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1 THE HEARING RESUMED ON THE 29TH OF NOVEMBER, 1999, AS

2 FOLLOWS::

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4 CHAIRMAN: Good morning everyone.

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6 MS. DILLON: Mr. Joseph Murphy please. I should say

7 before Mr. Murphy takes the oath, Sir, that we have

8 prepared a booklet of documents. They are not finally

9 complete, I hope not to have any need to use any of those

10 documents before they arrive, and there will be a booklet

11 for the Murphy Team and the other teams. They are simply

12 being photocopied at the moment, but I will try and stay

13 away from those until such time as they arrive.

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4 JOSEPH MURPHY JNR., HAVING BEEN SWORN, WAS EXAMINED BY MS.

5 DILLON AS FOLLOWS:

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7 1 Q. MS. DILLON: Good morning Mr. Murphy.

8 A. Good morning. Good morning, Chairman.

9 2 Q. My name is Patricia Dillon. I am going to ask you some

10 questions on behalf of the Tribunal. We do have available

11 a booklet of documents which I think, in ease of yourself

12 and your team, we should give your team a set of these; a

13 set of these documents should be circulated. Sorry, in

14 five minutes.

15 .

16 Sorry, we are still photocopying. I wanted to deal first

17 of all, Mr. Murphy, if that is all right with you, with the

18 historical background dealing with your time in Ireland and

19 leading up to your involvement in the companies in 1988,

20 and the events then in 1989 and your subsequent

21 involvement, in any event from 1989, 1990 onwards; if that

22 is all right with you?

23 A. That's fine, yes.

24 3 Q. We will be taking them in a date order sequence of events

25 that happened during that period of time?

26 A. Okay, yeah.

27 4 Q. And hopefully the documents will be ready, and if they are

28 not we can stop and deal with the documents when they

29 arrive; is that all right?

30 A. That's fine, yes.

31 5 Q. I understand you were born originally in London in 1960?

32 A. 1962.

1 6 Q. In 1962. I understand that, unfortunately, your mother
2 died very shortly after your birth?

3 A. That's right, three months afterwards, yeah.

4 7 Q. I understand from your father's evidence in Guernsey, that
5 following that unhappy event you came to live with your
6 sister at Arigna in Roscommon?

7 A. That's right, in 1963, yes.

8 8 Q. In 1963, effectively you were reared there?

9 A. I was, yes.

10 9 Q. Right. And your sister and yourself stayed with, I think,
11 the Flynn family; is that correct?

12 A. That's correct.

13 10 Q. And these would have been first cousins of yours?

14 A. Well, one first cousin, yeah. One cousin, yeah.

15 11 Q. You were staying, I think was it your aunt you were staying
16 with?

17 A. My aunt, yeah, and grandmother.

18 12 Q. Which was Mary Elizabeth Flynn; is that correct?

19 A. Yeah. She wouldn't have been my blood grandmother, but she
20 is a grandmother, I consider to be my grandmother, if you
21 know what I mean.

22 13 Q. I understand that. I think in 1968 your father got married
23 for a second time?

24 A. I am not sure of the date but that could well be, yes.

25 14 Q. I think he married Una Murphy, as she subsequently become
26 known; is that correct?

27 A. That's correct, yes.

28 15 Q. I think it has also been established, I think in evidence
29 from both Mr. Bat O'Shea and from the evidence in Guernsey,
30 that in or around 1968 your father purchased a premises at
31 23 Fitzwilton Place in Dublin?

32 A. That's correct.

1 16 Q. Now, can I ask you, first of all, in relation to the
2 purchase of that premises; were you aware of any plans, at
3 that time, of your father and his wife to come back and
4 live in Dublin?

5 A. I was seven or eight years old at the time.

6 17 Q. I understand, I understand that, there is no difficulty
7 with that but you don't recollect anything like that, I
8 take it?

9 A. No, no, no.

10 18 Q. But would it be fair to say or can I ask you, during this
11 period while you were living in Arigna was your father a
12 frequent visitor to you?

13 A. Periodically, maybe once a month.

14 19 Q. During that period from the time that you came in 1963?

15 A. Yeah.

16 20 Q. He would have come over every month to see yourself and
17 your sister?

18 A. He would have come once a month for a couple of days, yes.

19 21 Q. And he would have stayed in Roscommon; is that correct?

20 A. He stayed in the house in Arigna.

21 22 Q. In Arigna?

22 A. Yeah.

23 23 Q. And did this go on throughout all of the time that you were
24 staying in Arigna?

25 A. Yes.

26 24 Q. And did you remain there until you started attending
27 secondary school at the age of 12 or 13?

28 A. Yes. We moved to Carrick on Shannon, I suppose maybe when
29 I was about 11.

30 25 Q. Yes?

31 A. And we remained there for three years. I started my
32 secondary education in Carrick on Shannon. I finished my

1 primary school in Arigna, started secondary education in

2 Carrick on Shannon.

3 26 Q. When you moved to Carrick on Shannon was that in the

4 company again of the Flynn family?

5 A. No. We purchased a house in Carrick on Shannon. And as

6 you said my father had married Una at the time, and she

7 spent a lot of the time there with us then.

8 27 Q. Yes, and this would have been in the early 1970's?

9 A. This would have been in the early 1970's, yes.

10 28 Q. So that in the early 1970's your father had purchased a

11 property in Carrick on Shannon, is that correct?

12 A. That's correct, yes.

13 29 Q. And yourself and your sister, Angela, went to live in that

14 property?

15 A. Yes.

16 30 Q. And is the person who was there most Una Murphy, your

17 father's second wife?

18 A. Correct.

19 31 Q. Whom I think was also an aunt of yours; is that correct?

20 A. That's right, yes.

21 32 Q. Right. And did, would you have been about 12 or 13?

22 A. 11 or 12.

23 33 Q. At the time of this move to Carrick on Shannon - and your

24 sister, I think, would have been two years older than you?

25 A. That's right, yes.

26 34 Q. Did she stay in Carrick on Shannon on an almost permanent

27 basis, Una, while you were going to school, yes?

28 A. Una did.

29 35 Q. In relation to your father, did he come over to visit in

30 Carrick on Shannon as well during this period, as he had

31 previously done when you were living in Arigna?

32 A. Periodically, maybe once a month for a day or two, yes.

1 36 Q. And did you stay in secondary school - throughout your
2 entire period that you were in secondary school, was that
3 in Carrick on Shannon?

4 A. No, I did two and a half years in secondary school in
5 Carrick on Shannon, then I went to Saint Gerard's School in
6 Bray where I completed my studies there.

7 37 Q. Is that a boarding school?

8 A. A boarding school, yes, my sister was also at that time in
9 boarding school.

10 38 Q. And this would have been in around the mid 1970's?

11 A. I think around 1976. We sold the house in Carrick on
12 Shannon and both myself and my sister were in boarding
13 school at the time.

14 39 Q. And Mrs. Una Murphy, did she stay in Ireland or did she
15 return to your father at that time?

16 A. She was most, spent most of her time maybe in Guernsey and
17 London at that time.

18 40 Q. Yes, and at that stage, which is I think you said around
19 1976; is that right?

20 A. Yes.

21 41 Q. Was your father living in Dublin or was he living in
22 Guernsey?

23 A. In Guernsey. 1975, 1976 he was living permanently in
24 Guernsey.

25 42 Q. Permanently in Guernsey?

26 A. Yes.

27 43 Q. I thought you had said that Mrs. Una Murphy went back to
28 London and Guernsey, I had understood you to say, but maybe
29 that was my mistake?

30 A. I mean she wasn't there permanently with him.

31 44 Q. In Guernsey?

32 A. No, I mean she used to travel over holidays or weekends, if

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1 she was visiting she would come over herself, she wasn't

2 actually there full-time with him all the time.

3 45 Q. And while you were in Saint Gerard's in Bray, I think you

4 said your sister was also in school in Dublin?

5 A. No, she wasn't in school in Dublin. She was in Galway,

6 Kylemore Abbey in Galway.

7 46 Q. Did your father continue to come over and see you during

8 these periods?

9 A. As I said, he came over maybe once a month for a day or

10 two, to visit us, yes.

11 47 Q. Mrs. Una Murphy, did she come more frequently?

12 A. More frequently, yes.

13 48 Q. Would you have had more contact with her, as it were?

14 A. Yes.

15 49 Q. And had you any knowledge or involvement at this stage when

16 you were, you were in secondary school and you were very

17 young at the time, of your father's business interests or

18 the extent of them?

19 A. No.

20 50 Q. Up to the time that you left Saint Gerard's in Bray, had

21 you ever had occasion to go to Santry to the business

22 premises in Santry?

23 A. Maybe, maybe my father might have taken me up there when I

24 was a teenager and sat there with him or whatever while he

25 conducted his business, and then I think maybe on one or

26 two occasions he may well have, yeah. I remember there was

27 a foreman there at the time, he was a Polish guy and he, I

28 remember meeting him as a youngster.

29 51 Q. Yes, but would it be fair to say then that certainly up to

30 the time that you were 17 or 18 years of age and you had

31 done the Leaving Certificate and left secondary school, you

32 had minimal involvement?

1 A. I had no involvement.

2 52 Q. No involvement, and your father didn't make you in anyway

3 conversant with his business or the nature of the companies

4 in Ireland or England, or the trusts or matters of that

5 nature?

6 A. No.

7 53 Q. I think that when you left school, can you remember when

8 you did the Leaving Certificate, when you left school?

9 A. I left school in 1980. I went to a place called PUC where

10 I repeated the Leaving Certificate.

11 54 Q. Right?

12 A. And I went to college then, UCD, for a couple of years.

13 55 Q. Yes?

14 A. I left --

15 56 Q. If we could just slow it down a little bit, this is all

16 quite new to me. You repeated the Leaving Certificate in

17 1980/81?

18 A. Yes.

19 57 Q. Where did you do that?

20 A. PUC. Pre University Centre.

21 58 Q. That is in Dublin?

22 A. Yes.

23 59 Q. Where were you living when you were doing that?

24 A. We were living in Wilton Terrace.

25 60 Q. In the lodge?

26 A. Yes.

27 61 Q. In the lodge, this is the mews as it has been described?

28 A. That's correct.

29 62 Q. To your father, and I think the Tribunal, it is the mews at

30 the back of 23 Fitzwilton Place?

31 A. That's correct.

32 63 Q. Fitzwilliam Place, 23 Fitzwilliam Place?

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1 A. That's correct.

2 64 Q. And you were staying there from 1980 to 1981?

3 A. I was indeed, yes.

4 65 Q. I think it was subsequent to that you went to university;

5 is that correct?

6 A. That's right, yes.

7 66 Q. And did you go to UCD?

8 A. Yes.

9 67 Q. And what degree did you take there, would you mind telling

10 me?

11 A. I studied economics and politics.

12 68 Q. And is that a three or a four year degree?

13 A. Three.

14 69 Q. Three. So that was 1984 when you qualified?

15 A. No, I left in the, I think at the end of the first year I

16 left to go working for a year. I think for the first two

17 or three months I worked in Santry. I drove a lorry for a

18 while, then I went over to England to work as a labourer

19 for the rest of the year.

20 70 Q. There is nothing usual - sorry?

21 A. That was within our own business, yeah.

22 71 Q. And that would have been from 1982 to 1983 approximately?

23 A. Yes, yeah. Sometime around that, yes.

24 72 Q. And during that period that you were doing the pre leaving

25 course in, that you had mentioned when you were staying in

26 Wilton Lodge and then went you went on to university, apart

27 from the year that you took out --

28 A. Um.

29 73 Q. -- to work in this fashion, were you living in Wilton

30 Lodge?

31 A. Yes.

32 74 Q. And did you have any bank accounts during that time?

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1 A. I had a student bank account, yeah.

2 75 Q. Where was that student bank account?

3 A. It was in Bank of Ireland in the branch there opposite the

4 Burlington Hotel, whatever it is called.

5 76 Q. And did you maintain that, was that account opened can you

6 recollect, when you came to Dublin?

7 A. I think that account might have been opened in 1981 or '82.

8 77 Q. And during the year that you were doing the pre leaving

9 course was that account available to you as well?

10 A. Yeah.

11 78 Q. So from the time that you had left, let's say the boarding

12 school in Saint Gerard's, the bank account was opened and

13 you were maintaining yourself out of that bank account?

14 A. I wouldn't call it maintaining myself out of that bank

15 account. I mean, I think at the most there was only ever

16 about £800 in that account.

17 79 Q. I am not suggesting anything, Mr. Murphy, I am just trying

18 to establish certain series of facts; but that from 1980 to

19 '81 a bank account was opened near the Burlington Hotel

20 and that was the account out of which you lived, when you

21 were a student?

22 A. Yeah, I used that bank account, yeah, for my own personal

23 use.

24 80 Q. Yes, and presumably your father paid the money into this

25 account as all parents do for all children?

26 A. No.

27 81 Q. No?

28 A. My mother did.

29 82 Q. Mrs. Una Murphy?

30 A. Yeah.

31 83 Q. She funded the payments?

32 A. Some of the funding, the payments, I had worked summers in

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1 the UK and the year I took out, anything I saved I put that
2 in myself, but he actually never put money in that
3 account. It was Una.

4 84 Q. Yes; and apart from the year that you took out you came
5 back to Belfield, UCD, and you completed your degrees; is
6 that correct?

7 A. Yeah, I finished the final year.

8 85 Q. And you would have --

9 A. Well, no, I didn't. I left actually before the end of it.
10 I wanted to go working to England.

11 86 Q. I beg your pardon, I am sorry Mr. Murphy, I can't hear you?

12 A. I actually left before I completed the actual third year.

13 87 Q. Yes?

14 A. I wanted to go working to London. I wasn't the studious
15 type, Ms. Dillon, for want of a better word, and I left to
16 go work in England.

17 88 Q. And that was in or around 1983?

18 A. No, all this would have been 1985.

19 89 Q. In 1985?

20 A. Yeah.

21 90 Q. So at that stage you were no longer living in Wilton
22 Terrace, I presume?

23 A. No, I was living in Wilton Terrace right up to when I went
24 to London, yes.

25 91 Q. When you went to London where did you live?

26 A. I lived in Great Russell Street. My aunt's apartment for a
27 while until I purchased my own property, a flat in
28 Maidavale.

29 92 Q. During the summer of 1983 I think you worked in Santry?

30 A. I did.

31 93 Q. And in the course of working in Santry in 1983 did you meet
32 Mr. Liam Conroy?

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1 A. No.

2 94 Q. Never?

3 A. I never met Mr. Liam Conroy in the JMSE premises.

4 95 Q. Yes, did you meet a Mr. Marcus Sweeney?

5 A. I would have met Marcus. I wasn't working in the offices,

6 I was working down on the shop floor with the fabricators,

7 so I had no occasion to actually go up to the office.

8 96 Q. Yes. Did you meet Mr. Gogarty?

9 A. I would have met him periodically, yes.

10 97 Q. And did you meet Mr. Frank Reynolds?

11 A. I would, yes, yes.

12 98 Q. Would you have been working at that stage for Mr. Frank

13 Reynolds, effectively, if you were working on the --

14 A. No.

15 99 Q. -- shop floor, as it were?

16 A. The guy that was after, actually looking after me was Tony

17 Dolka, he was a foreman in the shop floor in Santry.

1 100 Q. Now, during this particular period was your father

19 involved, actively, in the companies in 1982, 1983?

20 A. No.

2 101 Q. How can you say, I mean what is the state of your knowledge

22 in which you came to the conclusion that he, he was not

23 involved in the companies in 1982, 1983?

24 A. Because he was living in Guernsey at the time.

2 102 Q. Did he have any involvement in the running of the

26 companies, albeit I mean; it is not necessary that he would

27 have been physically present in Santry, for him to be able

28 to make a contribution from Guernsey in relation to

29 contracts or personnel or funds, I think you would accept

30 that, Mr. Murphy?

31 A. Sorry, could you repeat that again?

3 103 Q. You said your father had no involvement in 1982, 1983 in

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1 relation to the companies?

2 A. Yes.

104 Q. I am asking you why you say that your answer to that was

4 that he was in Guernsey?

5 A. He was in Guernsey and he had taken on Mr. Liam Conroy as a

6 Chief Executive for all the companies, to run them at the

7 time.

105 Q. Yes. I think that the evidence in Guernsey established

9 that in 1983 or 1984 Mr. Liam Conroy became Chief Executive

10 on a part-time basis?

11 A. '82.

1 106 Q. In 1982?

13 A. Yes.

1 107 Q. He become Chief Executive of the Irish and English

15 operations on a part-time basis?

16 A. Correct.

1 108 Q. And I think that your father, at that stage, had some

18 involvement in the running of the companies, is that your

19 recollection or not?

20 A. Well, he probably would have been on the phone to Mr.

21 Conroy at the time, yes. Yes, but as regards coming into

22 the office and a physical presence there, I would say, no;

23 but he kept in touch with the operations through Mr.

24 Conroy.

2 109 Q. You say in your statement at paragraph 3 of your statement,

26 if I could just hand you your statement? I don't know

27 whether you have it there or not? (Document handed to

28 witness) I will come back to that in a minute, Mr. Murphy.

29 What I want to try and establish here is at that period in

30 time which was 1982, 1983 and possibly '84?

31 A. Yeah.

3 110 Q. When Mr. Conroy had a part-time position as Chief Executive

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1 of the companies, and I think, you know, he subsequently
2 became full-time; but we will come on to deal with that in
3 its time, that Mr. Conroy was the person who was
4 effectively in control, is that what you are saying, of the
5 companies?

6 A. No, I didn't say that at all, Ms. Dillon.

111 Q. Who then was the person, in your view, who was in charge of
8 the companies in 1982 and 1983?

9 A. 1982 and 1983, Jim Gogarty was the Chairman of the
10 companies and Marcus Sweeney was the Managing Director.

1 112 Q. And what was your view of the function of Mr. Conroy?

12 A. I had no view at that time, I mean in 1982 I was what? 20
13 years old; 19, 20 years of age, I had no involvement in the
14 top level management at the time, so my opinion wasn't
15 either sought or given.

1 113 Q. I am not asking you whether anybody sought or asked your
17 opinion, I am asking for what your own view was of the
18 persons who were in charge of the companies in or around
19 that period of time which was '82, '83, and '84?

20 A. Your asking me what my view of them was.

2 114 Q. No, not your view of them as persons, I am asking you what
22 was your view of the person or persons whom you thought to
23 be in control of the companies at that time?

24 A. Mr. Gogarty.

2 115 Q. Mr. Gogarty. And you say in your statement at paragraph 3
26 of your statement that - I will just get the actual
27 statement.

28 A. Sorry, this is the actual, oh no -.

2 116 Q. Have you got the correct statement? I am talking about
30 your first statement, Mr. Murphy,?

31 A. Yes, this is the supplementary statement.

3 117 Q. I am very sorry, you shouldn't have that, not the

1 supplemental statement. It is the first statement?

2 A. Yeah, I have that now.

118 Q. Do you have that?

4 A. I do indeed.

119 Q. Yes, that is a statement that you furnished to the Tribunal

6 on foot of a request from the Tribunal and it is dated the

7 16th of December of 1998; is that correct?

8 A. Yeah, whatever date is on it, yeah.

120 Q. Now, at paragraph 3 of your statement you say that, I will

10 read it in its entirety, then I will ask you some

11 questions about it:

12 .

13 "So far as I am aware Mr. Gogarty had been the Managing

14 Director of these companies until 1982, and my father had

15 been Chairman. In 1982 my father retired from active

16 involvement in all of the group companies and became an

17 Non-executive Director with Mr. Gogarty taking over as

18 Chairman. The other members of management from 1982

19 included Liam Conroy (Chief Executive), Marcus Sweeney

20 (Managing Director) and Gerry Downes (Financial

21 Director/Company Secretary). During the period 1982 to

22 1988 Mr. Gogarty retained total control of the land owning

23 companies, i.e. Reliable Construction (Dublin) Limited,

24 Grafton Construction Company Limited Company, Barrett

25 Developments Limited, Finglas Industrial Estates Limited,

26 Turvey Estates Limited and Helmdale Limited, all of the

27 other executives were effectively working for the main

28 trading company in the Group, namely JMSE"?

29 A. Yes.

3 121 Q. "Subsequent to the proceedings which Mr. Gogarty describes

31 in paragraph 41 of his affidavit, he once again took

32 control of JMSE. Under his leadership Roger Copsey was

1 appointed to the Board on the 17th of June, 1988". Now,
2 you say that your father retired, I think, in 1982 from
3 active involvement in the company?

4 A. Yes.

122 Q. Yes. I want to put to you now an affidavit of Mr.

6 Christopher Oakley which was sworn in the Isle of Man
7 proceedings and is the affidavit of the 11th of November of
8 1988 where Mr. Oakley sets out his understanding of your
9 father's position at that time?

10 A. Right.

11 .

12 MR. COONEY: I presume this must be one of the documents
13 which Ms. Dillon says will be circulated?

14 .

15 MS. DILLON: I beg your pardon, Mr. Cooney, of course.

16 There is a booklet of affidavits that have been prepared.

17 .

18 CHAIRMAN: Just hold on a moment until we get the
19 circulation of documents.

20 .

21 MS. DILLON: I am sorry Mr. Murphy. If you just give me
22 one moment to make sure everybody has everything.

23 .

24 (Documents handed to parties and witness)

25 .

26 MR. O'MOORE: I wonder, could we have a copy of this
27 book? It directly effects Mr. Gogarty and the position of
28 the company.

29 .

30 MS. DILLON: Certainly, it is being photocopied at the
31 moment. It is probably more relevant to give the Murphy
32 Group of interests the first copy that becomes available as

1 soon as it becomes available. If Mr. O'Moore wishes me to
2 wait until the document becomes available it will only be a
3 few minutes.

4 .

5 MR. O'MOORE: I have no difficulty with that, we might as
6 well carry on.

7 A. What page is it?

123 Q. MS. DILLON: I am trying to find it myself. It is
9 apparently without an index. It is behind Tab 9. Oh
10 sorry, you have the affidavit. The paragraphs I want to
11 refer you to in the book of documents that has been
12 circulated, this affidavit is behind Tab 9. The paragraphs
13 I want to refer you to in that affidavit, this I understand
14 is an affidavit which has already been referred to, I think
15 in the evidence that was taken in Guernsey, and is an
16 affidavit that was sworn by Mr. Oakley in relation to the
17 "Isle of Man proceedings" as they are globally called in
18 this Tribunal.

19 .

20 But in particular I want to refer you to paragraph 6 and 7
21 of that affidavit. Paragraph 6 says, and this affidavit
22 was sworn on the 11th of November, 1988.

23 .

24 Paragraph 6: "In or about 1983 Mr. Murphy decided to semi
25 retire from the operations of the companies and through his
26 long-term accountant and advisor, then a partner in Ernst
27 and Whinney, Chartered Accountants in Dublin, he was
28 introduced to one Liam Anthony Conroy. Mr. Conroy was
29 invited to become a part-time Chief Executive of the
30 operations of the companies both in the United Kingdom and
31 in Eire. In addition to becoming a director of each of the
32 companies, there was entered into a service contract by

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1 virtue of which Pro-Eng Consultants Limited, a company
2 beneficially owned by Mr. Conroy provided the services of
3 Mr. Conroy on a part-time basis to each of the companies in
4 the United Kingdom and Eire group of operating companies.

5 A copy of an undated service contract but expressed to take
6 effect from the 1st of July, 1983, is at pages 1 to 2 of
7 the bundle CRO 2".

8 .

9 Now, the first line in that paragraph which is an affidavit
10 sworn by Mr. Oakley in support, I think, of your father's
11 position in relation to the Isle of Man proceedings, says
12 that he decided to semi retire in 1989. Sorry, I beg your
13 pardon, semi retire in 1983; is that your recollection,
14 that Mr. Oakley, is correct?

15 A. Well, semi retire, retire? I mean he had no active
16 involvement with the companies, as I said earlier on,
17 coming round on a physical presence. He remained, as a
18 director of the companies.

1 124 Q. Yes?

20 A. Around this time, so he would have been on the phone or
21 speaking to whoever, maybe Mr. Gogarty or whoever, you know
22 Mr. Conroy.

2 125 Q. And it seems, according to paragraph 6 of that affidavit,
24 that because of your father's decision to semi retire in
25 1983, he employed Mr. Conroy on a part-time basis as Chief
26 Executive of the companies at that time?

27 A. That's correct, yes.

2 126 Q. Yes. Now, paragraph 7; and it would be correct also, am I
29 correct in my understanding, that throughout this time Mr.
30 Gogarty was still a director of all of the companies, the
31 Irish companies?

32 A. Yes. He was Chairman in, from 1982.

127 Q. Chairman?

2 A. Yes.

128 Q. Now, paragraph 7: "In or about 1985 or early 1986, I am
4 informed by Mr. Murphy, that he decided to retire
5 completely from executive responsibility in respect of the
6 operating companies and to hand over this responsibility
7 entirely to Mr. Conroy as full-time Chief Executive of the
8 operating companies owned by the 1968 settlement and the
9 1972 appointment". I think the reference there to the 1968
10 settlement and 1972 appointment is a reference to the trust
11 companies?

12 A. That's correct.

1 129 Q. "I am further informed by Mr. Murphy that it was suggested
14 to him by Mr. Devine and Mr. Conroy that it would be
15 appropriate to enter into a further service contract in
16 view of the fact that Mr. Conroy was now to be occupied
17 full time as Chief Executive of the operating companies. At
18 the same time it was suggested that an appropriate form of
19 remuneration would be by way of a transfer of shares to Mr.
20 Conroy or a service company nominated by him on his behalf
21 of shares in the holding company of the United Kingdom
22 group of operating companies, Greenane Limited (An Isle of
23 Man company) and the holding company of the Eire Group of
24 operating companies, General Agencies Limited, (also an
25 Isle of Man company).
26 .
27 Mr. Conroy and Mr. Devine proposed that a shareholding
28 equivalent to 2 percent per annum of the issued share
29 capital of these companies should be transferred to Mr.
30 Conroy, or a service company nominated on his behalf in
31 return for the provision of the services of Mr. Conroy as
32 full-time Chief Executive to the operating companies under

1 a contract lasting for five years". Now, I will proceed to
2 read the rest of it. But if we could just stop there for a
3 moment?

4 A. Yeah.

130 Q. This affidavit was sworn by Mr. Oakley?

6 A. That's correct.

131 Q. In support of your father's position in relation to the
8 litigation that arose subsequent to Mr. Conroy's departure
9 from the Group; isn't that right?

10 A. Correct, yes.

1 132 Q. And in this affidavit it appears that Mr. Oakley is
12 deposing to the fact that your father decided to retire
13 fully in '85 and '86 and in so doing appointed Mr. Liam
14 Conroy as Chief Executive of the companies?

15 A. That is what he says, yes.

1 133 Q. Would you agree that that is correct?

17 A. I agree that that is partially correct. I mean my father
18 always had an involvement. He kept in touch with the
19 English side of the companies, that was his knowledge and
20 it was, that was the core of the Group was in England.

2 134 Q. Yes?

22 A. So I would say that throughout his years retirement in
23 Guernsey he kept in close contact with a number of people
24 in the UK companies, so I think that when Mr. Oakley is
25 talking there "retired fully" in 1985, he is referring to
26 the English companies.

2 135 Q. That is not what the paragraphs say, Mr. Murphy, because if
28 we were to read it again, it says that "in or about late
29 1985 or early 1986 I am informed by Mr. Murphy that he
30 decided to retire completely from executive responsibility
31 and to hand this over to Mr. Conroy" and if you move down
32 through the paragraph it refers to, there is nothing in the

1 paragraph to indicate that Mr. Conroy's responsibilities
2 were only to be limited to the English companies; isn't
3 that right?

4 A. No, I didn't say that Mr. Conroy's, Mr. Conroy's
5 responsibility was limited to the whole companies in the UK
6 and Ireland. What I am saying to you is that my father had
7 very little or no involvement in the JMSE or the Lajos
8 Group of companies from 1982 onwards, but he did in the
9 English companies. I mean he periodically visited
10 Manchester, Yorkshire, London, whatever office and he still
11 had an involvement there because that is where his core
12 knowledge was.

1 136 Q. Did he ever have occasion to visit the premises at Santry?

14 A. In '82 to '85?

1 137 Q. Yes?

16 A. He may well have. I am not sure. I mean, I wasn't there
17 with him.

1 138 Q. Yes, but insofar as Mr. Oakley has deposed to the fact that
19 your father decided to retire completely in '85 or '86, the
20 person who was to be appointed as Chief Executive to run
21 the companies both in Ireland and in England was Mr. Liam
22 Conroy?

23 A. Yeah, but I mean Mr. Liam Conroy was part-time Chief
24 Executive since 1982.

2 139 Q. That is correct, and it was - a decision was taken, I
26 think, then in 1984 that he would become full-time?

27 A. Yes.

2 140 Q. Isn't that right?

29 A. That's right.

3 141 Q. And that is what is being dealt with here in paragraph 7?

31 The agreement with Mr. Conroy that he would become a
32 full-time Chief Executive of both the Irish and the English

1 operating companies?

2 A. That is what it says, yes.

142 Q. And you agree, do you, that that in fact is what happened.

4 That Mr. Conroy became Chief Executive of both the Irish

5 and the English operating companies at that time?

6 A. I do agree, yes.

143 Q. And Mr. Gogarty was, I think, at that stage a non-executive

8 director of the companies and Chairman?

9 A. No, that is incorrect.

1 144 Q. That is incorrect?

11 A. Um. He was Chairman, he was an executive Chairman. I

12 think he may have been described in certain documents as a

13 "non-executive director", in some documents a "non

14 executive Chairman" but he was an "executive chairman" at

15 that time.

1 145 Q. So this particular company had, at this time, an executive

17 Chairman, who was Mr. Conroy?

18 A. No.

1 146 Q. He was a Chief Executive?

20 A. He was a Chief Executive. Mr. Gogarty was the Chairman.

2 147 Q. And you are also saying that Mr. Gogarty was an executive

22 Chairman?

23 A. Yes.

2 148 Q. So was the company structure such at this time in '83 or

25 '84 that you had two people with executive responsibility?

26 A. No, there was more directors than that at the time. Marcus

27 Sweeney was a director and Gerry Downes I think may have

28 been a director. I wasn't involved in these companies in

29 this particular period of time. A lot of my knowledge has

30 been learnt about this after the event. You are incorrect

31 in saying that there was only two executives at the time.

32 There was Mr. Gogarty, there was Mr. Conroy, there was Mr.

1 Downes, and Mr. Sweeney.

149 Q. Yes. I didn't say that there were only two Executive
3 Directors, I said that you had an Executive Chief Executive
4 in Mr. Conroy, and you have said that Mr. Gogarty was an
5 Executive Chairman?

6 A. Yeah.

150 Q. So Executive Chairman?

8 A. You put it to me that there was two executives at that
9 time.

1 151 Q. Maybe I should have made it clearer. You had two heads at
11 the same time; is that what you are suggesting?

12 A. I am suggesting that there was a Chairman and a Chief
13 Executive.

1 152 Q. Did the Chairman have executive responsibility for the
15 company or that was executive responsibility vested in Mr.
16 Conroy as Chief Executive?

17 A. I would say that Mr. Gogarty was a Chairman and Mr. Conroy
18 was the Chief Executive, I mean, who had responsibility for
19 what? I mean, I would say that maybe Mr. Conroy and Mr.
20 Sweeney were doing the day-to-day operations in the JMSE
21 Group of companies. I think that at the time, as regards
22 JMSE, James Gogarty attended the management meetings maybe
23 once a month, but he certainly probably didn't have a
24 day-to-day role on the actual running of JMSE at that time,
25 that was more Mr. Conroy and Mr. Sweeney. That one
26 particular company.

2 153 Q. So that Mr. Gogarty didn't have a day-to-day role in JMSE
28 during the period that Mr. Conroy was Chief Executive?

29 A. He wouldn't have had a day-to-day role in the running of
30 the steel business, but he would have had a. Say, he would
31 have been there once or twice a month or whatever else; but
32 that responsibility probably was more by Marcus Sweeney,

1 yes.

154 Q. Yes. In this affidavit at paragraph 7 of the affidavit it
3 is suggested that when your father decided to retire
4 completely from executive responsibility in respect of the
5 operating companies, now the operating companies, as I
6 understand it, were in Ireland JMSE, and AGSE in England?

7 A. That's correct, yeah.

155 Q. And to hand over this responsibility entirely, that is the
9 fourth line of paragraph 7, to Mr. Conroy, as full-time
10 Chief Executive of the operating companies owned by the
11 1968 settlement and the 1972 appointment?

12 A. If I could just take a step back there Ms. Dillon?

1 156 Q. Of course.

14 A. You said that JMSE and AGSE were the only operating
15 companies.

1 157 Q. I didn't say that. What I said was the Irish operating
17 company was JMSE, I understood the English operating
18 company was AGSE, you said yes?

19 A. There were more operating companies in the UK than AGSE.

2 158 Q. Yes. Was Mr. Conroy taking over executive responsibility
21 companies in relation to those other operating companies
22 also?

23 A. He was.

2 159 Q. But in Ireland, was there only one operating company in
25 Ireland?

26 A. Yes, that's correct. Yes, JMSE the rest were land owning
27 companies.

2 160 Q. The rest were land owning companies which owned the lands
29 which are the subject matter of the Terms of Reference?

30 A. Correct.

3 161 Q. So would it be fair then to say that the executive
32 responsibility for the operating companies was handed over

1 to Mr. Conroy in or around 1985 and your father had decided
2 to retire more fully at that stage?

3 A. Yeah, that would be fair enough, yeah.

162 Q. Would you say your father did keep more in contact with
5 events in England?

6 A. He did, that is where his core knowledge was, in the cable
7 laying business in England, yes.

163 Q. I understand and again you can correct me if I am wrong,
9 that there was a close relationship between the work in
10 JMSE and contracts in England, that steel for contracts
11 required in England such as for the Sizewell Project or
12 other projects were quite often times sourced in Dublin and
13 manufactured in Dublin and then brought over?

14 A. That's correct.

1 164 Q. So there would have been quite a close working relationship
16 in terms of contracts to be performed, between AGSE and
17 JMSE?

18 A. There was, yes.

1 165 Q. And JMSE would, if necessary, pick up the slack for any
20 extra steel or anything that was required to be done in
21 relation to AGSE?

22 A. That's right.

2 166 Q. So your father, in keeping a handle on the contracts which
24 were very significant contracts at that time, would have
25 also to some degree have had an involvement with what was
26 happening in JMSE?

27 A. I think very little at the time. I mean, I think as
28 regards the AGSE thing, I think he had only been there on
29 two occasions. He had very little involvement in the
30 actual AGSE. As I said before, his main activity was in
31 the core of the cable laying activity in the UK.

3 167 Q. In that business?

1 A. Yeah.

168 Q. But also presumably in, we have had an interest in the
3 significant contracts from AGSE such as the Sizewell
4 contracts, the Moneypoint contract in Ireland, they were
5 very big contracts?

6 A. That's right, yeah.

169 Q. So he would have kept his finger on the pulse in relation
8 to those?

9 A. Well, we --

1 170 Q. If from a distance?

11 A. Yes.

1 171 Q. At that time Mr. Conroy was the person with the executive
13 responsibility for overseeing these matters and contracts
14 whether they were in England or they were in Ireland?

15 A. Well, the two contracts you actually mentioned they are,
16 the Moneypoint contract which was a significant money at
17 the time in the early 1980's, that was Mr. Gogarty's
18 responsibility. I think that that contract started before
19 Mr. Conroy became involved so Mr. Gogarty was responsible
20 for that. And I think the Sizewell contract that you
21 mention, although the contract was actually tendered within
22 Mr. Conroy's time, I think that the work started and was
23 completed after Mr. Conroy had departed.

2 172 Q. Yes, but it would be fair to say from about 1985, from mid
25 1985 onwards Mr. Conroy was the Chief Executive of the
26 companies?

27 A. He was.

2 173 Q. And he presumably would have been the person who was
29 reporting to your father?

30 A. He was.

3 174 Q. And in relation to contracts and any other matters that
32 might have arisen from whether it was from the cable laying

1 or the steel or any matters such as this?

2 A. Um.

175 Q. Yes. Now, I think you said that in September of 1986 you
4 purchased an apartment in Maidavale; is that correct?

5 A. That's correct, I did, yes.

176 Q. And there is a document JMSE 29.3.1 - 142. Do we have a
7 book of documents? As soon as we have a book of documents
8 I think certainly, do we have a book for Mr. Cooney? We
9 are still awaiting the arrival of the rest of the books.
10 The document reference to this is JMSE 29.3.1.

11 .

12 MR. COONEY: There is no index in this one. It will take
13 some time --

14 .

15 MS. DILLON: It is the 6th page on the book that is in
16 front of you. It is headed up: "JMSE 29.3.1- 142". Mr.
17 Cooney, do you have that? I apologise that this book of
18 documents is not index and paginated separately. Perhaps
19 at lunchtime we might be able to rectify that. That is a
20 letter which is now being handed to you, Mr. Murphy, in
21 relation to the purchase, I think of the apartment at
22 Maidavale. It is a letter from Goodman Derrick & Co.
23 solicitors of Gray's Inn, London. It is addressed to Mr.
24 Liam Conroy, Murphy's Limited, Saint Paul's Crescent,
25 London NW19TX.

26 .

27 "Dear Mr. Conroy, further to our telephone conversation
28 this morning, I am pleased to enclose:

29 (1) The transfer relating to 53 Bedford Court Mansions
30 which I should be grateful if you would sign on the back
31 page where I have indicated by pencilling your initials".

32 And that, I think, related to the purchase by Mr. Liam

1 Conroy of an apartment at 53 Bedford Court Mansions?

2 A. That's correct.

177 Q. Could I just ask you now, did the purchase of that

4 apartment subsequently become the subject matter of

5 proceedings, can you remember?

6 A. Yeah. There was in 1988, I think there was something going

7 on because he borrowed the money I think from one of the

8 companies at the time, yeah, to purchase this apartment.

178 Q. And a difficulty arose about the repayment of those monies

10 and proceedings were instituted; is that correct?

11 A. I am not sure whether there were separate proceedings on

12 this particular issue or whether they were incorporated

13 into the main proceedings.

1 179 Q. Into the main proceedings?

15 A. It certainly was part of it, yeah.

1 180 Q. Well, we can come back to that. And then paragraph 2:

17 "The Power of Attorney, whereby Joseph Murphy appoints me

18 to act on his behalf in connection with his own flat

19 purchase, Mr. Murphy should sign this form where I was

20 indicated by pencilling his initials". Now the reference

21 to Mr. Joseph Murphy there, is it a reference there to you?

22 A. It is.

2 181 Q. And this document related to the purchase of your apartment

24 in Maidavale?

25 A. That's correct.

2 182 Q. And I think it simply goes on, so far as it refers, it says

27 I will read the whole document for completeness sake:

28 "Both documents must be witnessed by somebody who is

29 unrelated to the signatory. The witness should add details

30 of his or her name, address and occupation beneath his or

31 her signature in the space that is provided.

32 .

1 You will see that I have given Joseph Murphy's address on
2 the Power of Attorney form care of Saint Paul's Crescent,
3 as I myself use an address care of Goodman Derrick & Co. I
4 hope this is in order.

5 .

6 As you know I shall be passing the file relating to 53
7 Bedford Mansions to Robin Perrot who will complete the
8 purchase in my absence on holiday. By my calculation the
9 amount that we shall require from you in order to complete
10 the purchase, ignoring our own fees will amount £134,450".

11 .

12 This is being addressed to Mr. Conroy. "This amount is made
13 up as per the attached completion statement and I shall be
14 grateful if you should arrange to place Robin in funds
15 before completion.

16 .

17 Katie McGough will be looking after Mr. Murphy's flat
18 purchase in my absence, and I shall be grateful if you
19 would liaise with her if you need should you need to
20 speak to her". And the next paragraph is:

21 .

22 "I should be grateful if you would return the transfer
23 relating to 53 Bedford Mansions to me by post today and if
24 you would return Mr. Murphy's Power of Attorney to Miss
25 McGough.

26 .

27 I do hope you have an enjoyable and relaxing holiday and
28 look forward to speaking to you upon my return".

29 .

30 In September of 1986 I think that you had given Power of
31 Attorney to the solicitor to purchase the apartment for
32 you; is that correct?

1 A. That's correct, yes.

183 Q. Were you living in London yourself at that time?

3 A. I was, yes.

184 Q. Where were you staying?

5 A. I was in staying in Great Russell Street for a while and I

6 stayed in Bedford Court Mansions for a little while, then

7 for a few months then I stayed in Great Russell Street.

185 Q. So I think Great Russell Street is a premises that was

9 owned by a Mrs. Cassin I think; is that correct?

10 A. That's correct.

1 186 Q. And I think Mrs. Cassin is a relative of your father's?

12 A. She is an aunt of mine.

1 187 Q. She is an aunt of yours. I think that in evidence in

14 Guernsey your father indicated that he may have advanced

15 her the money for the purchase of the premises?

16 A. That is what he said in his evidence, yes.

1 188 Q. I think that the Bedford Court premises that you spoke

18 about is not the premises that Mr. Conroy was involved in

19 purchasing, it was a separate premises?

20 A. It was a company owned flat.

2 189 Q. Yes. And that was at 44A Bedford Court?

22 A. That's correct.

2 190 Q. That's correct. And does the company still own that

24 premises?

25 A. It does. That premises, I think, was purchased in 1975.

2 191 Q. Who normally used that premises?

27 A. At the moment it is vacant, I think in the early days my

28 father had some employees in, living in it. I think he had

29 a couple of nephews living in it. I stayed in it, I think

30 Mr. Conroy stayed in it for a period of time. As I said,

31 at the moment it is vacant.

3 192 Q. Yes, but you were anxious to purchase your own premises in

00031

1 London at that time?

2 A. I was, I was.

193 Q. And you purchased these premises in Maidavale in 1986?

4 A. Yes.

194 Q. Can you tell me where were you working in 1986?

6 A. I was working for the Murphy Limited Group of companies.

195 Q. The Murphy?

8 A. The Murphy Limited, the English Group of companies.

196 Q. The English Group of companies. Is that the cable company?

10 A. That's correct.

1 197 Q. And when, can you recollect, when did you start working for
12 the cable company?

13 A. '85 I think, yeah.

1 198 Q. And were you in a management position or what type of
15 position did you have?

16 A. When I went over to the UK in 1985 I was, maybe a labourer
17 for want of a better word. I was actually, I think driving
18 a van and, with two or three men out on the sites, on the
19 various sites laying cables.

2 199 Q. And that was the type of work that you were doing then?

21 A. That's the type of work I was doing then. I think in 1986
22 I had become an agent, as we describe it in London. The
23 term foreman might be a better word; where I looked after
24 three or four gangs of men that might be laying cables or
25 whatever else. My responsibility was to ensure that they
26 had the right equipment, the right transport, JCB's or
27 whatever they may need. The right materials, I would have
28 to go into the client's offices and get the work and show
29 the lads then where the work was. So I was constantly out
30 on the sites at that time.

3 200 Q. And in effect, I mean correct me if I am wrong, were you
32 learning the business from the ground up?

1 A. That's correct.

201 Q. And was that the plan, or had you discussed this with your
3 father? That this was how you would work, you would work
4 your way up through the companies, in effect?

5 A. No, I never really discussed, in depth. He never pushed me
6 in any direction. This is something that I wanted to do.
7 I had spent as I said, earlier a year doing this type of
8 work. Out in the gangs, out digging the roads and whatever
9 else, so I had a basic knowledge of the business at that
10 time. But in late 1985 and 1986 as I say, I became an
11 agent where I would be looking after three or four gangs of
12 men.

1 202 Q. And this would have been a step up from the job you had had
14 previously?

15 A. It was a step up, yes.

1 203 Q. And did you progress through the company in this fashion,
17 Mr. Murphy? Was that your plan at the time to work your
18 way up, on your own endeavours, through the company?

19 A. Yeah. I mean I didn't have any specific plan. I will do
20 this this year, this the next year and this the next year.
21 It was something that I enjoyed doing. I enjoyed the
22 banter with the men and all of that. So I had no plan to
23 sort of step up into top management in two or three years
24 time. I think events in 1988 speeded that process up a
25 little bit.

2 204 Q. But, yes, but standing back from the events of 1988, would
27 it have been - your plan seemed a perfectly logical plan,
28 that you would proceed to work your way through the
29 company, ultimately that it would become your company?

30 A. No, that is not the way that I thought at the time, no. I
31 was quite happy doing, being in the agent role and I never
32 looked that far forward, that you know, I will be in the

00033

1 top management or I will be a director or I will be Chief
2 Executive. I never looked at it like that. I was quite
3 happy, as I said, in the role that I was doing. Events
4 over took it though.

205 Q. But did it ever cross your mind at all at any stage that as

6 Mr. Murphy Senior's only son who had now started to work in
7 the company, that ultimately you might achieve a position
8 of responsibility in the company?

9 A. As I said that is not the way I think at all.

1 206 Q. Right.

11 A. I was quite happy with what I was doing. And I didn't
12 think years in advance I will be sitting in the Chief
13 Executive's role. That is not the way I am, that is not
14 the way I think.

1 207 Q. Yes; and did you ever have any discussion with your father

16 about what the future might hold for you working for the
17 Murphy Group of companies?

18 A. No.

1 208 Q. So it was, it never crossed your mind that ultimately

20 someday you might inherit or be in charge of these
21 companies?

22 A. I mean with the banter with the lads on-site and all that,
23 they use to give me that. "Oh, you will be sitting in the
24 chair one day", all this, that and the other, but it was
25 all part of the banter. It is not something I sat down and
26 seriously thought, that one day I will be in charge of all
27 of this. As I said, that is not the way I am, that is not
28 the way I thought.

2 209 Q. Did you ever discuss your position within the companies

30 with your father?

31 A. No.

3 210 Q. When you originally started to work for the Murphy Group of

00034

1 companies, did you discuss with your father your decision
2 that you were going to start working, albeit at a fairly
3 low level with the companies?

4 A. No. As I said when I went to the UK it was a natural
5 progression to go back out and do what I had been doing for
6 the couple of summers. The year I spent there, it was an
7 actual progression for me to continue that on the ground.

211 Q. So did you, yourself, apply directly, as it were, to Murphy
9 Limited for a job?

10 A. No.

1 212 Q. So can you tell me how was the job first arranged for you.
12 How did that come about?

13 A. Well, I just, I think it was just a lose thing, "I am going
14 to England and will go out with such-and-such an agent".
15 There was a couple of agents there that I had worked with
16 closely before. I went in the morning and they said "come
17 out there" and "come out here". It wasn't anything
18 formal. It's not as if I sat down at the minutes of the
19 meeting and it was said "you should do this" and "you
20 should do that", as I said, I was working on the ground.

2 213 Q. You told me that you didn't discuss your decision with your
22 father?

23 A. He obviously knew that I was going to go to England and
24 work for the companies, but as regards position of what to
25 do and all that, he left it to the operations people in
26 England. We had an Operations Director and Operation
27 Manager and he knew that they would put me on whatever, he
28 was quite confident on that.

2 214 Q. You turned up to somebody that you already knew, the
30 Operation Manager or whatever it was, and you started work?

31 A. That's correct.

3 215 Q. Right; and there was no difficulty about you getting a job

00035

1 as a, as you started as a labourer and then subsequently as

2 a semi manager?

3 A. No.

216 Q. Right. Now, at this time which was in or around 1986 were

5 you aware of the existence of the trusts at all?

6 A. No. While I don't think I was aware in 1986, no, I don't

7 think I was aware of the structure of the companies at the

8 time.

217 Q. Did you ever have any discussion with your father about why

10 he had gone to live in Guernsey?

11 A. He may have mentioned, yeah, he may have mentioned that he

12 had to go and live abroad to establish the legality of

13 these trusts, yes.

1 218 Q. I think that your father's residence was an important part

15 of these trusts, I think where your father was actually

16 residing?

17 A. It was, yeah.

1 219 Q. Yes, and you were aware of that?

19 A. The detail of that around that time, I wouldn't have been

20 aware of the finer detail of it, like I am today.

2 220 Q. No, but in a general way?

22 A. In a general way, yes.

2 221 Q. You were aware of the fact that he was living in Guernsey

24 because of the trust situation?

25 A. That's correct, yes.

2 222 Q. Were you aware at this time of the precise relationship

27 between the operating companies, the holdings companies and

28 the trusts?

29 A. No.

3 223 Q. We have prepared a document that I would like to put up on

31 the screen, if that is possible? This is a Tribunal

32 prepared document so if Mr. Cooney wants to object to it,

1 we will listen to what he has to say. I will show him the
2 document first. Which is a document simply showing an
3 outline of the companies.

4 .

5 MR. COONEY: I hope - Ms. Dillon, my initial reaction
6 would be to cooperate, of course, Mr. Chairman.

7 .

8 MS. DILLON: Thank you Mr. Cooney. Miss Coughlan is
9 printing it. I think all the gremlins are attacking us
10 today, Sir. I am very sorry.

11 .

12 CHAIRMAN: I wonder if it would be an opportunity just to
13 rise somewhat early for a break rather - to sort these
14 things out?

15 .

16 MS. DILLON: I think Miss Coughlan is looking very
17 positive behind you Sir.

18 .

19 CHAIRMAN: Leave her alone to work it out.

20 .

2 224 Q. MS. DILLON: It simply maybe just to set it in context on

22 the screen, it sets up the holding companies and the --

23 (document handed to Mr. Cooney)

24 I want to show you a document that we are going to put on

25 the screen and if you look at the screen beside you, Mr.

26 Murphy, it shows you, hopefully, if everything else hasn't

27 broken down on us, it will emerge in time?

28 A. Yes.

2 225 Q. Good. This is a document that the Tribunal has prepared

30 and Mr. Cooney has no objection to it. It sets out only in

31 relation to the Irish companies what appears to be the

32 companies, the holding companies, the trusts companies?

00037

1 A. The structure of it, yeah.

226 Q. The structure, yeah?

3 A. Okay.

227 Q. Now, we might have to do it a bit better than that I

5 think. Can you see that, Mr. Murphy? First of all, as you

6 are the important person?

7 A. I can.

228 Q. Does it make any sense to you, can you read it?

9 A. I can indeed, yeah. I can just move the microphone over

10 this way.

1 229 Q. We will photocopy a another number of copies for Mr. Cooney

12 and the other teams. I think it is better on the smaller

13 screen than the bigger screen. Mr. Cooney has a copy.

14 Now, will you correct me, I think my understanding of the

15 arrangement was, this is only the Irish Group of companies?

16 A. That's fine, yeah.

1 230 Q. The eight land holding companies which are set out there

18 are Grafton, that is Grafton Construction?

19 A. Yeah.

2 231 Q. Reliable Construction, Barrett, I think Developments;

21 Turvey Estates; Finglas Industrial Estates; Helmdale

22 Limited; Wexburn Limited and Gaiety Theatre Limited?

23 A. Yes.

2 232 Q. And they were, as I understand it, effectively all land

25 holding companies, property holding companies?

26 A. Yes.

2 233 Q. And they were owned by Lajos Holdings Limited which is the

28 company immediately ahead of it on the list?

29 A. That's correct.

3 234 Q. And Lajos was itself owned by General Agencies Limited, an

31 Isle of Man company?

32 A. That's correct.

235 Q. And General Agencies Limited was itself owned by Ashdale
2 Limited which was a trustee appointed out of the Ashdale
3 trust?

4 A. Yeah, that could be correct. The trust, like that goes a
5 little bit before my time, but I think that is correct,
6 yes.

236 Q. You think that is correct?

8 A. Yeah.

237 Q. If you subsequently come to a view that that is incorrect
10 we can come back to it and we can correct it?

11 A. I think that you might have it there. I will accept fully
12 if that is there that Ashdale is the owner of it, yes.

1 238 Q. Now, if I take you to the first company, Mr. Murphy, and if
14 you are not familiar with it you may say so. Grafton
15 Construction Company Limited owned the various lots of
16 lands that are set out there. Which are Lot 3 Poppintree,
17 Lot 6 Portmarnock, Lot 6 Scotts Farm, Balgriffin and Lot 2
18 Jamestown Road. When it says "lots" that is referring to
19 the lots in the letter attached to the Terms of Reference?

20 A. Yeah, I mean that must be correct. A lot of this is after
21 the event. Grafton and all of these companies are a little
22 bit before my time, I fully accept that, yes.

2 239 Q. They also owned part of the lands at Forest Road?

24 A. Okay, yes.

2 240 Q. And you may not have been here for the evidence in relation
26 to Forest Road, the sale of the lands at Forest Road, I
27 will come back to deal with that anyway. Reliable owned
28 part of the lands at Forest Road also?

29 A. Okay, yeah.

3 241 Q. Barrett owned part of Lot 1, the lands at Charlestown
31 Finglas. Turvey owned part of Lot 4 which is Turvey House
32 and lands at Turvey Avenue, Donabate. Are you aware of

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1 that?

2 A. Yeah. I am not, you know I am not fully aware which

3 company owned what, but I mean if that is the case I will

4 accept it, yes.

242 Q. In Finglas, the lands held by Finglas Industrial Estates

6 were part of Lot 1, they were the lands at Rockmount,

7 Finglas?

8 A. Okay.

243 Q. Helmdale owned part of Lot 4 and Beaverton House and lands

10 at Turvey, Donabate?

11 A. Okay.

1 244 Q. And Wexburn Limited was a company that owned 23 Lower

13 Baggot Street?

14 A. Okay.

1 245 Q. And I think 23 Lower Baggot Street was a premises that was

16 owned and which had been rented out, I think originally to

17 the persons who operated the Gaiety School of Acting or

18 something?

19 A. Something like that.

2 246 Q. Something like that and the Gaiety Theatre was owned by

21 Gaiety Stage - Gaiety Theatre (Dublin) Limited?

22 A. It may well have been.

2 247 Q. It may well have been, but you would be aware in a general

24 way, while not aware of the specifics of those, that those

25 companies were all wholly-owned subsidiaries of Lajos?

26 A. I would, yeah.

2 248 Q. Lajos was itself owned by a company called General Agencies

28 Limited an Isle of Man company?

29 A. That's correct.

3 249 Q. And that the Isle of Man company, General Agencies Limited

31 was owned by Ashdale Limited?

32 A. Yeah, it may well have been, yeah.

250 Q. And were you aware of a trust called the Ashdale trust?

2 A. When?

251 Q. Which was created, a trust created in 1972. In or around

4 1986 were you aware of the existence of a trust called

5 Ashdale Trust?

6 A. No.

252 Q. No? But insofar as the balance of the arrangement is

8 concerned with Lajos and the rest of it, would you have, in

9 general, been in broad terms familiar with that?

10 A. Well, I mean as I say a lot of this is learned after this

11 General Agencies, Barrett and Turvey all of that. I mean

12 in 1986 I had absolutely no involvement with the Irish

13 Group of companies. My role at the time was working and

14 living in England. And a lot of this stuff was learned

15 after the event. I don't think that I would have been

16 aware of Ashdale, General Agencies. I mean I don't know,

17 was Lajos set up in 1986? When was Lajos set up.

1 253 Q. '82 was it set up in '82?

19 A. Right, and you know, I wasn't fully familiar with the Irish

20 Group of companies.

2 254 Q. I am not suggesting for a moment Mr. Murphy that you were.

22 What I was trying to get you to say from your knowledge

23 now, that in 1986 that this, in broad terms, represents the

24 operating structure of the companies, as far as the Irish

25 operation is concerned?

26 A. That's correct, yes.

2 255 Q. And in relation to the lands, so that the ultimate owner as

28 it were of these properties, if they were sold or dispersed

29 and the proceeds went back through Lajos, General Agencies,

30 Ashdale limited, was the Ashdale Trust?

31 A. Correct, yeah, I will accept that, yeah.

3 256 Q. So that was the train or the chain, as it were?

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1 A. Correct.

257 Q. Right. Now, I think that in 1987 problems developed with

3 Mr. Liam Conroy about which we have heard a very great deal

4 about which I am not going to ask you very much?

5 A. Okay.

258 Q. Would you be aware, in general, that problems did develop

7 in 1987 with Mr. Liam Conroy?

8 A. I was aware towards the end of 1987, Christmas 1987. I

9 mean I was aware personally that problems were in the UK

10 set up companies in the cable laying companies, there were

11 a few problems. There was a few people coming to me making

12 some noises about it, but I wasn't aware of problems in

13 Ireland, in the Lajos Group of companies, if I can refer to

14 them like that, until in or about Christmas 1987 when Mr.

15 Gogarty came --

1 259 Q. Before we come to Christmas 1987, you said you yourself

17 were working in the English companies in the cable laying

18 companies?

19 A. That's right.

2 260 Q. Independently of anything that anybody else might have said

21 to you about Mr. Conroy, people came to you with complaints

22 about Mr. Conroy?

23 A. They did.

2 261 Q. When did people first start complaining to you about Mr.

25 Conroy?

26 A. Towards the end of 1987.

2 262 Q. What were their complaints that you can recollect?

28 A. It was basically that he got two or three people very close

29 to him, that they were described as "yes men" and that

30 there were certain contracts got at the time which weren't

31 priced right and were losing money. It was basically a

32 problem, a slight problem of attitude, a major problem as

1 regards the pricing of certain contracts.

263 Q. And this would obviously have been a concern to you because
3 if the contracts weren't priced correctly profits were
4 going down?

5 A. At that time, you know, I wasn't in a senior management
6 role. I hadn't - but the people that came to me were
7 long-term employees of the company. I mean they were there
8 probably since the late 60's and they weren't going to come
9 and say anything which wasn't true, and I relayed what they
10 were telling me back to my father.

1 264 Q. Yes, because these were people who were loyal to the family
12 and had been there for a very long time?

13 A. That's right.

1 265 Q. And you took their complaints seriously?

15 A. I took the complaints seriously, I did, yes.

1 266 Q. You went, in relation to the English Group of companies, to
17 your father?

18 A. I did.

1 267 Q. And you told him, did you, correct me if I am wrong, what
20 had been told to you by these people in relation to the
21 problems or the difficulties in the English Group of
22 companies?

23 A. I did, yes.

2 268 Q. And what was your father's reaction when you told him?

25 A. Initially he was, "oh no everything was okay, everything
26 was okay", whatever else, and I think I kept it up for a
27 little while. You know, I may be jumping a little bit Ms.
28 Dillon.

2 269 Q. That's alright.

30 A. He may have rung these people directly himself and various
31 other people, and I think that a lot of people at that time
32 expressed serious concerns about what was being done, and

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1 he came over to London from Guernsey in the early part of
2 1988 and actually physically met these people and went
3 around the country investigating certain jobs. Looked at
4 the pricing in the office and saw that there was a lot of
5 substance in these allegations.

270 Q. So that the start of the sequence of what happened with Mr.

7 Conroy was, or not necessarily the start, but people who
8 had been a long time at this business within the companies
9 were unhappy with the way Mr. Conroy was conducting the
10 affairs of the company?

11 A. They were.

1 271 Q. They came to you and you went to see your father?

13 A. Well, initially talked to him on the phone, yes.

1 272 Q. You made contact with him and initially he didn't give you

15 much heed, but then he did start to take the matter

16 seriously?

17 A. I wouldn't say he didn't give me much heed, you know.

1 273 Q. He didn't come to England straightaway?

19 A. I think he rang various people around the country,
20 Manchester - offices in London and Manchester, I think we
21 had an office in Sheffield at the time. He talked to
22 long-term people that we have known very well throughout
23 the years. I think that they all had the same story for
24 him, yes.

2 274 Q. So that was a matter of serious concern for your father?

26 A. It was at the time, yes.

2 275 Q. And obviously a matter of serious concern for yourself?

28 A. Yes.

2 276 Q. You think in December of, I think in December 1987, Mr.

30 Gogarty came to Guernsey in or around Christmas at that

31 time?

32 A. He did, yeah.

277 Q. Were you in Guernsey that Christmas?

2 A. I was, yes.

278 Q. And Mr. Gogarty's complaints were complaints, did he have

4 complaints about Mr. Conroy?

5 A. He did, he had some.

279 Q. And were they complaints of a similar nature to the

7 complaints that had come to you from the English Group of

8 companies, if I can call it that?

9 A. Partially. I remember that Christmas when he arrived he

10 had partially - about the pricing of the work. I think

11 that he was concerned about certain contracts being under

12 priced, and that this wasn't being reflected fully, say in

13 the accounts or whatever else; because there was old

14 contracts, claims still coming in on these contracts which

15 might have been tarnishing the end of year result.

16 .

17 He did have particular venom towards Mr. Conroy and Mr.

18 Sweeney. I remember at the time as well, he was very upset

19 with Mr. Conroy. I think that in 1984 when he was in

20 charge of the refurbishment of the Gaiety Theatre, I am not

21 sure whether it would be '83, '84 or '85, some of these

22 years anyway, he was very annoyed that Mr. Conroy didn't

23 support him in litigation that had been taken by the

24 subcontractors in the Gaiety Theatre, I think it was the

25 painters actually; I think that Mr. Conroy wanted to pay, I

26 think there was extra work being done, and I think that

27 some of the tradesmen, other tradesmen had come in and

28 damaged painting that had already been done, and this

29 painting had to be redone.

30 .

31 Mr. Gogarty wouldn't pay the painters the extra money. He

32 wanted them to recharge the people who damaged it, and he

1 said that Conroy gave him no support whatsoever in this.
2 This ultimately ended up in litigation and in the courts in
3 '84 and Conroy wouldn't back him. I think that he said he
4 told us at the time that he was made a disgrace of in the
5 stand.

280 Q. Go on, whatever you want?

7 A. Mr. Gogarty himself told us that when he went and gave
8 evidence, in this case, that the particular judge at the
9 time, I think told him to leave the stand and called him a
10 liar and dismissed all his evidence, and we lost the case.
11 .

12 MR. O'MOORE: Sir, this answer has absolutely nothing to
13 do with the question that Ms. Dillon asked?

14 A. Ms. Dillon asked me a question about the meeting in
15 Guernsey in 1987 and what Mr. Gogarty said at the time.
16 .

17 MS. DILLON: I asked you a question about Mr. Conroy's,
18 the complaints that Mr. Gogarty had about Mr. Conroy?

19 A. And I am giving you --

2 281 Q. And it is that litigation that you are talking about. Had
21 that happened before the meeting in 1987?

22 A. Oh it had, yes.

2 282 Q. In any event, from the companies point of view the most
24 significant information that Mr. Gogarty had was, again, a
25 complaint that I think had been made in the English Group
26 of companies about inadequate pricing in relation to
27 contracts?

28 A. The Irish Group of companies.

2 283 Q. I am talking about the Irish Group of companies, yes?

30 A. Yes. He was very upset about this court case that went on
31 when his evidence was dismissed and we lost the case
32 because --

284 Q. Yes, yes, but insofar as you have already told us that you
2 independently of anything else, that might have been going
3 on in the Irish Group of companies had had a number of
4 complaints made to you by long standing loyal employees of
5 the Murphy Group of companies in relation to the operation
6 of the companies in England?

7 A. That's correct.

285 Q. And that these related to inadequate or improper pricing of
9 companies?

10 A. Correct.

1 286 Q. To the main, and I think you have also said that when Mr.
12 Gogarty came to Guernsey in December of 1987, whilst he may
13 have been very upset on a personal basis by Mr. Conroy,
14 what he also told your father, insofar as the Irish
15 operating Group of companies was concerned, was that there
16 was a difficulty with the pricing of contracts?

17 A. The pricing of the contracts and the costing of them, he
18 said that the particular jobs weren't being costed
19 separately. That there was no real cost structure there to
20 cost the various jobs separately. So maybe one or two very
21 good contracts was clouding two or three very bad ones, you
22 know.

2 287 Q. That's right. So this was a problem at that stage that you
24 had independent confirmation, as it were, from two
25 sources. You had your information from the English Group
26 of companies and you had Mr. Gogarty in so far as the Irish
27 Group of companies were concerned. Obviously this was
28 something that would require investigation?

29 A. Correct.

3 288 Q. Right. And did Mr. Gogarty stay for a couple of days as a
31 guest of your father in Guernsey, at that time?

32 A. He did, yeah. Two or three or four days, I think his wife

1 was with him as well.

289 Q. Anna Gogarty?

3 A. Yeah.

290 Q. And these were the matters that were being discussed

5 between Mr. Gogarty and your father?

6 A. That's right, yeah.

291 Q. And I think you had said, probably something I should have

8 asked you; you had said that Mr. Conroy had surrounded

9 himself with a Group of "yes men"?

10 A. That's correct, yes.

1 292 Q. Who were these "yes men". Are you talking about anybody in

12 the Irish Group of companies?

13 A. No.

1 293 Q. This was only an allegation that was made in relation to

15 England? All right. Subsequently then, in early 1988 were

16 certain investigations put in train?

17 A. That's correct.

1 294 Q. And were these investigations confined to the Irish

19 operating companies or were they extended to include the

20 English operating companies?

21 A. They included the English companies as well.

2 295 Q. But --

23 A. But a different type of investigation.

2 296 Q. In the English companies?

25 A. Um.

2 297 Q. Why was there a different type of investigation?

27 A. It was my father, himself, personally went round with me to

28 the various parts of the country and investigated, while I

29 think in the Irish Group of companies Chris Snelling, Peter

30 Garner and various, I think Brendan Devine; so while

31 certain people were doing the investigations here in

32 Ireland, we did it on a personal basis in the UK ourselves.

298 Q. Yes. I probably spent some little time to be, I don't know

2 whether you feel now is an appropriate time?

3 .

4 CHAIRMAN: Yes, because there is some printing to be

5 done. It will take 20 minutes to do the complete printing

6 and we will have the documents available. Thank you.

7 .

8 THE HEARING THEN ADJOURNED FOR A SHORT BREAK AND RESUMED AS

9 FOLLOWS:

10 .

11 JOSEPH MURPHY RETURNS TO THE WITNESS-BOX AND CONTINUES TO

12 BE EXAMINED BY MS. DILLON AS FOLLOWS:

13 .

14 MS. DILLON: Some progress has been made on the documents,

15 Sir, insofar as the book of affidavits pagination index has

16 been circulated to everybody and we hope, before lunch, to

17 be able to provide a full indexed book of documents to

18 everybody, but we will be able to circulate individual

19 copies of the documents if that becomes necessary.

20 .

21 CHAIRMAN: Right.

2 299 Q. MS. DILLON: Mr. Murphy, just before the break we were

23 talking about early 1988, and following certain complaints

24 that were made both to you and your father in relation to

25 the conduct of Mr. Conroy, and his running of the companies

26 in Ireland and in England. Your father proceeded on an

27 investigation accompanied by yourself in relation to the

28 English companies?

29 A. That's correct.

3 300 Q. Right. And can you explain to me how this investigation

31 took place and what part your father played in it?

32 A. Well, my father would go to various offices that we had at

1 the time; London, Manchester, Sheffield; I think we had a
2 site office down in Sittingburn (SIC) near Kent. We would
3 go to those offices. He would take out, he would bring the
4 contract documents with him which would show the prices of
5 the job, and he would go out on as many jobs as possible
6 and see the progress or whatever it may be and relate that
7 back to the actual pricing to see if the job was actually
8 making money.

301 Q. Your father, I think, would have had a great deal of
10 experience and great deal of expertise in the pricing of
11 contracts?

12 A. Oh, he did, yes.

1 302 Q. And that would have been one of the things about which he
14 was most, I beg your pardon, most intimately acquainted?

15 A. Yes, I would agree, yes.

1 303 Q. And you proceeded first of all, I think did you say to the
17 London office and dealt with the London matters?

18 A. Well, whether we went there first or, I mean we could have
19 gone to Manchester, come back to London then maybe gone to
20 Kent and Sheffield. The sequence of where we visited --

2 304 Q. Is unclear?

22 A. Yeah, yes.

2 305 Q. But you did visit all of the operational sites of the
24 Murphy Group of companies in England?

25 A. Most of them, yes.

2 306 Q. And in all of those investigations you examined the
27 pricings for contracts, the drawings and went out and
28 looked at the jobs?

29 A. The pricing, yes.

3 307 Q. And went, did you actually go out and visit where the
31 sites, where the jobs was being carried out?

32 A. Yes, that was a very important part of it, yes.

308 Q. You did this with your father?

2 A. I did.

309 Q. For how long can you remember, approximately, did yourself

4 and your father spend on this exercise?

5 A. Ten days or two weeks.

310 Q. Was this in early 1988?

7 A. I think it was around April or May.

311 Q. Of 1988?

9 A. '88, yeah.

1 312 Q. And at the same time I think you had said to me just before

11 the break that other investigations were being carried out

12 in Ireland?

13 A. I am not sure now whether it, the other investigations, I

14 think those investigations might have been put in place

15 after that period. I mean we are concentrating on the

16 English Group of companies first. I think that the Irish

17 Group of companies investigations started there afterwards,

18 after the turmoil, the injunction on the 8th, all that type

19 of period. I am not one hundred percent sure, but I think

20 it was after that.

2 313 Q. That the investigations in Ireland commenced?

22 A. That's right.

2 314 Q. Was Mr. Gogarty carrying out investigations for your father

24 at this time, throughout the early part of 1988?

25 A. Well, he had told him on the Christmas of '87 his concerns

26 about the pricing, as I said to you earlier on, and his

27 concerns that there wasn't a separate cost structure, I

28 think it is called a "bid cost", where all the various

29 different jobs would be costed separately, and that you

30 know, as I said one or two good jobs were tarnishing the

31 maybe three or four bad jobs, so that the actual, in end of

32 year accounts, or the management accounts, mightn't have

1 looked that bad, you know? Whereas I think James Gogarty
2 and my father were always of the opinion that jobs should
3 be costed separately and on a stand alone basis.

315 Q. Yes, I think that your father agreed during his evidence in
5 Guernsey, Day 92 page 3, question 14 that in April or May
6 of '88 Mr. Gogarty was getting information on Liam Conroy
7 which he was passing on to a Mr. Edgar Wadley and Mr.
8 Joseph Murphy Snr.

9 A. I think the information that he was getting from James
10 Gogarty was sort of verbal information and he would have
11 been passing that on to our advisors at the time, of which
12 Mr. Wadley was one, yes.

1 316 Q. And was Mr. Wadley central to this investigation that was
14 being carried on at this time?

15 A. In the Irish?

1 317 Q. In the English companies, was your father dealing with --

17 A. No, Mr. Wadley was an accountant and his function was
18 overall structure of the company rather than getting
19 involved in the nitty gritty of certain contracts.

2 318 Q. Yes.

21 A. He was, he would get involved in the overall structure.

2 319 Q. Would Mr. Wadley have been aware at that time of your
23 father's concerns about how the company was being operated
24 by Mr. Conroy?

25 A. Oh, yes. Yes.

2 320 Q. And did Mr. Wadley have any contact, do you know, around
27 April or May of 1988 with Mr. Roger Copsey in Ireland?

28 A. He must have, yes. Yes, he did, yeah.

2 321 Q. I see; and was Mr. Copsey insofar as the Irish companies
30 are concerned, he was a financial accountant also; isn't
31 that right Mr. Copsey?

32 A. That's right, yes.

322 Q. And was he involved in anyway with overseeing the Irish
2 companies or looking at the Irish companies around this
3 time?

4 A. Well, when the, I think, the 6th, 7th or 8th of June when
5 it sort of came to a head here in the Irish Group of
6 companies, Mr. Wadley I think had spoken to Mr. Copsy and
7 brought him in, so-to-speak.

323 Q. Yes, did you come over to Ireland at all around this
9 period, April or May of 1988?

10 A. June.

1 324 Q. You came in June?

12 A. Yeah.

1 325 Q. Did you come before June of 1988. The meeting in Wilton
14 Lodge was the 7th of June 1988?

15 A. No, I think as I said in my statement, I have no
16 recollection of being in Ireland in the first part of
17 1988. I may, you know, on the odd occasion but I have no
18 recollection of being in Ireland. Certainly not attending
19 the office in Santry. If I had come over at that early
20 period it might have been personal, maybe a weekend. My
21 first recollection in 1988 is coming over specifically in
22 that meeting in Wilton Terrace in the 7th of June 1988.

2 326 Q. 1988?

24 A. Yes.

2 327 Q. Mr. Gogarty, when he came evidence to the Tribunal and in
26 his affidavit stated in relation to, you know about the
27 letter about the Forest Road lands; the letter in relation
28 to the contribution or are you familiar with that letter at
29 all, Mr. Murphy? We will give you a copy of the letter.
30 But in summary if I can paraphrase from Mr. Gogarty's
31 evidence. Mr. Gogarty's evidence was that sometime in late
32 April or early May of 1988 he was asked by your father to

1 take you in to meet Mr. George Redmond in Mr. Redmond's
2 offices in O'Connell Street?

3 A. Sorry, I don't mean to interrupt you, Ms. Dillon, I wonder
4 if you could read that from Mr. Gogarty's affidavit?

328 Q. Yes, there is no difficulty in relation to that. One
6 document that we don't have, but which will become
7 ultimately, is the letter of the 10th of May. We have it?
8 I wonder could Mr. Murphy be given the letter of the 10th
9 of May? We will give you also a copy of Mr. Gogarty's
10 affidavit (documents handed to witness) and Mr. Gogarty's
11 affidavit?

12 A. If you just read the particular, I don't actually need the
13 affidavit in total, but if you just read to me what he
14 actually said in his affidavit, please.

1 329 Q. Okay. Paragraph 31. Now, previously in paragraph 30 he is
16 referring to a meeting in which Mr. Gogarty gave evidence
17 that he had met Mr. Redmond alone in relation to the Forest
18 Road lands?

19 A. When was this?

2 330 Q. In 1988.

21 A. What date?

2 331 Q. He didn't give us a precise date, but it was sometime prior
23 to May of 1988.

24 A. Okay.

2 332 Q. And he says that he met Mr. Redmond on his own on that
26 occasion?

27 A. Okay.

2 333 Q. But that he says subsequently he met Mr. Redmond with you
29 and what he says at paragraph 31 of his affidavit is in
30 fact in fairness to you, to put the whole thing in context
31 I will start at paragraph 30 which is dealing with the
32 meeting where there is no suggestion that you were at this

1 meeting, Mr. Murphy.

2 .

3 "George Redmond then asked about Liam Conroy. By then, as
4 referred to later in this affidavit (paragraphs 37 to 42)
5 the involvement of Liam Conroy with the Murphy Group was
6 about to end". And that I think is correct, this is the
7 middle of May of 1988, middle of 1988.

8 .

9 "I told George Redmond this. And that in consequence
10 Joseph Murphy Snr. was becoming more directly involved in
11 the running of the Murphy Group. George Redmond expressed
12 surprise saying that he had met Liam Conroy fairly recently
13 and he, (Liam Conroy), had not mentioned anything about his
14 departure from the Murphy Group. George Redmond then
15 expressed a wish to speak directly to Joseph Murphy Snr.
16 and said that he had a relationship with Liam Conroy and
17 had told Liam Conroy about a mechanism to overcome the
18 problems caused by the 1983 planning permission running
19 out. I said that I would talk to Joseph Murphy Snr. about
20 him speaking directly to George Redmond. Also during the
21 course of this meeting (which lasted less than 20 minutes),
22 George Redmond said that he hoped that Michael Bailey would
23 get the lands at Forest Road". There is no suggestion,
24 Mr. Murphy, that you were at that meeting?

25 A. That's right, yes.

2 334 Q. Paragraph 31: "I did talk to Joseph Murphy Snr. about the
27 meeting and told him of George Redmond's wish to speak to
28 him directly and he (Joseph Murphy Snr.) told me to leave
29 it to him. A few days later Joseph Murphy Snr. told me
30 that he wanted to follow up with George Redmond on the
31 question of renewing the Forest Road permission, and he
32 asked me to set up a meeting with him, (George Redmond),

1 which would be attended both by Joseph Murphy Jnr. (son of
2 Joseph Murphy Snr.) and myself. At this stage there was a
3 very short time left before the Forest Road permission
4 would lapse, and the matter was of some urgency. I
5 arranged the meeting and Joseph Murphy Jnr. and I met
6 George Redmond in his office in O'Connell Street in late
7 May or early June 1988"?

8 A. Yeah.

335 Q. Now, at 32 he says: "At this meeting, (which lasted 30
10 minutes), George Redmond spoke of his relationship with
11 Liam Conroy who, (he said) had agreed that he (George
12 Redmond) would become a consultant with the Murphy Group
13 after retiring from Dublin County Council. He also said
14 that he had told Liam Conroy how to get the Forest Road
15 matter resolved. He said that he, (George Redmond), had
16 drafted the text of a letter which he produced, that should
17 be sent on behalf of Grafton Construction to Dublin County
18 Council which should refer to the Forest Road permission
19 which was due to lapse, and the services contribution
20 (126,000 or thereabouts) which had been provided for
21 therein and should tender a cheque in payment of the amount
22 of that contribution together with a request that access to
23 the services for the proposed houses to be built be
24 retained for a further two years".
25 .

26 33. "George Redmond made it clear that if a renewal of the
27 Forest Road permission was sought by Grafton Construction
28 without his, (George Redmond's) intervention, the level of
29 the services contribution which could be designated in 1988
30 terms would be roughly double the level of the contribution
31 designated in 1983. He also said that any application for
32 renewal of the permission could entail objections by

1 residents as had happened before and the matter could end
2 up on appeal which would involve further delays. However,
3 he said that by sending to Dublin County Council before the
4 existing permission lapsed the letter and cheque as advised
5 by him Dublin County Council would accept that amount and
6 would not require a further services contribution to be
7 paid under any renewal of the permission for two years. He
8 then went on to say that Liam Conroy had agreed to pay him,
9 (George Redmond), 10 percent of the notional saving of the
10 contribution payment. Joseph Murphy Jnr. later said to me
11 that he had "sorted out" and dealt with the payment to
12 George Redmond and he blamed Liam Conroy for committing the
13 Murphy Group to that expense".

14 .

15 He then says: "I acted on the advice of George Redmond.
16 Dublin County Council subsequently renewed the permission
17 and no additional services contribution was sought for the
18 extended two-year period".

19 .

20 Now, I think and I haven't got the date of the transcript,
21 I think Mr. Gogarty said that Mr. Redmond handed the letter
22 to you and that you in turn handed the letter to Mr.
23 Gogarty. We do know that a letter was subsequently sent,
24 dated the 10th of May of 1988. So I will hand; does Mr.
25 Murphy have it?

26 A. I do, yeah.

2 336 Q. You have a copy of that letter and that sets out, it is a
28 letter that was before the Tribunal, I will open if you
29 haven't read it Mr. Murphy. It has been read into the
30 record?

31 A. That is no problem.

3 337 Q. What I want to ask you is, did you attend any such meeting

1 with Mr. Gogarty and Mr. Redmond?

2 A. I never attended a meeting with George Redmond. I never
3 met the man in my life before the Tribunal started and I
4 have never been in the Council offices in Dublin. I think,
5 Ms. Dillon, if you go back to the bottom line on paragraph
6 31 of the affidavit;"I arranged a meeting with Joseph
7 Murphy Jnr. and I met George Redmond in his offices in
8 O'Connell Street in late May or early June of 1988".

338 Q. That is correct, Mr. Murphy?

10 A. I think if you go to Mr. Gogarty's transcript of evidence,
11 just like the Bourke meeting, he actually changed that to
12 early May. I think he changed it to the 10th of May. Then
13 under question he changed it to a few days before the 10th
14 of May.

1 339 Q. I don't think we need worry too much Mr. Murphy about Mr.

16 Gogarty's evidence in relation to that, all I am trying to
17 establish - I am going to come to deal with that in it's
18 own time. If you wish to make these points in advance of
19 me asking these questions I have no difficulty about that.
20 Be assured I am going to ask you what Mr. Gogarty has said
21 in relation to the matter and that he moved the date back?

22 A. Okay.

2 340 Q. All I am trying to establish from you is in general terms

24 this is what Mr. Gogarty has said occurred in May of 1988,
25 or as it says there May or June of 1988. All I am asking
26 of you is - regardless of the date, whether it was the 1st
27 of June or the end of May or any other date; did you meet
28 Mr. George Redmond?

29 A. As I said, I have never met George Redmond in my life
30 before this Tribunal started. In fact I think that when
31 Mr. Gogarty was giving his evidence on this particular
32 issue I think that Mr. Redmond was sitting a row or two in

1 front of me down in the gallery there, and during one of
2 the breaks I think he said to me "you are Joe Murphy Jnr."
3 he says "how can he say that sort of thing, I have never
4 met you in my life". I wasn't in Ireland in May of 1988.
5 I arrived a day or two before the meeting in Wilton
6 Terrace, the 6th or 7th of June.

341 Q. Yes, and I think --

8 A. I mean I never, I never heard of George Redmond until I
9 actually read Mr. Gogarty's affidavit.

1 342 Q. And I think Mr. Redmond said in evidence when he gave
11 evidence to the Tribunal about this meeting, while he
12 accepted that a meet had taken place with Mr. Gogarty,
13 which was probably on the 9th of May, 1988, he said that
14 you were not at that meeting; isn't that correct, that was
15 Mr. Redmond's evidence, he said you were not at that
16 meeting?

17 A. I wasn't here for Mr. Redmond's evidence. It is probably
18 one part of the transcript that I didn't actually read,
19 because as I said I know I have never met Mr. Redmond.

2 343 Q. Yes; were you aware at all of any difficulties in relation
21 to the Forest Road lands?

22 A. No.

2 344 Q. Did you have any knowledge in 1988 of the proposed sale of
24 the lands to Mr. Michael Bailey?

25 A. No.

2 345 Q. Did you have any involvement at all with the sale of those
27 lands the Forest Road lands with Mr. Michael Bailey?

28 A. None whatsoever.

2 346 Q. There is a reference, just for completeness to put it to
30 you, there is an entry in Mr. George Redmond's diary of the
31 9th of May 1988. The reference is CAB 1.1 - 148, which is
32 a reference to a meeting with Mr. Gogarty on the 9th of

1 May, '88.

2 (Document handed to witness). It is page 27 of the
3 circulated documents. Now, that is an extract from the
4 diary of Mr. George Redmond in 1988 and you will see there
5 on Monday the 9th of May, 1988, there is an appointment at
6 10:30 for J Gogarty?

7 A. I see that, yes.

347 Q. Yes; and Mr. Redmond when he was giving evidence accepted
9 that either, either at that meeting or the meeting
10 immediately proceeding it, which was the end of April of
11 1988, he might have given certain advices to Mr. Gogarty in
12 relation to the Forest Road planning permission. Right.
13 And you say that you were not present at that meeting and
14 had no knowledge of it?

15 A. Correct.

1 348 Q. And you had no knowledge of the fact that the planning
17 permission was due to lapse and that if it did lapse there
18 would be a serious effect on the price of the lands at
19 Forest Road?

20 A. I had no involvement with the Forest Road lands. Actually
21 the Forest Road lands was learned during the discovery of
22 this Tribunal by me. I had no knowledge of that.

2 349 Q. At all?

24 A. No.

2 350 Q. Were you aware that the company was in negotiations with a
26 purchaser of these lands for a figure of over a million
27 pounds?

28 A. Not at that time, no.

2 351 Q. And accepting that there was a certain amount of upheaval
30 going on in the company at this time, nonetheless the
31 proposed sale of these lands was a large cash injection
32 into the company if the purchase price was over a million

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1 pounds; isn't that right?

2 A. Of course, yes.

352 Q. Did your father ever discuss the sale of these lands with

4 you in anyway?

5 A. No, that was completely left to Mr. Gogarty.

353 Q. But I think your father accepted, in his evidence in

7 Guernsey, that the ultimate decision in relation to the

8 sale of any property would have had to come from him?

9 A. Oh, yes, that would have been the case, yes.

1 354 Q. So it would be fair to say that your father must have known

11 before the contracts were signed that the lands were being

12 sold to a purchaser for a certain amount of money?

13 A. Of course, yes.

1 355 Q. And it would be necessary for your father to give his

15 agreement to the sale of those lands?

16 A. We have given the final agreement, yes.

1 356 Q. And presumably did so in relation to the sale of the Forest

18 Road lands?

19 A. Presumably, yes.

2 357 Q. And was it true or is it true that in or around this time

21 Mr. Gogarty was in reasonably frequent contact with your

22 father about the difficulties the companies were having;

23 the investigations?

24 A. He may well have been. I wouldn't have been privy to how

25 often he rang Mr. Gogarty or what. I accept that he would

26 have been in touch with him, yes.

2 358 Q. Yes. I think your father also gave evidence in Guernsey

28 that he preferred to deal on the telephone with people

29 rather than committing things to, rather than writing

30 letters to people. He was happier dealing on the

31 telephone, as it were?

32 A. That's right, yes.

359 Q. And in those circumstances Mr. Gogarty must have been in
2 some sort of contact with your father in order to get
3 agreement in relation to the price of these lands and the
4 sale of these lands?

5 A. Yes.

360 Q. And did, did your father discuss with you at all then the
7 proposed sale of these lands at Forest Road?

8 A. No.

361 Q. Now, I think the next event of significance that happened
10 and I am not sure in fact whether you were at this meeting
11 or not, so you might be able to help me out in relation to
12 this, is that on the 20th of May of 1988 there was a
13 meeting in Guernsey between your father, Mr. Murphy Snr.,
14 Denis Moore O'Farrell and a Mr. Goff; who were trustees of
15 certain trusts?

16 A. I think that that meeting was in Jersey, Ms. Dillon, maybe.

1 362 Q. It may have been in Jersey, I understood it was in
18 Guernsey, my mistake. Yes. Were you at that meeting?

19 A. No.

2 363 Q. On the 26th of May of 1988 there was a meeting held in
21 Saint Stephen's Court in Dublin with Mr. Brendan Devine; do
22 you remember that meeting?

23 A. No.

2 364 Q. Were you at that meeting?

25 A. In May of 80?

2 365 Q. The 26th of May of 1988?

27 A. No.

2 366 Q. If we could have paragraph 14 of Mr. Christopher Oakley's
29 affidavit which is in the book of affidavits. Tab 9.

30 A. What paragraph is it?

3 367 Q. Pardon?

32 A. What paragraph.

368 Q. I will come to the paragraph in a second, I think it is

2 paragraph 14. Now, I think you have told me that you

3 weren't at that meeting in May of '88 and that you hadn't

4 come to Dublin until immediately prior to the meeting of

5 the 7th of June 1988. Paragraph 14 of that affidavit of

6 Mr. Christopher Oakley says:

7 .

8 "On or about the 26th of May, 1988, so I am informed by

9 Mr. Murphy, a meeting took place in Dublin at which were

10 present in addition to himself and his son, Mr. Brendan

11 Devine of Ernst and Whinney, Chartered Accountants,

12 Dublin. In the course of the meeting Mr. Devine explained

13 the background to a proposal to remove a long-term friend

14 and colleague of Mr. Murphy, Mr. Gogarty, from the boards

15 of the Irish operating companies. I am informed that Mr.

16 Gogarty had been active with Mr. Murphy in carrying out a

17 preliminary investigation of the operation of the companies

18 and had similarly formed a view that there were serious

19 management deficiencies on the part of Mr. Conroy,

20 particularly with regard to the underpricing of accounts

21 entered into by a number of the companies.

22 .

23 In the course of this meeting Mr. Devine agreed that it was

24 important for the serious allegations in respect of

25 underpricing of contracts to be investigated and arranged

26 for the appropriate authority to be given to Messrs.

27 Snelling and Garner for this purpose". For this purpose

28 Mr. Messrs. Snelling and Garner were trying to carry out an

29 investigation on behalf of your father?

30 A. Into the pricing of the contracts.

3 369 Q. Yes, and that affidavit was sworn the 11th of November and

32 was an affidavit by Mr. Oakley in the Isle of Man

1 proceedings.

2 .

3 MR. COONEY: What year?

4 .

5 MS. DILLON: Sorry, the 11th of November of 1988.

6 A. Yeah.

370 Q. So at paragraph 14 Mr. Oakley is saying you were at that

8 meeting?

9 A. Yeah.

1 371 Q. On the 26th of May of 1988?

11 A. Yeah. No, I wasn't.

1 372 Q. And you say you weren't there?

13 A. The first time I was in --

1 373 Q. If you just take it stage by stage Mr. Murphy, and it is

15 not my, I am not here to trap you.

16 A. I thank you for that.

1 374 Q. We are just trying to work out where the conflicts arise.

18 Mr. Oakley swore this affidavit on the instructions of your

19 father, apparently in the Isle of Man proceedings of which

20 we have heard lot of things. In it he says, Mr. Oakley

21 says that on the instructions of Mr. Murphy Snr. and he was

22 so informed by Mr. Murphy that there was a meeting on the

23 26th of May in Dublin with Mr. Brendan Devine and that you

24 were at that meeting?

25 A. Well, all I can say is the first time I was in Brendan

26 Devine's office was the meeting on either the 6th or 7th

27 after we had the meeting in Wilton Terrace, the

28 extraordinary general meeting when they were trying to

29 remove Mr. Gogarty.

3 375 Q. This is the Wilton Lodge meeting?

31 A. Yeah. Yeah. So I was never, I didn't even know where the

32 offices where at the time. Mr. Oakley I mean, that is

1 wrong. That's a mistake.

376 Q. A mistake by Mr. Oakley?

3 A. Yeah. I mean there was a lot of things happening, Ms.

4 Dillon, at that time and affidavits were being done in

5 England and as I say the turmoil, but the first time I was

6 in Brendan Devine's office was either the 6th or 7th of

7 June in 1988. That's a mistake.

377 Q. But who made the mistake, can you help me at all?

9 A. I can't.

1 378 Q. Mr. Murphy?

11 A. I can't.

1 379 Q. Presumably Mr. Oakley took his instructions from your

13 father?

14 A. Yeah.

1 380 Q. And he says: "I am informed by Mr. Murphy that a meeting

16 took place in Dublin, at which were present in addition to

17 himself, and his son, Mr. Brendan Devine of Ernst and

18 Whinny, chartered accountants, Dublin"?

19 A. As I said, that is a mistake.

2 381 Q. Yes. If you just excuse me for one moment. Do you have

21 any recollection of a telephone conversation that took

22 place at that meeting between Mr. Brendan Devine and one of

23 the Trustees, I think it was Mr. Moore O'Farrell in

24 Guernsey or Jersey?

25 A. Sorry Ms. Dillon, I just said that I wasn't at the meeting

26 so I wouldn't be privy to what phone calls were made at it.

2 382 Q. At that meeting or at any other meeting. If you just bear

28 with me for one moment, I just want to refer to one other

29 document that appears to place you at that meeting. If I

30 am wrong I will of course correct it.

31 It is just, I will move on from that Mr. Murphy, but I may

32 have to come back to it when I locate the document in

1 relation to the matter. It would appear that if Mr. Oakley
2 was acting on foot of instructions when he swore that
3 affidavit, that those instructions had come from your
4 father?

5 A. I don't know. I mean this goes back 11 years ago. I mean,
6 I am not sure, we would have to ask Mr. Oakley that. One
7 thing I am definite about, that I wasn't at that meeting.

383 Q. Yes but I think, to be fair Mr. Murphy, if you look at
9 paragraph 14, it says that on about the 7th of May of 1988
10 "I am informed by Mr. Murphy". So the basis of Mr.
11 Oakley's knowledge for the matters that he swore in
12 paragraph 14 of this affidavit was information he had
13 obtained from your father?

14 A. I would accept that, yes.

1 384 Q. And that therefore if a mistake was made in relation to who
16 was present at the meeting or not present at this meeting
17 on the 26th of May, it was a mistake not by Mr. Oakley who
18 is not alleged to have been at the meeting, but on behalf
19 of your father who was at the meeting?

20 A. Maybe, yes.

21 .

22 MR. COONEY: I think it is fairly clear that a mistake was
23 made by Mr. Joseph Murphy Snr. he has referred to that in
24 his affidavit as well. He is the source of the mistake,
25 that is all. That is it.

26 .

27 CHAIRMAN: You said he referred to it in his affidavit?

28 .

29 MR. COONEY: I gather, so obviously it was a mistake on
30 the part of Mr. Murphy Snr.

3 385 Q. MS. DILLON: Right. I think the next event of
32 significance that took place was the meetings on the 7th of

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1 June of 1988 and these were the, this was the meeting at

2 Wilton Lodge, Wilton Place?

3 A. Correct.

386 Q. As I understand the background to this Mr. Murphy, and you

5 can correct me if I am wrong, is that various other

6 meetings had taken place but Mr. Brendan Devine and Mr.

7 Conroy were anxious to remove Mr. Gogarty as a director of

8 the Irish companies?

9 A. Mr. Conroy, Mr. Devine, Mr. Sweeney and Mr. Downes.

1 387 Q. Were anxious to remove Mr. Gogarty as director of the

11 companies?

12 A. Correct.

1 388 Q. And they had called a shareholders meeting for the 7th of

14 June of 1988?

15 A. Correct.

1 389 Q. That meeting, I think, was to take place in the offices of

17 Ernst and Whinney; is that correct?

18 A. That's correct.

1 390 Q. And they were the office where is Mr. Devine was working at

20 that time. He was one of the partners in Ernst and

21 Whinney?

22 A. That's correct, yes.

2 391 Q. I think Mr. Devine was also an accountant who was working

24 and had been working, certainly was working at that time

25 for the Murphy Group of companies?

26 A. That's correct.

2 392 Q. And arrangements were put in place for an earlier meeting

28 to take place, which was described as starting at 6 o'clock

29 in the morning and this, these meetings took place in

30 Wilton Terrace, Wilton Lodge?

31 A. Yeah, I don't think it actually took place at six in the

32 morning Ms. Dillon, but we won't argue over an hour or

1 two.

393 Q. Mr. Gogarty gave evidence that it was very early in the
3 morning and he seemed to suggest around 6 o'clock, I don't
4 think anything turns on it?

5 A. Yeah.

394 Q. Now, did you go to those meetings?

7 A. I was at that meeting, yes.

395 Q. You were at those meetings. Can you tell us who else was
9 at those meetings?

10 A. It was myself, my father, Edgar Wadley.

1 396 Q. Can you just tell us, for the record, who Mr. Wadley was?

12 A. He was an advisor at the time to my father and Mr. Oakley
13 about --

1 397 Q. Was he a solicitor?

15 A. No, he is an accountant.

1 398 Q. An accountant?

17 A. Yeah. Sorry, I have lost my train of thought there? Mr.
18 Wadley, Mr. Copsey, Mr. Gogarty arrived with Mr. Lane. And
19 I think my mother was there as well. She was there in the
20 house. I don't know whether she actually sat in on the
21 meeting, but she was there. I think from memory, Ms.
22 Dillon, I think that everybody that Mr. Gogarty has said in
23 his evidence was there, with the exception of Mr. Oakley.

2 399 Q. You don't think Mr. Oakley was there?

25 A. I know Mr. Oakley wasn't there.

2 400 Q. Wasn't there?

27 A. Um.

2 401 Q. And Mr. Copsey was present; is that correct?

29 A. He was.

3 402 Q. And had you had dealings with Mr. Copsey before this
31 meeting. Had you met him before this meeting?

32 A. That was the first time I met Mr. Copsey.

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403 Q. Who brought him to the meeting, can you tell us?

2 A. Mr. Wadley, I think, had phoned him and told him there was
3 a few problems and would he come to the meeting.

404 Q. Yes; and had Mr. Copsey, to your knowledge, had a previous
5 relationship with the Murphy Group of companies?

6 A. I didn't know that.

405 Q. A relationship?

8 A. I didn't know that at the time but I know now that he had.

406 Q. Had Mr. Wadley had a previous relationship with the Murphy
10 Group of companies?

11 A. He had, yes.

1 407 Q. Had he been involved in the operation of AGSE and JMSE up
13 to the time of the collapse of the company called "IFTC"
14 the company, the bank?

15 A. Yeah, but I think that AGSE came on board after that
16 collapse. I don't think, yeah, they had been involved in
17 that.

1 408 Q. They had been advisors, I think, to your father and they
19 had been involved in setting up a bank in the Isle of Man
20 that subsequently collapsed, and it took sometime to sort
21 out monies that were owed to your father and matters of
22 that sort?

23 A. Correct.

2 409 Q. So Mr. Wadley had, I presume, been instructed to assist
25 him, by your father?

26 A. He had.

2 410 Q. And Mr. Copsey had been instructed by Mr. Wadley?

28 A. Correct.

2 411 Q. So that in effect your father was instrumental in bringing
30 Mr. Copsey into these meetings on the 7th of June of '88?

31 A. No, he was instrumental in bringing Mr. Wadley and Mr.
32 Wadley then brought Mr. Copsey, yes.

412 Q. Yes; and at those meetings I think a number of meetings
2 took place that morning in relation to various companies,
3 to various of the JMSE companies at which certain directors
4 were replaced; is that correct?

5 A. That's correct, yes.

413 Q. And I think you were appointed as director of those
7 companies?

8 A. Correct.

414 Q. Now, I think meetings took place of various companies under
10 the chairmanship of Mr. Gogarty?

11 A. Yes.

1 415 Q. Can you remember?

13 A. Yes.

1 416 Q. And I think your father also sat in as a director on those
15 meetings?

16 A. Well, these meetings are we talking about, the first
17 meeting in the morning in Wilton Terrace?

1 417 Q. Yes. We are talking about the meeting in Wilton Terrace
19 that preceded the meeting in Ernst and Whinney?

20 A. All the people that I have mentioned were there at those
21 meetings. As I understand it the resignation or what was
22 described as the resignation of Mr. Sweeney and Mr. Downes
23 were accepted and other directors were appointed in their
24 place. Yes.

2 418 Q. I think the Directors that were appointed were Una Murphy,
26 who is your mother; is that correct?

27 A. That's correct.

2 419 Q. Joseph Gerrard Murphy, that is yourself?

29 A. That's correct.

3 420 Q. And a Mr. Peter Garner?

31 A. That's right, that's correct.

3 421 Q. And John Anthony Lane who was the accountant who had

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1 accompanied Mr. Gogarty, was appointed as company
2 secretary?

3 A. That's correct.

422 Q. And meetings took place in relation to a number of
5 companies, Grafton Construction, Reliable Construction,
6 Lajos Holdings, Barrett Developments, Finglas and Turvey
7 Estates and JMSE?

8 A. Correct.

423 Q. And you were appointed as director to all of those
10 companies at that meeting?

11 A. Yes.

1 424 Q. Now, I think subsequent to that meeting taking place, you
13 attended at a later meeting or did you attend at a later
14 meeting in the offices of Ernst and Whinney?

15 A. I did.

1 425 Q. And can you tell us what happened at that meeting?

17 A. I think that all of the new Directors that we, that were
18 appointed that morning arrived at the Ernst and Whinney
19 office, I think it was, it could have been Ernst and
20 Whinney at the time anyway, in Stephen's Green and I think
21 that most of us sat outside the actual meeting room; and
22 certainly Mr. Wadley and maybe my father went into the room
23 as this Extraordinary General Meeting to remove Mr. Gogarty
24 from the Board was taking place and they dealt with
25 whatever issues in there. I didn't actually go, physically
26 go into the room and I think it was agreed that they would
27 adjourn that meeting until a later date or something, but
28 I, I think that was dealt with by maybe one or two people
29 with Mr. Devine and we left the offices.

3 426 Q. Yes. At that meeting was Mr. Brendan Devine informed that
31 the Directors were deemed to have resigned and new
32 Directors had been appointed in their place?

1 A. I mean, I only saw Mr. Brendan Devine passing to and from
2 the room. As I said, I didn't actually sit in with
3 whatever was discussed because I think two or three of us
4 waited outside. As I say, I think Mr. Wadley, maybe Mr.
5 Copsey, my father went in to talk to Brendan. So I wasn't
6 actually privy to exactly what happened in the room. I
7 know the outcome of it, that they suspended or they put off
8 the resolution for the extraordinary general meeting to
9 remove Mr. Gogarty. What was said by whom, I was sitting
10 outside the room.

1 427 Q. But generally what had happened, if I can summarise it like
12 this, at that fateful meeting in Wilton Lodge on the
13 morning of the 7th of June 1988 was: Your father was
14 engaged in taking back control of the companies from Mr.
15 Conroy?

16 A. We had accepted the verbal resignations of the three
17 people. Appointed a new Board of Directors and we were
18 informing Brendan Devine of that.

1 428 Q. Yes; and this was part of the attempt by your father to
20 regain control of the companies?

21 A. I think it was part of, at that time, to remove Mr. Conroy
22 as Chief Executive.

2 429 Q. All right. Now, I think subsequently, you went out to
24 visit the office in Santry that afternoon; is that correct?

25 A. Yes.

2 430 Q. And did you go with your father?

27 A. No.

2 431 Q. Who did go with?

29 A. Mr. Gogarty.

3 432 Q. Can you tell us what transpired? Did Mr. Copsey go?

31 A. No, I think it was just myself and Mr. Gogarty went to the
32 offices. I think we went in to Marcus Sweeney, Mr.

1 Sweeney's office and Mr. Gogarty informed him what had
2 happened that morning. I think there was a heated
3 discussion between Mr. Sweeney and Mr. Gogarty. And Mr.
4 Sweeney left the offices. I think he actually left the
5 premises.

433 Q. And can you recollect what happened after that?

7 A. Well, then I think that Mr. Sweeney and Mr. Conroy
8 initiated proceedings to injunct the new Board of
9 Directors.

1 434 Q. Yes; and did you go on the following day on a business trip
11 with Mr. Marcus Sweeney?

12 A. I did.

1 435 Q. You did. And this was done, I think, at the request of
14 your father?

15 A. Mr. Wadley suggested that I go. I think he was going for a
16 meeting, I think the people were Lange's, had entered.

1 436 Q. Sorry Mr. Murphy?

18 A. I think Mr. Sweeney was going to a meeting at AGSE with
19 Lange's who were a major contractor for a contract,
20 Sizewell contract that we got and he suggested that I go
21 with him to this meeting.

2 437 Q. This was Lange's in the United Kingdom?

23 A. That's correct.

2 438 Q. And where was that meeting taking place?

25 A. From memory now, I think that was, I think it was over an
26 evening meal somewhere, it might have been Blackpool or
27 Preston.

2 439 Q. And this was a meeting, one of the biggest, it was a very
29 big contract for AGSE?

30 A. Yes.

3 440 Q. And why were you directed to go along to this meeting?

32 A. I think at the time it was, at the time it was a tactical,

1 to see what Mr. Sweeney sort of was up to; to see if he was
2 ringing solicitors or what. I think that they were afraid
3 what action he might take. It certainly wasn't to go and
4 attend the meeting with Lange's, but I think it was just to
5 keep an eye on Mr. Sweeney, of his movements.

441 Q. And did you receive those instructions from Mr. Wadley or
7 from your father?

8 A. Mr. Wadley asked me to go.

442 Q. And he asked you to keep an eye on him?

10 A. Just any developments with Mr. Sweeney, who he might call
11 in relation to the Irish Group of companies, who he might
12 call, talk to etc. you know?

1 443 Q. And who did you meet at this meeting, can you recollect?

14 A. Some of Lange's top people. As I say it was over a lunch.
15 I remember being completely lost. The meeting was very
16 technical, as you can well imagine in a nuclear station.

1 444 Q. This was the nuclear station in Sizewell?

18 A. That's correct. So all the technical stuff at that meeting
19 was all really above me. I didn't contribute in any way,
20 shape or form. That wasn't the purpose of me, of me going
21 over. It was purely to keep an eye on Marcus Sweeney. If
22 there were movements between him Conroy, Devine or
23 whatever.

2 445 Q. To find out what was happening?

25 A. Um.

2 446 Q. And to report back to Mr. Wadley?

27 A. Um hum.

2 447 Q. Or Mr. Copsy?

29 A. Correct.

3 448 Q. Is that it?

31 A. That is exactly, yes.

3 449 Q. And were you told to contact either Mr. Copsy or Mr.

1 Wadley if there were any developments?

2 A. Mr. Wadley.

450 Q. Mr. Wadley?

4 A. Yeah.

451 Q. Mr. Sweeney, proceedings were then instituted by Mr. Conroy

6 in the High Court seeking an injunction preventing what was

7 happening in the name of the company?

8 A. That is correct.

452 Q. When were those proceedings actually, those proceedings

10 were in fact instituted on the 10th of June of 1988?

11 A. Right.

1 453 Q. I think. Let me just make absolutely sure?

13 A. Think it was around that date.

1 454 Q. The 10th of June 1988. They were grounded on an affidavit

15 sworn by Mr. Marcus Sweeney. I suppose the relevant

16 portion of what we are talking about, it is behind Tab 8 in

17 the book of affidavits, is paragraph 10.

18 (Document handed to witness).

19 Now, he says at paragraph 10: "I have learned from Mr.

20 Liam Conroy that during the meeting between Jim Gogarty and

21 Joseph Murphy, the purported to appoint Mrs. Una Murphy,

22 Mr. Joseph Murphy Jnr. And Mr. Peter Garner, an accountant

23 of Newtown and Garner, Apex House, Grand Arcade, North

24 Finchley, London, England, as Directors of the company, and

25 Mr. Jim Gogarty has been described by Mr. Reynolds as a

26 long standing employee of the company as Chairman of the

27 company.

28 .

29 The "new Board of Directors" as I shall call Joseph Murphy,

30 Jim Gogarty, Mrs. Una Murphy, Mr. Joseph Murphy Jnr. and

31 Mr. Peter Garner, then purported to dismiss the Company

32 Secretary, Mr. Downes, and replace him with Mr. John Lane

1 of 16 Herbert St., Dublin 2. This situation was confirmed
2 by Joseph Murphy Snr. and Joseph Murphy Jnr. when they
3 arrived at the company's premises in the late afternoon of
4 Tuesday the 7th of June, 1988". You agree with that? You
5 went out with your father to those premises?

6 A. Yeah, as I said I thought it was Mr. Gogarty but maybe my
7 father was there as well. He could have been, yeah.

455 Q. Yes. It would appear that it was certainly yourself and
9 your father, according to Mr. Marcus Sweeney?

10 A. Oh, yes. But I remember that Mr. Gogarty was there as well
11 because I rather remember a heated discussion with Marcus
12 Sweeney.

1 456 Q. "I was invited to allow Jim Gogarty take on management of
14 steel fabrication at the company's plant at work shop
15 level. I said I would have to think about it", this is Mr.
16 Sweeney. "They also asked could an Ex employee, Mr. Kane,
17 who had worked with Mr. Gogarty when he was Managing
18 Director be reemployed. I was introduced to Mr. Copsey, an
19 accountant", so Mr. Copsey must have been there?

20 A. He must have been.

2 457 Q. But your recollection was that Mr. Copsey wasn't?

22 A. I think that some of us went at different stages. I mean
23 this is going back a long time now.

2 458 Q. I think if we just read down a little bit we will see that
25 Mr. Copsey must have been there when you were there. "I
26 was introduced to Mr. Copsey, an accountant. Mr. Lane and
27 Mr. Gogarty were also in attendance. Mr. Joseph Murphy Jnr.
28 then informed me that the request concerning Mr. Gogarty
29 was merely a suggestion". So that would appear to suggest
30 that you told Mr. Sweeney that putting Mr. Gogarty in
31 charge of the steel fabrication at the workshop level was a
32 suggestion as opposed to a direction, I would assume?

1 A. I must have done, yes.

459 Q. You must have done. That would appear that Mr. Copsey was

3 also there if we look at --

4 A. Was this the same date, in the morning, as Wilton Terrace

5 by the way?

460 Q. He says that on the afternoon of Tuesday the 7th of June

7 '88?

8 A. Was the meeting in Wilton Terrace on the 6th or 7th.

461 Q. The 7th. So it was the same day?

10 A. All right, fine.

1 462 Q. So insofar as it would appear from that, that according to

12 Mr. Sweeney in any event Mr. Copsey was present?

13 A. Fair enough.

1 463 Q. And that so was yourself and your father and Mr. Gogarty

15 and Mr. Lane; is that correct? He says "Mr. Lane and Mr.

16 Gogarty were also in attendance. Mr. Murphy Jnr. informed

17 me that the request concerning Mr. Gogarty was merely a

18 suggestion."

19 A. Fine, yeah.

2 464 Q. "I said I would have to think about what was happening but

21 whatever I would do would not damage the company". Do you

22 remember that conversation with Mr. Sweeney?

23 A. I don't particularly, it was so long ago, but if he says it

24 took place I would accept it.

2 465 Q. Yes. It would appear that you were more than just a

26 bystander in this. That you were a participant in some

27 degree insofar as you were in a position to say that it was

28 only a suggestion that Mr. Gogarty would take over the

29 workshop level steel fabrication?

30 A. If he says I said that then I must have, yeah, but my

31 recollection of that meeting is that myself and Mr.

32 Gogarty, Mr. Sweeney went, went into Mr. Sweeney's office,

1 there was a heated discussion. Certainly when the heated
2 discussion took place Mr. Lane, Mr. Copsey and my father
3 weren't actually there.

466 Q. Yes, but Mr. Sweeney?

5 A. But they might have been in the offices, yes.

467 Q. But Mr. Sweeney was present for this heated discussion;

7 isn't that right?

8 A. Oh, he was, yeah.

468 Q. And Mr. Sweeney, in that paragraph, describing the

10 information that was given to him in relation to the
11 changes that had taken place that morning, does not refer
12 to any heated discussion; isn't that right?

13 A. Does not, no, but there was.

1 469 Q. Perhaps if you would like to read it again?

15 A. No, no, it is okay.

1 470 Q. In relation to that meeting which was the 7th of June

17 meeting?

18 A. Yeah.

1 471 Q. Yes. Then the final sentence reads: "Later that evening

20 Joseph Murphy Snr. telephoned me at my home and requested

21 that I take his son Joseph Murphy Jnr. on my business trip

22 the next day"?

23 A. That's correct, yeah.

2 472 Q. So this was the trip to Sizewell, or about Sizewell?

25 A. Over to --

2 473 Q. About the Sizewell contract on which you went on

27 instructions from Mr. Wadley to keep an eye on Mr. Sweeney?

28 A. Yes.

2 474 Q. Right. So you travelled presumably on the 8th of June 1988

30 with Mr. Sweeney; is that correct?

31 A. Presumably so, yes, it was the next day, yes.

3 475 Q. Did you come back then to Santry when that meeting was

00078

1 over?

2 A. I think I flew back to Ireland with him yes, yeah. I think

3 I did, yeah.

476 Q. You came whack to Dublin?

5 A. I am not one hundred percent sure. As I said this is 11

6 years ago. I may well have. Does he say I flew back with

7 him? I think I did, yes.

477 Q. And that you came back to Santry on the morning of the 9th

9 of June '88; would that be correct?

10 A. Does he say that here?

1 478 Q. I am not suggesting, I am saying was it an overnight trip?

12 A. It was just one night, yeah.

1 479 Q. So if you went out on the 8th of June?

14 A. But I am not sure that I went back to London or whether I

15 came back to Ireland. I may well have come back to

16 Ireland, yes.

1 480 Q. Was Mr. Oakley in attendance in Dublin at that time?

18 A. No.

1 481 Q. He wasn't?

20 A. No.

2 482 Q. No. But Mr. Copsey and Mr. Wadley were?

22 A. They were, yes.

2 483 Q. And they were staying to oversee the transfer and sort out

24 the problems?

25 A. Yes, correct.

2 484 Q. If they could.

27 .

28 CHAIRMAN: Ms. Dillon, I think it is just one o'clock.

29 .

30 MS. DILLON: Yes, Sir.

31 .

32 CHAIRMAN: We might break at this point. Should we sit

1 again at two?

2 .

3 MS. DILLON: Yes, Sir.

4 .

5 THE HEARING THEN ADJOURNED FOR LUNCH.

6 .

7 THE HEARING RESUMED AS FOLLOWS AFTER LUNCH:

8 .

485 Q. MS. DILLON: I think - good afternoon, Sir. Good

10 afternoon, Mr. Murphy. I think we have a book, finally,

11 of affidavits that we can hand to the witness, which is the

12 same as the book that we gave to Mr. Cooney this morning,

13 if he has no objection to the witness having the entire

14 book, it might be simpler for ease of reference?

15 .

16 You have it, Mr. Murphy, have you?

17 A. Is it a red one or a black one?

1 486 Q. I am instructed it is a black book.

19 A. Okay.

2 487 Q. MS. DILLON: I don't think you need it at the moment just

21 to have it to refer to. In relation to the other book of

22 documents, the witness also has the documents, a book of

23 documents circulated to Mr. Cooney this morning and to the

24 other parties.

25 .

26 I should flag one matter to you, Sir, that might arise in

27 the affidavit of Mr. James Gogarty, certain privilege was

28 claimed in respect of certain documents, I haven't had an

29 opportunity to speak with Mr. Callanan or Mr. O'Moore in

30 relation to this matter, but there are certain documents in

31 that, while I don't anticipate to get to them today I would

32 be anxious to have available for this witness possibly

00080

1 tomorrow morning, and I wonder would it be possible for,
2 later on this evening that I could have a conversation with
3 Mr. Callanan and see, I would be prepared to waive
4 privilege in respect of those documents.

5 .

6 MR. O'MOORE: In Mr. Callanan's absence, if it is
7 specified in letter form what these documents are, that can
8 be faxed over to McCann Fitzgerald today and Mr. Sheedy can
9 take instructions as soon as possible about that.

10 .

11 MS. DILLON: We can actually furnish a copy of these
12 documents directly and immediately to Mr. O'Moore, and
13 these are documents which I suspect that the Murphy Group
14 of interests have probably not seen, because on foot of the
15 reciprocal arrangement I am not absolutely sure about that,
16 if they were documents over which privilege were claimed,
17 and the Tribunal didn't make them available, for this
18 reason I can't say they have seen them or haven't seen
19 them. I suspect they haven't seen them and obviously they
20 would have to get them also.

21 .

22 CHAIRMAN: The only thing we can do is investigate the
23 situation in the course of this afternoon and try and get
24 agreement for tomorrow morning. If not, then a ruling
25 will have to be made, but it would be preferable if it
26 could be achieved by agreement, consent, if it is
27 possible.

28 .

29 MR. COONEY: Are these documents which were discovered but
30 over which Mr. Gogarty or his advisors had claimed
31 privilege?

32 .

1 MS. DILLON: That is my understanding.

2 .

3 MR. COONEY: I wonder could Ms. Dillon identify them in
4 the schedule?

5 .

6 MS. DILLON: I can't, because I don't have the document to
7 hand, but I will be in a position to identify the documents
8 before Mr. Cooney leaves this evening. If that is
9 acceptable? I simply don't have Mr. Gogarty's affidavit in
10 front of me at the moment. We can identify the document;
11 in the main they are attendances in February of 1992
12 between Mr. Gogarty and Mr. Gerrard Sheedy, around the
13 period of February of 1992.

14 .

15 CHAIRPERSON: Mr. Cooney, I am as much in the dark as you
16 are at this moment in time, so there is really little I can
17 say.

18 .

19 MR. COONEY: We will wait and see.

20 .

21 CHAIRPERSON: I will get the documents myself at the end
22 of the day, and I won't leave the building until we have
23 sorted the matter out.

24 .

25 MR. O'MOORE: In the spirit of cooperation between myself
26 and Mr. Cooney, I can tell him if I have got it right, the
27 documents listed at 1267 and I think 1265 of the Affidavit
28 of Discovery, I might be wrong, but I think that's right.

29 .

30 MR. COONEY: 12 -

31 .

32 MS. DILLON: 1267 and 1565. And I am instructed by Ms.

00082

1 Howard that Mr. Cooney would not have seen these
2 documents. Mr. O'Moore, if you just give the references
3 again?

4 .

5 MR. O'MOORE: Yes. First of all document 1263, which I
6 haven't given, it is an attendance dated 3rd of February of
7 1992. That's the first of them.

8 .

9 Secondly, there is an attendance of the 4th of February of
10 1992 which is Document 1264.

11 .

12 Then thirdly, there is an attendance of the 10th of
13 February of 1992, which is Document 1265, and then finally,
14 Document 1267 which is an attendance of the 13th of
15 February of 1992, I am just looking at these documents for
16 the first time, I think that's the correct identity of the
17 documents, Sir.

18 .

19 CHAIRPERSON: We will clarify, try and get those documents
20 to - have we got copies available to you at the moment, Mr.
21 O'Moore?

22 .

23 MR. O'MOORE: I have, Ms. Howard has just given them to my
24 solicitor in the last two minutes. Mr. Sheedy will try and
25 take instructions perhaps during your break this afternoon
26 and get back to Ms. Dillon about it.

27 .

28 CHAIRMAN: Very good. Then we will --

29 .

3 488 Q. MS. DILLON: I am obliged.

31 .

32 Now, I think just before lunch, Mr. Murphy, you had been

1 telling us that you had gone on a business trip with Mr.
2 Sweeney on the instructions of your father, and that you
3 had probably returned to Ireland the following day, which
4 was the 9th of June, 1988, though I think you weren't
5 completely sure that you had in fact returned to Ireland on
6 the following day?

7 A. Yeah.

489 Q. I think on the 10th of June of 1988 injunction proceedings
9 were taken by Joseph Murphy Structural Engineers
10 effectively against the new directors?

11 A. That's correct.

1 490 Q. And these were proceedings that were taken in Dublin and
13 essentially, and nothing huge turns on it, they were
14 looking for an order restraining the appointment of certain
15 people as directors?

16 A. That's correct.

1 491 Q. This was an application grounded on the affidavit of Marcus
18 Sweeney, which is one of the affidavits in the book before
19 you and I think we have referred to that already?

20 A. Correct.

2 492 Q. Now, I think that as and from the 7th of June of '88 you
22 had been appointed a director of JMSE and certain other
23 companies which you have listed in your statement and which
24 we have gone through this morning?

25 A. That's correct.

2 493 Q. Now, I think that you had a meeting on the 9th of June of
27 1988 with a, Brendan Devine; is that correct? Do you
28 remember that meeting on the 9th of June? This was a
29 meeting in the company of your father which took place at
30 the offices of Brendan Devine, and it was an attempt by
31 your father to get Mr. Devine to act in accordance with his
32 wishes in relation to the matters that were then unfolding,

1 and I think it is referred - sorry?

2 A. Did that meeting occur in Brendan Devine's offices?

494 Q. Yes.

4 A. Right.

495 Q. Do you remember the meeting at all?

6 A. I can't remember it, but I may well have been there, yes.

496 Q. Do you remember a telephone conversation with a Mr. Tempany

8 who was either in Guernsey or Jersey?

9 A. That telephone conversation was made from Wilton Terrace by

10 my father in my company.

1 497 Q. The matter is referred to in an affidavit, that's an

12 unsworn affidavit by your father which was drafted in

13 relation to the Isle of Man proceedings, and it is at

14 paragraph 12 of that affidavit. That affidavit is at Tab 5

15 of the book of affidavits before you.

16 A. These two folders you just gave me or earlier documents?

1 498 Q. The black folder I understand, Mr. Murphy, and behind Tab 5

18 in that folder you will find a document --

19 A. Yeah.

2 499 Q. -- which is referred to at page 2 as an affidavit of Joseph

21 Murphy, and which is in relation to proceedings in the Isle

22 of Man, and in relation to the, what's generally called the

23 "Isle of Man proceedings", the trust proceedings?

24 A. Yes.

2 500 Q. Now, at paragraph 12 of that affidavit, your father says as

26 follows: "I was not told of the proposal to call a

27 shareholders meeting to remove Mr. Gogarty at all" - for

28 completeness we will deal with paragraph 11, and this

29 affidavit was an affidavit that, as I understand it, that

30 was drafted in response to an affidavit sworn I think, by

31 Mr. Conroy.

32 .

1 And paragraph 11 says: "I did inform Mr. Devine that Mr.
2 Gogarty had refused to give his resignation. However, he
3 never informed me that he intended to secure a shareholders
4 resolution removing Mr. Gogarty. Indeed, he never even
5 sought my views or wishes as to a shareholders meeting at
6 all. I believe that Mr. Devine did not seek my wishes
7 because he knew that I would not support the removal of Mr.
8 Gogarty". And I think the shareholders meeting that's
9 referred to there was the shareholders meeting that was
10 scheduled to take place in the offices of Ernst and Whinney
11 on the 7th of June of 1988?

12 A. Yes.

1 501 Q. Paragraph 12: "I was not told of the proposal to call a
14 shareholders meeting to remove Mr. Gogarty at all. I saw
15 the requisition for the meeting on or about the 7th of June
16 of 1988 by accident in the office of JMSE"?

17 A. Yes.

1 502 Q. Now your father had attended, as I understood from your
19 evidence, at the office of JMSE after the shareholders
20 meeting had taken place in Wilton Lodge that morning, and
21 after there had been an attendance at the offices in Santry
22 in the afternoon?

23 A. Yes.

2 503 Q. Do you remember we had looked at the affidavit of Mr.
25 Marcus Sweeney this morning, and Mr. Marcus Sweeney said
26 certain persons came out and attended at the office in
27 Santry on the 7th of June of 1988?

28 A. Correct, yeah.

2 504 Q. But the meeting that was scheduled to take place on the
30 morning in Ernst and whinney's offices was a shareholders
31 meeting to remove Mr. Gogarty as director; is that correct?

32 A. Correct, yeah.

505 Q. Your father is saying: "I saw the requisition for the
2 meeting on or about the 7th of June 1988 by accident in the
3 office of JMSE"?

4 A. Well, it must have been before the 7th of June.

506 Q. That would appear to follow, I agree, Mr. Murphy.

6 A. I think that probably Mr. Gogarty saw that resolution and
7 maybe Mr. Gogarty was given the resolution and brought it
8 to my father's attention in the office, it would obviously
9 have to be before the meeting took place.

1 507 Q. I would agree that. "My views were not sought, although
11 when I discovered the requisition of the meeting I
12 telephoned Mr. Devine to inform him I did not agree with
13 the removal of Mr. Gogarty, a fact which he fails to record
14 in his affidavit".

15 .
16 Now, he says there "that my views were not sought, although
17 when I discovered the requisition for the meeting I
18 telephoned Mr. Devine to inform him I did not agree with
19 the removal of Mr. Gogarty". Again that seems slightly at
20 variance with what we were discussing this morning, because
21 it is clear that the shareholders meeting that was
22 scheduled to take place in Ernst and Whinney was for the
23 removal of Mr. Gogarty as director; isn't that correct?

24 A. That's correct, yeah.

2 508 Q. So therefore when your father says "my views were not
26 sought, although when I discovered the requisition of the
27 meeting on the 7th of June", in fact, your father, Mr.
28 Murphy Snr., met with Mr. Devine in the offices of Ernst
29 and Whinney; isn't that correct?

30 A. That's correct, yes.

3 509 Q. This seems to be a little incomplete?

32 A. No, I think earlier on in the meeting in Wilton Terrace, I

1 think that my father was advised at the time to give
2 Brendan Devine a ring on the morning of the meeting, to
3 tell him that we had something to discuss with him, so I
4 think that he did actually telephone Mr. Devine on the
5 morning of the 7th before we arrived for the meeting.

510 Q. But you, a meeting had already been arranged with Mr.
7 Devine, at which your father was entitled to attend; isn't
8 that right?

9 A. Yes, but he hadn't been specifically given notice by the
10 directors of this AGM. As I said it was discovered by Mr.
11 Gogarty who informed him that this was going to happen.
12 He wasn't formally put on notice, he wasn't sent a letter
13 about it. I think at the meeting on the morning of the 7th
14 of June in Wilton Terrace, he rang Mr. Devine to say to
15 hold off on the meeting and that we would be down, they had
16 something to talk about.

1 511 Q. Right. But it seems that what your father has set out
18 there at paragraph 12, that he saw the requisition for the
19 meeting on or about the 7th of June by accident in the
20 office of JMSE, that had to be in Santry; isn't that
21 correct?

22 A. Maybe it wasn't in the office, maybe Jim Gogarty had it
23 with him in the morning when he arrived, there might be a
24 slight mistake there.

2 512 Q. Your father is not saying the requisition was given to him
26 by Mr. Gogarty, he says "I saw it on the 7th of June in the
27 offices of JMSE"?

28 A. He could have seen it on the 6th of June. He didn't see it
29 on the morning of the 7th of June because that meeting took
30 place in Wilton Terrace, he says on or about, it could be
31 the 6th of June, he could have been in the office and James
32 Gogarty brought it to his attention.

513 Q. That's speculation I think, Mr. Murphy?

2 A. I don't think it is. I think that was the way he found
3 out, that the meeting was taking place, was through James
4 Gogarty.

514 Q. That the meeting was taking place, he found that out
6 through Mr. Gogarty?

7 A. Yeah.

515 Q. Then what was --

9 A. Mr. Gogarty probably would have shown him the actual
10 document or requisition or whatever it may have been,
11 seeking his removal.

1 516 Q. So what was the purpose then of the early-morning meeting
13 in Wilton Terrace?

14 A. The purpose was to appoint us, to accept the verbal
15 resignation of the three directors and to appoint us on the
16 board.

1 517 Q. And as a pre-emptive strike against the removal of Mr.
18 Gogarty from the board which was scheduled to take place
19 later on that morning?

20 A. Yes.

2 518 Q. That would follow-on logically, wouldn't it?

22 A. Yes.

2 519 Q. So it would appear that the arrangements for the meeting of
24 the 7th of June had been set up, this is the early-morning
25 meeting, had been set up some few days before the meeting
26 itself took place?

27 A. Yeah, probably a couple of days, yes.

2 520 Q. So that your father would have had notice of the EGM on the
29 7th of June for a few days at least before the meeting took
30 place on the 7th of June?

31 A. Maybe he did, a day or two, you know, I am not sure
32 exactly, this goes back a long time. I am not sure when

1 he actually was informed by Mr. Gogarty about it.

521 Q. Yes. And he says: "I telephoned Mr. Devine to inform him
3 that I did not agree with the removal of Mr. Gogarty, a
4 fact which he fails to record in his affidavit. I also
5 met with my son, Joseph, a partner of Ernst and Whinney
6 (Dublin), Mr. Tempany on the 9th of June, 1988, and asked
7 him for his assistance to persuade Mr. Devine to act in
8 accordance with my wishes. Mr. Tempany telephoned Mr.
9 Devine in Jersey at the offices of Mr. Moore O'Farrell on a
10 speaker telephone in my presence and that of my son, so
11 that we could hear both sides of the conversation. Mr.
12 Devine confirmed that he was meeting in Jersey with Mr.
13 Conroy and Mr. Moore O'Farrell. Mr. Tempany requested him
14 only to act in accordance with my wishes and to take no
15 action until he had discussed matters relating to the
16 trusts with me.

17 .

18 In reply Mr. Devine said that he was not meeting with Mr.
19 Moore O'Farrell or Mr. Conroy to discuss any matters
20 relating to the trusts, but in relation to legal
21 proceedings involving JMSE Limited. The next day my wife
22 and family were injuncted from acting as directors of the
23 companies which I had developed over the course of many
24 years. From the telephone conversations referred to above
25 it is clear that the discussions held between Mr. Moore
26 O'Farrell, Mr. Devine and Mr. Conroy in Jersey on the 9th
27 of June were expressly in relation to the commencement of
28 proceedings against my wife and family, contrary to what he
29 now claims in his affidavit".

30 .

31 Now, in relation to that matter, you attended at that
32 meeting, which took place on the 9th of June of 1988?

1 A. I did.

522 Q. In, with a Mr. Tempany and your father?

3 A. Yes.

523 Q. And what was the purpose of your father's visit to Mr.

5 Tempany on that morning?

6 A. Mr. Tempany came to the house in Wilton Terrace that

7 morning, that meeting didn't take place in Ernst and

8 Whinney's office, it, took place in the house.

524 Q. Yes. But what was the purpose of the meeting?

10 A. The purposes of the meeting was to, as it says there, as

11 you have just read out.

1 525 Q. What was your understanding of the purpose of the meeting?

13 A. To, Mr. Devine would act in accordance with my father's

14 wishes.

1 526 Q. What were your father's wishes?

16 A. My father's wishes were the removal of Mr. Conroy.

1 527 Q. And did your father have any views in relation to the Trust

18 Council?

19 A. He wanted them removed from the Trust Council.

2 528 Q. And who were the members of the Trust Council?

21 A. Mr. Conroy, Mr. Devine, and Mr. Hinteregger.

2 529 Q. And were there also trustees?

23 A. There were, Ernst and Whinney were the trustees, yes.

2 530 Q. Did your father want those removed also?

25 A. He did, this was on legal advice. At that stage Chris

26 Oakley was giving us legal advice in London, and he said

27 that Ernst and Whinney should be removed as trustee and Mr.

28 Conroy and the others be removed from the Trust Council.

2 531 Q. So what your father was desirous to obtain in the course of

30 these meetings was a clean sweep, he wanted the Trust

31 Council removed and replaced, he wanted the trustees

32 removed and replaced, and Mr. Conroy removed as the

1 executive of the company?

2 A. There was not legal advice given to him at the time.

532 Q. I am not getting into an argument about legal advice, I am

4 asking was that the objective of the exercise taking place

5 in or around June of 1988?

6 A. It was.

533 Q. That was what your father was aiming to achieve as a result

8 of these and other meetings that took place?

9 A. Yes.

1 534 Q. And you attended this meeting with him?

11 A. I did.

1 535 Q. At his request?

13 A. Obviously I came back to Dublin from the meeting with

14 Marcus Sweeney and this happened the next day, yes.

1 536 Q. I see. So you were involved insofar as you were present

16 when the conversation took place and you were able to

17 listen to what was going on with Mr. Devine in Guernsey?

18 A. Mr. Tempany rang Mr. Devine in Jersey at the time, yes.

1 537 Q. Yes. And you could hear that because it was being done on

20 a speaker phone?

21 A. Yes.

2 538 Q. Now, I think on the 10th of June of 1988 an interim

23 injunction was granted against Mrs. Una Murphy, yourself,

24 Peter Garner, Jim Gogarty and John Lane?

25 A. That's correct.

2 539 Q. Thereafter on the 10th of June there was another directors

27 meeting in JMSE?

28 A. Was there? Where does it say that?

2 540 Q. I think JG 3 - 154. It is in the book of documents.

30 A. This book I have here? Yes?

31 .

32 CHAIRMAN: It is page 35 of your book I am told.

1 A. Thank you, Chairman.

541 Q. MS. DILLON: Sorry, page 35.

3 A. In the other folder is it, in the red folder?

542 Q. Just one moment, I think yours is probably the red folder.

5 A. I have a red one and the initial one you gave me is a black

6 folder.

543 Q. There should be another one on the floor.

8 A. I have another one here, a red one.

9 .

10 CHAIRMAN: The discovery number is JG 3 - 154, I think.

11 A. Page 35, was it?

1 544 Q. MS. DILLON: It's page 35.

13 A. Yeah.

1 545 Q. And page 36?

15 A. Yeah.

1 546 Q. And this I think, was a meeting of the new board of

17 directors?

18 A. Yes.

1 547 Q. And the first resolution was: "It was resolved that the

20 following are co-opted onto the board of directors of this

21 company: Joseph Gerrard Murphy, Una Murphy and Peter

22 Garner", that's yourself, Mrs. Murphy and Mr. Garner, whom

23 I understand was an English gentleman?

24 A. That's correct.

2 548 Q. And John Lane was to be appointed Secretary of the company?

26 A. Correct.

2 549 Q. Mr. Lane has already given evidence, he was there for a

28 couple of months only over that period of time?

29 A. Maybe, yeah, yeah.

3 550 Q. And the second resolution, which is on page 36, resolved

31 that "any two of the following directors and Secretary

32 would be empowered to operate the bank account", which was

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1 Mr. Gogarty, Mr. Joseph Murphy, Mr. Joseph Gerrard Murphy,

2 Mrs. Una Murphy and Mr. Peter Garner?

3 A. Yes.

551 Q. And this was a meeting of the board of directors as newly

5 constituted on foot of the early-morning meeting at Wilton

6 Terrace; isn't that right?

7 A. Correct.

552 Q. And it didn't involve Mr. Conroy, Mr. Downes or Mr.

9 Sweeney?

10 A. No.

1 553 Q. Who in the meantime had taken out injunction proceedings

12 alleging that the appointment of you and your companions as

13 directors was unlawful?

14 A. Correct.

1 554 Q. I think, had you any knowledge or familiarity with the

16 trusts at this stage?

17 A. No.

1 555 Q. No?

19 A. No.

2 556 Q. And did you become, when did you first develop any, when

21 did you first have any knowledge of the trusts?

22 A. I would say shortly after this, maybe late '88, '89. I

23 suppose I learned most of it during the litigation with Mr.

24 Conroy.

2 557 Q. And that, at this stage hadn't even commenced; isn't that

26 correct?

27 A. Yes, that's correct, yeah.

2 558 Q. Because the meeting removing him as Chief Executive had not

29 yet taken place?

30 A. No.

3 559 Q. That was the initiating factor in respect of that?

32 A. That's correct, yeah.

560 Q. So you had no knowledge or, did you know whether or not at
2 this stage you were a beneficiary under the trust?

3 A. I think I did, yeah, I would have known that there was
4 trusts in place, and that I was a beneficiary of the
5 trust. As I say the finer details I wouldn't have known at
6 that time.

561 Q. And it was really only in the course of the litigation I
8 think, if I understood you correctly, that you became
9 involved or developed a knowledge of the trusts?

10 A. Correct.

1 562 Q. And how they operated?

12 A. Yes.

1 563 Q. Did you have a meeting on the 12th of June of 1988 with Mr.
14 Christopher Oakley, can you recollect, about the trusts?

15 A. The dates, if you have it there --

1 564 Q. If you look at the black book, Mr. Murphy, which is the
17 affidavit book?

18 A. Right.

1 565 Q. And if we look at the affidavit of Mr. Christopher Oakley,
20 which I think is behind Tab 9?

21 A. Yeah. Tab 9?

2 566 Q. And we look at paragraph 20 of that affidavit, that again
23 is an affidavit sworn by Mr. Oakley, in the Isle of Man
24 proceedings. Do you have that?

25 A. I do, yes. I have it now.

2 567 Q. Paragraph 20 which I will read into the record. "In or
27 about June of 1988 I was approached by both the settlor" -
28 that is Mr. Murphy Snr. isn't that correct?

29 A. Correct.

3 568 Q. "And his two children, Joseph Murphy Jnr.", yourself, "and
31 Angela Murphy, all of whom wished to effect a change of the
32 administration of the then trust companies of the '68

1 settlement and '72 appointment respectively, Armoy Limited
2 and Ashdale Limited. At the time they expressed to me the
3 reasons for their desire of change of trustee as being
4 reasons of loss of confidence in the ability of in
5 particular Mr. Denis Moore O'Farrell of Ernst and Whinney
6 (Jersey) to act in their best interests or in accordance
7 with their wishes, particularly in relation to the
8 investigation of the conduct of Mr. Conroy and the
9 underpricing of contracts referred to above. I was asked
10 therefore to assist in taking whatever steps I could to
11 secure either a change of the administration of Armoy
12 Limited and Ashdale Limited or alternatively their removal
13 as trustees. I discussed these matters at length with
14 them on the 12th and 13th of June of 1988. At the same
15 meeting I was informed by the settlor that he had heard a
16 rumour to the effect that Mr. Conroy had been appointed as
17 a beneficiary to the 1968 settlement and 1972 appointment,
18 and he wished me to establish whether this was correct and
19 if so the reason for the appointment".

20 .

21 So that would appear to suggest, Mr. Murphy, that on the
22 12th and 13th of June of 1988 that you had a meeting with
23 Mr. Christopher Oakley?

24 A. It would indeed, yeah.

2 569 Q. And at which it seems he discussed these matters at length
26 with you and your sister?

27 A. Yes, that appears to be the case.

2 570 Q. You had come to him and requested him to remove the
29 trustees because of a lack of confidence on your part in
30 the act of the trustees to operate the trust?

31 A. This was the advice he gave us at the time, it was up to
32 the beneficiary to remove the trustees, and he said this is

1 what had to happen, yes.

571 Q. If you go back to the beginning of paragraph 20 of Mr.

3 Christopher Oakley's sworn affidavit he says: "In or about

4 June of 1988 I was approached by both the settlor and his

5 two children", so you approached Mr. Oakley?

6 A. We would have gone to Mr. Oakley's office for advice,

7 yes.

572 Q. Yes, and you wished to effect a change in the

9 administration of the trust companies of the '68 settlement

10 and the '72 appointment respectively?

11 A. Correct.

1 573 Q. And you were anxious to do that on the 12th and 13th of

13 June of 1988?

14 A. Obviously, yes.

1 574 Q. Apparently according to this affidavit, if Mr. Oakley is

16 correct, you spent two days discussing these matters with

17 Mr. Oakley?

18 A. We may have been in and out of the office for two days,

19 yes, I accept that.

2 575 Q. So one would presume as a result of this, that you would

21 have had fairly detailed knowledge of the trust at the end

22 of two days with Mr. Oakley?

23 A. No, there were other issue, a multitude of issues to be

24 discussed with Mr. Oakley at the time. The English Group

25 of companies, AGSE, JMSE, everything, we didn't spend two

26 full days discussing the trust.

2 576 Q. That you see is not what Mr. Oakley says in his affidavit,

28 because in the second part of paragraph 20, having referred

29 to your wishes to "change the trustee as being the reason

30 of a loss of confidence in the ability of, in particular

31 Mr. Denis Moore O'Farrell of Ernst and Whinney (Jersey) to

32 act in their best interests or in accordance with their

1 wishes, particularly in relation to the investigation of
2 the conduct of Mr. Conroy and the underpricing of
3 contracts, referred to above. I was asked to assist in
4 taking whatever steps I could to secure either a change of
5 the administration of Armoy Limited and Ashdale Limited or
6 alternatively their removal as trustees". That appeared to
7 be what he is saying he was asked to do?

8 A. That was his advice at the time. He said "this is the
9 best way to do it" and we said "yes."

1 577 Q. He said that is what he was asked to do because you no
11 longer had confidence in Mr. Conroy?

12 A. Yes, that was the advice he gave us, we said "let's go with
13 that".

1 578 Q. He then says he discussed these matters at length with you
15 on the 12th and 13th of June of 1988?

16 A. He must have, yes.

1 579 Q. So if he is correct in what he deposed to in that
18 affidavit, it appears that the Murphy family approached him
19 because of their unhappiness with Mr. Conroy as Executive
20 and Trustee or being in the trust and wanted him removed?

21 A. Yes.

2 580 Q. And he spent two days with you discussing this matter?

23 A. He spent two days discussing this and other matters.

2 581 Q. Yes. He doesn't depose to the other matters that he
25 discussed with you?

26 A. We didn't spend two full days just discussing one
27 particular issue, Ms. Dillon. I think the advice he gave
28 us at the time was that this was the best course of action
29 and we went along with it.

3 582 Q. So that you were heavily involved at this stage in the
31 course of this two day meeting with Mr. Oakley in relation
32 to removing Mr. Conroy and how best to protect the trust

1 and appoint new trustees?

2 A. I was involved, yes.

583 Q. And the three persons mentioned in Mr. Oakley's affidavit

4 as having been present at these meetings and discussions

5 with him was Mr. Murphy Snr., yourself, and Ms. Murphy;

6 isn't that correct?

7 A. Yeah, but I think Mr. Wadley would have been present as

8 well.

584 Q. Are you saying Mr. Wadley was present at all of these

10 meetings?

11 A. I think he was present at most of the meetings we had with

12 Mr. Oakley, yes.

1 585 Q. Along with Mr. Oakley, did these meetings take place in

14 England?

15 A. Yeah, in Mr. Oakley's office.

1 586 Q. In London. You spent two days discussing these matters?

17 A. We spent many days discussing many issues.

1 587 Q. I am suggesting Mr. Oakley has sworn an affidavit in

19 support of the proceedings in the Isle of Man in which he

20 deposes to the fact that you spent two days discussing

21 matters to do with the trust?

22 A. Matters with the removal of Mr. Conroy as a beneficiary of

23 the trust. Yes.

2 588 Q. And other trustees also?

25 A. Correct.

2 589 Q. Yes. And that therefore you must have had a very detailed

27 knowledge of the trusts following these two meetings with

28 Mr. Oakley?

29 A. No, I did not, this isn't something that you can learn in a

30 day or two, it took me probably six months to understand

31 fully. This was the advice, as I said, given by Mr.

32 Oakley at the time, that the beneficiaries were needed to

1 remove Mr. Conroy and the trustees and we went along with
2 that advice.

590 Q. But Mr. Oakley seems to give the impression that you
4 approached him because of your lack of confidence in the
5 trustees?

6 A. Well, we were discussing various different aspects with Mr.
7 Oakley at the time. As I said it wasn't just confined, two
8 days, to this specific --

591 Q. Did you in fact approach Mr. Oakley and express a lack of
10 confidence in the trustees?

11 A. We did, yes.

1 592 Q. And that lack of confidence was based on what, Mr. Murphy?

13 A. On lack of confidence in Mr. Conroy at the time and Mr.
14 Conroy and the trustee at the time, Mr. Moore O'Farrell,
15 were very close.

1 593 Q. And what was that based on, this lack of trust of Mr.
17 Conroy and Mr. Moore O'Farrell?

18 A. As we discussed earlier on, the lack of confidence in Mr.
19 Conroy was the underpricing of contracts. The lack of
20 confidence with Mr. Moore O'Farrell was that he had met my
21 father, I think sometime in '88 and he had more or less
22 told him to get lost and to leave Mr. Conroy to run the
23 companies as he saw fit.

2 594 Q. Yes. So effectively then if I can summarise the position,
25 your position in the company was that in December of 1987
26 or coming up to December, various persons were discussing
27 dissatisfaction with how Mr. Conroy was operating the
28 business in England?

29 A. Correct.

3 595 Q. Mr. Gogarty made similar complaints in relation to how the
31 operation was taking place in Ireland?

32 A. Correct.

00100

596 Q. You went with your father in the early part of 1988 and you
2 conducted a hands-on survey of the English businesses?

3 A. Correct.

597 Q. Sometime towards mid-1988 a similar type of investigation
5 was instigated in Dublin?

6 A. Correct.

598 Q. Following on this information which came to your father
8 that there was an attempt to remove Mr. Gogarty as a
9 director of the company?

10 A. Correct.

1 599 Q. Instead of that occurring, a meeting took place on the 7th
12 of June in 1988 at which you attended and Mr. - you were
13 appointed as a director along with some other people?

14 A. Correct.

1 600 Q. So presumably your level of knowledge of the company and
16 its affairs had increased significantly between November of
17 1987 and June of 1988?

18 A. No, I was purely, I had no role or function in the Irish
19 companies you are referring.

2 601 Q. Sorry, Mr. Murphy, the question I asked you was presumably
21 your level of knowledge of the companies and their affairs
22 had increased significantly from November of 1987 to June
23 of 1988?

24 A. Which companies are you referring?

2 602 Q. Both the English operation and the Irish operation?

26 A. I would say that it would be more, the English operation.
27 I had no role or function, purely non-executive director in
28 the Irish companies. My role in 1988 was purely to come
29 over and save Gogarty, Mr. Gogarty from being thrown off
30 the board of directors, that was it as regards the Irish
31 companies.

32 .

1 In the English companies my level of knowledge probably
2 increased, yes.

603 Q. And you became involved with your sister and your father in
4 removing Mr. Conroy and other persons who were trustees of
5 the various trusts?

6 A. Yes.

604 Q. And the object of this exercise was to get back control of
8 the trusts for Mr. Murphy Snr.?

9 A. The object of the exercise was to remove Mr. Conroy for, as
10 Chief Executive and appoint new trustees, because we had
11 lost confidence in the trustees. You use the word
12 "control", I don't think my father ever had control over
13 the trust, but he had lost confidence in Mr. Moore
14 O'Farrell at the time, yes.

1 605 Q. And one of the complaints I think that your father had made
16 was that Mr. Devine refused to act in accordance with his
17 wishes?

18 A. For the removal of Mr. Conroy, yeah.

1 606 Q. And that Mr. Moore O'Farrell had advised him at a meeting
20 that had taken place that he should, I think your father
21 described it in an affidavit "go and walk his dog and leave
22 the running of the companies to Mr. Conroy"?

23 A. He went further than that, he said he couldn't actually
24 even attend any of the offices or any of the sites in the
25 UK.

2 607 Q. Yes, your father was very unhappy with this?

27 A. Very unhappy, yeah.

2 608 Q. Because his wishes were not being followed; isn't that
29 correct?

30 A. Because he was being told he couldn't visit the offices and
31 the sites of a company that he had set up many years
32 before.

609 Q. Yes, and there were in, Mr. Murphy Snr.'s eyes his

2 companies?

3 A. He may well have perceived them to be his companies, he had

4 set them up going back into the 60s and he had an

5 involvement with them right down. He had a lot of loyal

6 people that he knew for a very long time, and he didn't

7 wish to be, not to be able to visit these people and talk

8 to them.

610 Q. Yes, he wanted to remove the obstacles preventing him visit

10 these people, talking to them and knowing about his own

11 affairs?

12 A. He wanted to remove Mr. Conroy.

1 611 Q. Yes. On removing Conroy and removing the Trust Council and

14 the trustees, the persons appointed would have been persons

15 approved by Mr. Murphy Snr.; isn't that correct?

16 .

17 MR. COONEY: I couldn't hear the last part of the

18 question.

19 .

2 612 Q. MS. DILLON: Sorry, when Mr. Conroy was removed and the

21 Trust Council was replaced and the trustees were replaced,

22 the replacements would have been persons who were appointed

23 according to the wishes of Mr. Murphy Snr., the settlor of

24 the trust?

25 A. I think that we got legal advice on that at the time from

26 Mr. Oakley, yes.

2 613 Q. You got legal advice in respect of that. Were the persons

28 who were so appointed persons with whom your father was a

29 happy that they would be so appointed?

30 A. Yes.

3 614 Q. Right. So that what happened at the end of the, when Mr.

32 Conroy had been removed, is that the Trust Council and the

1 new trustees were persons appointed in accordance with the
2 wishes of Mr. Murphy Snr.?

3 A. Yes, he would have been happy with the new appointments.

615 Q. That's right. Now, I think on the 14th of June of 1988
5 you attended together with your sister, and this is set out
6 at paragraph 21 of the affidavit of Mr. Christopher Oakley,
7 which is behind Tab 9 in the book of affidavits, in the
8 black book, Mr. Murphy?

9 A. I have it, yeah.

1 616 Q. Paragraph 21 follows on previously on the 12th and 14th of
11 June, 1988. You had been having these meetings with Mr.
12 Christopher Oakley. You had approached him because you
13 were unhappy with Mr. Conroy and discussing how you were
14 going to change around other things?

15 A. No, I said the legal advice given to us by Mr. Oakley at
16 the time was that this was the approach we should take.

1 617 Q. Yes, but it was all based on the fact that the
18 beneficiaries and the settlor were unhappy with Mr.
19 Conroy's continued presence; isn't that right?

20 A. Correct.

2 618 Q. And at paragraph 21: "On the 14th of June, '88 by prior
22 appointment in the company of advocate Richard John Michel
23 of Crills and Mr. David Jeremiah Barry of Sovereign Limited
24 (Guernsey), the proposed new administrators of the trust
25 companies, I attended a meeting at the offices of Ernst and
26 Whinney (Jersey) at which were present Mr. Moore O'Farrell,
27 Mr. Goff and Mr. David C. Hunt. Prior to the meeting both
28 the settlor and Mr. Joseph Murphy Jnr. and Ms. Angela
29 Murphy as beneficiaries had formally requested Ernst and
30 Whinney (Jersey) to transfer the administration of Armoy
31 Limited and Ashdale Limited to Sovereign Management
32 Limited". Do you remember that?

1 A. I don't remember that, but obviously that took place,.

619 Q. Yes. What was happening here was a request that the
3 administration of the trust would be removed from the then
4 trustees?

5 A. That's correct.

620 Q. And placed with Sovereign Management Limited?

7 A. Correct.

621 Q. And Sovereign Management Limited were, I think, on legal
9 advice a company that your father had been recommended
10 should be taken on to act as trustees?

11 A. That correct.

1 622 Q. It was a company with which he was happy?

13 A. He was, yeah.

1 623 Q. Right. Were yourself and your sister aware of any other
15 beneficiaries of the Armoy and Ashdale Trust?

16 A. I think that in around that time too, we would have been
17 made aware that Mr. Conroy and his family had been made
18 beneficiaries of the trust.

1 624 Q. It occurred around that time?

20 A. In or around that time, yeah.

2 625 Q. He goes on to say: "In the course of that meeting Mr.
22 Moore O'Farrell confirmed that he had received a request
23 from both the settlor, Mr. Murphy Jnr. and Ms. Angela
24 Murphy requesting a change of administration of the trusts,
25 but asserted that he was unable to agree any transfer of
26 the administration of the two companies in the light of the
27 fact that Mr. Murphy Jnr. and Ms. Murphy were not the only
28 beneficiaries. Mr. Moore O'Farrell informed me that in
29 addition Mr. Conroy was a beneficiary, and that accordingly
30 his wishes also had to be taken into account.

31 .

32 22: I asked Mr. Moore O'Farrell the basis upon which Mr.

1 Conroy had been made a beneficiary, and he informed me that
2 he had taken legal advice at the time that the trusts
3 entered into the service agreement of the 31st of May,
4 1986, with Mr. Conroy and Lithe Investments Limited and was
5 advised that it was necessary to make Mr. Conroy a
6 beneficiary in order to give effect to the service
7 agreements, because the proposed remuneration was by way of
8 a share transfer rather than by way of cash
9 remuneration".

10 .

11 This is referring to a matter dealt with in so some detail
12 in Guernsey, and I don't propose to go over it again with
13 you. It would appear you were informed that Mr. Conroy was
14 a beneficiary under the trust?

15 A. Definitely, yeah.

1 626 Q. And you were anxious, your father was and your sister, that
17 the control of the trust be taken away from the then
18 trustees and given to Sovereign Management Limited?

19 A. Correct, yes.

2 627 Q. Who were the company whom it been recommended would take
21 over the running of the trust, this is what ultimately did
22 occur?

23 A. Correct.

2 628 Q. And I think also ultimately as happened, the Trust Council
25 were replaced; isn't that right?

26 A. Correct, yeah.

2 629 Q. And therefore, the object of the exercise, if I can put it
28 like that, was achieved insofar as Mr. Conroy was removed
29 as Chief Executive and the Trust Council was replaced and
30 the trustees were replaced?

31 A. Correct.

3 630 Q. And as a result of that Mr. Murphy Snr. then had in place a

1 structure operated by individuals who were going to pay

2 attention to his wishes?

3 A. I wouldn't say pay attention to his wishes, he had move

4 confidence in the new trustees to run the trusts in a

5 proper fashion. I wouldn't say in accordance with his

6 wishes, he was happy with them to administer the trust.

631 Q. Wasn't one of your father's great complaints against the

8 previous trustees, particularly Mr. Moore O'Farrell, is

9 that they would not pay attention to his wishes?

10 A. No, he was very unhappy that they had made Mr. Conroy a

11 beneficiary.

1 632 Q. Now, I think on the 14th of June of 1988 a board meeting

13 was called of the United Kingdom companies?

14 A. 14th of May, 14th of June.

1 633 Q. June?

16 A. That's correct.

1 634 Q. Was called at Heathrow Airport Business Centre?

18 A. Are we finished with this document?

1 635 Q. You can hold on to them, you will need them again.

20 A. I don't need them now?

2 636 Q. You don't need it at the moment, but we will be coming back

22 to them.

23 A. Right.

2 637 Q. Did you go to that meeting on the 14th of June, '88?

25 A. I did.

2 638 Q. You were at that meeting, and I think that at that meeting

27 members of the Murphy family were appointed to the board of

28 the English companies?

29 A. Correct.

3 639 Q. And Mr. Liam Conroy was removed as Chief Executive Officer?

31 A. I think he was suspended first and then two days later

32 formally removed, yes.

640 Q. I suggest that this was a similar exercise to the exercise
2 that had previously taken place in Ireland in relation to
3 the Irish companies?

4 A. No, this was a completely different exercise.

641 Q. In what way was it different, Mr. Murphy?

6 A. Well, in the Irish set-up, we had accepted the verbal
7 resignations of the board of directors. I think that at
8 the meeting in Heathrow on the 14th of June we were using
9 Mr. Conroy's service contract to formally suspend him and
10 then ultimately sack him two days later, so there was a
11 different procedure followed in the two meetings.

1 642 Q. But up to this time you had not been, as I understand it, a
13 director of the English companies?

14 A. No.

1 643 Q. Were you appointed at this meeting as a director of the
16 English companies?

17 A. Yes.

1 644 Q. Was your sister, I beg your pardon was Mrs. Una Murphy
19 similarly appointed?

20 A. Yes.

2 645 Q. Was your sister appointed as director to any of these
22 companies?

23 A. I don't think at that time, no. She definitely was later
24 but I don't think, she may have attended that meeting, I am
25 not sure now. Oh she did, I think she did, yeah.

2 646 Q. And to your knowledge, were the only persons who were
27 consulted about the change of trusts, change of trustees,
28 your father, yourself and your sister?

29 A. Yes.

3 647 Q. So nobody else was consulted?

31 A. I am not sure, now, I am not sure. Certainly at the time
32 from memory, yes. I am not sure if anybody else was

1 consulted at that time or not.

648 Q. Yes, I think on the 17th of June of 1988 Mr. Devine and Mr.

3 Conroy resigned as members of the Trust Council, and that

4 is set out in paragraph 25 of Mr. Christopher Oakley's

5 affidavit which is at Tab 9 of the black book in front of

6 you?

7 A. Okay. Yes.

649 Q. And here Mr. Oakley is deposing to the fact that, "Upon

9 taking instructions I was informed that the beneficiaries

10 and the settlor", that is yourself, your sister and your

11 father, "would wish Mr. Conroy and Mr. Devine to resign

12 with immediate effect in favour of Mr. Copsey and Mr.

13 Wadley, both of whom were then present with me in Dublin.

14 The appropriate documentation was then executed and is now

15 produced to me at pages 65 to 69 of CRO1. Thereafter

16 Messrs. Copsey and Wadley acting as the Trust Council

17 removed Armoy Limited and Ashdale Limited as trustees and

18 appointed in their place Mr. David Jeremiah Barry and Mr.

19 David Jeffrey Naylor. Copies of the removal and

20 appointment of trustees is at pages 70 to 72 of CRO1".

21 .

22 Now, that would appear to be how it was effected, in that

23 Mr. Copsey and Mr. Wadley were appointed as the Trust

24 Council and they in turn then removed the trustees and

25 appointed new trustees?

26 A. Yeah, I think that was a temporary measure at the time to

27 expediate it, you know?

2 650 Q. Yes. Can you tell me who would have requested Mr. Copsey

29 to carry out that function?

30 A. Well, I think at the time this was again advice given by

31 Mr. Oakley. I think the speed of things, everything was

32 happening so fast - Ms. Dillon, you must understand there

1 was a lot of turmoil in this period, in this 8, 9 month
2 period. Everything was happening very, very fast, so I
3 think that the legal advice would be what put Mr. Copsey
4 and Mr. Wadley on temporary, until we got the structure
5 back in place with the new trustees, a proper structure.

651 Q. And I think as you say, it was a time of great turmoil, but
7 it was turmoil in which you were involved, insofar as you
8 could, to be of assistance to your father?

9 A. Of course.

1 652 Q. You were learning a very great deal about the companies and
11 the trusts and how the whole system operated?

12 A. I was learning more about the English companies as I said
13 at the time, because most of my time after the injunction
14 proceedings were taken out was spent in England.

1 653 Q. This particular meeting however, where Mr. Copsey and Mr.
16 Wadley were appointed, took place I think in Dublin?

17 A. Did it?

1 654 Q. Yes, paragraph 25: It took place in Dublin. "I was informed
19 that the beneficiaries and the settlor would wish Mr.
20 Conroy and Mr. Devine to resign with immediate effect in
21 favour of Mr. Copsey and Mr. Wadley, both of whom were then
22 present with me in Dublin"?

23 A. That's right, there was a meeting I think in JMSE.

2 655 Q. On the 17th of June?

25 A. That's correct.

2 656 Q. That's correct?

27 A. I didn't attend this meeting, no this took place in Santry,
28 I think that they asked Mr. Devine at the time to resign
29 from the Trust Council or whatever, but I don't think I
30 attended that meeting, no.

3 657 Q. But the effect of all of this, in taking it through the
32 early part of 1988 to the middle of June of 1988, is that

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1 you were actively involved in assisting your father in
2 anyway you could in restoring stability to the companies
3 and putting in place a system, this is what I am suggesting
4 to you?

5 A. Could you just go back a little bit, on the dates?

658 Q. Well, I am saying throughout the early part of 1988

7 certainly up --

8 A. No, no.

659 Q. -- up to the middle of June?

10 A. No, this all happened from the middle of '88, all this

11 litigation stuff was '88/'89.

1 660 Q. We are not talking about litigation, Mr. Murphy, we are

13 talking about a series of events that started in November

14 of 1987?

15 A. Yeah.

1 661 Q. We have been through this twice already, I am happy to go

17 through it for the third time.

18 .

19 MR. COONEY: With respect I don't think Ms. Dillon should

20 speak to the witness in this tone of voice. It is

21 difficult to see what this has to do with the Term of

22 Reference. We have gone over this ground for the last

23 three hours. I don't want to interrupt Ms. Dillon

24 unnecessarily but really I think we could have --

25 .

26 CHAIRMAN: I can see the point but I think we could move

27 on.

28 .

2 662 Q. MS. DILLON: I am sorry if my tone of voice was in anyway

30 offensive to the witness. I wouldn't wish to be in anyway

31 offensive to Mr. Murphy.

32 A. No, you are fine, Ms. Dillon.

663 Q. Thank you, Mr. Murphy, I hope I didn't say anything that
2 would upset you, all I was suggesting was from the time
3 that you became aware in the companies that there was a
4 problem with Mr. Conroy, and it is something that appears
5 to have happened independently in Ireland and in England at
6 around the same time?

7 A. Correct.

664 Q. That you started working with your father closely to solve
9 these problems?

10 A. I did, yes.

1 665 Q. You did all this site visiting and checking of contracts
12 and pricing of contracts, and all of this led up to the
13 meeting that took place in June of 1988 removing Conroy
14 effectively, insofar as you could remove him, by "you" I
15 mean the Murphy companies, and that you were involved with
16 your father in that, both in discussions with Mr. Oakley,
17 Mr. Wadley, Mr. Copsy and your father in relation to all
18 of this?

19 A. Correct.

2 666 Q. And that when I say that you were heavily involved in this,
21 you were doing what any person who is involved in a company
22 in which their parent has an interest in, you were giving
23 such assistance to your father as you could?

24 A. Correct.

2 667 Q. It was probably also, I suggest, a fairly steep learning
26 curve at this stage, considering you hadn't been heavily
27 involved in the company at this level up to that time?

28 A. Very steep learning curve.

2 668 Q. You got through it?

30 A. We did.

3 669 Q. There was a meeting on the 17th of June of 1988 at which
32 you were not present I think?

00112

1 A. I don't think I was, no.

670 Q. That was a meeting, you can correct me if I am wrong. The
3 purpose of this meeting was to set right anything wrong
4 that might have happened at the meeting on the 7th of June
5 in relation to the appointment of directors, this was a
6 tidying up process?

7 A. Okay, yeah.

671 Q. Mr. Murphy Snr. I think was Chairman of that meeting, you
9 don't - the document in question, sorry it might assist you
10 if I can find a reference to the document --

11 .

12 CHAIRMAN: Page 39.

13 .

1 672 Q. MS. DILLON: Page 39 in the red book. 17th of June. The
15 purpose of this meeting was to resolve the final matters
16 that remained outstanding in relation to the changes that
17 had taken place, though not all matters were resolved?

18 A. Okay, yeah.

1 673 Q. You didn't go to that meeting?

20 A. No, the people present there on page 39, my name isn't on
21 it.

2 674 Q. Yes, you don't appear to have been at that meeting; is that
23 correct?

24 A. No, my name isn't there in the minutes, I didn't think I
25 was, that would seem to confirm it.

2 675 Q. One of the purposes of this meeting was to confirm that you
27 had, were you not appointed, even if you hadn't been
28 appointed before, a director of the company, I will just
29 find it now. Under page 2, it is "JG 3 - 276 -
30 Director". "It was resolved for the removal of any doubt,
31 it was confirm --

32 A. Sorry, Ms. Dillon, I am on page 39, am I on the wrong one?

676 Q. I think we are. You should be on page 40, sorry. The
2 only matter that concerns you I think is in relation to the
3 chapter headed "Director" there?

4 A. Right.

677 Q. As part of the tidying up process that was going on at the
6 time, "It was resolved that for the removal of any doubt it
7 was confirmed that Mrs. Una Murphy, Joseph Murphy Jnr.,
8 Peter Garner and JM were duly elected directors of the
9 company on 7th June, '88, and insofar as such elected may
10 be properly shown as invalid they were now so elected.

11 .

12 GD and MS abstained from the vote on the basis that they
13 did not agree that Una Murphy, Joseph Murphy Jnr., Peter
14 Garner and JM had been previously appointed directors, but
15 now agreed they had now been properly so elected". This
16 was in relation to the injunction proceedings that --

17 A. That's correct.

1 678 Q. -- that you were not properly appointed, it was a tidying
19 up exercise?

20 A. It looks like that.

2 679 Q. At that stage Mr. Conroy was gone?

22 A. He was.

2 680 Q. And I think at that meeting Mr. Roger Copsey as a
24 representative of General Agencies Limited handed to the
25 meeting Mr. Liam Conroy's resignation. That is, sorry at
26 the bottom of page 39.

27 A. Yeah, it is a bit hazy here with the photocopy.

2 681 Q. Sorry. "Insofar as LC may be a director of the company, RC,
29 Roger Copsey, as representative of the General Agencies
30 Limited handed the meeting his (Liam Conroy) resignation.
31 Liam Conroy stated that he had not received General
32 Agencies Notice under which the resignation had been handed

00114

1 to the meeting, and therefore knew nothing of these
2 proceedings. It was pointed out that the notice had been
3 sent to his Jersey address"?

4 A. Fine, yes.

682 Q. It went on to deal with the injunction proceedings and
6 matters of that sort. Were you aware of that meeting?

7 A. I probably was at the time, yeah. If I wasn't at the time
8 I might have been informed of it afterwards.

683 Q. And can you tell me at the other meeting that had taken
10 place in London at the Airport Business Centre was Mr.
11 Copsey at that meeting?

12 A. No, that was purely to do with the English companies.

1 684 Q. Now, a number of other meetings subsequently took place on
14 the 30th of June of 1988, and the purpose of these
15 meetings, Mr. Murphy, I don't think anything turns on them,
16 to ratify your appointment and that of your sister as
17 directors in case there was any query about them in view of
18 the proceedings that had been taken, and those meetings
19 took place in relation to Barrett Developments Limited,
20 Turvey Estates Limited, Finglas Industrial Developments
21 Limited, Grafton Construction Company Limited?

22 A. Sorry, what page are you on there?

2 685 Q. Starting at 43.

24 A. Okay.

2 686 Q. Do you have that?

26 A. I do, yeah.

2 687 Q. And you will see on the 30th of June of 1988, there is a
28 series of these meetings that took place. James Gogarty is
29 in the chair and you are also there, Mr. Joseph Gerrard
30 Murphy?

31 A. Correct, yeah.

3 688 Q. Do you remember attending at these meetings that took place

1 in Charter House, 5 Pembroke Road?

2 A. I don't.

689 Q. You don't?

4 A. I don't have a recollection, obviously I was there if I was

5 in the minutes of the meeting.

690 Q. I think Charter House is Mr., is that the office of Mr.

7 Roger Copsey?

8 A. That's right, yeah.

691 Q. And again we will go through the first one in detail

10 because they are similar in relation to the others.

11 .

12 "In so far as Liam Conroy may be a director of the

13 company, Roger Copsey is representative of Bromley Limited

14 handed the meeting Liam Conroy's resignation.

15 .

16 It was resolved that for the removal of any doubt it was

17 confirmed that Mrs. Una Murphy, Joseph Murphy Jnr. and

18 Peter Garner were duly elected directors of the company on

19 7th June, 1988, and in so far as such election may be

20 properly shown as invalid they were now so elected.

21 .

22 3: It was proposed and resolved that the registered office

23 of the company be changed to the following address:

24 Charter House, 5 Pembroke Road, Dublin 2". Previously it

25 had been with Ernst and Whinney; is that correct?

26 A. I think so, yeah.

2 692 Q. These were now your new financial accountants, Copsey

28 Murphy; is that correct?

29 A. Corrects, yeah.

3 693 Q. Thank you. "4: It is proposed and resolved that John Lane

31 retire as Company Secretary and that Copsey Murray

32 Secretarial Services Limited be appointed as Company

00116

1 Secretary". I think Copsey Murphy and secretary a service

2 were a company associated with Mr. Roger Copsey?

3 A. Correct.

694 Q. "5: It was proposed and resolved that Roger Copsey be

5 appointed as an additional director of the company"?

6 A. Correct.

695 Q. Right. And there being no further business the meeting

8 closed. That is signed by Mr. Gogarty?

9 A. Correct, yeah.

1 696 Q. And I think a number of these meetings took place on the

11 30th of June?

12 A. The same day, is it?

1 697 Q. Yes, it is the next page, Turvey Estates Limited.

14 Following that Finglas Industrial Developments Limited?

15 A. Right, they were all dealt with on the one day, were they?

1 698 Q. The same date, the 30th of June. Again on the 30th of

17 June, the Grafton Construction Company Limited?

18 A. Yeah.

1 699 Q. Joseph Murphy Steel Erectors on the 30th of June, that's

20 page 47?

21 A. Yeah. Wexburn and then Lajos, isn't it?

2 700 Q. Yes, Wexburn is the next one and then Lajos Holdings

23 Limited which was the holding company?

24 A. That's correct.

2 701 Q. So that the effect of all of this was, and the last one

26 sorry is Gaiety Theatre (Dublin) Limited?

27 A. That's right, yeah.

2 702 Q. So the effect of this meeting then was to copper fasten the

29 position in relation to the new directors for JMSE and for

30 the land holding companies and for Gaiety and Wexburn?

31 A. Correct.

3 703 Q. In that Mr. Roger Copsey was now being added as a director,

00117

1 Mr. John Lane was leaving, as I think he had been appointed
2 Company Secretary, and a new Company Secretary had been
3 appointed?

4 A. Correct.

704 Q. I think you had said earlier on, Mr. Roger Copsey was a
6 person who came in at the instigation of Mr. Edgar Wadley
7 at the request of your father?

8 A. The agreement of my father.

705 Q. In that Mr. Wadley was the man that wanted to bring in Mr.
10 Copsey?

11 A. Correct.

1 706 Q. Did Mr. Wadley assume a similar position in the English
13 companies as Mr. Copsey was in the Irish companies can you
14 recollect?

15 A. No, we didn't have as much turmoil for want of a better
16 word.

1 707 Q. Though did you remove Mr. Conroy?

18 A. Correct.

1 708 Q. Did you appoint new financial people?

20 A. No, no, we had a long-term financial director there that's
21 still there to this day.

2 709 Q. Now, I think the only other company meeting that I want to
23 draw your attention to is a meeting on the 6th of July,
24 which hopefully is the next meeting?

25 A. It is yeah, page 51 there, yeah.

2 710 Q. And this is dated the 8th of July of 1988. Page 51 of the
27 book?

28 A. Yeah.

2 711 Q. These are minutes of the directors meeting held at Santry
30 on the 6th of July, but dated at the top of the 8th of
31 July. The reference is RJC/CL, presumably it is R J
32 Copsey?

00118

1 A. Correct.

712 Q. "Present, Joseph Murphy ... In attendance Christopher

3 Snelling and Marcus Sweeney". And this was effectively

4 the meeting, I think from the minutes, Mr. Murphy, in which

5 Mr. Marcus Sweeney's position was changed slightly?

6 A. Yeah, I think it was, I think you are right there.

713 Q. And were you aware prior to going to this meeting that that

8 was one of the purposes of the meeting?

9 A. Yeah, I think that we had decided that Mr. Marcus Sweeney,

10 because of the size of our contract, we needed to keep him

11 on, yes.

1 714 Q. But he was only going to be kept on under supervision I

13 think?

14 A. That's right, we intended to put somebody in over above

15 him.

1 715 Q. And I think such a person was ultimately a person, Parker?

17 A. Mr. Tim Parker, yes.

1 716 Q. He was taken on and he was appointed Chief Executive of the

19 company?

20 A. He was, yes.

2 717 Q. Right. So if we just go briefly through the meeting and

22 we see does it accord with your recollection.

23 .

24 "1: It was resolved that company give an indemnity Mr.

25 Marcus Sweeney from the period 6th April 1988 to 7th July

26 1988". That was the period during which it could have been

27 contended Mr. Sweeney was no longer a director; isn't that

28 right?

29 A. That's correct.

3 718 Q. The company was giving him indemnity.

31 "2: It was resolved that to accept Mr. Sweeney's

32 resignation as a director of the company effective from 6th

00119

1 April 1988. The Board assured Mr. Sweeney that his
2 resignation would not affect his contract of employment.

3 .

4 3: It was resolved that Mr. Marcus Sweeney be appointed
5 director and Managing Director of the Company. The meeting
6 though it appropriate that a note should be circulated
7 within the company and AGSE to that effect".

8 So he had, he was in the process now of being reappointed
9 as Director and Managing Director?

10 A. Yes, yes.

1 719 Q. "Mr. RJ Copsey reported to the meeting that both Mr. Lane
12 and Mr. Garner had tendered their resignations to the board
13 and these were accepted. The secretary was instructed to
14 have the original resignations available for the next board
15 meeting.

16 .

17 5: Mr. Sweeney handed to the meeting a Capital Expenditure
18 Budget for consideration. The Capital Expenditure Budget
19 per attached referred to both JMSE and AGSE Limited. The
20 Board approved the expenditure for JMSE and recommended
21 AGSE to approve the Capital Expenditure Budget for that
22 company subject to finance availability all items are to be
23 purchased by cash with the exception of the photocopier for
24 JMSE and the replacement Hino truck for AGSE".

25 .

26 Then it goes on to talk about a production manager.

27 "6: The matter of production management was then
28 considered". At this stage are we talking about JMSE or
29 AGSE?

30 A. I think both companies, Ms. Dillon.

3 720 Q. Both. "It was suggested that Frank Reynolds take
32 responsibility for transport control and personnel

00120

1 recruitment and link with the production controller, Paddy
2 Garrett, to form the production management team. It was
3 noted that Mr. Tony Moore had moved from production to
4 drawings and this was proving successful though it left a
5 gap in production management it was considered that the
6 proposed production management team would be a weak
7 compromise and that a contracts manager should be
8 recruited.

9 .

10 7: Mr. Sweeney was instructed to report back to the board
11 with a short list of persons to be considered as contract
12 Managers".

13 .

14 Then it went on to discuss the Sizewell management budget
15 team. Then number 9, it sets out a management reporting
16 package, and Mr. Sweeney, Mr. Copsey and Mr. Snelling were
17 to liaise on this?

18 A. Correct, yeah.

1 721 Q. And Mr. Sweeney, at number 10, requested the board to give
20 him directions on the level at which he should "make
21 decisions without reference to the board it was recognised
22 that any guideline would be subject to commercial judgement
23 and Mr. Sweeney's performance in that respect would be
24 monitored by the board".

25 .

26 Were the board here making clear to Mr. Sweeney that he
27 would have to answer to the board or come back to the board
28 for most matters?

29 A. This is what the minutes are, yes.

3 722 Q. And in effect, what this was putting in place, am I correct
31 in thinking what this was putting place was a structure
32 whereby the reporting to the board would be more particular

1 than it had been up to that time?

2 A. Yeah, I think that it was to, Mr. Gogarty had serious
3 reservations about Mr. Sweeney at the time, and I think a
4 lot of these ideas came from him to, as he would put it,
5 keep him "under control" a little bit, yes.

723 Q. Yes. So it goes on:

7 "10. (A) As part of the management reporting package
8 budgets etc would be approved by the board and Mr. Sweeney
9 would be expected to adhere to those budgets.

10 .

11 (B) It would be excepted in the normal course of events
12 that all contracts would be discussed at a board meeting
13 before the company was committed however it was recognised
14 that certain smaller contracts and variations to larger
15 contracts might have to be confirmed before the next
16 available board meeting for commercial reasons. In these
17 circumstances authorization should be jointly between Mr.
18 Sweeney and Mr. Joseph Murphy Snr. or James Gogarty on
19 contracting matters and between Mr. Sweeney and Mr. Roger
20 Copsey on financial matters".

21 .

22 Do you see that last paragraph there, Mr. Murphy?

23 A. Sorry?

2 724 Q. I think what you have got in front of you are three copies
25 of the same page, page 53 - the page you should be looking
26 at is page 55 at the top. I think there are a number of
27 copies, they are simply copies of the same page?

28 A. Yeah, there is just a few lines at the top.

2 725 Q. Yeah, it says: "In these circumstances authorization
30 should be jointly between Mr. Sweeney and Mr. Joseph Murphy
31 Snr. or James Gogarty on contracting matters and between
32 Mr. Sweeney and Mr. Copsey on financial matters"?

1 A. That's correct.

2 726 Q. So the split was there between operational duties and
3 financial matters, and Mr. Sweeney was to go to Mr. Copsey
4 in financial matters and to Mr. Murphy Snr. or Mr. Gogarty
5 in relation to contracting matters?

6 A. Correct.

7 727 Q. That was the structure that was set in place on that date;
8 is that correct?

9 A. Yes, that's correct.

1 728 Q. Now, I think that the next meeting that you attended was a
11 meeting on the 2nd of August of 1988, and this is a meeting
12 of JMSE directors at 23 Lower Baggot Street, and it is the
13 next page, page 56. Now, you appear to have attended,
14 before we come on to look at this meeting, Mr. Murphy, you
15 appear to have attended quite a number of the meetings, you
16 weren't at the meeting on the 17th of July, the previous
17 meeting, but you appear to have attended a good few
18 meetings before that, and again on the 2nd of August, 1988,
19 were you, was this part of the getting to grips of what was
20 involved with these companies?

21 A. No, this was part of the JMSE companies, a very technical
22 precise engineering company, this wasn't what I had done in
23 the UK. I think that that was, we were giving James
24 Gogarty support for what happened to him previously in
25 trying to remove him and we were giving him the support to
26 come in and run the companies again.

2 729 Q. For who to run the companies again?

28 A. James, Jim Gogarty, he needed myself and my father's
29 support.

3 730 Q. In running the companies?

31 A. More or less running the companies, yes. He was Executive
32 Chairman at the time, yeah. He was very nervous at the

1 time about working with Marcus Sweeney, so I think that he
2 insisted that either myself or my father be around for some
3 of these meetings, but technicality some of these and
4 Sizewell and all the rest was all very new to me.

731 Q. Yes, but whilst they may all have been very new to you and
6 while you had been appointed for the first time as director
7 of these companies on the 7th of June of 1988, you did --

8 A. Obviously I attended these meetings.

732 Q. And presumably read the documentation in relation to those
10 meetings, whatever documentation might have been
11 circulated?

12 A. Yeah. Well, I mean as I say, this is 11 years ago, you
13 know?

1 733 Q. But these were companies which, which you were now newly
15 involved; isn't that right?

16 A. This was a company that I was appointed as a non-executive
17 director.

1 734 Q. But they were companies which you were newly involved
19 because your experience for the immediate three or four
20 years had been working in England?

21 A. My involvement had been very limited.

2 735 Q. I am not trying to trick you in anyway, Mr. Murphy, I am
23 simply trying to establish that this was something new for
24 you and therefore there were things to be learned and the
25 place to learn them was in the premises in Santry, that's
26 all I am suggesting to you?

27 A. Fine.

2 736 Q. I presume, if it was ultimately - if I put it to you in
29 this fashion: If it was ultimately ever anticipated that
30 you were going to take over these companies, presumably you
31 would be better off taking them over from a position of
32 information rather than a position of ignorance, would you

00124

1 agree with that?

2 A. I would agree with that, this hadn't come into this at the
3 time, me taking over sort of thing.

737 Q. I am not suggesting for a moment it had come into it, but
5 it was a possibility that you might some day be taking over
6 these companies?

7 A. Yes.

738 Q. And that therefore while you were there I presume, you
9 would attempt to learn as much as you could about the
10 companies, how they operate and who did what in the
11 companies?

12 A. As I said, how they operated was a little bit above me at
13 the time, and I think that we attended a lot of these
14 meetings and they seemed to be Baggot Street and Roger
15 Copsy's office, tidying up the actual structure, it was
16 never the intention that I would stay and get involved in
17 the day-to-day running of these companies, I think at the
18 time we were giving Mr. Gogarty a bit of support.

1 739 Q. But you were also --

20 A. I accept I attended meetings, yes, but I wasn't actually
21 getting involved in the day-to-day running of these
22 companies in anyway, shape or form.

2 740 Q. Are you saying, and I don't want to put words in your
24 mouth, are you saying you had no interest in these
25 companies?

26 A. No.

2 741 Q. No interest?

28 A. No, really at the time in those companies my activity had
29 been confined to the UK companies, and to be honest I
30 wanted to get back there as soon as possible.

3 742 Q. Yes. These were relatively, JMSE was a relatively
32 profitable company?

1 A. It may have been, up and down, I think some years there was
2 profits, some years there may not have been profit, some
3 years break even, I think you would be correct in saying it
4 was a relatively successful company.

743 Q. And the land owning companies, again they owned large
6 tracks of land in North County Dublin; isn't that correct?

7 A. Yes.

744 Q. You were aware or were you aware of the fact that these
9 companies, the assets of these companies to which you had
10 been appointed --

11 A. I was aware that some of those companies owned lands, yes.

1 745 Q. Were you aware that a particular company owned 23 Baggot
13 Street for example?

14 A. I probably would have been made aware of that either on
15 that, around that '88 period, yes.

1 746 Q. So that each of those companies to which you were appointed
17 were land holding companies of one sort or another?

18 A. Correct.

1 747 Q. And that included Gaiety Theatre, 23 Lower Baggot Street I
20 think, and the actual lands in North County Dublin?

21 A. Sorry, I am just moving this folder.

2 748 Q. That's all right.

23 A. My leg was falling asleep. Sorry.

2 749 Q. Like a lot of people here. But you would have been aware
25 that these were land holding companies?

26 A. I would have been aware, yes.

2 750 Q. And their only assets were these lands they held in North
28 County Dublin?

29 A. I would have been aware.

3 751 Q. And you would have been aware that these lands were let on
31 Con-acre agreements, which was an agreement to let to
32 farmers for various agricultural activities?

1 A. I think I was probably aware that they were let, the

2 details I wouldn't have known.

752 Q. And funds would come into these companies from these

4 lettings?

5 A. I wasn't aware of that detail.

753 Q. Not of the detail, did you --

7 A. Yes, obviously they were let, there was an income.

754 Q. And you certainly weren't, nobody said to you there was

9 nothing happening on those lands, "they are not even let"?

10 A. No, no.

1 755 Q. So you were aware that there were land companies and they

12 were let and generating some sort of an income?

13 A. I was aware in general, yes. The detail, the finer detail

14 I wouldn't have known.

1 756 Q. Did you ever go out and look at these lands, where they

16 were situated or anything to do with them?

17 A. No, not the lands in question, these 720 odd acres, that

18 are the subject of the Tribunal now, I think there was

19 lands out in Donabate and I remember from an early age, I

20 think I mentioned Mr. Tony Dolka, he was a foreman in JMSE

21 at the time, and he actually lived in a house out in

22 Donabate, I remember visiting him on a couple of occasions

23 when I was very young now, probably with Mr. Gogarty and my

24 father, so I would have seen those lands. The only other

25 lands I saw was the Poppintree lands after the house got

26 burned, so this would have been after the sale when the

27 arbitration started, so I had never seen any of the other

28 lands.

2 757 Q. But you were aware that there was a land bank there?

30 A. I was aware there was land there.

3 758 Q. Yes, and these were let out to various farmers?

32 A. I wouldn't have known whether they were let out to one

1 farmer, two farmers, 10 farmers, but I was aware, I was

2 certainly made aware that they were let, yes.

759 Q. And were you aware that a contract was signed for the sale

4 of the Forest Road lands in August of '88?

5 A. No.

760 Q. And did anyone mention that to you?

7 A. No.

761 Q. No. Sorry before we go back I should have dealt with,

9 briefly, the meeting on the 2nd of August, '88. This is at

10 page 56 of the red book I think?

11 A. Yeah, I have it here.

1 762 Q. And this is the minutes of JMSE board meeting held on the

13 26th August, 1988. Present: J Murphy Snr. and J Murphy

14 Jnr, James Gogarty, Marcus Sweeney and Roger Copsey. In

15 attendance Christopher Snelling". Who was Christopher

16 Snelling?

17 A. Chris Snelling was an accountant. He was previously

18 involved with Edgar Wadley and he had come over I think, I

19 think he was involved maybe years and years before that

20 and, actually Chris Snelling, I think he may have been an

21 engineer as well as an accountant and he came over I think

22 to do a report on, report on the JMSE companies at the

23 time.

2 763 Q. And it says: "The minutes of the previous meeting were

25 presented and approved.

26 .

27 2: The question of the Sizewell team was discussed in

28 detail and it was agreed that the matter be reviews after

29 the response for current advertisements for staff had been

30 ascertained.

31 .

32 It was agreed that John Callaghan should be offered a post

1 in Dublin.

2 .

3 In order to retain staff in AGSE and in particular on the
4 Sizewell team it was recognised that salary increases would
5 have to be given. The board were presented with a memo
6 from Tom Bryce with his recommendations these
7 recommendations did not meet with the board's approval and
8 Christopher Snelling and Marcus Sweeney were asked to
9 revise the budgets of the Sizewell contract showing the
10 effect respectively of 10, 20, 30 percent increase in
11 salaries across the board.

12 .

13 3: The question of unsubstantiated cash payments to staff
14 was discussed various matters were discussed and it was not
15 clear to the board whether irregular payments had been made
16 to members of the staff. It was decided that the board
17 should formally record the company policy, which was that
18 payment should only be made against properly vouched
19 expenditure and if payments were made in circumstances were
20 not available the amount concerned would be grossed up so
21 the tax would be paid in the amount concerned. Marcus
22 Sweeney and Roger Copsey were asked to report to the next
23 meeting in respect of this matter".

24 .

25 So this was obviously a financial matter, and Mr. Copsey
26 was going to deal with that together with Mr. Sweeney who
27 was a financial director; isn't that correct?

28 A. Obviously.

2 764 Q. "4: It was resolved that Mr. Gerry Downes should be asked
30 to resign his position from the company. Roger Copsey was
31 asked to meet with Mr. Downes and make the necessary
32 arrangements for his departure in August. The Board agreed

1 that a tax free sum of £10,000 should be made to Mr. Downes
2 if he voluntarily agreed to resign his post with the
3 company". Again this is a director or former director
4 about to leave the company; isn't that right?
5 A. Correct.

765 Q. And the person going to negotiate with him for his leaving
7 package is Mr. Roger Copsey?

8 A. Correct.

766 Q. That was agreed to by the board?

10 A. Correct.

1 767 Q. Paragraph 5: "The question of signatories on the company's
12 bank account was discussed. It was resolved that Mr. Gerry
13 Downes should be taken off the bank mandate immediately and
14 that the following arrangements should be made:

15 Any one

16 - James Gogarty

17 - Marcus Sweeney

18 - Roger Copsey

19 Be authorised to sign cheques of not more than £300 on a
20 single signature cheques in excess of £300 to need any two
21 of the above signatures". That was a change that was
22 necessary following the resignation of Mr. Downes, who was,
23 I think, up to that time an authorised signatory?

24 A. Correct, yeah.

2 768 Q. Were you at this stage still an authorised signatory of the
26 accounts on the cheque book?

27 A. I don't know, I think with all the turmoil maybe five or
28 six of us were put on the actual cheque book, I don't think
29 I ever signed a cheque in JMSE.

3 769 Q. And 6, it says: "The details of the management reporting
31 package were discussed and it was agreed that the Board be
32 supplied with regular financial information including

00130

1 provisions made against sums claimed under contracts.

2 .

3 And 7: It was agreed that Mr. Gay Grehan should be engaged

4 by the company as Contracts Manager for Dublin, Mr. Grehan

5 to be responsible to Mr. Marcus Sweeney but otherwise to

6 have control of the Dublin manufacturing unit. In

7 particular his duties to include supplying Don Kane, Works

8 Manager, with clear drawings and schedules so that

9 production targets can be met.

10 .

11 8: Mr. Marcus Sweeney was asked to contact Mr. Mattitch

12 with a view to him being offered a senior post with the

13 company. The business closed" .

14 .

15 Now, do you remember at that meeting on the 2nd of August

16 that it was agreed that Mr. Grehan would be employed as

17 Contracts Manager?

18 A. I don't remember that specific meeting now, but obviously

19 that was discussed at the meeting if it is in the minutes.

2 770 Q. And I think Mr. Grehan gave evidence and said that he met,

21 had a meeting in London and thereafter he was appointed

22 Contracts Manager, and ultimately I think a director in

23 December of 1988?

24 A. Did he? Myself and my father met himself and his wife I

25 think in the Bonnington.

2 771 Q. Bonnington Hotel, he told the Tribunal that meeting took

27 place in the Bonnington Hotel?

28 A. That's correct.

2 772 Q. If we could talk very briefly about that meeting with Mr.

30 Grehan, the purpose of that meeting as I understand,

31 according to Mr. Grehan's evidence, was Mr. Grehan was

32 being persuaded to return back to the company to work as

1 Contracts Manager?

2 A. Yeah, I think Mr. Grehan had worked previously in the,
3 probably the late 70s, I think under Mr. Gogarty's
4 directorship, and had left maybe in the early 80s and he
5 had recommended, Mr. Gogarty had recommended to both my
6 father and myself, that he would be a good man to take back
7 as a Contracts Director in the position that it states
8 there. I think sometime afterwards he said himself and
9 his wife were going to London, I think his wife had to
10 attend a conference or something, he said it would be very
11 good if the two of us met him and we did that.

1 773 Q. And at that meeting was Mr. Grehan requested to come back
13 to work for JMSE?

14 A. He was.

1 774 Q. Was he offered a position on the board if he did so agree?

16 A. He was.

1 775 Q. And that meeting took place with yourself and your father
18 and Dr. and Mrs. - sorry, Mr. and Dr. Grehan?

19 A. Correct.

2 776 Q. Is that correct, at the Bonnington Hotel?

21 A. Correct.

2 777 Q. So this was a decision that was being made by yourself and
23 your father I presume?

24 A. No, it was a decision made by Mr. Gogarty to, that it would
25 be a good idea for Mr. Grehan to come on the board, and we
26 accepted that, and we asked him that to come on the board.
27 It was on Mr. Gogarty's recommendation, but we had no
28 problem with that.

2 778 Q. He did go over to meet you independently?

30 A. He didn't come over specifically to meet us, Mr. Grehan or
31 Dr. Grehan I think was attending a conference in London for
32 a day or two, and Mr. Gogarty at the time informed us that

1 it would be nice if we actually met him and discussed with
2 him, so they didn't actually specifically come over to meet
3 us, they happened to be in London and we met him.

779 Q. And I think you asked, you have already agreed with me you
5 asked Mr. Grehan at that meeting to come on to the board of
6 directors of the company?

7 .

8 CHAIRMAN: I think we might take a break there for a few
9 moments, because I think there is instructions to be
10 obtained from Mr. Sheedy, just for ten minutes maximum.

11 .

12 THE HEARING THEN ADJOURNED FOR A SHORT BREAK AND RESUMED

13 AGAIN AS FOLLOWS:

14 .

15 MR. CUSH: I am sorry, Mr. Chairman, Mr. Murphy just
16 stepped outside and he is on his way. I beg your pardon.

17 .

18 CHAIRMAN: That's all right.

19 .

20 JOSEPH MURPHY CONTINUED IN DIRECT EXAMINATION BY MS. DILLON

21 AS FOLLOWS:

22 .

23 MR. COONEY: Sorry, Mr. Chairman, to keep you waiting.

24 .

25 CHAIRMAN: Not at all. Gentlemen, I propose to sit until
26 approximately 20 past 4. I have another commitment at half
27 past four, but I want to try and keep the matter moving,
28 that's the latest I can sit today. I have to be somewhere
29 else.

30 .

31 MR. COONEY: Very good.

32 .

780 Q. MS. DILLON: Now, you had attended a number of meetings in

2 '88 in relation to JMSE and related companies, Mr. Murphy?

3 A. That's correct.

781 Q. Were you aware of any decisions to sell the lands the

5 subject matter of the Terms of Reference?

6 A. Not at this time, no.

782 Q. So were you aware of any decision in relation to a plan to

8 dispose or sell off either AGSE or JMSE?

9 A. I think at that time, yes, there was a couple of proposals,

10 I think one by Mr. Gogarty, a management buy-out, that one

11 by Mr. Sweeney, but nothing came of either of them.

1 783 Q. Nothing came of either of them, this was a proposal by

13 either Mr. Gogarty or Mr. Sweeney to buy out JMSE?

14 A. Yeah, I think Mr. Gogarty put forward a proposal, I don't

15 think it was treated seriously and I think that Mr. Sweeney

16 put forward a proposal as well, it wasn't accepted.

1 784 Q. And were you, I think I asked you this before, were you

18 aware that the Forest Road contract had been signed on the

19 24th of August of 1988?

20 A. No.

2 785 Q. And did anyone at all mention to you that these lands had

22 been sold for, I think approximately 1.4 million?

23 A. No, we were more concerned at that time with the

24 restructure of the trading company, JMSE, and to get that

25 into place and get it right and get it up and running.

26 The lands were something that wasn't discussed at the time.

2 786 Q. Yeah, but I understand, correct me if I am wrong, Mr.

28 Murphy, all of these companies had intercompany transfers;

29 isn't that right? Money passing between the companies,

30 loans from one company to another, matters of that sort?

31 A. Yeah, I have discovered all of that, yeah, afterwards.

32 Yeah.

787 Q. Yes. So that therefore a cash injection of 1.4 million or
2 thereabouts was an important thing coming into any of these
3 companies, regardless of which company it was coming into?

4 A. It would have been of course, yes.

788 Q. And it was quite a significant amount of money in 1988?

6 A. Significant amount of money today.

789 Q. I agree with you. But therefore you never heard anything,
8 whisper, rumour, that any, that these lands at Forest Road
9 had been sold for 1.4 million?

10 A. No, it may have been mentioned, I have no recollection that
11 these lands, actually the first recollection that I have of
12 the Forest Road lands is in 1990 when the problems arose
13 with the sale of the other lands.

1 790 Q. And were you aware of a plan or an attempt by your father
15 to divest himself, commencing in November of 1988 of Murphy
16 Limited in England?

17 A. He was - yes, we were approached by a company at the time
18 and that had an interest in acquiring the company, part of
19 the company, part of the company.

2 791 Q. Yes, I think your father set out his understanding of that
21 matter at paragraph 71 of his sworn affidavit which is on
22 the black book, Mr. Murphy.

23 A. Which tab is it?

2 792 Q. I think it's Tab 6. Sorry, it's Tab 7, I being your
25 pardon.

26 A. Yeah.

2 793 Q. That's an affidavit of the 20th of April of 1990, again in
28 the Isle of Man proceedings, and I think we should look at
29 paragraph 71, and this again is an affidavit that was sworn
30 by your father in response to the affidavit by Mr. Liam
31 Conroy.

32 .

1 Now, he says "in paragraph 79 Mr. Conroy alleges that
2 companies within the Murphy Groups have either sold off
3 substantial assets or attempted to do so. Mr. Conroy
4 further alleges that in the past few weeks attempts have
5 been made to sell off the assets of Murphy Limited. It is
6 true that in late 1988 negotiations were entered into for
7 the sale of a major contracting company of Murphy Limited
8 or its assets. It was an employee of Balfour Beatty who
9 first made an approach for such acquisition in November of
10 '88 and negotiations continued on and off throughout 1989
11 until Balfour Beatty withdrew on the 1st of December of
12 1989. The proposed sale was not an attempt by the trustees
13 or myself to divest themselves of assets with a view to
14 defeating Mr. Conroy's claim. As far as I am aware there
15 is not - that should read "no present intention to pursue
16 any further sale of Murphy Limited or its assets".

17 .

18 "I would point out that Mr. Clancy was dismissed on the
19 16th of May of '88, and has had direct knowledge", - and I
20 presume that should read "and has had no direct knowledge
21 of Murphy affairs since that date"?

22 A. Yeah.

2 794 Q. He then goes on to say at paragraph 72:

24 .

25 "Mr. Conroy refers to sale of building sites of Grafton
26 Construction Limited and Reliable Construction Limited it
27 is true that there have been sale of land in Ireland. In
28 the summer of 1988 a report was commissioned by the
29 trustees as to the viability of the land holdings in
30 Dublin. Some of these did not have planning permission and
31 appeared to have little prospect of proper development. A
32 copy of the said report is now produced and shown to me

1 marked "JM 8". Whilst Mr. Conroy may not have been aware
2 of the contents of that report he was aware from
3 discussions that took place prior to June 1988 that because
4 of the unsatisfactory nature of the land holdings and in
5 particular the inability to obtain planning permissions it
6 was intended to dispose of such holdings in due course.
7 Indeed Mr. Conroy himself, in 1988, instructed the
8 solicitor acting for Reliable Construction Limited to
9 remedy a defect in the title to enable the land to be
10 sold. The decision to sell the land was made in around
11 December of 1988 following Mr. Gogarty's report.

12 .
13 At that stage no proceedings had been commenced by Mr.
14 Conroy. It is nonsense to suggest that the land has been
15 sold in order to defeat his claim. The decision to sell
16 such land comes from consideration by the companies and
17 their trustees of their commercial value and development
18 potential. Two of the acquisitions have been made on the
19 advice of Mr. Conroy which had proved to be disastrous.
20 (Finglas Industrial Limited and Barrett Developments
21 Limited)".

22 .
23 Now, if we can deal first of all with paragraph 71. It
24 appears to be the position that from late 1988 until the
25 negotiations proved to be fruitless in December of 1989,
26 there had been negotiations in relation to the selling of
27 one of the assets of Murphy Limited?

28 A. Yes - we were approached by Balfour Beatty at the time, and
29 it was an interest in acquiring Murphy Limited, and those
30 negotiations went on for a little bit of time, but me
31 personally, I wasn't interested in this.

3 795 Q. Sorry, I beg your pardon?

1 A. I personally wasn't interested in the sale of Murphy
2 Limited at the time, and as it says there negotiations
3 broke down and finished.

796 Q. Yes. Did you discuss with your father the fact that you
5 were not in favour of a sale of Murphy Limited?

6 A. I did.

797 Q. And did he heed your wishes in respect of the matter?

8 A. I think negotiations went on for a little while, I think
9 that it was decided to maybe negotiate on less assets than
10 had been negotiated up to that, and then eventually it just
11 broke down.

1 798 Q. You, yourself, were not in favour of sale in any event?

13 A. I was not.

1 799 Q. And can you tell us why that was?

15 A. Because this, as I say it was a company that I had started
16 off working within in '86. I had worked there for a year
17 previously, had known a lot of the people on the ground, a
18 lot of agents and all that, and I knew that they wouldn't
19 be happy working for somebody else. I didn't want this, I
20 just didn't want this company sold.

2 800 Q. So it was your view that this the company should be
22 retained?

23 A. It was, yes.

2 801 Q. And at the end of the day, regardless of how that happened,
25 whether negotiations fell apart the company was in fact not
26 sold?

27 A. It wasn't sold. I was happy that negotiations broke down,
28 yes.

2 802 Q. I would like to show you another document now, which is at
30 page 60 of the book, not the black book, the red book, and
31 that is a letter from Pickering Kenyon to a Mr. - it is
32 page 60 of the book. Reference JMSE 29 - 621. Page 60,

00138

1 at the top. And that appears to be a letter from
2 Pickering Kenyon, and these, I think, were the Murphy
3 company solicitors; isn't that right?

4 A. Correct, yes.

803 Q. And it is dated the 6th of October, '88. It bears the
6 reference CRO.EE. I presume that's Mr. Chris Oakley?

7 A. That's correct.

804 Q. It is addressed to: C Cooper, Neville Industrial Securities
9 Limited, Hegley Road, Birmingham B16, 8PZ.

10 .

11 "Dear Sir, in response to your advertisement in the
12 Financial Times of the 4th October we act on behalf of
13 clients who wish to dispose of an engineering company and
14 its subsidiary. The companies are involved in the
15 fabrication and erection of steel on small, medium and
16 large scale projects.

17 .

18 The 1998 accounts show a net profit before tax of £634,000
19 on a turn over of £8m with assets at net written down value
20 of £2.7m which includes fabricating plants with substantial
21 reserves of land for expansions.

22 .

23 The 1988/89 and 1989/90 projections based on firm committed
24 blue chip contracts, indicate a rising turnover at
25 satisfactory prices which should ensure raising profits.

26 .

27 If you believe you have a client who may be interested in
28 acquiring the above companies, we would be pleased to hear
29 from you further".

30 .

31 Were you aware of this letter?

32 A. I am not sure whether I was aware of the letter

1 specifically, but I think I would have been aware at the
2 time that maybe specially, I think it was around this time
3 too that Mr. Conroy and Mr. Sweeney came in with their
4 proposals, so I think that it might have been put out to
5 other people as well, but I mean, I will accept that I may
6 have been aware of this letter at the time, yes.

805 Q. But was the company in question AGSE?

8 A. It was, yes.

806 Q. Yes, and that was the engineering company as opposed to
10 Murphy Limited which was the cable laying company?

11 A. There was no letter went out about the cable laying
12 company, because as I said we were approached by Balfour
13 Beatty at the time and certainly didn't put the cable
14 company up for sale, no.

1 807 Q. So in or around October 1988, and according to your
16 father's affidavit in December of '88, with information
17 going on for that year, there were moves afoot to dispose
18 of AGSE on one hand following the advertisement in the
19 Financial Times and negotiations with Balfour Beatty, a
20 subsidiary of Murphy Limited?

21 A. They were two separate issues. We had been approached on
22 the Murphy Limited issue, those negotiations went
23 nowhere. Of which I was very happy about. I think that
24 in the AGSE company at the time, I think that we had taken
25 on, AGSE had taken on a massive contract in size which
26 probably would have been one of the largest undertaken at
27 that time, I think there was a lot of fear about that
28 particular contract, I think it was very, very precise
29 engineering, as you can well imagine it being a nuclear
30 plant, and I think one or two people key to that at the
31 time had left.

3 808 Q. Yes.

1 A. And I think that that was the worry, that maybe we mightn't
2 be able to perform on this contract.

809 Q. So that was the worry in relation to AGSE, which is the
4 letter there for the attention of Mr. R Copsey, so we wish
5 to dispose of an engineering company and its subsidiary,
6 what would that have been?

7 A. JMSE.

810 Q. So that this response by Pickering Kenyon was a response in
9 relation to a potential disposal of both AGSE and JMSE in
10 October of 1988?

11 A. That's what it says here, yes.

1 811 Q. And that was something presumably that could only have been
13 done with the knowledge and consent of your father?

14 A. Yes.

1 812 Q. Right. And in relation to the matters that are deposed to
16 in the affidavit of your father which we have just looked
17 at, let me make sure I am correct. The affidavit of Joseph
18 Murphy, sworn affidavit of 1990, the assets he is
19 discussing in paragraph 71 is not JMSE or AGSE it is a
20 subsidiary or company related to Murphy Limited? If you
21 look at paragraph 71, Mr. Murphy, it is the black book, I
22 am very sorry about this, it is one of the tortures of this
23 Tribunal, the amount of paper?

24 A. It is not torture at all, Ms. Dillon, is it?

2 813 Q. It is torture.

26 A. Paragraph 71, yeah. Sorry, what's the question again?

2 814 Q. We have already dealt with Pickering Kenyon and established
28 so far as they were concerned this suggests the company
29 concerned AGSE and JMSE?

30 A. That's correct.

3 815 Q. We then turned to look at paragraph 71 of your father's
32 sworn affidavit of the 20th of April of 1990, and we looked

1 at the negotiations in relation to Balfour Beatty?

2 A. Yeah.

816 Q. And that was in relation to attempts which had been made,

4 it is true that in late '88 negotiations were introduced

5 for sale to a major contracting company of Murphy Limited

6 or its assets. Murphy Limited is the main, correct me if

7 I am wrong, the main cable laying company; is that correct?

8 A. That's correct.

817 Q. So in October of '88 there were negotiations by JMSE and

10 AGSE, and in December of '88 there were negotiations with

11 Balfour Beatty?

12 A. Certain negotiations with Balfour Beatty. As I say they

13 were tentative negotiations, I didn't particularly want to

14 sell that company and there were tentative and they broke

15 down. But that must be remembered, that it was an

16 approach by them, not an attempt by us to sell.

1 818 Q. And the negotiations lasted, according to your father's

18 sworn affidavit, until December of 1988?

19 A. Maybe, maybe.

2 819 Q. So do you have any reason to disagree with your father when

21 he swears that the negotiations lasted throughout 1989?

22 A. No, not at all.

2 820 Q. Right. And in relation to the proposed discussions for

24 the sale of JMSE and its subsidiary, would that information

25 have made its way over to Ireland? Do you think, Mr.

26 Murphy, that that proposal was being considered, to sell

27 out JMSE?

28 A. From the document here on page 60, is it?

2 821 Q. Yes.

30 A. I don't think so, no, no. I don't think so.

3 822 Q. But that Mr. - I think you have already told us you were

32 aware independently of both of these, also moves from Mr.

1 Marcus Sweeney and Mr. Gogarty to buy JMSE?

2 A. They come in with an offer, Mr. Gogarty's was one, I don't
3 know whether it was serious or not, I think he actually
4 gave evidence here, he just dismissed that offer, but there
5 weren't moves in Ireland to generally, put JMSE out on the
6 market.

823 Q. Yes, but did Mr. Marcus Sweeney who came to you with one
8 offer and Mr. Gogarty who came to you with another offer,
9 these offers were, I presume, in relation to JMSE?

10 A. They were, yes.

1 824 Q. Did they come in towards the end of 1988 also?

12 A. They could well have.

1 825 Q. So all of these events were happening at around the same
14 time?

15 A. Yes.

1 826 Q. So we can follow from that, if Mr. Gogarty and Mr. Sweeney
17 based in JMSE in Dublin making an offer in respect of the
18 company, albeit a ridiculous offer, it was information in
19 Ireland of a possibility to dispose of JMSE, wouldn't that
20 follow?

21 A. No, JMSE wasn't put out in the general public on offer.

22 As I say, these two, James Gogarty and Marcus Sweeney, came
23 in with an offer.

2 827 Q. I am obviously not making myself clear. I am not talking
25 about the general public. I am talking about in addition
26 to some negotiations about selling Murphy Limited and in
27 addition to the matters that are set out at page 60 of this
28 book with the letter from Pickering Kenyon, you received an
29 offer from Mr. Gogarty and another offer from Mr. Marcus
30 Sweeney which was related to the purchase or proposed
31 purchase of JMSE?

32 A. Correct.

828 Q. And they were two separate offers; isn't that right?

2 A. Correct, yes.

829 Q. One from Mr. Gogarty and one from Mr. Sweeney. I think you

4 have already told me both of those offers came in at around

5 the same time?

6 A. I think so.

830 Q. Toward the end of '88. I am not suggesting there was

8 general knowledge abroad among the plain people of Dublin

9 that your company was for sale, but if Mr. Gogarty and Mr.

10 Sweeney independently made offers for the company they must

11 have had some information that the companies might be on

12 the market or might be available for sale?

13 A. They - the knowledge that they were very frightened of this

14 particular contract, which was a massive contract, and as I

15 said a few of the key people left and they would have

16 known, they would have been in a position to know that they

17 were afraid of this and they were willing to go through

18 with it.

1 831 Q. But what I am suggesting to you is that there was

20 information abroad, in JMSE towards the end of 1988, that

21 JMSE might be sold or could be sold?

22 A. I think the way it was worded, it didn't actually name the

23 companies, it named - I think the way these ads go in, it

24 goes in with a steel fabrication plant or whatever else,

25 but it wouldn't actually name the company.

2 832 Q. Yes, but Mr. Gogarty, I suggest to you, and Mr. Sweeney

27 were not offering to buy a steel company in blank, as it

28 were, they were offering to buy JMSE?

29 A. Of course.

3 833 Q. Insofar as Mr. Gogarty and Mr. Sweeney had knowledge about

31 the future of the company toward the end of 1988, their

32 information was that possibly, at best possibly the company

1 was for sale?

2 A. They would have known, yes, they would have known, they
3 came in with an offer and they would have known the reasons
4 why they were afraid of this particular contract, yes.

834 Q. But they would have known the company was for sale?

6 A. I don't know whether, you know it was up for sale, I think
7 we might have been testing the market or whatever, I don't
8 think it was a definite decision to sell it, we were
9 testing the market. If an offer came in that was viable I
10 think we probably would have sold it, but I don't think it
11 was a definite for sale thing, you know? If it was we
12 would have taken the best offer.

1 835 Q. But I think that Mr. Frank Reynolds and Mr. Grehan were
14 then appointed in December of 1988 to the board of
15 directors of JMSE in Dublin?

16 A. That's correct, yes.

1 836 Q. And presumably they also would then have become aware of
18 the fact that there was proposals in relation to --

19 A. No, I think that once Frank Reynolds and Gay Grehan had
20 become directors we decided that we would continue with
21 those companies. We wouldn't have appointed Frank
22 Reynolds and Gay Grehan as a director and then sold the
23 company. I think we knew at this stage we would keep JMSE
24 and AGSE and continue to run them.

2 837 Q. Can you tell me when that decision was made?

26 A. In or around that time, as I said.

2 838 Q. In or about what time, Mr. Murphy?

28 A. Whenever Gay Grehan and Frank Reynolds would have been
29 appointed to the board.

3 839 Q. So you are saying once the decision was made to appoint Mr.
31 Gay Grehan and Mr. Frank Reynolds to the board, that all
32 plans for, potential plans to sell JMSE were abandoned?

1 A. Maybe they overlapped for a little bit of period, but I
2 certainly would have been of the opinion that at the time
3 to keep these companies going then, yes, but I mean it
4 might have overlapped a little bit. We are talking, Miss
5 Dillon, about 11 years ago and precise dates and times and
6 who and what, and whereas I said before the turmoil, it was
7 just, you know, one day into another, and - but certainly,
8 I think that the appointment of both those people to the
9 boards would have indicated that we were continuing, we
10 would, with the companies.

1 840 Q. And I think you said that it was - you would have been of
12 the opinion that JMSE should be kept?

13 A. I think once Marcus Sweeney's offer had been dismissed, I
14 think that yes, I was of the opinion that we should
15 continue it ourselves, yes.

1 841 Q. And that was also your view in relation to the proposed
17 sale or the negotiations with Balfour Beatty in relation to
18 Murphy Limited?

19 A. Yes.

2 842 Q. So it was your own personal view in relation to these
21 companies towards the end of 1988 that these companies
22 should be kept as going-concerns?

23 A. I wouldn't say it was my own personal view, I think that
24 the letter you referred to here on page 60, I don't know if
25 there was any answers to it, and I think that once Marcus
26 Sweeney's offer had been dismissed we were at a dead end,
27 we were - we had to keep going, and that's when Frank
28 Reynolds and Gay Grehan were appointed to the board. It
29 wasn't a case of me deciding "no, let's stop the
30 negotiations now and continue". I think that once the
31 most realistic offer came for the companies and was not
32 accepted, I think it was a case of yes, well we have to

1 continue.

843 Q. But you had said that previously you weren't in favour of
3 disposing of Murphy Limited?

4 A. I wouldn't have been in favour of disposing of Murphy
5 Limited to Marcus Sweeney.

844 Q. And you weren't in favour of disposing of JMSE or AGSE?
7 A. No, I think as I said to you, --

845 Q. Mr. Murphy, I think we might be slightly at cross purposes
9 here. I think I am not making myself clear.

10 .

11 MR. COONEY: He was just answering a question. I think he
12 should be allowed finish.

13 .

1 846 Q. MS. DILLON: I think we are at cross purposes, Mr.
15 Murphy. I suspect it is all my fault. I want to know what
16 your personal views about these companies were? Would you
17 have been happy that they were sold or would you prefer
18 that they were kept?

19 A. As I say, events at that time, one day was overtaking
20 another day. It was, this was all new to me. I mean, I
21 had been involved on a lower scale as I say, an agent in
22 the English group of companies and I mean, all this was
23 making my head turn at the time. I certainly didn't make
24 the decision not to sell JMSE, but I think we came to a
25 dead end. I wouldn't have been in favour of selling JMSE
26 to Marcus Sweeney, and I think that once his offer was
27 dismissed, I don't think that any offer came in on this
28 Pickering Kenyon letter. I think that common sense, if the
29 only realistic offer that prevailed at the time was
30 dismissed then it was a case of having to continue, on your
31 own to run the companies.

3 847 Q. But a decision was never made to effectively offer JMSE on

1 the open market as a going-concern?

2 A. Apart from this letter, no not in Ireland, no.

848 Q. Now, if we can move on to '89 and were you aware, if I can

4 just ask you a general question, from the time of the

5 reorganization or the restructuring of the company, and

6 there had been these attempted sales or this type of

7 information floating around, did you have any contact with

8 James Gogarty, throughout that time, say from the time you

9 came on the board of directors?

10 A. Obviously I was at a few meetings here with him that you

11 pointed out.

1 849 Q. Yes, but apart from that did you have any conversation or

13 discussions with Mr. Gogarty?

14 A. From which period?

1 850 Q. Well, talking up to the start of 1989?

16 A. No, I don't think towards the end of '88, start of '89, I

17 think that the structure had been put in place then, I

18 think, you know, I came over, I attended a few meetings,

19 Frank Reynolds and Gay Grehan had been appointed to the

20 board. I think that Tim Parker came on board in 1989, so

21 the structure was in place then. I think I went back to

22 England to continue working in the main business.

2 851 Q. In Murphy Limited?

24 A. That's correct.

2 852 Q. And Roger Copsey I think was also a member of the board?

26 A. Roger Copsey was a financial director of JMSE, yes. So we

27 thought at the time the proper structure was in place now,

28 we will continue the businesses.

2 853 Q. And I think the sale of the Forest Road lands closed in the

30 February of 1989?

31 A. Did it?

3 854 Q. Yes. You can take it from me that we have had evidence

1 about this already, Mr. Murphy?

2 A. Okay.

855 Q. Now, one of the matters that occurred around this time was

4 the institution of proceedings by Mr. Conroy in relation to

5 his removal as Chief Executive and the situation in

6 relation to the trusts?

7 A. Correct.

856 Q. And there were a number of proceedings, Mr. Murphy, in the

9 High Court of Chancery in London and in the Isle of Man,

10 and I think there were also some proceedings in Jersey, and

11 there were quite a number of proceedings?

12 A. There were, yes.

1 857 Q. And did you work closely with Mr. Wadley in preparing for

14 those proceedings?

15 A. Periodically, yes, I would have meetings with Mr. Wadley,

16 usually Mr. Wadley and Mr. Oakley.

1 858 Q. And Mr. Oakley. And there were a significant number of

18 affidavits sworn throughout those proceeding setting out

19 the parties respective positions?

20 A. Documents and paperwork and affidavits coming out of our

21 ears, Ms. Dillon.

2 859 Q. And I think that you were involved with your father at

23 these meetings in relation to trying to sort out this

24 entire Conroy problem?

25 A. I would have been at a lot of the meetings, yes.

2 860 Q. And again, I suggest to you, that that's because you were

27 taking a far more active role in the companies; isn't that

28 right?

29 A. In the UK companies, yes.

3 861 Q. Would it be fair to say that if Mr. Conroy was successful

31 in the claim that he was making, that would have an effect

32 on all the companies, both Irish and English?

1 A. If Mr. Conroy had?

862 Q. Had been successful in establishing his entitlement to the

3 10 percent?

4 A. It would have affected the companies, sorry I don't get

5 what you are asking me?

863 Q. As I understand it, Mr. Conroy had made a claim that he had

7 an agreement with, effectively with your father's

8 companies, that he would be entitled over a number of years

9 to acquire 10 percent of two companies who --

10 A. That's correct, yes, I know what you are saying.

1 864 Q. Who were effectively trust companies?

12 A. That's right.

1 865 Q. Greenane, and I can't remember the name of the other?

14 A. General Agencies.

1 866 Q. And General Agencies, I think was, I think we have seen

16 this morning, holding, the second last holding company for

17 the Irish companies; isn't that right?

18 A. Correct.

1 867 Q. So that if Mr. Conroy had been successful in his claims,

20 that he was entitled to 10 percent of Greenane and the

21 other company, it would have had an effect on both the

22 Irish and English companies; isn't that right?

23 A. No, I wouldn't agree, what effect are you talking about?

2 868 Q. If he was entitled to a 10 percent share holding in General

25 Agencies?

26 A. Yes, but if he had been successful in his litigation 10

27 percent, it would have been a remuneration figure, it would

28 have been 10 percent of the value of the shares, it

29 wouldn't have affected the companies as such. If he had

30 been totally successful in that litigation it would have

31 been a remuneration figure based on, I think, an

32 independent valuation of 10 percent of those two companies.

869 Q. Of those two companies. This General Agencies was the
2 company that was ultimately going to be the beneficiary
3 say, of the sale of the Forest Road lands sale? General
4 Agencies was the second last holding company, as we saw
5 this morning, in the chain of companies?

6 A. That's correct yes, yes.

870 Q. And if say, let us just say, for the sake of clarity, that
8 all of the lands had been sold in 1988?

9 A. Um.

1 871 Q. And all of the monies put through to the holding companies,
11 they would have come in to General Agencies?

12 A. But who is suggesting they were going to be put through to
13 the holding companies?

1 872 Q. We are talking pure speculation here, all I am suggesting
15 is --

16 A. I don't think you can speculate like that, Ms. Dillon, I
17 think if you go to the other lands that were sold for 2.3
18 million, which are the subject of the Terms of Reference
19 here, not one penny of that went to General Agencies,. It
20 stayed within the Lajos Group, so I don't think you are
21 being fair to speculate that all the money would have gone
22 to General Agencies.

2 873 Q. I shouldn't have used "all of the money", but what I am
24 suggesting is a 10 percent shareholding in General Agencies
25 was a very valuable commodity offer, could be a valuable
26 commodity, depending on what assets the company owned?

27 A. It could have been, yes.

2 874 Q. And he also was going to become a beneficiary of the
29 trusts; isn't that right?

30 A. He was a beneficiary of the trust.

3 875 Q. Yes, but his family and himself had become beneficiary of
32 the trust?

1 A. They had, yes.

876 Q. And that was going to be a fairly valuable asset to Mr.

3 Conroy?

4 A. It would have been, yes.

5 .

6 CHAIRMAN: Now, I wonder is that actually correct? Surely

7 the situation was he came within the category of

8 beneficiaries that could be appointed, he was a named - he

9 was a person who could have been appointed by the trustees

10 or nominated, he didn't automatically --

11 .

1 877 Q. MS. DILLON: He was a named beneficiary, as I understand,

13 and his wife and family, in 1986, but potentially, I am not

14 only talking potentially here --

15 A. Yeah, but the first part of the litigation with Mr. Conroy,

16 I think we had, I could be wrong in this, because as I say

17 the, one day ran into another, but I think that the first

18 step taken in that period was to remove Mr. Conroy from the

19 Trust Council, and as a beneficiary, and I think from - the

20 trusts were administered by the new trustees, I think that

21 nullified Mr. Conroy from being a beneficiary. The

22 litigation that continued after that for Mr. Conroy's point

23 of view was the 10 percent of the two companies you

24 mentioned.

2 878 Q. Yes, but I think until such time as the Deemster Corin gave

26 judgement in those proceeding, striking down the Live Trust

27 which was the trust that set up for Mr. Conroy his

28 beneficial interest, what occurred - what happened was the

29 rule of perpetuity, that happened in the middle of 1988,

30 there was a potential risk --

31 A. I don't think so because the Trust Council had been made,

32 had resigned and once the Trust Council resigned --

879 Q. But I think that --

2 A. Sorry, once the Trust Council had resigned and a new
3 council appointed, well they had the power to remove the
4 trustees or appoint new beneficiaries, so I think that at
5 an early stage that we didn't have a worry about Mr. Conroy
6 remaining on as a beneficiary. You are correct in saying
7 the perpetuity point in the Isle of Man or whatever else
8 eventually brought to a head legally, but I don't think it
9 was a major concern at the time, once they had resigned
10 from the Trust Council.

1 880 Q. Yes. But I think that that was not the only set of
12 proceedings at this time, is that right, Mr. Murphy?

13 A. There was a few different sets of proceedings.

1 881 Q. And I think one of the proceedings was a Mareava injunction
15 obtained by Mr. Conroy in the High Court in London against
16 the Murphy Group of companies?

17 A. Was there? Yeah.

1 882 Q. Are you aware of that?

19 A. You know it may well have been the case. As I say it goes
20 back quite some time. If you have the document there,
21 certainly I will look at it and see if it, I can recollect
22 my memory.

2 883 Q. Right, well I can give you a document to recollect your
24 memory, I prefer if you could try and do it for the moment
25 without the documents?

26 A. That's fine.

2 884 Q. Can you tell me did you have any involvement in any of
28 these proceedings?

29 A. The separate proceedings, I just can't remember, there was
30 this proceeding in the Isle of Man, that is correct,
31 proceeding or whatever else. I do remember there was a
32 bunch of proceedings, and attending Mr. Oakley's office and

1 getting advice on them and preparing affidavits and all

2 that, but specific ones I can't be specific.

885 Q. So you were heavily involved then in dealings with Mr.

4 Oakley in relation to all of these proceedings?

5 A. I would have been involved with certain meetings with him,

6 yes.

886 Q. And would your father also have been at these meetings?

8 A. He would have attended some of them as well, yes.

887 Q. And did you attend, did you have information from Mr.

10 Copsey for example or did Mr. Copsey attend any of these

11 meetings?

12 A. No, Mr. Copsey was purely involved the financial affairs of

13 JMSE at the time, he was not in anyway involved in the

14 trust action or the actions against Mr. Conroy in London

15 and had no involvement whatsoever in any of the English

16 companies, with the exception of AGSE, the steel company.

1 888 Q. Did you, yourself, swear any affidavits in these

18 proceedings?

19 A. I did, yes.

2 889 Q. Can you remember what affidavits they were?

21 A. I can't, I mean if you have them there I will have a look

22 at them, but I did swear affidavits. I think one of the

23 ones I swore was that as a beneficiary we wanted Mr. Conroy

24 and his family to be removed as beneficiaries, I think that

25 may have been one affidavit. I think that I might have

26 sworn another one in the UK reiterating some of the

27 qualifications that he said that he had at the time. But,

28 how many or what I said in them, now it's a little bit

29 hazy, you know?

3 890 Q. Hazy. These I presume would be affidavits that could be

31 obtained and given to the Tribunal, presumably there are

32 copy of them somewhere?

1 A. There may well be, I don't know. I think that Mr. Oakley
2 dealt with all of that, and I think that Pickering Kenyon
3 eventually went into liquidation and a lot of his files I
4 think were put in storage, so I would not know personally,
5 if - I certainly don't have them but I would not know
6 personally if they are recoverable from a warehouse, that's
7 under the administration of the liquidator of Pickering
8 Kenyon. You would have to ask Mr. Oakley about that.

891 Q. I think in relation to the Isle of Man affidavits, the
10 affidavits of Mr. Conroy and Mr. Murphy Snr., these were
11 obtained by the Tribunal directly from the High Court of
12 Justice in London. Are you aware of that?

13 A. Yes.

1 892 Q. This was because for some reason that I am not
15 completely aware of, you were unable to produce these
16 documents?

17 A. I didn't have these documents.

1 893 Q. I am not suggesting you personally, Mr. Murphy, I am
19 talking about --

20 .

21 CHAIRMAN: I think we are going a little bit into the
22 minutiae.

23 .

2 894 Q. MS. DILLON: I am simply concerned, Sir, about these two
25 affidavits that Mr. Murphy Jnr. says he swore that we don't
26 have. I am about to ask Mr. Murphy would he use his best
27 endeavors to obtain these affidavits from the High Courts
28 of Justice in England to obviate the necessity of the
29 Tribunal to obtain them, as has previously occurred?

30 A. I don't even know whether they were actually entered into
31 court. I don't know whether they were used or, because I
32 think as we have seen earlier on, I think with my father's

1 replying affidavit to the Isle of Man one in the Conroy
2 proceedings, we have an unsworn one, correct me if I am
3 wrong, I don't think we have a sworn one. There was
4 different drafts and different things, certainly I will use
5 my best endeavors but I have done, I can assure you I have
6 done already. I think that the proceedings with Mr.
7 Conroy, while I may have retained some documents earlier
8 on, I think that that was the chapter closed, finished and
9 dusted shortly afterwards. I never thought that these
10 proceedings would come back to haunt us, so to speak, and I
11 certainly don't have documents, I have looked in my office
12 and at home.

1 895 Q. Right, your solicitor's office --

14 .

15 CHAIRMAN: Would you like to close at that point as we are
16 about to change subject, are we?

17 .

18 MS. DILLON: No, Sir, that's - if you wish to leave it at
19 that that's fine.

20 .

21 CHAIRPERSON: All right. We'll leave it until tomorrow
22 morning at 10:30am.

23 .

24 Okay.

25 .

26 MR. COONEY: Mr. Chairman, just before you rise, I wonder
27 if we can get those privileged documents before we leave
28 this evening? The four letters, four attendances.

29 .

30 MS. DILLON: We have no objection to, I would say to Mr.
31 Cooney seeing those documents. This is a matter over which
32 privilege has been claimed over by Mr. O'Moore's client. I

1 don't know if he had an opportunity to discuss the matter?

2 .

3 MR. O'MOORE: Yes, I mentioned this briefly to Mr. Cush

4 during the last break. Mr. Sheedy has taken instructions

5 from Mr. Gogarty. As far as we are concerned, given the

6 request has come from the Tribunal for use of the

7 documents, without in anyway waiving the general and

8 specific claims of privilege in respect of the others or of

9 that affidavit, we have no difficulty for those documents

10 to be made available to Mr. Cooney now in fact.

11 .

12 CHAIRMAN: Very good. That solves the problem, Mr.

13 Cooney.

14 .

15 MR. COONEY: It does indeed.

16 .

17 MS. DILLON: We are in a position to make those available

18 now.

19 .

20 CHAIRPERSON: Thank you.

21 .

22 MR. COONEY: Thank you.

23 .

24 THE HEARING THEN ADJOURNED TO THE 30TH NOVEMBER, 1999 AT

25 10:30AM.

26 .

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