answer that. I mean, I don't know.
- 14:58:17 30 Q. 238 Well are you saying that Mr. O'Callaghan did not say that he knew Mr. Gunne's

- 14:58:20 1 father or that he knew Mr. O'Callaghan to talk to?
- 2 A. He certainly said that he knew Fintan Gunne absolutely. I mean, he may have
- 3 said, I don't know. I don't honestly know.
- 4 Q. 239 In the past he had used Jones Lang Wootton or HOK but that they had done
- 14:58:40 5 nothing for him in this project, did he say that these two reputable firm of
- 6 auctioneers had done nothing for him in the project?
- 7 A. I can't say that that is is correct. I don't remember that.
- 8 Q. 240 "And that if I could help him out there, there would be no problem." Did he
- 9 say that?
- 14:58:56 10 A. No, that would be Fintan speak.
- 11 Q. 241 That's Fintan?
- 12 A. Yeah.
- 13 Q. 242 So are you saying that you would take issue with that, that portion of the
- 14 document?
- 14:59:04 15 A. I do. The emphasis is on. What I said from the very start, as I said, Gerry
- 16 look it you know thank you for being so positive, keep it up you, we won't
- 17 forget you when I'm talking to Fintan the next time, keep it up. It was that
- 18 sort of a conversation. The specifics of this would -- the whole meeting maybe
- 19 was only you know half an hour, sure whatever it was.
- 14:59:26 20 Q. 243 Well I think if you look at the document you will get some assistance in that
- 21 regard. You see that the meeting is schedule for 6 p.m. do you see that at the
- 22 top right hand corner and down at the bottom it says that the meeting concluded
- 23 at 7 p.m.?
- 24 A. I would have thought that that was stretching it but maybe it did.
- 14:59:44 25 Q. 244 You say that was a fabrication as well?
- 26 A. I am not saying it was. It wouldn't have struck me as being that long of a
- 27 meeting.
- 28 Q. 245 If I can just continue where I left off "Frank said you can take it Gerry that
- 29 you will be doing the business" did Mr. Dunlop in the presence of Mr.
- 14:59:55 30 O'Callaghan give that commitment?

14:59:55 1 A. No, no, no.

2 Q. 246 TO you?

3 A. No.

4 Q. 247 "I responded that's okay Frank but when I get a tip I like it to come from the

15:00:03 5 owner and not the jockey?" Did you say that?

6 A. That's Fintan speak if I ever ... no.

7 Q. 248 Did Mr. O'Callaghan interject, as it records here and say that Frank had his

8 full authority and that what he said would be delivered?

9 A. No, no .

15:00:15 10 Q. 249 "I then asked Owen directly what the position would be if the zoning went

11 through and he said Gerry if this goes through you will be the agents, you have

12 my word on that"?

13 A. That's incorrect.

14 Q. 250 You say that's incorrect?

15:00:28 15 A. Yeah.

16 Q. 251 That commitment was never given?

17 A. No absolutely, yes.

18 Q. 252 Never ever given?

19 A. No, Owen O'Callaghan certainly gave me to understand when he left that meeting

15:00:34 20 that he was positively disposed towards Gunnes, he knew Fintan and that

21 certainly you know he was going to -- he certainly never told me that Gunnes

22 were going to do no business there but equally he absolutely never said that if

23 this goes through you will be the agents. It was all very positive, fluffy

24 yeah, yeah Gerry great, super we'll all work together but keep coming back and

15:00:57 25 say look it no business for anybody if there is no development. Right so we

26 must keep the positive up and yes and all of that type of.

27 Q. 253 Mr. Leahy I am going to fast forward very briefly to 1994. If I could 11441.

28 This is an entry in Mr. Dunlop's diary for a meeting with you at 5 p.m. on the

29 13th of October 1994, you see that?

15:01:19 30 A. In October '94.

- 15:01:21 1 Q. 254 Yes?
- 2 A. Okay.
- 3 Q. 255 Now I am going to very quickly just refer to a few telephone attendances on Mr.
- 4 Dunlop's office?
- 15:01:28 5 A. Yeah.
- 6 Q. 256 If I could have 11544. 12th of October. "12:05 Gerry Leahy will call again"
- 7 do you see that reference?
- 8 A. Yeah.
- 9 Q. 257 On the 13th of October 94 at 11455. "10: 05 Gerry Leahy"?
- 15:01:43 10 A. Yeah, yeah.
- 11 Q. 258 On the 24th of October 1994. 11468?
- 12 A. Yeah.
- 13 Q. 259 And if we look at 11469, "4.20 Gerry Leahy re letter under pressure" now do you
- 14 see that?
- 15:01:55 15 A. Absolutely.
- 16 Q. 260 On the 25th of October 1994 at 11470, "40.5: Gerry Leahy re letter"?
- 17 A. Yeah, yeah.
- 18 Q. 261 And again on the 26th of October 1994, 11472. "3.10 Gerry Leahy looking for
- 19 his letter" do you see that?
- 15:02:11 20 A. Yeah, yeah.
- 21 Q. 262 11474, on the 27th October 1994, "11.30 Gerry Leahy re letter, fax number and
- 22 telephone number given"?
- 23 A. Yeah, yeah.
- 24 Q. 263 1st of November 1994 at 11477, "10.30 a.m. Gerry Leahy re letter"?
- 15:02:27 25 A. Yeah.
- 26 Q. 264 2nd of November 1994. 11486, "9:35 Gerry Leahy" and the 16th November 1994
- 27 "Gerry Leahy 11:40 at 11503" and at 11505, 17th of November 1994 "4:30 Gerry
- 28 Leahy letter", do you see that?
- 29 A. Yeah.
- 15:02:47 30 Q. 265 And a further urgent call on the 21st of November at 11.50 at 11511, "21st of

15:02:55 1 November, Gerry Leahy do you see that call him urgently?

2 A. Yeah.

3 Q. 266 And then there is a meeting on the 22nd of November 1994 at 11510. Do you see
4 that?

15:03:11 5 A. Where are we Gerry, yeah.

6 Q. 267 Now, can you tell the Tribunal Mr. Leahy what letter you were referring to
7 there?

8 A. Fintan Gunne as part of the proceedings, right, he was suing Owen O'Callaghan,
9 right. And he basically realised as far as I could gather that what I had told
10 him that the meeting was between myself, Owen O'Callaghan and he was requesting
11 a letter and asked me to ring and he had rung himself etc. etc. to get an
12 account from Frank Dunlop as to what happened at the meeting in June whatever
13 it was '92.

14 Q. 268 And did Mr. Dunlop give that at 11513 on the 22nd of November 1994 in a letter
15 to you?

15:03:52 15 A. He gave two I think. He gave one and then he.

16 Q. 269 We'll look at a the first one first if we may?

17 A. Yeah.

18 Q. 270 And it says "Dear Gerry, you asked me to recollect the details of a
19 conversation between Owen O'Callaghan yourself and myself at your office in
15:04:02 20 Lucan in or around the 24th of June 1992. Specifically you asked me to
21 recollect the details of what you describe as a 'firm undertaking' by Owen
22 O'Callaghan to appoint yourself as a representative of Gunne Estates Agents as
23 agent for the proposed development at Quarryvale, Clondalkin, Dublin 22", is
24 that correct?

15:04:23 25 A. Yeah yeah.

26 Q. 271 Did you so ask Mr. Dunlop to provide such a?

27 A. Fintan did. Fintan asked him and there was drafts going over and back between
28 himself and Fintan. It was directed towards me because the person at the
29 meeting yes.

15:04:38 30

- 15:04:38 1 Q. 272 Didn't I a moment ago show several telephone conversations?
2 A. Absolutely but Fintan would be ringing him as well. This is the letter.
3 Q. 273 This is the letter. And the letter sets out what was being sought off him by
4 you isn't that right it's addressed to you not to Fintan Gunne?
- 15:04:53 5 A. Well all right yeah.
6 Q. 274 And it says "Specifically you asked me to recollect the details of what have
7 you described as a firm undertaking by Owen O'Callaghan to appoint yourself as
8 a representative of Gunnes in relation to Quarryvale" isn't that what the
9 letter is about?
- 15:05:06 10 A. That's what Fintan was trying to achieve yeah.
11 Q. 275 No no it's what the letter is about and what you were trying to achieve isn't
12 that right?
13 A. Sorry.
14 Q. 276 You were contacting Mr. Dunlop re letter?
- 15:05:16 15 A. Yes.
16 Q. 277 And asking him to contact you urgently over a period?
17 A. Yes.
18 Q. 278 You had two meetings with him and you did receive a letter?
19 A. Yes.
- 15:05:22 20 Q. 279 This is the letter that you received?
21 A. Correct.
22 Q. 280 And were you asking Mr. Dunlop for a letter setting out the details of his
23 recollection?
24 A. Yes.
- 15:05:31 25 Q. 281 Of a firm undertaking by Mr. O'Callaghan?
26 A. Yeah.
27 Q. 282 At that meeting in June '92 to appoint you or Gunnes as agents in Quarryvale?
28 A. Yeah.
29 Q. 283 Is that what you were seeking?
15:05:42 30 A. Yeah.

- 15:05:42 1 Q. 284 Okay. And presumably you were seeking that because Mr. Gunne Dunlop was at
2 that meeting and was in a position to confirm that's actually what actually has
3 transpired isn't that right?
- 4 A. Yeah.
- 15:05:54 5 Q. 285 And if we go to it. It says "Firstly a meeting between Owen O'Callaghan
6 yourself and myself did take place at your offices in or around the
7 aforementioned date. Secondly, you undertook to liaise with Owen O'Callaghan
8 on behalf with a particular individual whose support was generally agreed to be
9 crucial" isn't that right?
- 15:06:09 10 A. Yeah.
- 11 Q. 286 And who was the particular individual?
- 12 A. Well I have no idea but I presume they would have been talking about either one
13 of the councillors, I presume Councillor Peter Brady was the local councillor
14 in Lucan.
- 15:06:20 15 Q. 287 Can the Tribunal take it Mr Leahy that you knew when you received this letter
16 that Mr. Dunlop was talking about Peter Brady, is that correct?
- 17 A. Yeah, yeah, yeah.
- 18 Q. 288 And did you undertake to liaise on Mr. O'Callaghan's behalf with Peter Brady?
- 19 A. Absolutely to lobby him. Not to what does it say here. Yeah. To support,
15:06:38 20 yeah.
- 21 Q. 289 Okay. This is a letter confirming what you understood to be an agreement for
22 the appointment of you or Gunne's as agents, isn't that right?
- 23 A. Nothing to do. Firstly, it's nothing to do with me. It was the letter to --
24 Fintan Gunne was attempting to get a letter to confirm that Gunnes had been
15:06:56 25 appointed selling agents for Quarryvale.
- 26 Q. 290 The letter is addressed to you?
- 27 A. Oh, yeah I know.
- 28 Q. 291 Mr. Gunne wasn't at the meeting isn't that right?
- 29 A. I was an employee representing Gunnes.
- 15:07:04 30 Q. 292 In whatever capacity. You were at the mealing isn't that correct?

15:07:08 1 A. Yeah.

2 Q. 293 So was there anybody else there representing Gunnes at the meeting?

3 A. No.

4 Q. 294 So there were three people at the meeting you, Mr. Dunlop and Mr. O'Callaghan

15:07:15 5 is that correct?

6 A. Yeah.

7 Q. 295 And you wanted written confirmation from one of the three people at that

8 meeting as to what transpired at the meeting isn't that right?

9 A. That's what we were looking for yeah.

15:07:26 10 Q. 296 And What transpired in relation to the offer of an appointment to Gunnes?

11 A. Yeah.

12 Q. 297 And here Mr. Dunlop is setting out his recollection of the event isn't that

13 correct?

14 A. Yeah.

15:07:37 15 Q. 298 And his very second recollection is an undertaking by you on behalf of Mr.

16 O'Callaghan to liaise with a particular individual whom you identify as

17 Mr. Brady isn't that right?

18 A. Yeah.

19 Q. 299 Is that correct?

15:07:47 20 A. Yeah.

21 Q. 300 And did that happen in the meeting?

22 A. I said that I would continue to support and be positive.

23 Q. 301 No no leave aside your continuation of positive support. Did you undertake at

24 that meeting to liaise with this crucial Councillor, Mr. Brady?

15:08:02 25 A. No I said that I would continue to lobby and support him and anybody else

26 absolutely yeah. But "liaise" I think is the word that you used.

27 Q. 302 That's the word I have used. I have taken Mr. Dunlop's word?

28 A. Lobby, whatever yeah.

29 Q. 303 Lobby?

15:08:16 30 A. Yeah grand.

- 15:08:17 1 Q. 304 So you said this letter would be more accurate if that sentence read as follows
2 "secondly, you undertook to lobby on behalf of -- on Owen O'Callaghan's behalf
3 with a particular individual, namely Mr. Peter Brady whose support was
4 generally agreed to be crucial" is that a correct reflection of what was
15:08:37 5 agreed?
6 A. My understanding would be that I would continue to lobby on Mr. O'Callaghan's
7 behalf.
8 Q. 305 With any crucial Councillor namely Mr. Brady?
9 A. With anybody, yeah.
15:08:54 10 Q. 306 No.
11 A. Including Mr. Brady. Absolutely anybody.
12 Q. 307 "Thirdly, to the best of my recollection a discussion took place specifically
13 between Owen O'Callaghan and yourself regarding a quid pro quo which in essence
14 left me with the impression that should the lands at Quarryvale be
15:09:03 15 appropriately zoned with the support of the individual concerned and we know
16 now that individual is Mr. Brady, that discussion would take place with Gunne
17 Estate Agents in the person of yourself with a view to arriving at a decision
18 regarding the letting agents for Quarryvale." Isn't that right?
19 A. Sorry, what's the question? Yeah that's Owen. It wouldn't agree with my
15:09:32 20 recollection of it but yeah.
21 Q. 308 Your recollection, I suggest to you, as appears from the draft proceedings and
22 the actual proceedings was that the agreement was that in fact there would be
23 no need for discussion because he was going to appoint Gunnes, isn't that
24 right, isn't that the position Gunne's adopted?
15:09:47 25 A. That's my recollection.
26 Q. 309 And the letter then goes on to say at 11514 "fourthly, you have informed me
27 that Owen O'Callaghan wrote to shortly after our meeting confirming that he
28 would keep his end of the deal. I have to say that until you appraised me of
29 this letter I was not aware of its existence". Did you allege or maintain at
15:10:05 30 one stage that you had a letter from Mr. O'Callaghan in fact that he would keep

- 15:10:08 1 his end of the deal written shortly after that meeting in June 94?
- 2 A. Absolutely Owen wrote a thank you note, thank you for meeting us or whatever
- 3 and you know continue the good work and whatever, maybe it was end of the day.
- 4 I don't know whether that was it or not. There was a three or four line letter
- 15:10:26 5 that I sent in to Gunnes, a courtesy letter from Owen to me.
- 6 Q. 310 Mr. Brady, isn't it a case that you and Gunnes were maintaining at this time
- 7 that's 1994, 95 and 96.
- 8 A. Yeah.
- 9 Q. 311 That at Owen O'Callaghan's behest you had undertaken to deal with councillors
- 15:10:50 10 who had proven difficult on the explicit understanding that Gunnes would be
- 11 appointed sole agents in respect of this project?
- 12 A. That's what Gunnes were claiming but it was in the context of a serious court
- 13 case that had taken place in 92 or 93. There was a serious falling out between
- 14 O'Callaghan and Gunne over a completely different property deal in the early
- 15:11:13 15 90s.
- 16 Q. 312 If I could 11446. This appears to be a draft letter and it's a letter
- 17 purporting to come from you to Mr. O'Callaghan, isn't that right?
- 18 A. Correct, sent out by Fintan's solicitor to me or something like that.
- 19 Q. 313 Yes. And it refers to "the facts relate to our agreement with your company in
- 15:11:29 20 respect of Quarryvale are briefly as follows" and the first one there on the
- 21 25th of June 1992 at 630 p.m. "On the 25th of June 1992 I met with yourself and
- 22 Frank Dunlop when the Quarryvale project was discussed in detail. In
- 23 particular all aspects surrounding the proposal to seek a material
- 24 contravention order in respect of the lands were discussed in considerable
- 15:11:51 25 detail" and now this is what's being alleged "do you remember our meeting it
- 26 alleged that there were difficulties with a number of councillors and at your
- 27 behest I undertook to deal with those councillors on the explicit understanding
- 28 that Gunne & Co. would be appointed sole agents in respect of the entire
- 29 project. The appointment of Gunne & Co. as sole agents was confirmed by you in
- 15:12:13 30 the presence of Frank Dunlop. I am enclosing a copy of your letter to me of

- 15:12:16 1 the 26th of June and I quote "if we are successful I will keep my end of the
2 deal".
3
4 Isn't that what was agreed
- 15:12:25 5 A. That was the draft letter. That's when I had the meeting with Fintan that I
6 was not prepared to stand behind that draft letter.
- 7 Q. 314 And didn't Gunne's institute proceedings?
- 8 A. Yes but not on that basis. I absolutely said that I was not prepared. That
9 was not accurate and I wouldn't sign it or stand over it.
- 15:12:42 10 Q. 315 And if we could just look at the Statement of Claim in the proceedings that did
11 issue. Statement of Claim delivered on the 5th of February 1996 and it's at
12 12117 and it goes to 121. If I could just look at paragraph four perhaps. At
13 12119.
- 14 A. Okay.
- 15:13:04 15 Q. 316 The very first "by contract made orally on the 25th of June 1992 it was agreed
16 between one Gerry Leahy, the Managing Director of the Plaintiffs on behalf of
17 the plaintiff and the Second Named defendant acting on his own behalf and on
18 behalf of the first named defendant or both that in consideration of the
19 plaintiff, its servants or agents, using its best endeavours to promote the
20 location of a shopping centre on lands owned by the first named defendant at
21 Quarryvale and to secure public support for the zoning of that site as a
22 shopping centre and for the appropriate planning permission for same the first
23 named defendant or in the alternative, the Second Named defendant would grant
24 to the plaintiff the sole selling agency for the planned shopping centre?"
- 15:13:46 25 A. That's absolutely my position with the exception of the sole selling agent was
26 glossing that up. That was never agreed but certainly Gunnes were to have a
27 part in it if I continued to be positive and do any help they could absolutely.
28 So that's completely different to the one you said earlier on. The draft one.
29 I wouldn't sign the draft one. That is accurate. I'm happy with that. With
15:14:06 30 the exception of the sole selling agency. In fairness he was going to sue the

- 15:14:10 1 guy. He had to start with sole selling agency at the end of the day, fall-back
2 to whatever deal he'd get.
- 3 Q. 317 If we go to paragraph five "on the faith of the said agreement and induced by
4 the said representations, as the defendants well knew it would be, the
15:14:21 5 plaintiffs expended considerable time and effort and employed its professional
6 expertise in promoting the proposed shopping centre. In seeking public support
7 for the said development and in preparing for its role as sole agent therefore
8 and in assisting the defendant in relation to difficulties arising in
9 connection there with?"
- 15:14:41 10 A. That's fair enough.
- 11 Q. 318 What I want to bring to your attention are the particulars that accompany that
12 Mr Leahy. It says "over the course of the ensuring months the plaintiff and in
13 particular through its agent Gerry Leahy discussed the proposed development
14 with members of the local authority and generated public and local support for
15:14:58 15 same. This involved his attendance at numerous public meetings, functions and
16 at local authority premises." ?
- 17 A. I have to say I don't think I was ever at local authority premises but
18 everything else there is correct yes.
- 19 Q. 319 In fact I think the claim at that stage, 12120, was for a sum I think in
15:15:18 20 absence of discovery of 1.853 million, isn't that correct?
- 21 A. I never saw that but I've obviously seen it since you sent it out, yeah.
- 22 Q. 320 There is no doubt but that Mr. Brady was opposed to the project isn't that
23 right, initially?
- 24 A. He was certainly opposed to the size of it definitely.
- 15:15:39 25 Q. 321 And in the end he supported the project, isn't that right?
- 26 A. That's right.
- 27 Q. 322 In fact I think he proposed the project in 93, isn't that right?
- 28 A. I wouldn't know about that, I don't know.
- 29 Q. 323 Do you recall a number of meetings held with Mr. O'Callaghan and Mr. Dunlop in
15:15:54 30 relation to the matter, Mr. Leahy, other than the one I put on screen?

- 15:15:59 1 A. The only meeting that I recall. I remember meeting Owen O'Callaghan on two,
2 three, four occasions in connection with -- there was a house that needed -- a
3 that man that owned a house on the corner of a site and he wanted it moved or
4 whatever. The other meeting that I remember with Owen O'Callaghan and Frank
15:16:17 5 Dunlop I met him with Peter Brady one day they were talking about getting
6 football pitches on the land or something. This is after the zoning went
7 through.
- 8 Q. 324 In fact if I could go back if I may for a moment to the document which has
9 described a brief pen picture of the Gunnes relationship with Owen O'Callaghan
15:16:34 10 at 15254. There are there a series of meetings set out. And the first meeting
11 is the one on the 25th of June 1992 which we've just dealt with?
- 12 A. Yeah, yeah.
- 13 Q. 325 And I think there is a second meeting. If we could go do 14256 on the 20th of
14 January 1993.
- 15:16:50 15 A. Would that be the one I was talking to you about.
- 16 Q. 326 This is a meeting between Gerry Leahy where he met Owen in Frank's office?
- 17 A. That's about your man moving out of the house, yeah.
- 18 Q. 327 "Owen showed him the site plan with the house in Fonthill corner which was
19 causing problems. He said that previously John McDonald had tried to buy it
15:17:05 20 but failed and we were now acting for him on the site. How would Gerry suggest
21 we obtain possession. Gerry suggested moving the occupant to another house on
22 the site maybe the bungalow behind. We agreed to meet on-site to discuss". Is
23 that correct?
- 24 A. Yeah, yeah.
- 15:17:18 25 Q. 328 I think 7 days later on the 27th of January 93 there was a third meeting?
- 26 A. Yes.
- 27 Q. 329 And it says "Gerry met Owen at Bruton's house and looked over the bungalow.
28 Agreed it was not a good deal to move John Donoghue into it. We were
29 instructed to check out other houses that might suit"?
- 15:17:34 30 A. They were the meetings I was telling you about, the Donoghue house meetings

15:17:38 1 yeah.

2 Q. 330 Did you meet again on the 19th of April 1993. If I could have 9431 please. Do

3 you see?

4 A. If it's in the diary I'm sure I did, yeah, yeah.

15:17:57 5 Q. 331 It's at 19th of April.

6 A. I'm sure I did, yeah.

7 Q. 332 If we continue on which is described as the fourth meeting recounted in this

8 document, 14257, which in fact might be the fifth meeting. It's a meeting of

9 the 16th of February 93. It says Gerry Leahy met Owen O'Callaghan at Bruton

15:18:16 10 house and brought him up-to-date, is that correct?

11 A. Yeah, yeah.

12 Q. 333 "Gerry Leahy asked if he would send Cumberland House." Did you ask Mr.

13 O'Callaghan?

14 A. No, that's the row that they all fell out over.

15:18:27 15 Q. 334 Did you raise the?

16 A. I wouldn't know it from one end, I don't do any -- I don't do any commercial.

17 I just would have no idea.

18 Q. 335 "He said that he would be delighted to and to get Fintan to ring him", is that

19 correct?

15:18:38 20 A. No.

21 Q. 336 Where would Mr. Gunne have got that information from?

22 A. I have no idea.

23 Q. 337 If not you?

24 A. But like you have to understand Cumberland House is a huge office block. I

15:18:50 25 wouldn't know where it was and I would have -- it's crazy stuff. I mean the

26 place may have been on the market or something. I have no idea. I wouldn't

27 have been dealing with anything to do with Cumberland house.

28 Q. 338 And you see the note of the meeting on that particular date, it says "that

29 since Gerry Leahy had delivered his side on Quarryvale it would be doing his

15:19:10 30 bit to get Gunnes another deal?"

- 15:19:13 1 A. You have to remember. Not at all. You have to remember this was all done two
2 years after the meeting and it was done after Gunne and O'Callaghan had fallen
3 out over this Cumberland house. And big court cases and injunctions and sued
4 each other for hundreds of thousands or whatever. Right. So like that would
15:19:33 5 be, that would be Fintan, call it at best Fintan speak. You know, that's ...
- 6 Q. 339 And there was a further meeting on the 24th of February 93 "described Gerry
7 Leahy met Owen with Rodney and Fintan"
- 8 A. Yes.
- 9 Q. 340 This is a meeting and Fintan there presumably is Mr. Gunne himself?
- 15:19:49 10 A. Yes and there was other people. That was the meeting that I referred in
11 Ambrose Kelly's office looking at plans or something like that. I referred to
12 that earlier on.
- 13 Q. 341 And was there a discussion of another sale that Mr. O'Callaghan might put
14 Gunne's way?
- 15:20:04 15 A. There may have been with Fintan but there wasn't with me.
- 16 Q. 342 8th September 1993. "Gerry Leahy met Owen, Peter Brady and Frank". That's the
17 one I just told you about.
- 18 A. That's the one I just told you about.
- 19 Q. 343 "Discussed Palmerstown Rangers, getting land at Bruton's land. Owen said that
15:20:18 20 this would be no problem and that whatever Peter wanted would be worked out
21 with the architect" is that correct?
- 22 A. Yeah.
- 23 Q. 344 Was that discussed.
- 24 A. They were trying to transfer local football pitches on to the place.
- 15:20:30 25 Q. 345 "Gerry Leahy spoke to Owen and told him that he had heard that HOK were
26 boasting that they were handling Quarryvale?"
- 27 A. That's again all added on.
- 28 Q. 346 "November 1993, seventh meeting. "Gerry Leahy met Owen in consultation"?
- 29 A. I doubt that.
- 15:20:46 30 Q. 347 "Called Gerry aside and thanked him, suggesting a meeting before Christmas to

- 15:20:48 1 work-out strategy"?
- 2 A. I never met Owen O'Callaghan in the council chambers. I don't know if I was
- 3 ever in the council chambers. I could be wrong. I never met Owen O'Callaghan
- 4 in Council chambers.
- 15:21:00 5 Q. 348 16th December 1993 at 14258. "Gerry met Owen with Fintan, and Rodney, Tim and
- 6 Ronan in Ambrose Kelly's office"?
- 7 A. That's the one.
- 8 Q. 349 And discussed Quarryvale?
- 9 A. That's correct.
- 15:21:09 10 Q. 350 "He hoped planning would be submitted in January and set out in March. Went
- 11 through various options and agreed not to go public until planning permission
- 12 was true. Owen instructed Eamonn Davenport to get all drawings to Gunnes so we
- 13 could be getting ready. He said the Gas site was nearly there. Were meeting
- 14 Eoin Ryan shortly and hoped to solve the problem. Would sort out the board and
- 15 we would be all right"?
- 16 A. First half is right, the second bit of it I know nothing about.
- 17 Q. 351 10th of February 1994. Detailed Gunne memo?
- 18 A. I don't know anything about that either.
- 19 Q. 352 You know nothing about that?
- 15:21:40 20 A. Sorry that would be head office. I wouldn't have seen that. Nothing to do
- 21 with me.
- 22 Q. 353 Can I just ask you, Mr. Brady, for a moment?
- 23 A. Sorry.
- 24 Q. 354 Sorry Mr. Leahy I apologise?
- 15:21:59 25 A. Yes.
- 26 Q. 355 If I could have 25115. Mr. Dunlop had provided some invoices to the Tribunal
- 27 which, one of which he had said was an invoice paid in respect of Ms. Therese
- 28 Ridge. Now, this is?
- 29 A. Would you highlight, I can't read that.
- 15:22:19 30 Q. 356 Could we have paragraph D please. These are Ms. Ridge's solicitors writing to

15:22:24 1 the Tribunal and it says "third invoice of Donoghue Print Limited dated 25th of
2 November 1992." I will put it on screen for a moment?

3 A. No, no, I'm sure.

4 Q. 357 Is says "this does not in fact relate to Therese Ridge. This leaflet was a
15:22:39 5 leaflet printed for the benefit of three Fine Gael candidates in the
6 constituency. Therese Ridge, Austin Curry and Tom Morrissey. I am instructed
7 that Gerry Leahy can confirm that this was a in fact a Fine Gael constituency
8 leaflet and did not relate exclusively to my client?"

9 A. I ..

15:22:55 10 Q. 358 Did Mr. Dunlop pay for constituency leaflets for Fine Gael candidates in 1992?

11 A. I have absolutely no idea whether he did or he didn't. Certainly there would
12 be individual drops done and there would be drops done for various candidates
13 or whatever. I have -- this is the first time that I've seen this.

14 Q. 359 25120. If Ms. Ridge says that this invoice does not relate exclusively to her
15:23:24 15 but relates to the three Fine Gael candidates?

16 A. She could be right, I don't know.

17 Q. 360 And that you were in a position to confirm this?

18 A. Back in '92. I really couldn't confirm it to say or deny. It's possible.
19 It's absolutely possible. But I don't. There was so many literatures being
15:23:44 20 printed that time that's distinctly possible. But it's the first time that I
21 have seen it or know about it and I, I came in and said I was going to tell the
22 truth. I can't tell the truth definitively one way or the other on that but
23 it's absolutely possible.

24 Q. 361 If Ms. Ridge tells the Tribunal that this is in fact the case?

15:24:02 25 A. Well I wouldn't.

26 Q. 362 And that you can confirm in. Are you in a position to contradict her?

27 A. I wouldn't contradict her, no.

28 Q. 363 Thank you, Mr. Leahy.

29

15:24:14 30 CHAIRMAN: Thank you very much, Mr. Leahy

15:24:16 1 A. Thanks.

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15:24:18 5 **THE WITNESS THEN WITHDREW.**

6

7

8 CHAIRMAN: All right. That concludes the sittings for today.

9

15:24:21 10 MS. DILLON: Yes, Sir.

11

12 CHAIRMAN: All right. We are sitting tomorrow. Our witnesses in the morning
13 have had to cancel.

14

15:24:31 15 MS. DILLON: Yes. I understand one of them is no longer with Allied Irish
16 Bank and the other is outside the jurisdiction. So they won't be available
17 tomorrow. So I understand Mr. Dunlop at 2 o'clock.

18

19 CHAIRMAN: 2 o'clock. All right.

15:24:42 20

21 MS. DILLON: May I please you, Sir.

22

23

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15:25:04 25

26 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**

27 **WEDNESDAY, 30TH JANUARY 2008, AT 2:00 P.M.:**

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