

**THE HIGH COURT  
CHANCERY**

[2021] IEHC 351  
**[2018 No. 2658P]**

**BETWEEN**

**EOIN FANNON**

**PLAINTIFF**

**AND**

**TOM O'BRIEN AND PROMONTORIA (OYSTER) DAC  
AND BY ORDER ULSTER BANK IRELAND DAC**

**DEFENDANTS**

**RULING of Mr. Justice Keane delivered on the 19 May 2021**

**Introduction**

1. On 28 April 2021, I gave judgment refusing the application of the third defendant, Ulster Bank Ireland DAC ('Ulster'), for an order dismissing, as bound to fail, the claims brought against it by the plaintiff, Eoin Fannon.
2. This ruling should be read in conjunction with that judgment, which can be found under the neutral citation [2021] IEHC 301.
3. In accordance with the joint statement made by the Chief Justice and the Presidents of each court jurisdiction on 24 March 2020 on the delivery of judgments during the Covid-19 pandemic, I invited the parties to seek agreement on any outstanding issues, including the costs of the application, failing which they were to electronically file
4. Ulster's solicitors wrote on 12 May 2021, indicating that Ulster does not oppose the making of an order granting Mr Fannon his reasonable costs of the application, to be adjudicated upon in default of agreement, subject to a stay on the execution of that costs order in the event of an appeal up to the date of the first direction hearing in the Court of Appeal. I have received no countervailing submission.
5. The order suggested seems to me to meet the justice of the situation.

**Conclusion**

6. In summary, I will make the following final orders:
  - (1) An order dismissing the application.
  - (2) An order directing Ulster to pay Mr Fannon his reasonable costs of the application, to include all reserved costs and the costs of submissions, which costs are to be adjudicated upon in default of agreement, with a stay on the execution of that costs order in the event of an appeal up to the date of the first directions hearing in the Court of Appeal.