

THE TRIBUNAL RESUMED ON THE 22ND OF MARCH, 2007,

AS FOLLOWS:

CONTINUATION OF EXAMINATION OF DENIS O'CONNOR BY MR. HEALY

AS FOLLOWS:

Q. MR. HEALY: Thank you, Mr. O'Connor. Yesterday, do you remember we went through Ruth Collard's attendance of the meeting that you attended with Craig Tallents?

A. I do.

Q. Just two small things arising out of that. Would I be right in summarising your evidence yesterday that you don't disagree with much in that note except where she says, where she explains how you responded to her question as to what connection Michael Lowry might have with the matter?

A. Sorry, which paragraph is that in the note?

Q. That's in the taking each individual paragraph, 1, 2, 3, 4, 5, the fifth paragraph on the first page.

A. The last one?

Q. The second-last one.

A. Sorry, I have it, yeah.

Q. The second last sentence, if you like I'll read out the sentence.

A. Sorry, I have the sentence now, now I know what you're talking about, sorry. Well, sorry, that certainly is one that it wasn't the only one that I said I disagreed with.

Q. Well, I went through them all with you yesterday, and certainly on the first page I don't think that you

disagreed significantly with me in relation to anything.

A. Well, I thought I did in relation to the last sentence of the second paragraph.

Q. Last sentence of the second paragraph, "KP had made various threats to cause trouble."

A. Sorry, no. The second paragraph

Q. Sorry, I beg your pardon, "RC asked what was meant by an 'uplift'?"

A. No, the two last sentences, if you put them together there.

Q. "He would do this for an 'uplift' of  $\frac{1}{2}$ 25,000 in return for an opportunity to sell the stadium at Doncaster. RC asked what was meant by an 'uplift' and DOC said he had no idea."

A. I didn't get to check it, but maybe I was off the wall in my reply yesterday, but I understood in my evidence yesterday that I disputed that, the accuracy.

Q. I think you did. Are you saying that you don't remember it or that you could never have said it?

A. Well, it struck me when you were going through it yesterday that if you kept at it, the 25,000 means nothing to me, and then the last sentence, "RC asked what was meant by an 'uplift' and DOC said he had no idea." If you asked me what an 'uplift' is, I would take it to be the profit on something. So those two sentences, absolutely like, it just stuck out with me because I see this 25,000 coming at me all the time. In the context here of your question, if I could just flick down through the rest of it again. Did I not query the first, the end of the first sentence of the

fifth paragraph?

Q. Yes.

A. I can't recall, but I have a feeling I said to you, "At DOB's request". Did I query that yesterday? Sorry, I am only saying this you are saying to me that I agreed the context of all this except for

Q. Maybe you did query at DOB's request?

A. As I'm looking at it now very quickly you read it out in detail yesterday.

Q. Let's deal with that. Was it DOB's request?

A. Sorry, let me just look at it. Sorry, DOB didn't request that a meeting be set up.

Q. Who had requested it?

A. It would have been Kevin Phelan. That's my recollection.

Q. Did you agree to do it?

A. At that stage, I had agreed with Kevin Phelan that I would be prepared to do it. I understood that to be my evidence yesterday.

Q. I suppose you had to check that with Mr. O'Brien Senior as well, didn't you?

A. I would have had to, but I think, again, I explained this to you yesterday. I said there was no point in having any meetings.

Q. I know, but let's forget about that. You wrote a letter to Craig Tallents saying you were getting involved to settle everything with all parties, so presumably, at that stage, you knew that you had access to both sides, you knew you

were going to meet both sides, Mr. O'Brien agreed that you were going to meet both sides. Is there a big issue here?

A. Mr. O'Brien didn't agree. I think I tried to explain this to you yesterday. But sorry, Mr. Healy, you are asking me about my evidence yesterday and I am trying to respond to you exactly as I did yesterday, and I think I did say to you yesterday that there was no point in having a meeting arranged. There was a possibility of arranging a meeting. There was no point in having a meeting about anything until I looked at the figures, which I hadn't done at that moment in time. That's my point. Maybe I said something different yesterday, but that's how I read it now.

Q. What was the purpose of you looking at the figures?

A. Because Denis O'Brien Senior said to me that this retention, whatever it was, you know, this resolution, retention dispute, had him driven off the deep end. It was costing him a fortune in legal fees. He said every time they rang, all he was getting was bills, and he said it was driving him demented because there was both the mediation or arbitration, whatever it was, coming up, followed by a court case. And I said to him, "Don't tell me a retention dispute can't be sorted out. It's one plus one equals two stuff, okay? That's the background to it. Now, you asked me a question at the start, so I'll just keep going.

Q. Did you tell him you could sort it out?

A. I said, "Give me a look at it."

Q. Did you write a letter to Craig Tallents?

A. Yes.

Q. Did you not say to him, "I was speaking to Denis O'Brien last Friday and he has authorised this approach. I am trying to settle the position between all parties, including the retention and other claims issues with the vendors." What does that sentence mean?

A. Okay, I'll tell you exactly what it means. What tab is it at again?

Q. 99.

A. Right. The approach that Denis O'Brien Senior authorised was that I could go and access and look at the files or whatever papers they had on retention and try and do an exercise on it. "I am trying to settle the position between all parties, including the retention and other claims issues with the vendors." That's very simple.

Kevin Phelan had said that they had been on to him. If I got a look at the problem, maybe it was possible to settle this ongoing dispute in the background. In this regard, I am very much

Q. Hold on, stop a minute there. "I am trying to settle the position between all parties" means you are going to get in between all parties, bring them together and sort this out?

A. If possible, yeah. I am not disputing that.

Q. Isn't that what you are telling Ruth Collard as well?

A. No.

Q. I see.

A. Let's go back. Sorry, you are trying to put a different

interpretation on it, in my opinion. What's the Ruth

Collard number again? I am sorry. It's 104, is it?

Q. "Denis O'Connor said" sorry, I beg your pardon, 108.

A. I'll keep them open here.

Q. "Denis O'Connor said the upshot of all his discussions with

Denis O'Brien and Kevin Phelan had been that he had been

asked if he would be prepared to meet Ken Richardson and

Mark Weaver and, at Denis O'Brien's request, a meeting had

been arranged first in Manchester and then in Dublin."

A. What I'm saying to you is Denis O'Brien at that stage

hadn't requested me, or hadn't requested that a meeting be

arranged. There was no point in arranging a meeting

because no one knew what we were talking about. That's the

point I'm trying to make to you.

Q. Maybe we are just quibbling about words, Mr. O'Connor. But

did you not say in your letter to Mr. Craig Tallents that

you were going to be in the Horseham area on the following

week?

A. I am sure I did.

Q. And you were going to be in London to meet him, you were

going to get some information from him. Did you not meet

him? And wasn't the purpose of meeting him then to try to

arrange a meeting between yourself and either Kevin Phelan,

although what he had to do with it at that stage I don't

know, but Kevin Phelan and Dinard/Richardson and Weaver?

A. The purpose of the meeting was that if I understood the

retention sorry, the purpose of the proposed meeting,

there was no meeting set up, right? The purpose of the proposed meeting was if I could get an understanding of the retention issue, and if I had obviously got the permission to do it, that Kevin Phelan could set up a meeting that I could have with, as I understood it, either/or both of Weaver or Richardson. But the emphasis you are putting on that is not how it would have been. The priority was to understand what the retention dispute was about. All I knew about it was

Q. I fully accept that.

A. they were all throwing 250,000s around and everything, okay?

Q. That was the priority as a preliminary to meeting with these people?

A. Now we have it.

Q. What's the difference between that and what's written down here?

A. Well, I tend to start at the beginning and go to the end. The end was a meeting; the beginning was to understand what the problem was. There is no point talking about something that you don't know anything about.

Q. I know all of that, Mr. O'Connor. The purpose of this meeting was to enable you to be briefed so that you could meet Mr. Richardson and Mr. Weaver and Mr. Kevin Phelan, if necessary; is that right or wrong or am I completely off beam?

A. You are off the beam.

Q. I see.

A. I have consistently said to you, right, downstairs and here, that this started seeing the retention file, with Denis O'Brien Senior saying that the legals and the rest of them were costing him a fortune. He couldn't understand, he couldn't even get access to what the problem was and he had a pain in the butt with this thing going around in a circle costing him a fortune. That was the start of it.

Q. Could you go to Document Number 116 for a minute.

A. I have it.

Q. Look this is an e-mail from you 117, I beg your pardon. It's the previous document an e-mail from you to Ruth Collard. Document 115. Look at the last sentence, "We are trying to establish meetings for this coming Friday morning."

A. Yeah.

Q. Weren't those the meetings that the whole thing was geared to briefing you for?

A. Correct. Briefing this word 'briefing', okay, go on, I'll go along with it.

Q. Isn't that what you were at from the very beginning? You wrote to Craig Tallents. You were hoping to get the parties together to settle all their disputes. You were going to be the man who was going to do it. You went over to London. You met Ruth Collard and Craig Tallents. And it was all down, ultimately, to achieving a meeting such as you have described here?



A. That was the ultimate aim, yeah, no problem with that.

Q. And did you know where that meeting was going to be?

A. It actually wasn't set up, if I remember correctly. I think Kevin Phelan may well have said it. I see references to Manchester there, and I think I may have been saying "No, I am not prepared to go to Manchester." Just, that rings a bell.

Q. You were going to Manchester anyway around that time to try and settle the to try and tidy up the settlement of the Bryan Phelan matter, isn't that right?

A. It looks like that, but, in fact, I didn't, you see.

That's where I am confused.

Q. I know that, but it was on the horizon?

A. Absolutely.

Q. Okay. Right. That's not a huge issue between you. If we go on. Am I correct in thinking the big issue between you and Ruth Collard, without quibbling about words or the meaning of an 'at' or an 'and' or whether a request was by one person or another person, the big issue between you and the only real difference between you is encapsulated in your response to the last few sentences of the fifth paragraph. You say, "They wanted to cause maximum embarrassment for Denis O'Brien and others, including ML." I think you agreed with me that "they" means Richardson and Weaver, isn't that right?

A. Sorry, I am on a different page. You are somewhere else now.

Q. I beg your pardon.

A. You are on 108, I take it, the attendance note? Now, sorry.

Q. It's the paragraph beginning "DOC said the upshot of all his discussions," okay?

A. I see that, yeah.

Q. Down to "He said the other side were laughing at us." Go on to the next sentence, "They wanted to cause the maximum embarrassment for Denis O'Brien and for others, including Michael Lowry." I think you said the embarrassment they wanted to cause for Michael Lowry was to try to connect him, to try to connect him with the Doncaster transaction?

A. Yeah, that's what it would have meant, use Michael Lowry's name, yeah.

Q. Well, let's be clear about that. It was to connect him with the Doncaster transaction, wasn't it?

A. Yeah, by using his name, yeah.

Q. Yes. But by using his name in connection with it?

A. That's what I'm saying. Sorry, I am not going to get into an argument.

Q. "Ruth Collard said how could they cause any embarrassment to Michael Lowry as, so far as she was aware, he had no connection to the proceedings." I presume she asked that question. You agree with that?

A. I presume I mean, I can't remember. I am sure

Q. Well, who wouldn't if you said

A. Exactly. That's the point.

Q. "Denis O'Connor said that Michael Lowry did have a connection and that he had been in the room when discussions had taken place between Kevin Phelan and Ken Richardson regarding the lease. Ruth Collard said no one had ever suggested that to her previously."

I understood you to say yesterday that you did not say Michael Lowry was in the room when discussions had taken place between Kevin Phelan and Ken Richardson regarding the lease, and we went over possible permutations, other permutations of that expression or those words. You didn't say anything like "He was in a room when Kevin Phelan was discussing the lease, and something else just occurs to me now - he might have been in a room when Kevin Phelan was on a phone to Ken Richardson," you said nothing like that?

A. Absolutely, because - sorry, just to be crystal clear - I wasn't aware of any discussions with anyone about a lease.

Q. That's what I'm trying to get at. You said you didn't say those words. You are sure of that?

A. Correct, I am certain, yeah.

Q. And you didn't say any words that somebody might even pick up slightly incorrectly that could be similar to those words?

A. Well, the only interpretations I can see in this is that I said Michael Lowry was in a room with these guys or that Michael Lowry was discussing the lease. Neither happened, neither happened. Period.

Q. You never said he was in a room with Ken Richardson?

A. Correct.

Q. I suppose you might have said he was in a room with Kevin Phelan, because that could have happened?

A. That could happen, yeah.

Q. All right. That hardly means there was a connection. You wouldn't have regarded that as a connection. But you didn't say anything along the lines of he was in a room with Kevin Phelan when Kevin Phelan was discussing the lease, whether he was discussing it with anybody, either Ken Richardson or anybody else?

A. Absolutely. Because just to be crystal clear, I wasn't aware that anyone had discussed this lease. I didn't even understand the lease properly when I turned up at that meeting.

Q. I just want to get this clear so that it will be clear.

A. This is very important to me as well, because this attendance note is being, if you like, put down my throat in a certain kind of way. Now, I understand Ms. Collard is going to give evidence, and I think the starting appropriate point on this is her note of the meeting, and I am telling you it's not one hundred percent accurate. Now, as you asked me yesterday, there is absolutely no way I put her in the devilment category; she was a professional lady for the very brief period I got to know her. But paper doesn't refuse ink and people make mistakes and people sometimes transcribe notes after meetings, and during that meeting I didn't see her writing one note, and there was no

one else in the room.

Q. I agree - well, there was Mr. Craig Tallents was in the room?

A. Correct, he didn't write any notes either, but his contribution to the meeting, because of his intimate knowledge of the dispute, was to explain the pitfalls I was going to have, if and when they gave me the file. But, you know, please don't shove this down my neck as being factual, because it's not entirely accurate. In general content, it's accurate, okay.

Q. What I'm trying to get clear about is, what I'm trying to do is distinguish between where you might disagree even slightly with something she says and these particular words where you disagree completely with what she says, and you couldn't have said that, you couldn't have said anything even remotely like it, isn't that what you're saying?

A. Yes, and as I said to you

Q. Okay.

A. hold on, let's look at the whole thing, and I wouldn't have said I have no idea what an 'uplift' was. It doesn't make an iota of sense to me.

Q. You would have known what an 'uplift' was?

A. Of course I do. You asked me now, I told you what I think an 'uplift' is. There is other things, like, there is interpretations in this, you know? Again, it's how people write notes, and this thing of and I understand that you have to make inquiries, but this thing of this note linking

Michael Lowry to Doncaster just doesn't wash with me.

Q. I see.

A. Absolutely, I would have gone to that meeting and I would have explained the reason that I was there, and, like, the reason I am sitting here is because of a member, as she calls it, of the Irish Parliament, Michael Lowry. That's called chit-chat, right, okay? And that is the reason. I would never have heard of any of this if I had never met Michael Lowry. So, sorry, keep going. Just, it's very difficult. And she is going to give evidence and I think at that stage some of these issues can be addressed and I certainly hope

Q. They are going to have to be addressed.

A. But I hope some people address them from my perspective. It's very easy in this forum to keep throwing selected things at me, but I think we should throw everything on the table.

Q. What things do you want to put on the table?

A. Well, is this the only thing that this firm have got wrong in an attendance note?

Q. Well, I don't know. I'd be happy if you can tell me about them?

A. There is a letter that the Tribunal wrote to Kelly Noone, in '04. Surely you are aware of that.

Q. Well, you can remind me of it?

A. Can I collect it there?

Q. Yes. You can just give me the date of it and we might get

it.

A. It's dated the 16th September, 2004. I have two issues with that. Do you want me to read it or

Q. Put it on the overhead projector.

A. If you do, I can read it off the projector. Sorry about all this to-ing and fro-ing. I have gone to the last bit of the correspondence to try and speed it up, because your letter captures everything that concerned me.

Q. "Dear Mr. Kelly,

"I refer to your letter of Tuesday last, 14 September, in which you have raised a query in relation to an extract from an attendance note of Ms. Eleanor Adams dated 17th March of a meeting which took place in the offices of Messrs. Peter Carter-Ruck, Solicitors, London, between Ms. Ruth Collard, solicitor, and Mr. John Coughlan, SC, and Mr. Jerry Healy, SC. You have noted that the attendance records as follows:

"JH said that two years ago ML gave evidence about his property transactions and that DOC also gave evidence.

They had not at that time revealed to the Tribunal all the transactions ML had been involved in.

"You have quite correctly drawn the Tribunal's attention to the fact that the record of what was stated appears to suggest that Mr. Healy was informing Ms. Collard that in 2002 the Tribunal had not been informed of Mr. Lowry's involvement in the UK property transactions. That, of course, is incorrect as the Tribunal had been informed of

the Cheadle transaction by Investec Bank in March 2001 and was subsequently informed by your client of the Mansfield transaction and of the funds provided to him and held in an offshore account to finance intended conversion works to the Carysfort property.

"What Mr. Healy was in fact alluding to at that meeting was that when Mr. Lowry gave evidence in June 1999, the Tribunal was not informed about any of Mr. Lowry's UK property interests nor was it informed about his offshore bank account in which monies were held to cover the conversion works to the Carysfort property. Mr. Healy was not suggesting that when Mr. Lowry and Mr. O'Connor gave evidence in 2001 they obscured any of Mr. Lowry's UK property dealings.

"It is not clear and the Tribunal is not in a position to assist you as to whether the error was made by Mr. Healy or by the note-taker at the meeting who subsequently prepared the attendance."

A. I believe two points on that. The first one is there is obviously an error somewhere. So I'm making the point to you that people make mistakes, so you get a sense of balance from a public perspective, and I am here, like, for my fourth day. I think that reflects the point that errors are made and I hope this is taken up with

Q. People do make mistakes, of course.

A. Any time I try to say this is not accurate, I keep getting it coming back. Just hold on one last minute



Q. Sorry, just one point, Mr. O'Connor. You said something is not accurate.

A. I am trying to point out to you that this note of Ms. Collard's

Q. And I am simply trying to establish to what extent and in what way you say it's not accurate. And my understanding of it, correct me if I'm wrong, is that, in relation to these critical words, which are the words that suggest an involvement between Mr. Lowry and the Doncaster transaction, and from Mr. Lowry's point of view, obviously, the most important words, you are saying you did not utter those words, you did not utter even you did not make any reference whatsoever to any matter concerning the lease or Mr. Ken Richardson's involvement with the lease or Mr. Kevin Phelan's involvement with the lease, you uttered nothing from which anyone could have put together a sentence like this?

A. Sorry, the lease was discussed.

Q. The lease was discussed?

A. Of course it was.

Q. In what context?

A. Because Mr. Tallents spent a long time trying to explain to me the dispute or the technicalities associated with the lease. If I remember, it was quite technical and it was one of the things that caused me a problem later that night. So the lease came up. But the context of me having been aware of some discussions by people about a lease just

didn't exist. I am not aware of them, I was never aware of them. So how that connotation or interpretation can be put on it, is beyond me. So I'm trying to make the point to you that not every note written is accurate. We all make mistakes. And there was a mistake made in that by somebody, I don't know who, but there was a mistake made.

That's all I am saying. It's a sense of balance,

Mr. Healy, I am trying to achieve. I'm sorry, it wasn't getting at just because it's your name. But when I saw that letter, I said, you know, as you naturally say, Oh, they are wrong here and they are right there. You know, it's a natural reaction.

Q. It is a natural reaction to pursue something like that.

A. No, no, it's a natural reaction, when you are being asked a lot of questions, to say, "Well, look, let's balance the books." So, maybe pass on. I am just making a point.

Sorry. We are getting nowhere, in one way.

Q. What you said yourself, and I am just going to your own statement which is contained at Book 62, Leaf 6C.

A. I don't have that, but my 6C here is the actual attendance note. I think I am reading the right thing, am I?

Q. Are we both on the same document now?

A. I think we are now.

Q. 6C, "Memorandum of Information provided by Mr. Denis O'Connor," dated 30th July, 2004. If you go to page 4 of that, we have read this out before but I am just going to

the section where you deal with this passage in Ms. Ruth Collard's attendance note.

"Mr. O'Connor accepts that there was a general discussion at the meeting." Do you see that portion of the Memorandum of Intended Evidence? Do you see that?

A. Which paragraph is that?

Q. It's the last paragraph.

A. Sorry, right, yeah, got it.

Q. Okay? "Mr. O'Connor accepts that there was a general discussion at the meeting of the 10th September as to how a settlement could be achieved and it may well be that an impression had arisen that Mr. O'Connor, if requested, would meet with parties involved with a view to endeavouring to resolve the matter."

That's dealing with the issue of the meetings?

A. Yeah.

Q. "Mr. O'Connor certainly accepts that the parties at the meeting were aware that he could possibly be viewed as someone who could liaise with Mr. Kevin Phelan."

Do you think that sentence really conveys the thrust of your involvement at that stage?

A. The reference in the attendance note

Q. "You could possibly be viewed as somebody." Wasn't it clear you were somebody who could liaise?

A. It was, yeah.

Q. How could you say that you "could possibly be viewed"?

There is no doubt about it. Maybe it's just the way it's

phrased?

A. Maybe it's the way it's phrased. I am not disputing that with you.

Q. "The reference in the attendance note of Ms. Ruth Collard as to a connection with the proceedings and involvement of Michael Lowry is being misunderstood. If, in stating that Michael Lowry had an involvement, Mr. O'Connor was making such comment solely with reference to the ongoing Tribunal hearings and the suspicion that attempts were being made by third parties to convey the impression that Mr. Lowry had an involvement. The foregoing was of itself viewed by Mr. O'Connor as an involvement and this was all that he was seeking to convey. Mr. O'Connor has never understood or believed that Mr. Lowry had any legal or financial involvement with DRFC. Mr. O'Connor cannot explain the reference to Michael Lowry having been in a room when discussions had taken place between Mr. Kevin Phelan and Mr. Ken Richardson regarding a lease. Mr. O'Connor's view is that he could not have said this as he simply had no knowledge of the matter and he has always understood that Michael Lowry had never spoken to or met with Mr. Ken Richardson."

I just want to go to the start of that start of the sentence that begins on page 4 and then goes on to page 5.

"If in stating that Michael Lowry had an involvement, Mr. O'Connor was making such comment solely with reference to the ongoing Tribunal hearings."

I just want to be clear; do you think that you said

Mr. Lowry has an involvement, or are you speculating?

A. You see, what I'm trying to say to you is Michael Lowry's name would have come up. As I said to you a few minutes ago, the reason I was there, the reason I am here, is, in effect, Michael Lowry. So it would have come up by way of explanation. I mean, there is no denying that. So, I'm not denying that Michael Lowry was discussed, but I can't then, can't now, recall the whole context of it, but I'm trying to help you along by saying that the general thrust of her note is correct. Maybe this can help speed this whole process up, but there are parts of it I am having difficulty with, and the only person, I suppose, that can clarify that, to an extent, is the lady herself. But I just don't feel comfortable going down the speculation route on this attendance note.

Q. I am passing away from her document now.

A. That's fine, yeah.

Q. I am going on to your account of what happened.

A. Okay.

Q. And you are saying that you discussed your Michael Lowry involvement or connection; you discussed Kevin Phelan's, or the trouble he had caused for Michael Lowry; you had discussed the Tribunal, the ongoing Tribunal hearings?

A. Yeah.

Q. What would you have been discussing I want to get from you the extent of the detail you'd have gone into in

relation to those ongoing hearings?

A. My recollection of it is, at that time, at sometime, Kevin Phelan told me he had been told by Messrs. Weaver and Richardson that they had been approached by an Irish solicitor with an open cheque-book who wanted to buy anything he could which would damage Denis O'Brien's acquisition of the mobile licence by trying to link Michael Lowry to it because of these Tribunal sittings. That was the, if you like, this was the vehicle in which to cause the damage. That's what I was told.

Q. Right. But what trouble were you referring to when you said that Kevin Phelan had caused trouble for Michael Lowry? I understood that to be a reference to the ML matter?

A. Correct, yeah.

Q. So you were dealing with a situation where Kevin Phelan had already caused trouble for Michael Lowry, you said, and where Kevin Phelan had told you that Richardson and Weaver were also trying to cause trouble for him?

A. No, what I said was that he told me

Q. I am trying to get across the detail.

A. You are only interested in the detail

Q. No, no, the detail of what you told, according to you, what you told Ruth Collard?

A. You see, I can't tell you the detail of it. I can tell you in general.

Q. That's perhaps unfair, to ask you what the detail was?

A. I am trying to convey to you the general thrust of what I believed I would have said to Ruth Collard, and that's what I told you. If you want me to repeat it, I will.

Q. What I'm saying is Ruth Collard has a note of you saying that Kevin Phelan let's put it in its broadest terms

A. Okay.

Q. had caused trouble for Michael Lowry.

A. Right.

Q. She also makes a note that he had issued threats to cause trouble for Michael Lowry.

A. Sorry, she makes a note that he what?

Q. Two things: She says in the second sentence of the second paragraph, "Denis O'Connor had represented somebody who had been in partnership with KP and KP had made trouble for him." Do you remember we went over that yesterday?

A. Actually, that reminds me now that I didn't even read that. Do you remember I said I had difficulty with this partnership concept? It's not a phrase I would use in that context.

Q. Leave aside the fact, we know that Michael Lowry, on his own evidence, was in partnership with Aidan Phelan; isn't that right?

A. That's right. But

Q. And the partnership, if you like, put together by Kevin Phelan, isn't that right?

MR. O'DONNELL: I don't want to interrupt, but I just want to for clarification. I don't think that Ms. Collard has

said that that paragraph refers to Mr. Lowry. I may be wrong. I just want to the second paragraph in the attendance.

Q. MR. HEALY: Mr. O'Connor or Ms. Collard?

Go to the next paragraph, then.

A. Can I answer the partnership thing? I would use 'partnership' in my language very rarely and I would use 'partnership' as like, in accountancy practice, you know? It's a term that a lot of people don't understand.

Q. By 'partnership' you'd actually mean not a partnership in an individual venture; you'd mean a partnership in terms of a professional relationship over a career term?

A. Yeah.

Q. Right. Go on to the next sentence, next paragraph. "Denis O'Connor said he was representing a member of the Irish parliament, Michael Lowry. He was being investigated as part of the Moriarty Tribunal proceedings in Dublin. Kevin Phelan had made various threats to cause trouble for Michael Lowry."

Now, we agreed Kevin Phelan was causing trouble for Michael Lowry?

A. Correct.

Q. You were still dealing with him?

A. Correct.

Q. You regarded him as a troublesome person?

A. Did I say that?

Q. Well, did you?



A. Well you said I did.

Q. But did you?

A. You are asking me?

Q. Yeah?

A. Did I regard him as a troublesome person? 'Troublesome' might be the wrong word. Certainly difficult person.

Q. Did you regard him as a loose cannon, isn't that what your counsel said to Mr. Craig Tallents?

A. Loose cannon

Q. Discredited?

A. Sorry, my attitude to Kevin Phelan was that

Q. I am giving you your counsel's attitude, it was your own words. "He is somebody, you are now aware" this is what your own counsel said to Mr. Craig Tallents "was prepared to make complaints against you without any foundation, to cause trouble for you and trouble for people who were instructing you."

A. Well, we are aware of that. I accept that, yeah. Go on.

Q. Doesn't that suggest he is a troublesome person?

A. Okay. If you want to put that interpretation, fine.

Q. I am not putting that interpretation on it, Mr. O'Connor; that's your interpretation. Your counsel then said, "Sorry, I beg your pardon"

MR. O'DONNELL: I object to this line of cross-examination.

I think it's very unfair to put to Mr. O'Connor and say the questions I asked Mr. Tallents become Mr. O'Connor's words, particularly when he is being asked was this his view at a

meeting in 2002, and the word 'discredited' is a word used by Ms. Collard. I just don't see the significance of or purpose of this.

CHAIRMAN: I think that's fair enough.

MR. HEALY: I'm just going to refer to when Mr. O'Donnell actually mentioned this document, Sir.

CHAIRMAN: I don't think we should proceed on that line, Mr. Healy.

MR. HEALY: All right. We'll go ahead.

CHAIRMAN: But appreciating, Mr. O'Connor, it's hard to summarise all these matters; there is a lot of detail in it. But would it be a fair generalisation to say that whilst there were passages that you take a general degree of exception to in their particular emphasis or mode of expression in Ms. Collard's attendance, very much the most clear-cut difference that you have is this particular account at the end of the fifth paragraph and you feel you could not have said anything that even reasonably relates to what's recounted there?

A. That's absolutely correct, Chairman.

Q. MR. HEALY: Do you remember when, at the you say at the you received a telephone call, I think, or one way or another you formed the impression that Ms. Collard was not interested in your view of how the retention dispute should ultimately be resolved? You felt that there was no real enthusiasm for your set of figures?

A. Yeah, I was frozen out, yeah.

Q. And you felt that was the end of your dealings with this matter?

A. Yeah, if you want to put it in very broad terms, I was sidelined, and I believed it was because I came up with the wrong answers, answers that people didn't like, you know, answers that people had spent a year-and-a-half mulling over, if you want to put it that way.

Q. You had suggested that these fellows should be paid their money?

A. That's the way I read it. I can't recall the detail of it, but I know from the way they discussed, like Craig Tallents and Ruth Collard discussed it in the meeting, and what I came up with, were miles apart. So obviously that wasn't going to go down very well.

Q. You came up with a figure of about 644. They paid 744, at the end of the day?

A. I actually never heard what they paid, but I knew it was somewhere around that, and, you know, like, it's great looking backwards now, but I kind of say, well, I was right and the rest of them were wrong, but what good is that today? I think, you know, when you look back on it, I think they mistrusted me from there on in for some reason or other. They certainly didn't like what I came up with.

Q. Could you just go to document 121, please, Mr. O'Connor.

A. Yes.

Q. This is a letter from you to Mr. Ed Butler of LK Shields on the 26th September, 2002:

"Enclosed please find originals of releases as promised.

"Re Kevin Phelan and Gameplan International Limited."

Do you see that?

A. I do.

Q. That's presumably the Kevin Phelan side, if you like, of the settlement of, or if you like, the withdrawal of the complaints against Bryan Phelan, do you see that?

A. I do.

Q. You must have got those documents sometime before that date?

A. Well, I would imagine, knowing me, that I would probably have got them immediately before that day, if you know what I mean. I wouldn't have been sitting on them.

Q. And you sent them on?

A. Exactly.

Q. Again, this was the sort of tortured route taken to settle this matter, whereby instead of sending these documents directly to LK Shields, they were sent to you?

A. Yeah, and I don't actually understand why. I mean, I look at this letter and say, "Why didn't you just send them to LK Shields?" I have just no recollection of this. And I agree with you, I don't understand why they weren't just sent straight for whatever reason.

Q. Do you recall how you got them?

A. I don't, but they were obviously either, I would imagine, posted, because they are originals obviously, or dropped in by hand, which I couldn't tell you. Genuinely, I have no

recall of this at all, and it wouldn't have been something,

if you like, that I would have been paying attention to.

Q. Do you see that it contains an agreement, and then after

that a letter withdrawing a complaint, do you see that?

A. I do, yeah.

Q. And the letter the agreement is dated the 12th September

and the letter is dated the 16th September.

A. I see that.

Q. So one assumes that this whole, if you like, package of

documents couldn't have been put together at least before

the 16th September?

A. Certainly the second one wasn't, by the looks of it.

Q. And if you go back to document 115.

A. Yes.

Q. You mentioned this document a moment ago. If you look at

the last sentence. It's an e-mail from you to Ruth Collard

dated the 16th, which is the same day as that letter. It

says, "We are trying to establish meetings for this coming

Friday morning."

A. I see that.

Q. That suggests that you were in contact with Kevin Phelan or

with some other Dinard people with a view to setting up a

meeting on the following Friday morning?

A. Just to get the record straight, I never spoke to or met

Dinard people. So it could only have been Kevin Phelan.

Q. It could only have been Kevin Phelan?

A. Correct.

Q. All right. So Kevin Phelan was still deeply involved in all of this at this point anyway?

A. Yeah, he would have been in contact with me, yeah.

Q. And at the time that you were tidying up or bringing this agreement to fruition, you were still involved?

A. At the time I was tidying up this agreement?

Q. Tying up this agreement that we are looking at with Bryan Phelan, 121, yes?

A. I wasn't tidying it up.

Q. The documents were being sent to you. You don't remember how you collected them?

A. No, I didn't say I collected them. He obviously arrived in my office. I can't recall whether they were delivered or posted, and I wasn't involved in tidying up. I had no input into those, either that agreement or that letter.

Q. You were still involved in the retention dispute at that stage?

A. Correct.

Q. Right. Now, again, where would you have put that what file would those documents have gone into?

A. The ones in Tab 121?

Q. Yes.

A. I wouldn't have kept them.

Q. You wouldn't have kept them?

A. No.

Q. You mean you would have just shredded them?

A. No, that's me - "Please find original..." I wouldn't

Q. No, but your covering letter?

A. Oh that, I probably didn't even keep a copy of it.

Q. We know that the mediation took place, I think, on the 27th September, roughly what, ten days, eleven days after the date of that

A. Yeah, I am conscious it happened on some date in September, yeah. Sorry, it's in here somewhere.

Q. Yes. Well, I think you can take it that that was the date it happened.

A. Fine, no problem, yeah.

Q. So sometime between the 16th, when you were still involved, and the 27th, did somebody get in touch with you and say "Look, we don't want you at all" or

A. How did it happen? To put it in terminology, I was certainly sidelined, but I think I was sidelined through silence rather than through deed, if you can follow what I mean, rather than by an action.

Q. But if you were in the process of setting up a meeting, somebody must have said "We're not going ahead with this"?

A. Certainly, something happened. I mean, I just I have a total recall of being sidelined

Q. You had the impression you were being sidelined?

A. There was a lack of contact, sorry, from the Denis O'Brien Senior, that side. That's the side upon which I felt I was sidelined.

Q. And what about the other side?

A. Well, Kevin Phelan, I would imagine, was asking me was

anything going to happen, etc., and I would have probably said it means nothing to me, this, except that I was sidelined I was probably saying, "Well, I have no instructions." You know, also, like, when I see those notes, it comes back to me now that there must have been a bit of sorry, when I see those notes sorry, my train of thought sorry, I am back to where I was when I see those notes and I see the references in Ruth Collard's note to 'without prejudice' and one thing and the other, right, there was obviously warning signals about being careful here, and I distinctly remember when I did the figures that night in the hotel in Gatwick, being very conscious that this was way off the planet of, if you like, the O'Brien, Ruth Collard, Craig Tallents side. So I suppose I was beginning to feel uncomfortable then with where I was going, if you like, and I didn't know where I was going, to be frank about it, okay? And then I feel I got frozen out of it after that, that's my feeling, you know, by silence, not by act, but I agree, a meeting didn't happen, and I just can't put that interpretation on it for you. A good guess would be that Kevin Phelan was asking about a meeting, I was saying, I have I don't mean it to sound I have no instructions, or I have no riding instructions. That's my sense of feeling about this.

Q. That's exactly what I was going to come to. Somebody on Kevin Phelan's side must have been ringing you up saying, "What about this meeting? We are trying to set it up for



Friday the 20th. Why isn't it happening?"

A. Yeah.

Q. Do you not remember contacting, at some stage, contacting the O'Brien side and saying, "Look, we are trying to set up the meeting for Friday"?

A. You see, that's the point I am trying to make: My antennae was telling me I was an unwelcome visitor at this stage and I wasn't pushing any doors, if you like.

Q. Mr. O'Brien Senior thinks that he rang you, and my recollection of his evidence, I can't be specific about it, I am not going to hold you to it, thinks that he rang you and said, "Forget it, we are not going ahead with the meeting"?

A. That's possible, right? I mean, I'm just telling you I was conscious of being put in

Q. I know, your impression is that you were being frozen out. What I'm

A. I was unwelcome, even, that I had done the wrong thing, in effect.

Q. What I'm trying to get at is, from the evidence we have heard from Mr. O'Brien and from the material that I have opened here showing that you were, at least up to the 20th, looks like everything was on schedule

Sir, something has come up and I am asked to rise for five minutes, if that's possible.

THE TRIBUNAL ADJOURNED BRIEFLY AND THEN RESUMED AS FOLLOWS:

Q. MR. HEALY: Mr. O'Connor, the last question I was asking

you, I think, was about the period around the 16th, 16th to the 20th, when everything seemed to be on schedule to have a meeting, and then subsequently you have the impression that you were frozen out. I put it to you that, I have a recollection that Mr. O'Brien said he contacted you, and I am suggesting that that's probably correct, somebody must have contacted you and said, "This is all over, we are not going ahead, we are not going down this route at least"?

A. I can't recall it, but I am sure if he did actually tell me, I am sure it was a short conversation. You know, that would but I was definitely out of the equation.

Q. Yes, you were out of the equation?

A. Yeah.

Q. And at that stage, again I'm just anxious to know what happened to your files?

A. Oh, they were given now, you have asked me this before and I can't get my head quite around it. I mean, if you recall, the people from Carter-Ruck and Craig Tallents were very sensitive about that file, right, and then you see, obviously, I put my workings on it and everything that night that I would have faxed through, so I can't recall whether I got them back to the Peter Carter-Ruck office or the O'Brien office in Dublin. I certainly didn't take them back to the Peter Carter-Ruck office because I was on a flight out that following evening and I would have come straight from the from my meeting, my work in Horseham to Gatwick Airport. I remember sitting in Gatwick Airport

discussing it with Ruth Collard or Craig Tallents on my mobile. So something tells me I brought it back to Dublin and gave it back to the O'Briens by getting it delivered in there, or something, but I never got it, I never retained that file. They were certainly making me conscious of the fact that it was sensitive and I would say that my workings, and everything, went back you know, my workings would just literally be the handwriting version of what you have seen that I sent to those people. I'd say it went back to the O'Briens, on balance. I know I didn't have it.

Q. And at that stage, what about your other file that had all the other material in it?

A. Which material?

Q. Did you still have this drop-down file you said you had?

A. Sorry, you see, I don't know where it would have been around that time, right, as such, that I would have given that to Kevin Phelan.

Q. That's why I'm asking that. It looks like it was the end of your dealings with this matter?

A. As such, it was. But I can't recall I can't time that for you, I am sorry, I just can't, but I know it was around that time. I mean, I even, when I look at this, I thought that I'd been sidelined quicker, if you like, than the 16/9, but I accept that I wasn't. I just can't get my head around it timing-wise.

Q. Did you offer that file to Kevin Phelan

A. Oh no.

Q. or did he ask for it?

A. He demanded it.

Q. He demanded it?

A. Mmm.

Q. Did you have any reluctance in giving it to him?

A. No.

Q. Did you not think that there was, apart from the fact that it contained your own material, did you not think there was a good reason to hold onto it in view of the fact that Mr. Phelan had caused trouble for Michael Lowry up to then?

A. Well, my perception of Kevin Phelan was, rightly or wrongly, right, that he wasn't going to cause me trouble, and that was the verbal assurance he had given me. And for whatever reason, either stupidly or otherwise, I took that at the value upon which it was given. That was my feeling on it.

Q. What about all the other people you had been acting for during that period?

A. Such as?

Q. Michael Lowry, Aidan Phelan, Westferry, Bryan Phelan, Craig Tallents; were you not worried about all of that?

A. But sure he had settled with all of them.

Q. But you had some documents relating to most of them, didn't you?

A. No.

Q. Some documents?

A. No, no.

Q. Didn't you have letters - leave Craig Tallents out of it - you had letters involving the other people?

A. Bryan Phelan, no.

Q. You had no letters?

A. No.

Q. Didn't you have correspondence to Mr. Bryan Phelan?

A. No. I don't believe I actually

Q. Sorry, to Mr. LK Shields, his solicitor?

A. Sorry, I saw them there, but, I mean, the one you just took a minute ago, I can tell you I would not have kept I wouldn't have been interested.

Q. I see. Now, could you go to document 128, please. This is an attendance note of Ms. Kate McMillan, is that the document you have

A. 22 October, yeah.

Q. attending Mr. Christopher Vaughan on the telephone. And it contains her notes of her conversation with Mr. Vaughan concerning a number of matters, but including references to a letter of the 25th September, 1998, from him to Michael Lowry. Now, there is also, in Leaf 129, other documentation concerning that complaint, including an attendance note of Mr. Christopher Vaughan concerning dealings he had if it's not in that 129, it's further on concerning a visit he had from Mark Weaver. Now, I should say at this stage, although I'll be referring to this at length but not today, Mr. Christopher Vaughan was

originally minded to attend the Tribunal but has now changed his mind, and the Tribunal is endeavouring to ascertain the reasons for his change of mind. So I can't tell you that Mr. Vaughan is going to be giving evidence, but Ms. Kate McMillan will be giving evidence.

I'm not going to go through all of this document because I think, probably, part of it's been gone through already.

But if you look at the fourth or fifth paragraph, depending on whether you count "KM attending Christopher Vaughan," it begins, "CV explained that the attendance note had been dictated not long after Mark Weaver's visit."

Do you see that?

A. I do.

Q. She goes on, "Christopher Vaughan then went through the content of his file note of the 18th October 2002 with Kate McMillan." Now, this file note has been mentioned already.

You are probably familiar with it?

A. I am reasonably familiar with it, yeah.

Q. "Christopher Vaughan said that he had thought that Michael Lowry had had no involvement in Westferry whatsoever. Christopher Vaughan said he had never met Michael Lowry before the 24 September 1998."

Now, you can see the relevance of that date, because that's his letter is dated the 25th September.

A. This is the famous letter?

Q. Yes. "Kate McMillan asked Christopher Vaughan for a copy of the letter and for his attendance note and Christopher

Vaughan said he would be happy to provide Kate McMillan with the same.

"Christopher Vaughan said that the letter was a photocopy of a fax and on the second page there was some areas which did not reproduce very well.

"Christopher Vaughan said he thought that Mark Weaver was trying to blackmail the O'Brien family. He interpreted Mark Weaver's visit as the forerunner of something else that was going to happen. He believed that Mark Weaver was flagging up a situation and he expected there to be a response to it.

"Christopher Vaughan said that Mark Weaver had come to see him a year ago. At that time, he had been clearly trying to obtain some financial benefit as a result of meeting with Christopher Vaughan. After Mark Weaver came to see Christopher Vaughan last time, a letter found its way to the Irish police.

"Christopher Vaughan explained that Denis O'Connor was coming to see him from Ireland. Denis O'Connor had in his possession the faxed copy of the top copy of the letter.

The letter of the 25 September 1998, which Mark Weaver had produced on 18 October 2002, had been sent only to Michael Lowry. Christopher Vaughan said that he was of the view that the letter could have come only from Michael Lowry. The letter had not been stolen from Christopher Vaughan's file."

Now, it's the reference to you in that passage that I have

read out that I want to ask you to comment on.

A. Okay.

Q. We are now talking about a period towards the end of October. This attendance note was made on the 22nd October. Christopher Vaughan is referring to a meeting that took place on the 18th October, and he was expecting to see you later, at some later date. And from his from other information he has made available to the Tribunal, it appears that he did meet you on the 23rd October in his office, do you accept that?

A. I do.

Q. Well, can you recall did you ring him before going to his office to meet him?

A. I did.

Q. And what was the purpose of going to meet him?

A. Basically, Kevin Phelan telephoned me and he said that something along the lines that Mark Weaver had been to Christopher Vaughan's office to cause him trouble Christopher Vaughan and he said that I should really ring Christopher Vaughan and establish what it was about. So I reluctantly rang Christopher Vaughan. I got him. And, I mean, I am trying to recall it in general, but he was pretty agitated on the phone sorry, I do accept that what's his name? Kevin Phelan told me that Mark Weaver had some documents in his possession which were annoying Christopher Vaughan. So I did ring Christopher, got through to him, it took a bit of time to get through to



him, and I told him that Kevin Phelan had telephoned me and told me that Mark Weaver had been there with documents that he was throwing around or flashing around at Christopher Vaughan which were causing which I understood from Kevin Phelan that were causing Christopher Vaughan concern. So whilst he was agitated and kind of upset, I suppose - it's hard to judge at the end of a phone - at the same time he said that, yeah, he had got some document from Mark Weaver, but that it was merely a copy of some other document of his. I just wasn't sure what he was talking about, I hadn't a clue. So he then said that he felt that there was some attempt to blackmail him, he actually felt.

Q. Blackmail Christopher Vaughan?

A. Yeah. And he was just so upset, I said, "Look, if it's okay with you, I'll drop by and see you when it suits."

That's the background.

Q. When it suits?

A. Well, I didn't say, "I am going on the plane tomorrow." I said, you know, "If we can arrange to meet, I'll come and meet you."

Q. Well, you did arrange to meet?

A. Correct. I don't believe I done it that day, because I just recall him being really upset and bothered by the whole thing.

Q. Very upset?

A. Yeah, I do recall that, right? I had seen him get upset once before, by the way, and he could get upset, right?

Q. And did you go to Northampton?

A. Yeah, my recollection is that, in fact, I had something to do with - let's say it's a personal thing in motor vehicles, which I am prepared to explain to you

Q. No, no

A. not in public, obviously. But I did go and see him in Northampton, yeah.

Q. And what happened at the meeting?

A. Well, it would have been certainly my recollection, going to the meeting, that, like, as I would always have, that I would have agreed a fixed time to meet him, but when I arrived in his office, there seemed to be well, without being kind of disparaging, but there was a lot of chaos and it was like, in fact, he had forgotten that I was coming. So I had to wait a while, and eventually I was brought into his office, and his wife was also present.

Q. Yes.

A. So I said what was all this about? And he said that this guy, Mark Weaver, had come to him; that he felt that he was sorry, he outlined how he was sick to his teeth of the whole thing, and I didn't fully realise, but he had it looked like, anyway, from listening to him, that he had been kind of used as the meat in the sandwich, kind of, a bit in the preceding past, most of which I wasn't aware of. I see references in here which would substantiate what he was trying to say to me. He had visits. I think he referred to a previous visit from this guy, which I wasn't

aware of. Anyway, bottom line was, I remember being in his office and saying, look, what was all this about? "Can I see whatever Weaver brought to you?" And he actually said, "No problem," he'd get it. And then there was certainly a lot of to-ing and fro-ing, and he couldn't find the letter, but instead, he gave me what I think might be the same there, his some sort of attendance note he had of his meeting with Mark Weaver. So while I was reading that, I don't know what he was doing. There was stuff all over the place. I think I know he left me for a while and he came back and there was people going in and out. It was pretty all over the place. So, I said, grand, but could I see whatever the document was? And he made it clear to me that he just had got a bad copy of one of his own letters from Mark Weaver, and that he passed I mean, I can't recall it, but he passed a comment that it was a letter that had issued in error and that it was of no concern, but it was one of his own. And I said, "Well, I wouldn't mind seeing it." But he actually couldn't find it. That's my recollection of it. And, in fact, the whole meeting was chaotic because I actually felt I didn't have his attention, and, if you like, I kind of left there in a kind of a humour of, like, that was a waste of time.

Q. You said you thought he showed you his attendance note?

A. Something like that, yeah.

Q. If you just look at it and see do you recognise it?

A. 'Attendance note' mightn't be the right description, but it

was an account of the visit.

Q. It's 121 in the book you have 129, I beg your pardon, the last document in 129. Go back four pages.

A. Four pages from the front of 129?

Q. Four pages from the back.

A. Sorry. I see this, yeah.

Q. Is that the document?

A. That looks like, it reflects more or less what I recall I was given, yeah.

Q. And did you read it?

A. I read it. I had nothing else to do.

Q. Did you take it away with you?

A. I believe I did, yeah.

Q. It says "A client was leaving my office following a 9am appointment" we have been over a lot of this already so I am going to go to

A. It's okay, because I have read it myself, so to save time maybe we should just go to

Q. Yes, if you go to the second-last page.

A. Yeah.

Q. "Before Mark Weaver left, I took a copy of the letter. I had made the comment to him that I almost certainly did not have a copy of it as it would have been with the DRFC files which were with other solicitors Peter Carter-Ruck."

"My thoughts after Mark Weaver had left were:

"1. Why did he come bearing in mind he lives presumably somewhere near Doncaster which is 80-100 miles away.

"2. Am I just being used as a conduit to facilitate some sort of blackmail. It occurs to me that Denis O'Brien is the only person in this whole business with money. Am I supposed to contact Michael Lowry through his solicitors or Denis O'Connor, his accountant, to make him aware of the situation?"

"3. Is Mark Weaver acting alone to try to get some of Denis O'Brien's money?"

"4. Who is my next telephone call going to be from Callum Keenum or?"

"5. I had never met Michael Lowry before the 24th September and it was arranged by Kevin Phelan for Michael Lowry to meet me on the 24th September to discuss his purchase of the property in Mansfield. He also had an appointment in Leicester later on in the day.

"Within 20 minutes of Mark Weaver leaving, Denis O'Connor telephoned me and he mentioned that there was a 'a letter floating about' which had been produced outside the mediation hearing last month."

Would you say that's correct?

A. All of that file?

Q. Well, that's I have read the other part, just to read you into it.

A. Sorry, that first paragraph after point 5?

Q. Yes.

A. I mean, again, the gist of it is right, yeah. The body of it is right.

Q. That you had been contacted, I think as you said earlier, by Kevin Phelan?

A. Correct.

Q. That there was a reference to a letter floating about?

A. Letter floating about, yeah. I mean, as I said it to you the first time I would have said "documents floating about," but fine. The issue eventually became the letter, as it turns out.

Q. All right. Okay. "I said that I had seen Mark Weaver shortly before, and told him what had happened. Denis O'Connor wants to come and see me. I have no particular problem in that, but there is very little I can say to him other than is set out in this note.

"Putting it bluntly, I am getting extremely fed up with the whole issue, especially at having my name plastered all over various Irish newspapers," and so on.

"He says that I said I had seen Mark Weaver shortly before and told him what had happened."

Did Kevin Phelan tell you that Mark Weaver had been in Christopher Vaughan's office?

A. That event there?

Q. Yeah. When Kevin Phelan rang you, did he tell you that Mark Weaver had been in Christopher Vaughan's office?

A. On the day, this day? I mean

Q. Yes, on this day, the day mentioned in the attendance note?

A. Yes.

Q. So Kevin Phelan knew where Mark Weaver was?

A. Obviously, yeah.

Q. And he knew what he was doing?

A. More or less. He certainly, if you look at it, Kevin Phelan told me that he was there with documents, 'tormenting' is the wrong word, you know, but whatever, with Christopher Vaughan. So, he knew, absolutely.

Q. So somebody must have told him that Weaver was going to go to Vaughan's office?

A. Well, that's possible. I actually assumed that, I assumed, and I'd have no way of knowing that Mark Weaver had rang him after it, or someone had rang him after it.

Q. It seems to be a very short period of time. "Within 20 minutes of Mark Weaver leaving, Denis O'Connor telephoned me and he mentioned that there was 'a letter floating about'." So either he knew before or he knew immediately after?

A. Correct, I accept that.

Q. "Denis O'Connor wants to come and see me. I have no particular problem in that, but there is very little I can say to him other than is set out in this note."

Do you agree with that?

A. Well, that's his thoughts. I mean

Q. Oh, yes, these are his thoughts, yeah.

A. Do I agree with his thoughts?

Q. Not his thoughts. His recording, obviously?

A. Well, I am accepting that I saw an attendance note or a file note, okay. In general, this reflects what I recall I

saw. So, I mean, I'm not disputing any part, but as regards it's one hundred percent, it's probably an accurate

Q. He suggests that it's you wanted to come and see him. You told me a moment ago that he wanted you to come and see him?

A. Well, I'd accept that. You see, I rang him. That's so I'd accept that interpretation.

Q. So you wanted to see him?

A. Yeah, I'd accept that interpretation.

Q. And is that because you wanted to see what this was all about?

A. Well, I was curious. Kevin Phelan is ringing me telling me that Mark Weaver I mean, I thought this thing had died a death, to put I hate using phraseology like this. So here, this carry-on was going on again that Mark Weaver was with Christopher Vaughan. So, I was curious. I was also I mean, I have got to know Christopher Vaughan and I was curious about why he was so upset that day. He was really upset. And as I said, I saw him upset once before in the meeting in Birmingham, and I mean very upset, so I was interested, I was concerned. And, you know, I mean

Q. He says that when you came to him, you had, in your possession, a copy of the letter that Mark Weaver had shown to him.

A. That's not true.

Q. Just go back on that for a minute. I think in your



statement you deal with a statement made by Mr. Denis O'Brien Senior, that a copy of this letter of the 25th September I'll put it on the overhead projector in a minute

A. This is the Christopher Vaughan letter?

Q. You are aware that in a lot of Tribunal correspondence with you or with Mr. Lowry, the Tribunal has been using an office copy of the letter?

A. I have actually genuinely forgotten all this.

Q. The Tribunal has been using an office copy of the document.

A. It's actually confusing, right?

Q. Let's be clear about this: Has been using Mr. Vaughan's office copy, the copy that he retained in his office. What I'm putting on the overhead projector is a copy of the original of the document, do you understand me?

A. I do.

Q. Now, he says that you had a copy of that with you, and you say that's not true?

A. Correct.

Q. Mr. Denis O'Brien says that he received a copy of that document from your office, do you remember that?

A. I know he said it, yeah.

Q. And well, did it come from your office?

A. I accept it did.

Q. It did come from your office?

A. I accept it did.

Q. Right. So that means it was in your office?

A. I accept that.

Q. And it was faxed to Mr. O'Brien?

A. That's correct.

Q. So you would have had a copy of it in your office after you faxed it to Mr. O'Brien?

A. Sorry, you are after saying a mouthful there. I didn't fax it to Mr. O'Brien.

Q. Well, who faxed it to Mr. O'Brien?

A. One of the secretaries in our office.

Q. All right, one of the secretaries. And what did she do with it?

A. I would believe that she probably binned it, to be honest with you.

Q. Why?

A. Because if you recall, as I have explained before, there had been a few attempts by Mark Weaver to contact me. If you recall, I said that he had been telephoning our office seeking using well, I presume it was Mark Weaver, a Mark Weaver telephoned our office seeking to speak to me on a few occasions. Then, when that didn't succeed, started this thing of ringing my office saying, "I am going to be faxing through something important for Mr. O'Connor. Make sure he gets it immediately." So, the first time he did that, this thing about ringing and faxing something through, my secretaries, one of them would have said to me, "Look, this Mark Weaver fella is on, he is faxing something through." "I don't want to know about it, I don't want

anything to do with him." If you recall, I think I told you before, I think the first time he did it, there was all sorts of carry-on because he was faxing stuff in upside down. So he faxed nothing, in effect, on one of those occasions, right? So I had a standing, if you like, arrangement that I wanted nothing to do with Mark Weaver. You could take it I wasn't taking his calls. Not interested. Okay?

Q. I appreciate that.

A. Sorry, at this stage I forget what your original question was.

Q. My original question was, what happened when that document was faxed through?

A. Sorry, I wasn't in my office, and I got a call from one of my secretaries, right, to say that - I can't recall if she said that he had rang first that time or not, I can't recall that, sitting here - to say that a fax had been received, right?

Q. Yes.

A. And it had to do with Christopher Vaughan and Doncaster, certainly Doncaster came up anyway. I think Christopher Vaughan did. And I said, "Just fax it straight through to Denis O'Brien Senior." And it's quite possible she said, "What will I do with the original?", if you like, the fax thing. And I think I would have said at that stage, "Bin it. Do what you like with it. Not interested." Something along those lines.

Q. But when Kevin Phelan rang you, you rang up Christopher Vaughan; you had enough interest at that stage to ring up Christopher Vaughan. Isn't it strange that you had no interest in a document that came into your office

A. You see, the document

Q. concerning Doncaster and Christopher Vaughan when you'd just spent months and months and months, whether intensively dealing with Doncaster or peripherally dealing with it, but you were in and out of it over a long period of time?

A. The difference was that the one that came into my office was reference Doncaster, in the first instance, right?

Q. Yes.

A. And in the second instance, we I and my secretaries are more or less aware that this was Mark Weaver again, right?

Q. Yes.

A. In the second instance, I wasn't actually told it was Doncaster; I was told he was causing trouble in Christopher Vaughan's office. So there is a slight difference there, right?

Q. Right.

A. And, as I said, I had actually become friendly with Christopher Vaughan as well. Slightly different.

Q. But I think your secretary told you it was a Christopher Vaughan document, wasn't it?

A. Yeah, to do I am telling you that I recall it was Doncaster.

Q. No, she said it was a Christopher Vaughan note?

A. That's my recollection.

Q. You were friendly with Christopher Vaughan?

A. Absolutely.

Q. Isn't that a reason to draw a distinction between the sort of stuff you might have expected from Mark Weaver normally, and this letter, which was a Christopher Vaughan document?

A. Rightly or wrongly, Christopher Vaughan was trying to get to me in my office and I wasn't

Q. No, no, I am talking now about the letter that was faxed through by Mark Weaver, you think?

A. That's what I am talking about.

Q. Sorry, I beg your pardon.

A. Rightly or wrongly, Mark Weaver was making every attempt to get either to me or at me, or something, and I just wasn't going there. I was having nothing to do with it. That, actually, was my frame of mind. I suppose you could say at this stage I was getting fed up with the whole lot of it.

Q. You said that to me before, Mr. O'Connor. But a short time later, maybe a month later, you hopped on a plane and went over to England to talk to Christopher Vaughan?

A. Yeah. You see, Christopher Vaughan is slightly different.

Q. I see.

A. Well, I got friendly with him, right?

Q. Yes.

A. And I like him a lot as a person, and he kind of you get the feeling off him of, I suppose how do I describe

it? old world, a gentleman, a huge passion in rugby. He kind of made contact with me every year that he came over here, got him tickets for matches, all that kind of stuff, enjoyed his company. I had got well down the road with drink one night with him and I just liked the guy and I thought he was a gentleman, I thought he was an absolute gentleman, actually, and I still do. So I did personally, and do personally, like Christopher Vaughan.

Q. What rugby matches did he come over for, as a matter of interest?

A. Okay. Last year, I recall that he was over this can easily be checked because myself or my partners were out of the country I think it was the last weekend in March, and he contacted me and I think asked me to get him tickets to a Heineken Cup match, right, and would I meet him? And I couldn't, because I was away with my partners. Sorry, I know, I actually remember the weekend. I think Leinster were playing - because one of my partners tried to go up to the match - Leinster were playing Biarritz, which is in the south of France, or it was near enough to where we were, and I think the same weekend, I think, there was a match in Dublin, I think that's one of them, right? I think he came over one year for I have a recollection of assisting him to get tickets on at least two occasions.

Q. At least two occasions

A. Yeah.

Q. he was in Dublin?

A. But you are talking about over the last few years, right?

I mean, sorry and, as you know, I met him in London. So

I would he has invited me to go to spend a weekend with

him in his home. I mean, that's the type of relationship

it is. It's a friendly relationship.

Q. Could I ask you to go to the next document, document 129,  
for a minute.

A. I think that's the one I am on, isn't it?

Q. No, I think you are on 128 I beg your pardon, it's my  
next document, because I have two copies of the document  
you are on. Go to the front of the one you are on.

A. Yeah.

Q. These are copies of a Peter Carter-Ruck, pages of a Peter  
Carter-Ruck document containing a draft police statement  
which appears to have been sent to Christopher Vaughan and  
where he has ticked off the paragraphs that he thinks are  
right, although he says that the whole thing goes far way  
and beyond what he believes is necessary.

If you go to paragraph 45.

A. Sorry, why isn't this document complete? I am only asking.  
It starts in the middle somewhere.

Q. I don't know why it's not complete. This was what was on  
Christopher Vaughan's file.

A. This was on right, okay. So this is Christopher  
Vaughan's statement?

Q. This is Christopher Vaughan's file. It's a document that  
was prepared by Peter Carter-Ruck, presumably based on

contact with him, and he is, as you can see, if you look through the document, ticking various paragraphs and making additions, crossings out, and so on. Do you see that?

A. I do. Why is he not ticking some paragraphs?

Q. Why is he not what?

A. Not ticking. Sorry, it's a long document okay. Sorry, go to which section?

Q. Go to, to paragraph 45. Again, we are dealing with the same thing, the same areas we were dealing with a moment ago in relation to the other document.

A. Okay. I have it, yeah.

Q. Do you see that? It is, in fact, not a ticked paragraph.

"Twenty minutes after Mark Weaver left, I received a telephone call from Denis O'Connor, Michael Lowry's accountant, who mentioned there was 'a letter floating about' which had been produced outside the mediation hearing last month." That's, if you like, a cog from the attendance note we read a moment ago.

Go on to the next paragraph:

"I told Denis O'Connor that Mark Weaver had been to see me shortly before Denis O'Connor's telephone call and about what had happened. Denis O'Connor then said that he wanted to come and see me. This meeting took place on Wednesday 23 October 2002. I gave Denis O'Connor copies of my file note with my meeting with Mark Weaver on Friday 18 October 2002 and of the photocopy I had taken of the faxed copy of my letter to Michael Lowry of 25 September 1998."



Do you see that?

A. I do.

Q. It suggests here that you left the meeting with a copy of the letter of the 25th September.

A. Well, I didn't. And now that you are reading all this, two things, I think, strike me, and you have more knowledge of this than I have. In the stuff we were reading a minute ago, he says I came with a letter, but there is no reference to that here, that I can see.

Q. Correct, yes.

A. Is that right?

Q. Yes, that's correct.

A. So that's one thing that I am having difficulty with. And the other thing: It just strikes me, as you are reading this out, this famous letter that he got, or says he got from Mark Weaver, has that turned up? Surely someone has it?

Q. Well, you had it in your office.

A. No, but he says here I don't think I think it's a serious question. I don't think it's a funny question at all. Or maybe

Q. It's not funny. He says he sent it to Michael Lowry.

That's what he said to

A. He says here

Q. Just listen to me. He said he sent it to Michael Lowry.

A. I accept that. But what I am trying to establish with you is, is that, as I read this, Christopher Vaughan says that

Mark Weaver turned up in his office, and he had a bad copy or a fax copy, or something, of one of Christopher Vaughan's file letters, and I think he said he took a copy of it. Has that copy turned up, out of curiosity? That's the question I am asking.

Q. Yes, I think it's in his Tribunal file, yes.

A. Good, because I often wondered. And is it as he described it, a bad copy? It was the one that was up there a minute ago, that's the one that he got from Mark Weaver?

Q. Yes.

A. That's fair enough. I was just curious did it ever turn up. I didn't have it leaving his office, let me assure you.

Q. Could you go to Leaf 131 for a minute.

A. Yeah.

Q. This is a copy of a letter from Mr. Vaughan to Mr. Christopher Vanderpump. You are probably familiar with this letter already.

A. Well, sort of. I saw it preparing for this, but, I mean, I didn't pay much attention to it.

Q. It's a letter from Mr. Vaughan to Mr. Vanderpump, and it says:

"Dear Mr. Vanderpump,

"Thank you very much for your letter of 17 October. I completely understand what you are saying as to the beneficial ownership of Westferry Limited.

"As you are aware, I do not have any of the documentation

in my possession relating to the Doncaster Rovers Football Club by Westferry Limited as all this paperwork is with Peter Carter-Ruck & Partners. I do have the original lease of the football ground and copies of various other property-related documents to which I will refer later on in this letter.

"Therefore, my comments in the next paragraph are purely from memory.

"I am quite convinced that during the course of the acquisition of DRFC by Westferry, Kevin Phelan maintained to me that he was the beneficial owner of a trust called 'Glebe Trust' and also that he had a beneficial interest in Westferry. I am also sure that he made representations to me to the effect that Michael Lowry was also involved in Glebe Trust.

"I have to say that at no time during the acquisition of DRFC by Westferry did Michael Lowry have any input into that process, nor later following completion. I do not know if you are aware, but shortly after completion I was sacked by Kevin Phelan who then took the whole matter to Betesh Fox in Manchester. At a later date I was re-engaged to try to sort out the retentions.

"As you are probably aware from Kate McMillan of Peter Carter-Ruck & Partners, I have been visited by Mr. Weaver and I enclose herewith a copy of a letter dated 25th September 1998 and a copy of my file note of Friday 18th October and a copy of an earlier letter of the 19th

February 2002."

I'm not going to go into all the rest of that letter, but

you will see that on that letter that letter was

apparently sent on the 23rd October, 2002.

A. Okay.

Q. And Mr. Vaughan certainly had, according to himself, the

letter of the 25th September, 1998, on that day. Do you

see that?

A. I see that, yeah.

Q. And that was the day that you visited him in his office,

isn't that right?

A. I think it was, yeah.

Q. So presumably he must have had it that day. He either got

it from you or he gave you a copy or he had a copy of it

himself and he photocopied it and gave it to you, one or

the other?

A. Sorry, he didn't get it from me, right, and he couldn't

find it for me.

Q. But he did have it, clearly?

A. I see that. Maybe the reason that he couldn't find it is

because it was with this letter or outfit, I don't know. I

don't want to speculate on it, but he did not give me the

letter.

Q. Well, he says he sent a copy. I doubt if he sent the only

copy he had to Mr. Vanderpump. Just while I have got easy

access to the letter of the 25th September, 1998, can I

just ask you a few questions about it?

A. Okay.

Q. Did you receive any phone call from Mr. Denis O'Brien or any contact, make any contact with Mr. Denis O'Brien or did he make any contact with you after your office had faxed him a copy of that letter?

A. What date did that happen?

Q. It happened when you were away, and it happened, presumably, sometime prior to this, so sometime

A. No, it was in September, wasn't it?

Q. It was in September.

A. I am trying to put the whole thing in context, so if you could tell me the date of that.

Q. Sometime before the mediation.

A. Sometime before the mediation.

Q. He thinks the 24th September.

A. But was it after he had been to Carter-Ruck?

Q. Yes.

A. Okay. After I had been to Carter-Ruck, I can't recall the conversation you are talking about where he said in his evidence that he telephoned me. The only contact I recall after that with Denis O'Brien Senior was he telephoned me on my mobile, I think either it could even have been the night of the mediation or the next night, and he said, "Just for your information, the retention matter was settled today on terms satisfactory to us. Thank you for your input. Send me an invoice." And it was as short and as brief as that. And I felt it was "Good luck to you,"

type of thing. But that's my only recollection after the Carter-Ruck scene. I actually think that could well be the last time I spoke to Denis O'Brien Senior. But it was, as I said to you earlier, it was terse, short and curt. So to answer your question, I suppose, no.

Q. Sorry for delaying you, Mr. O'Connor. I am trying to Mr. O'Brien never mentioned that letter in the course of his telephone conversation to you?

A. You see, that's the problem, I can't recall him. As I said to you, I believe that matters had become tense, if you like. I mean, genuinely, I was frozen out. You know after a while when you are being frozen out of something. I was frozen out.

Q. But he thanked you for your input?

A. But, you see, I think what he was actually doing that night was saying to me, "I settled it"; in other words, he settled it. Do you understand what I mean by that?

Q. It seems a rather petty sort of exchange, doesn't it?

A. It does. These things go on out there. That's the way I took it that night. It was short, sharp and curt.

Q. He didn't mention the letter you sent to him?

A. No. I am telling you when I say it was short, sharp and curt, it was as short as I said to you a minute ago.

Q. You say you hadn't seen that letter at that time?

A. Correct.

Q. You have seen it now?

A. Yeah.

Q. Were you surprised he didn't get on to you straightaway and say "What's this all about?"

A. I am not, no.

Q. In a police statement, you know that he said that it came from your office with a threat delivered by you from Kevin Phelan from Mr. Richardson and Mr. Weaver to the effect that the O'Briens should be generous in dealing with Richardson and Weaver, isn't that right?

A. I am aware of what's in his statement.

Q. Do you not think it's curious he wouldn't have rung you up on the 24th, when you were presumably still in reasonably good terms, and ask you something about that letter, or if not ask you about it, complain to you about it?

A. You see, you are looking back in time now at something that I wasn't au fait with, so when you look back on it, I couldn't tell you. I mean, I can't answer for him, do you know what I mean?

Q. If you saw the letter at that time, wouldn't it have been something of considerable surprise to you?

A. If I saw the letter, I think, yeah, the first thing I would have done is rang, certainly, Michael Lowry and asked him what the heck all this was about, and I would probably I mean, again, you are going back saying, again, what would I have done? I would have certainly got him up to Dublin.

Q. Would you have rung Christopher Vaughan, surely, and said, "What's this all about?"

A. I might have. You see, Michael Lowry would be my first, if

you like, point of contact, and a bit like, I suppose, when we look back on it, the David Austin thing, he told me about it, and I said to him I am going to have to bring it in here, so there was no need to go to anyone else about it. So I can't judge it for you, going backwards, as to what would have happened. I suppose what I would have done next would depend on what Michael Lowry would have said.

Q. You know that nobody brought it into the Tribunal at that stage?

A. I am aware of that, yeah.

Q. And you know that, assuming Michael Lowry never had a copy of it, Mr. Denis O'Brien didn't ring him about it, as far as we know?

A. Ring?

Q. Michael Lowry.

A. Not to my knowledge.

Q. And on the basis of your evidence, he didn't ring you about it, but I suppose he thought you were familiar with it?

A. I don't know, but I know he didn't ring me about it.

Q. Mr. Christopher Vaughan knew about it?

A. Yeah, he obviously knew about it, yeah.

Q. And Mr. Kevin Phelan knew about it?

A. I am trying to think back.

Q. Well, it's reasonable to speculate he might have known about it?

A. He might have known about it. I am not sure that I am aware that he did know about it.



Q. I am simply referring to the people who were involved in this transaction: Mr. Phelan, Mr. Christopher Vaughan, Mr. Denis O'Brien

A. Senior.

Q. Senior, Mr. Ryall. I suppose a lot of people involved in the Doncaster transaction would have been familiar with it? Mr. Vanderpump, who was an executive of Westferry, was familiar with it?

A. Yeah, well as I said to you yesterday, it was a long time after this when I even heard of John Ryall, so you are asking me about people I didn't even know at the time or even remotely heard of at that time. Vanderpump, never heard of him. I think he was in here giving evidence, anyway, wasn't he, recently?

Q. You are suggesting that the most natural thing would be to bring it into the this Tribunal?

A. No. What I said to you was if I saw that letter, my first call would be Michael Lowry.

Q. Of course.

A. And then it's hard to try and judge where it would have ended up. It would have ended up here. But you said to me what would I have done next? I don't know. It would depend on what Michael Lowry would have said to me.

Q. Had you ever heard of Glebe Trust?

A. I don't I see it here in this letter. I am obviously familiar with it within these files.

Q. Aren't you familiar with it from the row with Kevin Phelan?

A. You see, that's what I can't recall. I mean, I have heard of Glebe Trust, right, but if you are going to ask me when did I first hear about it, that's what I can't get into my head, but I have heard of it and I have seen references to it. Sorry, I have never come across it as regards, if you like, what I went through yesterday, my financial dealings of Michael Lowry or his companies. Because I see the reference here that, about the beneficial interest, or, you know, that Michael Lowry was involved in the Glebe Trust. I have never come across it.

Q. When you mentioned to Mr. Vaughan that you heard that there was a letter floating around at the mediation, can you recall when did you learn that?

A. I don't. But, in fact, when you think about it, I think the only one that could have told me of knowledge of that would have been Denis O'Brien Senior, but I don't recall him telling me.

Q. But if he did tell you, it would have been sometime after the mediation and before your meeting with Christopher Vaughan?

A. You see, I just can't get this in perspective. I actually think that my last contact with Denis O'Brien Senior was that call to say the whole thing was settled. I just cannot recall any subsequent conversation with him. I mean and I am talking about since then to now. So that's how difficult it is to try and put it in any time-frame, I just can't do it, but I do know he rang me to

tell me the mediation was settled. I do recall that. I remember actually being surprised that it got settled because it was everyone's expectation that it wouldn't.

Q. Isn't that the sort of time, I suppose, when he might have said to you, "and there is a nasty letter floating around"?

A. It might have been the time he said it, but, you see, I can't recall it.

Q. Wouldn't he have said to you, "It's the letter that you faxed to me"?

A. He might have said it, but I don't recall it. That's what I am trying to say to you, I do not recall that.

Q. When he told you there was a letter floating about, whenever he told you that, did you not ask for more details?

A. Who are you talking about now? I am sorry.

Q. Denis O'Brien, if he is the only person you think might have told you?

A. When do I he might have told me?

Q. Well, let's just you can't pinpoint that. But what I'm suggesting to you is that it must have been before you went to see Mr. Vaughan. So if Mr. O'Brien told you, and if he was the likeliest source of that information, he must have told you before you went to Mr. Vaughan; is that right?

A. I am accepting that. I just cannot recall. I am having a blank about this.

Q. Ignore pinpointing it, ignore it, except that it was before you went to meet Christopher Vaughan?

A. Fine, but...

Q. Would you not have said to him, "What letter are you talking about?"

A. If I can't recall the first part, I can't put a phrase on the second part. I am sorry about that. I just can't get my head to it.

Q. I am just surprised at the lack of curiosity, that you wouldn't have wanted to pursue something like that.

A. I genuinely can't remember it. It just doesn't come to me. I am sorry.

Q. Can I ask you to look at Document 6B in Book 62, please.

A. B for bravo?

Q. Yes, B.

A. I have it.

Q. It's headed "Supplemental Memorandum of Denis O'Connor provided by Mr. Denis O'Connor, dated 17th June 2004.

"Mr. Denis O'Connor has provided the Tribunal with the following information in response to queries raised by the Tribunal regarding the following matters."

The first heading is "Events in September of 1998." That is concerning Mr. Lowry's dealings with Mr. Christopher Vaughan. And you say that you have no information concerning any of those matters.

The next thing is "Dispute between Mr. Kevin Phelan and Westferry Limited and/or its representatives. Details of dispute between Westferry Limited and Mr. Kevin Phelan to include when the dispute arose and to what it related.

"Mr. O'Connor was aware in a general way from Kevin Phelan that he had a fees dispute in relation to expenses and time spent on Doncaster." That's the first query.

Second query: "When the dispute was resolved and the terms in which it was resolved."

Answer: "None."

"If the resolution of the dispute involved the making of any payment or compensation to or for the benefit of Mr. Kevin Phelan, the amount of such payment or compensation, the manner in which it was paid and the source or sources of funds which were utilised."

"None."

"Mr. O'Connor's knowledge, direct or indirect of the identity of the intermediary to whom Mr. Denis O'Brien Senior apparently referred to in his conversation with Ruth Collard on the 20th June, 2002, as recorded in Ms. Collard's attendance of that date."

"None."

Question 2E: "The identity of all representatives of Westferry or persons in whatever capacity you were involved directly or indirectly in the resolution of the dispute with Mr. Kevin Phelan."

"None."

"Details of Mr. O'Connor's role, if any, in the resolution of the dispute."

"None."

"In each instance, Mr. O'Connor should identify the source

or source of his knowledge, where his knowledge, if any, is not direct."

"Not applicable."

Then, "Details of dealings between Mr. O'Connor and Mr. Christopher Vaughan," Questions Q3A.

"Details of meetings, dealings or contacts between Mr. O'Connor and Mr. Christopher Vaughan at any time."

Answer: "Mr. O'Connor first met Mr. Vaughan in April 2001 at the Regency Hotel, Dublin, as previously outlined to the Tribunal. He next met him in Manchester in late summer 2001. This was an attempt to get Mr. Vaughan to come to Dublin and give evidence to the Tribunal, which he declined. Mr. O'Connor, during the period referred to by the Tribunal, would have had telephone conversations with Mr. Vaughan and certainly recalls telephoning Mr. Vaughan around the Peter Carter-Ruck visit to ascertain some details of the lease issue."

Now, if we could just go back to item number 2 there, please: "Dispute between Mr. Kevin Phelan and Westferry Limited and/or its representatives."

You see where you say you were aware in a general way from Kevin Phelan that he had a fees dispute in relation to expenses and time spent on Doncaster, and then after that you say you have no knowledge at all in relation to any of the queries posed by the Tribunal relating to the Westferry dispute?

A. Yeah.

Q. That can't be correct, can it?

A. It's not. Do you want me to explain it?

Q. Well, please.

A. First of all, I apologise to the Tribunal that it's not complete. Since this came up the first day, and I didn't think that I was going we were going to go through these statements of intended memoranda, and I thought I was right in recollecting where this happened. I was on an island in Lake Magiory on holidays with my wife, and I was getting tormented - sorry, not the right phrase - but by my solicitor to respond to queries, and I can tell you I recall eventually telling him where to go and being very curt with him. And it's not a complete answer and I do apologise, and I can provide proof that I was on holidays. So it's not complete.

Q. Well, I can understand

A. The whole lot of it is not complete, in fact.

Q. I can understand that. And I fully understand that especially when you are attending on your solicitor on a telephone and if you are on your holidays, you can't expect to be, certainly you can't expect to be accurate, you can't expect to give detail. But would you agree with me that a simple question like "Details of your role, if any, in the resolution of the dispute" question 2F. The answer is "None"?

A. I agree it's not complete.

Q. It's not just not complete

A. It's wrong, I accept that.

Q. It suggests that you have no knowledge and it suggests you had no involvement at all in this matter.

A. And it's wrong, and I am apologising to the Tribunal for that. And it's not a question of if I was on holidays. I was on holidays.

Q. I am sorry, I am not suggesting you weren't on holidays.

A. But you did say if I was on holidays.

Q. You were on holidays.

A. That's a certainty.

Q. And this gives a completely inaccurate impression of all of your dealings with Mr. O'Brien, Mr. Kevin Phelan, Mr. Aidan Phelan, Mr. McCann of Woodcock's, Mr. O'Connell, or Mr. O'Sullivan in William Fry's during the entire Mr. Tallents, Mr. Shields Messrs. LK Shields, I should say, Mr. Butler in LK Shields, during all the period going right back as far as June 1981 sorry, I am wrong in my date. 18th June, 2001, sorry. When you were asked the question in 2004, these matters had only just been concluded at the end of 2002, isn't that right?

A. That's correct.

Q. And while you mightn't have remembered all the details, and I wouldn't I don't think anyone could be criticised for that, seeing as you had such a lengthy involvement, it completely, it contains a complete misrepresentation of what we now know from your evidence happened, isn't that right?



A. That's right.

Q. And people give evidence here sometimes and they have made statements or given information to the Tribunal and they want to correct them or there are differences. But looking at these documents, could you possibly have overlooked the complete total inaccuracy of what's contained in this statement?

A. I couldn't have overlooked. I responded very much to my solicitor in anger, frustration, annoyance. Every time I go on holiday, and I am not blaming you for it, this Tribunal seems to interfere with my life. So, pure absolutely mad on that island, I can remember it. And I was wrong.

Q. Isn't the simple answer to any of the questions there, "Yes, I had an involvement. Once I have had a chance to come back and think about it or examine the documents, I'll tell you about it"?

A. The simple answer would have been to say, "Would you sit on this till I get back." I accept that.

Q. Did you give these answers knowing they were wrong, out of anger?

A. No, that's a kind of an easy cop-out. I certainly was frustrated and, you know, you are getting into family scenes now. I just don't want to go there, right?

Q. I am not asking about that. What I am saying is did you give those answers at the time knowing that they were wrong, out of anger and frustration?

A. I can't say that. But I know I was angry and frustrated.

Q. Right, okay. When you gave the answers, did you know they were wrong, whatever the reason?

A. No.

Q. Now, these matters, as I said, had all occurred within a short, reasonably short time prior to that, and you certainly you couldn't have forgotten your involvement, would that be right, whatever about the details?

A. I couldn't have forgotten my involvement, yeah.

Q. Now, at that time, at the time that the Tribunal raised these queries, the Tribunal had no access to any of the documents, or at least virtually most of the documents, I suppose, the bulk of the documents that have been examined in the course of examining your dealings with various people from June of 2001 up to October of 2002, you are aware of that?

A. I think I am, yeah, I think I am.

Q. So were your answers that you had no involvement in any of this, given in the knowledge that the Tribunal didn't have access to documents and perhaps might never get access to documents?

A. No.

Q. In preparing for your evidence here in September of 2004, did you examine these documents?

A. What was my evidence about

Q. You were due to give evidence here in 2004, in September 2004?

A. What was that about?

Q. About these matters. That's what these that's what these memoranda were prepared for.

A. No. You see, what happened I recall now what this is the time that there was a hearing here and Ms. Collard didn't turn up at the last minute, is that what you are talking about?

Q. Before that, you were due to give evidence. Do you remember I don't want to go into the details of it.

There was some family illness problem, it wasn't a major issue, but you couldn't attend?

A. What wasn't the major issue, the family illness?

Q. I am not going to go into the details of it.

A. It was a major issue to me. I don't remember this. You see, this was passed recently in a comment that was flying around between yourselves and my legal team. So I can't recall the first time. I can recall the family illness that you talk about. But for the one that was meant to be the main I was never conscious of coming up here on Doncaster until September 2004.

Q. That's the time I am talking about.

A. But that wasn't the family illness time.

Q. Well

A. Or was it?

Q. That's what the Tribunal was told, anyway. I am not going to get into the details of it. I am sure it's a matter of no concern.

A. Sorry, we'd better get this straight. In April 2004, you sought access to all the files in our office relating to Michael Lowry and Garuda.

Q. Yes.

A. And we actually gave them to you, and we actually agreed to give them to you in their original form to save both time and expense.

Q. Yes.

A. And subsequent to that this is something I actually feel strong about, and it's coming up and subsequent to that, the files were returned; one of my partners requested the files back. But one of the files got either mislaid or lost, and ironically it turned out to be Michael Lowry's income tax file, his blue tax file. Now, as we were coming to that particular year, 2004, we badly wanted, in our office, that blue file to see his last return. That was our starting point. So I think it was the 30th September, and I am not a regular golfer, but I was playing a charity golf outing in it doesn't matter where, and at half eight that morning the solicitor for the Tribunal telephoned me on my mobile and he said, "Good news, we found the file." I said, "Where was it?" He said, "On my desk." I said, "Great. Can you either courier it out to my office or I'll get it picked up" I don't know which way it happened "but it needs to be worked on urgently." And he said, "I'll see you next Wednesday." I said, "See me where next Wednesday?" "In the box." And I said, "What

are you talking about?" He said, "You are giving evidence." And I said, "For how many days?" And he said, "Two days." I said, "Sorry, this is just not on." This comes up in the context of preparation, right? So, I said, "You'll have to deal with my solicitor on this. I have a problem with this." So the next day, if I remember correctly, was a Friday. So the message was conveyed through Michael Kelly that I was required for two days, if I remember correctly, I think it was a Wednesday and a Thursday, to give evidence, and I think Ms. Collard was up on the Tuesday. So on that Friday, I rebooked sorry, I was going to Spain, and I have never played golf in Spain, but I was going to Spain with a particularly close friend of mine on the Thursday morning. We had booked golf courses and everything. So I, reluctantly, and in agreement with my colleagues that I was going on the trip with, I agreed to postpone my flight till the Thursday night on the 6 o'clock. I think it meant three different airports to get to Spain. So I wasn't going to play with them the first day. As I understand it as I understand it, and it's something that has upset me enormously, the response I got to that was the serving of a Witness Summons. Now, so to answer your question, when I think back on it, my participation in those hearings was last minute, there was no preparation. And I had forgotten about it till you mentioned it there. And to this day, especially when I read the first part, the Part 1 Report of

this Tribunal, and there was a reference in it to Witness Summonses, it's actually something that I feel casts some sort of aspersion on my unavailability to attend at this, and the only one I can think of is the medical one you referred to a minute ago.

Q. The sitting wasn't on the 30th, the first sitting of the Tribunal wasn't on the 30th September, Mr. O'Connor; it was on the 16th September.

A. But that's the one that I wasn't going to attend, I think. Sorry, you are after catching

Q. You were.

A. Oh, I was going to give evidence then?

Q. You were.

A. Why didn't I?

Q. I have explained to you.

A. Because of the medical?

Q. I understood there was a medical issue.

A. Sorry, did I have a medical issue? I don't like people trying to say he understood. I did. My wife had a medical issue, okay, that's a fact, and I can prove it to you if you have any doubt.

Q. Mr. O'Connor, I am not disputing any of this. I am not suggesting for one moment just a minute it's I mentioned to you that there was a medical issue. I do not want to go into the details of it. I did not want to go into the details of it then. I mentioned it in an Opening Statement here that we couldn't go on with your evidence

because of a health issue, which I didn't go into in any detail. Now, that was on the 16th September. In advance of the 16th September, did you examine this document?

A. I can't recall it, that's my point to you, I can't recall preparing for that evidence. I can only recall the latter one I am talking about.

Q. Let me just go into the way these documents come into existence. The Tribunal wrote letters to your solicitors raising queries. Your solicitors responded. Subsequently, the Tribunal converted what was in those responses into documents such as we have here. Not everybody agrees that what's contained in the letters they send the Tribunal can be converted into memoranda of intended evidence, specifically on a number of occasions you haven't and that's why I haven't opened material that you haven't agreed could be converted into a memorandum of intended evidence. This document was based on letters sent by the Tribunal to your solicitors and incorporates their responses received, in fact, on the 17th June, and then subsequently, that document is approved by your solicitors.

A. Well, in preparation for these sittings, the preparation I did was based around the two books of documents I have here, transcripts and, if you recall, I was a little bit taken aback when we read through the Memorandum of Evidence on day one. So they weren't even in my pathway, if you like, in preparation for this. I mean, they were actually forgotten by me. I understood and, I mean, I am not

blaming anybody I understood what I was dealing with  
were two bundles of documents. That's not an excuse. I go  
back to where I was a few minutes ago. My preparation was  
not I didn't even like, when you started reading them  
out on day one, I was completely taken aback.

Q. You didn't say anything then.

A. Well, I sat here, and, I mean, they were lengthy sorry,  
I didn't say anything about what?

Q. About what's contained in those documents when I read them  
out on day one?

A. On day one, when we went to the first issue, I took  
exception to it sorry, exception is the wrong word. The  
very first issue.

Q. You took exception to them?

A. Exception is the wrong word, I said. I tried to correct  
I can't even remember what it was now, but I recall

Q. You did not tell me, Mr. O'Connor, that what was contained  
in those documents was totally incorrect and an utter  
misrepresentation of the true facts.

A. Sorry, on day one this is not me trying to get out of a  
corner here on day one, you read out, I think, three  
statements of intended evidence. I think it kind of went  
on for, let's say, an hour and a quarter, and then we went  
back to the start of it. And the first, sorry I might  
even remember what it was about. It was something about  
sorry, I know what it was; it was about whose idea it was  
that I would go to on the trip with Kevin Phelan to the



sites in the UK, and I think the memoranda said that I would have initiated that. And I actually said I had a problem with that, and then we went off in the general thrust of the thing. But I actually assumed you would come back to this, so I wasn't deliberately not alluding to this. But that's the way the train of the whole thing went on that first day, and that's not an excuse. Maybe I am wrong, but that's my recollection of the first morning. Then it went to a second point, I can't recall what that was, sitting here, but the first point was about

Q. The first point was about the first memorandum of the 17th June, 2004, which is contained in Leaf 6A, and you did raise a query or take an exception, whichever way you want to put it, to one of the matters there, because it was suggested you had initiated something when, in fact, you say Mr. Lowry had initiated it. Now, you were very careful to point that out to me, but you didn't refer to any aspect of the other memoranda of intended evidence that I read out?

A. But, Mr. Healy, again I'm not trying to get away from it, you were leading the questioning. I presumed you'd eventually get around to all these points and I actually spent my time concentrating on my evidence and you leading me to wherever the Tribunal wanted to lead me. So, again, I have given you an explanation. I have apologised for the incompleteness of that and I have explained the circumstances in which it arose.

MR. O'DONNELL: In fairness to Mr. O'Connor, I think that's correct, and the Tribunal may recall one of Mr. Healy's first questions was Mr. O'Connor had two books and what were they, and they are Books 82 and 83, and this book had to be handed to Mr. O'Connor. I don't believe Mr. Healy ever suggested or asked Mr. O'Connor to agree with the contents of the Memorandum or was he standing over it. If that's what he thinks was said, perhaps he can put the specific provision to him, but certainly it was my understanding that this was read out to Mr. O'Connor.

MR. HEALY: Sorry, Sir, perhaps I'll just clarify one thing for I think both Mr. O'Connor and Mr. O'Donnell have been in this Inquiry for a number of years, and they are well aware that witnesses are taken through their memorandum of intended evidence on the basis that it is their memoranda of intended evidence, and specifically in Mr. O'Connor and Mr. Lowry's case, the memoranda are prepared on the basis that they are approved by Mr. O'Connor and his solicitors in advance, and that is what was done in this case.

MR. O'DONNELL: I have to say, that's not what I understood occurred on the first moment when Mr. Healy put that to him. I didn't understand Mr. Healy to be putting that memorandum to him to agree with it, and I don't think Mr. O'Connor did. If that's my misunderstanding, I apologise for that.

CHAIRMAN: The de facto practice has been that counsel

examining a witness seeks to enable that person to give the best account reasonably possible of himself or herself, will then return to statements and perhaps tease out additional matters. I don't think we need to argue or debate the matter now. How much more progress are we going to make?

Q. MR. HEALY: Mr. O'Connor, do you remember just, I should mention one other matter, I am sorry. You go on in that Memorandum of Intended Evidence to refer to your dealings with Mr. Christopher Vaughan. It's the next item, item 3. And would you like to correct any aspect of the answer to question 3A?

A. Well yeah, in preparing for this, somewhere, and I think it might well have been in the transcript of I just can't remember, of the meeting I had with you in the temporary building that the Tribunal was situated in. I had a meeting with Christopher Vaughan, first of all, about Cheadle or sorry, about Catclause, and that's not referred to there. Now, sitting here, just right this minute, I can't put a time on it, but I do remember elaborating on it. So now, if you move forward from that, that's, if you like, an omission, right? And then there is an omission to the one that you have gone through, the October '02. There is an omission to the Farmers Club; there is an omission to the restaurant, the night, whatever the name of it was. There is that's when? That's 2004. I'd say at that stage I had probably met Christopher

Vaughan in Dublin at one of the rugby matches, I just can't recall. Possible. But, you see, where my mind is out on it is that I know I have missed him a few times in Dublin as well.

Q. I can fully understand. I am not taxing you with not remembering every meeting, certainly not remembering every telephone call with Mr. Vaughan, but you seem to suggest that the limit of your meetings with Mr. Vaughan was the Regency Airport Hotel and a meeting in Manchester, about both of which the Tribunal already knew and had information, and you don't mention that you had other meetings with him, even if you couldn't remember the dates of them; isn't that right?

A. That's correct.

Q. And you don't mention the meeting which was only what was it at that stage? This is June 2004. Less than two years before, in October of 2003 2002, sorry, isn't that right?

A. That's right, and I actually think at that stage, I think at that stage I had outlined the meeting I had with him on Cheadle, I think, to the Tribunal.

Q. But you hadn't mentioned the meeting you had with him in October 2003?

A. If I can just finish.

Q. Sorry.

A. I said I accept that. Sorry

Q. 2002, I beg your pardon, 2002, in October 2002?

A. I said I accept that. But I also think I think that at that stage I had outlined to the Tribunal the meeting I had with him in Birmingham with the Catclause issue, I think. And that's omitted as well.

Q. Could you go to the last page of that memorandum. Now, a specific question is raised at this stage about the meeting subsequent to the 18th October, 2002, arising from a telephone call, and I won't go into the details of it. It is a specific reference to the meeting that we mentioned a moment ago, and your answer to that is "No"?

A. Correct.

Q. So now you were not being asked a general question here and being asked to remember meetings generally. Could you have forgotten that meeting?

A. I don't believe I would have forgotten it.

Q. Does that mean you decided not to be candid about it?

A. No.

Q. Why did you answer "No"?

A. Because I am being asked a question, and obviously, as I am where I am, I couldn't recall it, or whatever. I can't answer you. I mean, if I was being asked all those questions, and I'm not just this is not this was the last question, I would have just, "leave me alone" type of thing, right? But, I mean, there was no reason to shy away from that meeting with Christopher Vaughan. But it's quite possible, where I was at that time, that I didn't recall it. That is possible. But I hadn't forgotten it; it was

still there, somewhere.

Q. Now, after your meeting with Mr. Vaughan on the 23rd October, you were aware that there was a letter he couldn't find. On your evidence, you didn't have that letter with you and he didn't give it to you when you left, isn't that right?

A. Correct.

Q. And your evidence is that when it came into your office on a fax machine and was sent on to Mr. O'Brien Senior, you didn't see it?

A. Correct.

Q. And you think it was shredded or thrown in the bin by one of your secretaries?

A. Shredded, I don't think so.

Q. Do you think it was thrown in the bin or shredded?

A. I would have said not shredded.

Q. You mean it could have been thrown in a bin for anyone to see it?

A. What I'm trying to do is differentiate between the two for you. There is a small shredder in our office but it's actually at the top of building, so I am saying I doubt it was shredded. I am saying it was more than likely thrown in a bin.

Q. So you see that document, notwithstanding that it passed through your office and Christopher Vaughan had it

A. Correct.

Q. did you not think of asking Christopher Vaughan, "Look,

I'd like to see that document. Would you fax it on to me"?

A. No.

Q. Wasn't it an important document?

A. But I didn't know what it was.

Q. But it was causing him considerable concern. He was a friend of yours. He was hardly leading you up the garden path?

A. Sorry, you are talking about when I went to see him?

Q. Yes.

A. Sorry, I thought you were talking about somebody else.

Sorry. He promised he'd send it on to me.

Q. Well, did he?

A. No.

Q. And you didn't pursue it?

A. Look, that morning, I actually felt that he hasn't got the letter. He tried to get it.

Q. But you didn't pursue it?

A. No. Sorry, I don't believe I pursued it.

Q. And when you got back to Ireland, did you tell well, as I understand it, you didn't tell Michael Lowry about any of these things?

A. No. The only thing I recall about either, on my way back to Ireland or back in Ireland I rang Kevin Phelan and I said, "That was a load of rubbish that I went over to Christopher Vaughan about." I said, "That's it. Don't want to hear any more about any of it. It's a load of rubbish." Right? And there ended the whole story from my

perspective in that I believe the last time I I believe  
the last time I met Kevin Phelan was in 2002 and I'd say  
that could well be my last telephone conversation with  
Kevin Phelan.

Q. And you never brought any of this to the attention of  
Michael Lowry?

A. I possibly did say some of it to him. Possibly. Yeah, I  
mean

Q. What did you say to him?

A. You see, what I'm trying to say to you is that the trip to  
Christopher Vaughan was a non-event

Q. I see.

A. to me. I just there was nothing like, it was just  
a waste of space going to see him, right? So I possibly  
would have passed it in comment to Michael Lowry, but,  
like, it doesn't bear significance to me, it's not a  
material issue with me.

Q. Remember in evidence yesterday you said that you asked lots  
of people, anyone you could find, at any time whether  
Mr. Lowry was involved in Doncaster?

A. I do.

Q. Now, if you go back to one of your earliest involvements in  
this matter. You were asked by Messrs. William Fry about a  
letter containing or a document, a narrative contained  
in a document which is what you thought

A. Correct.

Q. Containing a reference linking Michael Lowry to Doncaster?



A. Yeah.

Q. You didn't ask for that document?

A. No.

Q. When you were over with Christopher Vaughan and he tells you somebody is using a document that suggests you can tell this from the attendance he gave you that suggests Michael Lowry is involved, and Christopher Vaughan, you say, says he can't find the document, you don't ask Christopher Vaughan for it?

A. For?

Q. The document.

A. I did.

Q. Yes, but you didn't pursue it?

A. No.

Q. And when you were trying to settle the disputes between Aidan Phelan and Bryan Phelan, on the one hand, and Kevin Phelan, on the other hand, about complaints that were being made by Kevin Phelan to the Institute of Chartered Accountants, you didn't ask to see the documents?

A. But I didn't know what the documents were. That's the point.

Q. But, you see, all of these documents contained references to Michael Lowry and a potential connection between Michael Lowry and Doncaster. Do you understand that? But you didn't see any of them?

A. I understand that.

Q. Well, is it a coincidence that although you were involved

in this transaction over a very long period of time, you managed to avoid seeing any of these documents?

A. You could look at it that way. Sorry, how many documents were there?

Q. Well, those are just three I have mentioned.

A. Sorry, I am up here such a length of time, I can only think of two of them. What was the third one?

Q. The third one was the document Mr. Kevin Phelan used, was the letter he wrote to the Institute of Chartered Accountants complaining about Bryan Phelan and Aidan Phelan.

A. Sorry, I am kind of punch drunk here. Is there a reference here?

Q. There is, yeah.

A. Sorry, I never saw that.

Q. I appreciate that. But these were all important documents, they caused an awful lot of trouble during this period, and although you were involved in all these disputes, however it happened, you never got to see any of these documents?

A. Correct.

Q. You think you may have told Michael Lowry about the ML reference, we'll call it that?

A. Yeah.

Q. Do you know if he pursued it?

A. Not to my knowledge. Sorry, he could have, he could have, yeah, he could have. Not to my knowledge. He could have.

Q. But you didn't follow it up, anyway, that's for sure?

A. No.

Q. You didn't tell your solicitors about any of those matters either at the time?

A. Correct.

Q. Did you tell Mr. Lowry that the ML reference was causing concern in William Fry's office?

A. I can't recall it, but, I mean, again sitting here, it certainly is possible, yeah.

Q. And I suppose whatever view you might have thought about it, would you have expected him to say, "I'd like to know what that's about"?

A. Like, the one in William Fry's was never clear yeah, yeah.

Q. And when Mr. Vaughan told you all about the letter of the 25th September, 1998

A. I don't think he actually told me about the letter of the 25th September, 1998, if you understand.

Q. He told you about it. He gave you the attendance, didn't he?

A. Yeah, but, I mean, I would have just read that, and it wouldn't have meant a whole lot.

Q. It was exercising his mind a lot.

A. Absolutely, yeah.

Q. And you never told Mr. Lowry about it?

A. About the attendance note?

Q. You never told him about what happened or the attendance note?

A. I could have, I could have told him about it, yeah.

Q. You could have told him?

A. Yeah, I mean

Q. You see, I thought you said that that was the end of your dealings with the whole matter?

A. It was, like, yeah, okay.

Q. You could have told Mr. Lowry about it?

A. If I did, I would have told him within a few days rather than a few years. Sorry, within a week of that was the end of my involvement.

Q. I suppose you know he didn't follow it up, anyway?

A. You see, you asked me that a minute ago and I said I don't believe he did but then

Q. I was referring a minute ago to the ML, the earlier letter.

A. Find but the same

Q. The same business?

A. The same thing, yeah.

Q. When you did see this letter first when it was either brought to your attention by a reporter, Colm Keena, or when you saw it in The Irish Times, what did you think?

A. I think I saw it for the first time in The Irish Times.

Well, I was surprised at it for a start. What did I think after that? I thought holy blue war will break out now.

That's what I thought.

Q. Did you not think of telling your solicitors or the Tribunal about all of your dealings with Westferry, with LK Shields, with William Fry, with Ruth Collard, with Craig

Tallents, with Kevin Phelan, which had ended only two months beforehand?

A. It wouldn't have entered my head. You see, a thing in The Irish Times, you look at it, you say, "right". And, I mean, to some extent, that letter, as you saw it coldly, right, for the first time, said here is Christopher Vaughan saying that Michael Lowry had an involvement in Doncaster.

So the next step in that equation, far be it for me to pass it, is, Michael Lowry, what's going on here? That's the next step. No one else. So that's I can't recall exactly what happened, but that was the next step, Michael Lowry, what's this about? He was the man

Q. And that didn't jog your memory about the ML document?

A. I can't recall.

Q. But you had been in the thick of it six months beforehand?

A. But, look, our focus would have been on that letter as it appeared. I can't tell you if it jogged my memory. The focus would have been on that letter. It just doesn't work that I would say "Oh, yeah." The focus would have been Michael Lowry come up to Dublin, whatever, and let's get stuck into what this is about. I actually can't recall those it was published when, in January '03?

Q. Yes.

A. I can't recall the events that well around the whole saga.

Q. Just coming back to the documents that were handed over as part of the conclusion, or rather that were not handed over as part of the conclusion of the Westferry dispute with

Kevin Phelan over fees; was there a sensitivity about disclosure of material contained in those documents?

A. Not to my knowledge. You see, when you were going through this yesterday, right, my sense of it was that the Westferry or Fry's or the Westferry people wanted these documents more to do with the retention, now, the upcoming thing. That was my sense of it. So I don't have a sense like you say it, but I don't have any sense, but that's the sense that I generated yesterday as you were going through it.

Q. You certainly didn't want to hold on to any documents that you had obtained in relation to this. Did you have any sensitivity that those documents could contain information that might be of relevance to the Tribunal?

A. The ones you are talking about from yesterday?

Q. Well, all of the documents that you had in that drop-down file that you eventually gave to Kevin Phelan?

A. Sorry, you are gone off these documents coming back as part of the settlement?

Q. Yes.

A. No, I didn't have any sensitivity.

Q. When you were dealing with the ML letter, or the queries arising from the I'd better be careful of the words I use when you were dealing with the queries arising from what you thought was a reference to ML and Doncaster in a narrative produced to William Fry, wasn't the Tribunal examining references to Michael Lowry in documents produced

by either Kevin Phelan or Christopher Vaughan concerning the Cheadle transaction, what are called the long form/short form letters?

A. I can't actually recall you know, you are getting me into a time, I can't recall it.

Q. Well, they were happening, because you gave evidence at that time, right in the middle of all of this, you gave evidence right in the middle of the long form/short form passage of the inquiry.

A. Right.

Q. And wasn't that one of the matters that you were dealing with inside the Tribunal and outside the Tribunal, references to Michael Lowry in documents connected with transactions he wasn't supposed to have any connection with?

A. First of all, I didn't know what the reference was. It was conveyed to me to find out what the reference was. So, whatever way it was, I have explained to you that I got the question, got the answer and I handed it back. And as I said to you yesterday, better people than me were dealing with it, so it didn't exercise my mind. It was a question of it's like saying will you ring up and see what the result of a match is. "Sure, here it is, good luck."

Q. Were you not speaking to Christopher Vaughan in Birmingham Airport in July of 2001?

A. Is that the meeting about the Catclause? I don't know, I am confused at that stage.

Q. Whatever it was about, you met him in July 2001.

A. Yeah. Sorry, the question was?

Q. You may have been discussing Catclause with him, yes?

A. Sorry, I didn't get the question.

Q. At that meeting, was there any discussion of the long form/short form letters?

A. No. That meeting, I think, as I explained before, was solely about trying to follow the whole issue of why

Q. Sorry, I have confused you, Mr. O'Connor. The two of us have been at it too long now.

A. That's an understatement.

Q. In July 2001, you are quite correct, you were raising queries with Christopher Vaughan about Catclause in a meeting at Birmingham Airport. That's quite correct. In May of 2002, you met him in London, according to him, and I think you agree with his list of meetings?

A. Just give me the venue and

Q. In a restaurant in Saint James's?

A. Oh, this is a night meeting. I think this came up the other day, didn't it

Q. Maybe.

A. in my evidence.

Q. That meeting occurred not long before the short form/long form evidence was heard, do you remember that?

A. I do. Sorry, Mr. Chairman, could I have a break for two minutes?

CHAIRMAN: Yes. Well, we'd better I quite appreciate



you shouldn't be asked to go on for as long a period. I'd ask counsel to finalise what arrangements I can sensibly make. Very good, I'll take ten minutes.

THE TRIBUNAL ADJOURNED BRIEFLY AND THEN RESUMED AS FOLLOWS:

CHAIRMAN: Well, gentlemen, I understand that there has been some discussion and Mr. O'Connor has been consulted, and it would be your preference, Mr. O'Connor, to try and conclude matters. It seems there is not a great deal left.

A. Absolutely, Chairman.

Q. MR. HEALY: Thanks, Mr. O'Connor. When you eventually saw a copy of the letter of the 25th September, 1998, presumably sometime after January of 2003, which is when it was published in the newspapers

A. Yes.

Q. according to your own evidence

A. Yeah.

Q. you had never seen it up to then?

A. Yeah.

Q. So, therefore, according to your evidence, the first time you had seen it was before that date?

A. The actual letter itself as distinct from the newspaper, you mean?

Q. Either?

A. Oh, yeah, that was the first time. The letter itself was after that, but when, I couldn't tell you.

Q. Now, Mr. Aidan Phelan has given evidence. I don't know if you are familiar with his evidence.

A. Vaguely, because

Q. He said that he spoke to Christopher Vaughan and Christopher Vaughan told him that everything in the letter was based on what Michael Lowry had said to him at the time, the time that he wrote the letter?

A. Okay.

Q. So that what's contained in the letter is based on Mr. Vaughan's dealings with Mr. Lowry and based on what Mr. Lowry told Mr. Vaughan?

A. Okay.

Q. Did you ever think of asking Mr. Vaughan, who was by this stage a friend of yours, how he came to write the letter?

A. I believe I did, and I believe his explanation was something along the lines that he had a relationship this is I am trying to recollect this now for you he had a relationship with Kevin Phelan where he would dictate a lot of letters for Kevin Phelan and he was being continuously asked to dictate letters for Kevin Phelan to do with different properties, and that in the rigs and jigs, somewhere or another, he was attaching part of the responsibility for that on his relationship with Kevin Phelan. That's my recollection of it, you know. I mean, the main thing I know I asked him was, and I think I said it to you already, "Look, straight question, straight answer, it's the most important thing here. On your word of honour, was Michael Lowry involved in the purchase, material, beneficially, anything, of this Doncaster thing?"

And to that he said, "No". That I can recall. What you are asking me now, I possibly did expound that with him, if you like, but I just can't recall the detail of it.

Q. When you say that you think Mr. Vaughan mentioned to you that he had a relationship with Kevin Phelan and that Kevin Phelan had an involvement in writing letters, are you sure you are not mixing that up with information Mr. Vaughan gave the Tribunal concerning the long form/short form letters?

A. I could be. I mean, you are asking me about something and I just can't I am telling you what I know for definite I asked him, that I am certain, but the rest is

Q. Is it likely from what you are telling me, Mr. O'Connor, that you never asked him, as you put it, straight up, "Why did you write the letter of the 25th September?"

A. Sorry, look

Q. Just answer that, first.

A. I am trying to sorry, I am trying to recollect something. You know, when I think about it, I remember having a discussion with him about the letter, now that you mention it, I do remember having a discussion with him, because I remember him saying that impression that based him to write the letter, right, could have been based on the conversations that he had, I think, with Kevin Phelan and Michael Lowry whenever they met in September '98, and I remember a kind of a throwaway remark that was mentioned, I might have put it to him or he might have said it to me,

"typical politicians". I do remember, now that you are pressing the button on me, I remember some type of discussion like that, politicians pretending to do everything so that at least they are the big people at the end when the right result comes out. That type of a conversation.

Q. So this was

A. You see, I have met Mr. Vaughan a few times

Q. Could we deal with that for the moment?

A. I am trying to put it in context. You can keep asking me all day. I am trying my best to put a recollection on something. You see, to me, the most important thing was, was he involved? Now, I am sure we discussed what you are talking about, but I wouldn't have had the same emphasis on that, but I do remember talking about, if you like, loose talk. And I'm not saying that's the reason he did it, but by "loose talk" I mean, it could have been bravado talk, it could have been any talk, that type of stuff.

Q. When he referred to bravado talk or loose talk

A. That's my interpretation.

Q. from politicians, he meant Michael Lowry, obviously?

A. Yeah.

Q. So anything he is suggesting to you that what he said was based on Mr. Lowry bragging to him about being associated with this big deal?

A. Sorry, to cut to the chase, I think, of what you are now asking me, Christopher Vaughan said that that was the

impression he picked up that got him to write that letter.

In other words, he wasn't hiding behind that he picked up that impression from meeting Michael Lowry and Kevin Phelan. I think that's what you are trying to get at.

Q. Yes.

A. No, he didn't stand back from that.

Q. And if he said that, he must have said that based on conversations he had at the time when the project was going well, which was in 1998?

A. Yeah, it was bought earlier that year, or something, yeah. Actually I am not actually familiar with the history of the Doncaster project.

Q. Just one last matter, while you mentioned the conversation you had with Mr. Vaughan which I suggest was related to the long form/short form letters. You had a meeting with Mr. Vaughan, I think, in 2002, isn't that right? I had the dates earlier.

A. If you tell me which venue. The date doesn't

Q. I think this was the 30th May, 2002, in London.

A. And the venue

Q. That would have been in a restaurant in London?

A. I recall it now, yeah.

Q. At that time, queries were being addressed by the Tribunal to Mr. Vaughan concerning the long form/short form letters, and do you remember any of those matters being discussed in the course of your dealings with Mr. Vaughan?

A. At that meeting, no, genuinely.

Q. But when you got that explanation about Kevin Phelan having a role in writing letters, does that not seem to ring a bell with you in terms of some of the evidence given about the long form/short form letters?

A. As regards that you are asking me about that specific meeting?

Q. Yes.

A. That day, I can tell you, was a stressful day dealing with a bank - I think I told you this the other day - a bank about another matter, and I am just trying to think it out now. We met in a restaurant. I don't know whether I remember there was a lot of people at the restaurant. I remember, in fact, that we met early enough; in other words, it was a six o'clock, if you like, rather than a nine o'clock, and I remember it was my recollection of it is absolutely social. There was a lot of drink. His wife was with him. And I kind of have a recollection of having got back to my hotel, if you like, at kind of nine rather than midnight, type of thing. I can't remember much about it, though.

Q. Sorry, do you remember telling the Tribunal in evidence - I forget which day it was now - that you had a role, at the request of Christopher Vaughan, in persuading Kevin Phelan to withdraw or retract his complaint to the Law Society?

A. Yeah, I remember discussing that with Christopher Vaughan.

Q. And you were successful in that, isn't that right?

A. Well, you see, I don't think so, because I am trying to

recall I mean, when we talk about complaints to statutory bodies, the two principal issues were Bryan Phelan and Craig Tallents. And I recall, in fact, that the complaint that Christopher felt had been made I think, in fact, if I'm not mistaken, there might have been two complaints by Kevin Phelan about Christopher Vaughan, because I remember that one was I think what happened was that Christopher Vaughan got a copy of a letter that Kevin Phelan, I think, sent to him attaching a complaint to the Law Society, sorry, not the accountants. And I think if I remember correctly, that Christopher Vaughan, being the type of guy he was, followed it up straightaway, and if I remember correctly, in fact, there had been no complaint made. That's one I remember, because I remember him telling me he never saw anything as weird, that he chased something down and it didn't happen. But if he wasn't complained a second time after that, he became engaged in disputes with Kevin Phelan. Now, all this is kind of

Q. Maybe he threatened complaints?

A. Kevin Phelan?

Q. Yeah.

A. Possibly. I just

Q. Well, if you go to document 50 in Book 82?

A. One-five?

Q. Five-one.

A. 51?

Q. Sorry, I beg your pardon, 50, five-zero.

A. I have that.

Q. Do you recognise that letter?

A. I recognise it here, yeah. I think this came up the other day, if I'm not mistaken.

Q. We don't need to go into all the details of it, but it's essentially an unreserved withdrawal by Kevin Phelan in any capacity, whether M&P Associates, Gameplan International or Glebe Trust, of any complaint or any allegation against Christopher Vaughan, do you see that?

A. I do.

Q. And you were presumably involved in arranging Kevin Phelan to do that?

A. You see, I can't actually remember that, right?

Q. You were asked by Christopher Vaughan, in any case, to deal with it?

A. You see, that's this is just not hanging out right.

Q. Isn't that your evidence, you were asked by Christopher Vaughan to deal with it?

A. Yeah.

Q. Right. Okay.

A. But this doesn't hang into it. That's what I'm trying to tell you. Actually, if you look at this letter, it's kind of it's funny, in one way, because I think subsequent to that, I think now, that this didn't end matters between Kevin Phelan and Christopher Vaughan. I am sure that can be checked out, but that's just how that feeling or recollection of some description, despite what that letter



says, despite

Q. Because it was sometime shortly after that letter that Kevin Phelan produced a letter which well, wrote a letter to Christopher Vaughan purporting to contain an explanation for the long form/short form letters along the lines you have mentioned a moment ago. I won't bore you by asking you to go to the book. If you look at the monitor, you'll see it more quickly. It's dated the 23rd April. Do you see that?

A. I do.

Q. It's a letter written to Christopher Vaughan in response to a letter from Christopher Vaughan sometime earlier, on the 18th of April, in which Christopher Vaughan asked Kevin Phelan for his comments and observations on the queries the Tribunal was raising concerning the long form/short form letters. Do you see where he says, "I acknowledge receipt of your letter dated 18th April, 2002," and he goes on to give an explanation along some of the lines that you mentioned a moment ago. Again, we have been over this time and again, so I don't want to read it out. But doesn't it seem that it was around the time of your intervention that Kevin Phelan was persuaded to withdraw his complaints and to write that letter?

A. You see, that's I said to you a minute ago, something throws 19th April, 2002, that time, that period of time doesn't ring a bell with me. That's my problem.

Q. But we do know from your evidence that you had an

involvement at Christopher Vaughan's request in trying to

get Kevin Phelan

A. Correct.

Q. to back off, let's put it that way?

A. Correct. But this, this, you see, this doesn't mean

Q. Did you have any involvement in getting Kevin Phelan to write that letter?

A. This letter here?

Q. Yes.

A. No. Absolutely not.

MR. HEALY: Thanks, Mr. O'Connor.

CHAIRMAN: Mr. McGonigal.

THE WITNESS WAS EXAMINED BY MR. McGONIGAL AS FOLLOWS:

Q. MR. McGONIGAL: Mr. O'Connor, I just have a few questions for you.

A. Okay.

Q. First of all, I understood part of your evidence to be yesterday that, so far as you were concerned, Michael Lowry had no involvement in the Doncaster Rovers project?

A. As far as I was concerned.

Q. And is that still your position?

A. That is still my position.

Q. That despite all you have heard and all you have seen and all that has been thrown at you, you still are of the view, firmly of the view, that Michael Lowry had no involvement in Doncaster Rovers?

A. Correct. Now, 'involvement' is a big word, but exactly as

I outlined it to Mr. Healy, that's my evidence.

Q. The letter of the 25th September of 1998 has been shown to you, and in it Christopher Vaughan refers to "total involvement of Michael Lowry". As I understood what you were saying to Mr. Healy a short while ago, that on an occasion when you were in Mr. Vaughan's company, you asked him on scouts honour, effectively, and he indicated to you that Lowry had no involvement?

A. Absolutely.

Q. Can I ask you, in a general way, if you saw the words "total involvement" written down in relation to a property, what would you understand "total involvement" could mean?

A. Well, from my perspective, it would mean at least 50% involvement, but it would suggest ownership and management, I suppose. That's what it would mean.

Q. So that if one is properly examining what the total involvement might have been, you would, first of all, look to the title of the property and see whether Lowry's name appeared anywhere in the property?

A. Yeah, a legal matter, but yeah.

Q. And secondly, in relation to the money involved in the property, you would look to see whether Michael Lowry had received any of the money in relation to the property?

A. That's if he was selling it?

Q. Yes?

A. Correct.

Q. As I understand it, you indicated the other day you have

been Mr. Lowry's accountant, and still are?

A. Correct.

Q. And that you have been involved in filing his accounts to the Revenue Commissioners?

A. Correct.

Q. In relation to those accounts, did you ever see a reference to any of the  $\text{€}150,000$ , the fees which were paid to Kevin Phelan, did you ever see any of that money go through Michael Lowry's accounts?

A. No.

Q. In relation to the retention monies, did you ever see any of that money go through Michael Lowry's accounts?

A. No.

Q. In relation to the purchase price which Dinard had negotiated, did you ever see any of that money go through Michael Lowry's accounts?

A. No.

Q. So that, in reality, if you look at it in a practical way, and you can accept this, in relation to the title we know that the Wellington Trust, the O'Brien interests own Doncaster Rovers, and Lowry has no interest in that. And you are saying that you have seen no sign of Lowry involvement in any of the monies that have been talked about in relation to the Doncaster Rovers?

A. Correct.

Q. So it's difficult to see what involvement Michael Lowry could now have throughout that period from '98 onwards?

A. Correct.

Q. And the deal closed on the 18th August of 1998, which is the factual date.

A. Okay.

Q. So that, on that basis, it would appear that Michael Lowry has absolutely no involvement with Doncaster Rovers?

A. On that basis, correct.

Q. Now, I think the other day one of the other days you talked about devilment which you believed was going on and you tried to refer to a letter, I think, which was the letter from Hansons, solicitors, to the Tribunal?

A. That's the one, I think, yeah.

Q. And you had some concerns in relation to that that you felt you wanted to articulate?

A. Yeah, I didn't get a chance to actually look at it, but obviously it sticks in my mind.

Q. We'll give you a copy of it.

(Document handed to witness.)

A. Yeah, I recall it now, yeah.

Q. What was your concern in relation to that?

A. Well, it's a firm well, it's purporting to be a firm of solicitors based in Dublin Castle, Upper Grange - I don't know what that means Dublin 2, but I think they are the Tribunal telephone and fax numbers. It's a letter to Mark Weaver - I presume that's his address, or something - and it's saying that "Re the Moriarty Tribunal" whoever

R. Wilkes is purporting to be but "We have received a

letter written by you" Mr. Weaver "to Mr. O'Connor dated 14th July, 2003, which has been put before this Tribunal. It has been requested that you be invited to attend the Tribunal to assist in clarification of some of the contents of the document. Please contact myself on the telephone number above at your earliest convenience to arrange a suitable time for you to attend.

"Yours sincerely,

R. Wilkes."

I mean, I wasn't aware that this letter was in circulation until I saw it in files, or wherever, that

Q. But this is what you were referring to as the devilment that was going on?

A. Well, that was part of it, yeah.

Q. And that appears to be well, Weaver seems to be somewhere involved in that. Which may have been included Richardson I think, isn't that right, we know that this is a forgery, or a fake?

A. Well it's obviously a fake. And obviously it ends up in the Tribunal, I think. That's how we saw it. But, I suppose what irritated me when I saw it was I wasn't aware of it, and was there anything else about me floating around that I'm not aware of? I mean, I don't know what's going on.

Q. Did the Tribunal bring that to your attention? Or did you just simply did I say cover it in the documents?

A. I discovered it in tomorrow files. At this stage there was

files of documents, somewhere it came up in them, yeah.

Q. In relation to the personnel who have been involved in the issue of Doncaster Rovers, I take it that you are now aware that Christopher Vaughan has, on a number of occasions, told the Tribunal that Michael Lowry had no involvement in Doncaster Rovers and that he was wrong in the opinion that he formed?

A. That's my understanding, yeah.

Q. Were you also aware that Kevin Phelan wrote to the Tribunal on the 17th August of 2004 and told them that Michael Lowry was not involved in Doncaster Rovers Football Club?

A. I am not sure. I mean, I'd have to see that there is so many letters.

Q. I'll show you a copy of the letter. That letter is the 17th August, and it's:

"Dear Mr. Heneghan,

"I refer to your letter dated 22nd July 2004 and your letter to Woodcock & Sons dated 13th July 2004. I confirm Woodcock & Sons are not instructed on my behalf at this time.

"Indicated in your letter of 2004 to Woodcock & Sons, I have not had any correspondence with the Tribunal in two years. I am therefore surprised to have now suddenly had correspondence from the Tribunal. However I had significant contact from parties in the United Kingdom over the period since I last had contact with the Tribunal. The contact on many occasions was very disturbing, to say the

least. It's been apparent that other parties have been carrying out their own independent investigation other than that of the official Tribunal. The parties I refer are a firm of Irish solicitors who apparently act for and are retained by a large telephone company.

"I was shocked to learn that people who had dealings with the United Kingdom had been requested to make contact with the Tribunal with the sole purpose, as I understand it, of generating maximum embarrassment to some individuals who are currently attending the Tribunal. I am aware that the investigating solicitors have targeted people who are in some way disgruntled in respect of their commercial dealings in the project involving Doncaster Rovers Football Club. Indeed, I believe the solicitors represent disaffected parties also.

"I am further aware that individuals have been encouraged to visit the Tribunal in order to create difficulties for parties who are attending the Tribunal. It has been confirmed to me Irish solicitors have attended meetings along with their American colleagues, Ashworth Solicitors, in Malton, North Yorkshire. This firm represented the vendors in the sale of shares to Doncaster, and also act for Ken Richardson, the person behind the football club. I understand other firms of solicitors were contacted as part of the overall investigation.

"I understand Mr. Richardson and his representative, Mr. Weaver, were encouraged to visit the Tribunal following his



release from a United Kingdom prison. I have been requested to make available information to third parties but only if the information would cause problems for individuals who are currently attending the Tribunal. I corresponded with Mr. Richardson and Mr. Weaver on February 23rd, 2004 in respect of this and other issues which concerned me.

"I previously indicated to the solicitors to the Tribunal I did not wish to be involved with the Tribunal. I have not changed my position since the Tribunal injudicially allowed the publication of my home address into the national media.

I am not more reluctant to involve myself in the Tribunal taking into account the sinister activities which have been occurring and which have been allowed to occur over the last period. The activities involve parties carrying out parallel investigations and prompting others to make contact with the Tribunal.

"in respect of your reference to Michael Lowry and Doncaster Rovers Football Club, I confirm all my dealings with Aidan Phelan in relation to the acquisition of the club. I stress that Michael Lowry had no hand, act or part in the transaction. I believe that suggestions of his involvement in Doncaster Rovers Football Club have been generated by disgruntled people. These people are well aware that the publicity will cause embarrassment for all those involved and add sensation to the Tribunal. However, I believe that the Republic of Ireland taxpayer will see this

rubbish for what it is, while those promoting the rubbish will probably have a laugh."

So there is Mr. Phelan writing what can only be described as a clear statement of Michael Lowry's non-involvement with the Doncaster Rovers, is that right?

A. That's right. I actually am not sure I have seen this letter before. I am not saying I didn't get it. But

Q. But I think within the body of the letter, it reflects some of the things that you were talking about yesterday in relation to the firm of Irish solicitors who were making inquiries in England?

A. Yeah, it's conveyed to me, sorry, by Kevin Phelan, yeah.

Q. And I think we know that to be the firm of Moloney's who are representing Persona?

A. I only gauged that from one of the tabs that's in the two books here that I saw.

Q. So that, in reality, there are a lot of shadowy people out there making allegations and seeking evidence, but not prepared, apparently, to come before the Tribunal and give their evidence?

A. That's my understanding.

Q. I mean, you have got Kevin Phelan, who hasn't come and won't give evidence?

A. To my knowledge, yeah.

Q. You have Richardson and Weaver.

A. Correct.

Q. I don't know whether Mr. Moloney is giving evidence yet in

relation to his investigations, but he clearly can be of

some may be of some assistance, isn't that right?

A. Well, based on the letter that's in the book here.

Q. And there may well be others that the Tribunal have been in contact with that we don't know about?

A. It's possible.

Q. But it does seem clear, Mr. O'Connor, I think you probably agree, that on a very factual basis, that the one startling fact is that Mr. Lowry seems to have absolutely no involvement, and despite the months and years that we have been here, there is no concrete evidence to suggest otherwise; isn't that right?

A. Well, that's my view.

Q. Thanks very much.

THE WITNESS WAS EXAMINED BY MR. O'DONNELL AS FOLLOWS:

Q. MR. O'DONNELL: Mr. O'Connor, I just want to ask you some brief questions. You have been here for some time. Can I just ask you to firstly look at a letter at indent 27 in the first book, your letter of the 18th June, 2001?

A. Yes.

Q. That's a letter you wrote to Aidan Phelan at that time?

A. Yes.

Q. And that predates any contact you had with Mr. Denis O'Brien Senior?

A. Yes.

Q. And that seems to explain how you come to be involved in dealings with Kevin Phelan. That's what the letter is

headed, is that right?

A. Correct.

Q. And it identifies two things: that you had an involvement, that's Mansfield and Handforth or Cheadle on behalf of Mr. Lowry?

A. Correct.

Q. And it says that your object is to see those matters sorted out, isn't that right?

A. Correct.

Q. And it also refers to other disputes that Kevin Phelan has with other people, principally, at this stage, Aidan Phelan?

A. Correct.

Q. And you suggest that you will try to help sort those out, if you can, in what is becoming a tense and hostile atmosphere?

A. Correct.

Q. And that turned out to be correct in every way in the sense that the atmosphere became more tense and hostile between Kevin Phelan and Aidan Phelan, isn't that right?

A. Correct, that's right.

Q. And very quickly, Aidan Phelan was no longer able to deal with Kevin Phelan, as it were, isn't that right?

A. Yeah.

Q. It wasn't a case of that breaking down; it became a case of outright hostility, isn't that right?

A. Correct.

Q. And you became the only person who, as it were, who was able to deal with Kevin Phelan, isn't that right?

A. Yeah.

Q. And in some sense, your involvement follows from this letter. You start off with Mansfield and Cheadle, and the limited involvement there was there, and you move from there to Aidan Phelan's difficulties with Kevin Phelan?

A. Okay.

Q. Bryan Phelan, the accountants firm's difficulties with Kevin Phelan?

A. Yeah.

Q. Craig Tallents?

A. Yeah.

Q. The Westferry fees issue, which is, I suppose, Aidan Phelan's issue?

A. Yeah.

Q. And then ultimately, Mr. Phelan at some stage involves or brings along the Dinard dispute and suggests that he may be of some assistance in resolving that?

A. Correct.

Q. And at all stages your point of contact is your ability to speak to Kevin Phelan?

A. Correct.

Q. And can I ask you then to look at the attendance note that you looked at with Mr. Healy today, at indent 108, the attendance, Ms. Collard's attendance note of the 10th September?

A. Yes.

Q. And I want to ask you to look at the passage that has most been concentrated on at the bottom of I think the first paragraph, where you were recorded as saying that "ML did have a connection. He had been in a room when discussions had taken place between KP and KR regarding the lease. RC said that no one had ever suggested that to her previously."

A. Yes.

Q. Now, I know you have discussed this directly with Mr. Healy, but I want to just ask you some questions about matters, I suppose, arising out of that. There is Ms. Collard made this note and you are not suggesting that she is in any way making these things up?

A. That's right.

Q. But I think you have suggested that she may be in error, as people are when they record things in attendance notes on whoever they are attending?

A. Correct.

Q. But if we look at the way about what it records. Firstly, being in a room when discussions between Kevin Phelan and Ken Richardson take place regarding a lease is very far removed from involvement, let alone total involvement, would you agree, Mr. O'Connor? It's a curious thing to be referring to?

A. Yeah.

Q. And if you look at the two people who are referred to, we

know something about both of those, although what they have in common is that they are not here and not intending to be here, that's Mr. Phelan and Mr. Richardson, isn't that right?

A. Correct.

Q. And in relation to Mr. Phelan, we know that whatever characterisation is applied to him, we have seen that Mr. Vaughan describes him in one way, Mr. O'Brien in another way. I don't want to have any dispute about that at this stage. But Mr. Phelan is certainly a formidable person, a very successful businessman who has made his way in two businesses which require you to be a fairly forceful character?

A. Kevin Phelan?

Q. Kevin Phelan.

A. Yes.

Q. And we know that when he wants to get his way, he is not above launching complaints to professional bodies, in the case of Craig Tallents, for example, Mr. Bryan Phelan, Mr. Christopher Vaughan; isn't that right?

A. Correct.

Q. And he knows and would understand the pressure that that would bring to bear on professional people?

A. I would imagine so, yes.

Q. And yet that is nothing when you compare it with the pressure that can be brought to bear if you launch a complaint with a Tribunal?

A. Correct.

Q. And Mr. Phelan is, although not attending before this Tribunal, as we have just seen, is in the habit of corresponding with the Tribunal; isn't that right?

A. I can see that, yeah.

Q. And he corresponds with them about the, as we have seen, about the course of the evidence as it occurs; isn't that right?

A. Yeah, that's my recollection as such, yeah.

Q. And the tactic from Mr. Phelan's point of view, as I think you have identified, the reason why he might be engaged in things like this, is that he wanted to get his money from Aidan Phelan/Westferry, isn't that right?

A. Correct.

Q. He wanted to get a cut of the deal, isn't that right?

A. What he felt he was entitled to, yeah.

Q. And he was very angry with Mr. Phelan and Mr. O'Brien, as it were, isn't that right?

A. Mr. O'Brien replacing Mr. Phelan, yeah, but although I would say the antagonism never subsisted as regards Aidan Phelan, yeah.

Q. Now, in relation to Mr. Richardson, I don't think you ever met him I don't think you ever met Mr. Richardson?

A. Never.

Q. But we do know that he, too, was very antagonistic towards Mr. Phelan, Mr. Aidan Phelan, and subsequently Mr. Denis O'Brien, isn't that right?



A. I can't be sure that he was antagonistic towards Aidan Phelan.

Q. Well, Westferry, the people who were

A. To the deal, yeah.

Q. And that he and his acolyte, Mr. Weaver, were prepared to go to considerable and rather bizarre lengths to try and bring pressure to bear on Westferry, and subsequently Mr. O'Brien, to pay them not just that money, but more money, isn't that right?

A. That's the gist of it.

Q. And we know that they are prepared to send very bizarre correspondence to people like Mr. Tallents or Mr. Vaughan or indeed this Tribunal?

A. I am not aware of any to Craig Tallents. I don't think I am aware of any to Craig Tallents from them. To the Tribunal, I am aware of.

Q. I think Mr. Tallents may have had a meeting with Mr. Weaver which he described as bizarre.

A. I am sorry, that's possible.

Q. And just in relation to a document, as an example of that, in relation to a document which Mr. McGonigal referred, it appears that they turned up at this Tribunal unannounced, that's Mr. Richardson and Mr. Weaver, carrying what appears to be the false and forged letter from the imaginary firm of solicitors operating from Dublin Castle?

A. I think that's the case, yeah.

Q. And I think Mr. McCullough has that and I think that can

perhaps be put up on the screen, if that's possible. And one of the things that is bizarre about this letter is that it gives the telephone number of this Tribunal?

A. Yeah.

Q. It gives the address of Dublin Castle?

A. Yeah.

Q. It refers to your name?

A. Yeah.

Q. It suggests that this firm is requesting, this imaginary firm is requesting Mr. Weaver to attend before the Tribunal?

A. Correct.

Q. And we know from correspondence with the Tribunal that it is Mr. Weaver and Mr. Richardson who produced that letter when they turn up at the Tribunal?

A. That's my understanding.

Q. And we know, it's perhaps understandable, that the Tribunal fully accept that this is a false letter.

A. I think so.

Q. That those are fairly extraordinary lengths for somebody like for Mr. Richardson and Mr. Weaver to go to, isn't that right?

A. Well, this document is, anyway.

Q. And it appears that they would have no unwillingness to do things that might achieve their object, to cause damage to Westferry, or Mr. O'Brien?

A. Yeah, that's a reasonable interpretation of it.

Q. But and we also know that, for different reasons, there were a number of people who would be willing to receive information from Mr. Richardson and Mr. Weaver, because they would have interest in that?

A. That's how I read it, yeah.

Q. That they were in contact, it appears that Mr. Richardson and Mr. Weaver were in contact with a firm or an American lawyer apparently representing Persona?

A. That was one scenario that was put to me, and I also had heard from Kevin Phelan the reference to an Irish solicitor, but I wasn't sure.

Q. And we know from Mr. Moloney's letter that he had some contact, who was the Irish solicitor for Persona, that he indeed also had some contact with Mr. Weaver and passed on the information

A. That's as per the letter that's in, in these two books somewhere, yeah.

Q. And we also know, and the Tribunal apparently know, that Mr. Richardson and Mr. Weaver were in contact with Mr. Keena, the journalist from The Irish Times?

A. That appears to be the case, yeah.

Q. In a sense, the roads of the northern part of England were quite busy with people trying to speak to Mr. Richardson and Mr. Weaver about Doncaster Rovers?

A. It appears that way.

Q. Fully understandable why Mr. Keena would want to pursue that information, because it might produce a newsworthy

story. I am not, by any means, criticising him in that regard, but they had a ready source for information they might have concerning this transaction, and which might be damaging to Mr. O'Brien?

A. Absolutely.

Q. And they had every interest in releasing that information and publicising it if they had it?

A. If it achieved their objective.

Q. And we know, for example, that they appear to be the source the Tribunal appear to accept that they are the source of the letter that was ultimately published by Mr. Keena in The Irish Times that gave rise to this sequence of the Tribunal, the copy of the 25th September letter?

A. Well, I think they are, yeah.

Q. Well, I think the Tribunal

A. Accept they are, well, fine, yeah.

Q. Told you that they were. So and so, therefore, if Mr. Richardson had been in a room with Mr. Phelan and Mr. Michael Lowry discussing the terms of the lease of Doncaster Rovers in a way which was meant to evidence Mr. Lowry's involvement in that transaction, he would have every reason to say that to any one of the people with whom he is dealing: Persona, Mr. Keena or this Tribunal?

A. Well, that's one of my problems with that reference, it would have been shouted from the roof-tops, and yet I don't think there is a reference to it anywhere, I don't think.

Q. A huge amount of information has been generated which this

Tribunal has had to cull and set aside as not being trustworthy or acceptable or truthful?

A. I accept that.

Q. And among all of that that has now been disclosed, I think 35 volumes of material has been disclosed as additional material?

A. Yeah.

Q. There doesn't appear to be a reference at any stage by any person, either by Mr. Phelan or by Mr. Richardson or by any person with whom they were in contact, suggesting that Mr. Phelan and Mr. Richardson were in a room with Mr. Michael Lowry discussing the Doncaster Rovers?

A. That's my understanding of it.

Q. And in all Mr. McGonigal has asked you about this, but in all your dealings with Kevin Phelan, at certain stages he would have been friendly with you, you were helping him out. At certain stages did he ever, in casual conversation, say to you, who he knew to be also acting for Michael Lowry, that he knew Michael Lowry had some involvement? Did he ever suggest to you that Michael Lowry had any involvement in Doncaster Rovers?

A. In Doncaster, no.

Q. And in all your discussions with Mr. Christopher Vaughan, did he ever suggest to you that, at any of those stages in any of those sort of, I suppose, social occasions, that give you any hint that he believed that Michael Lowry was involved in Doncaster Rovers?

A. No.

MR. O'DONNELL: Thank you, Mr. O'Connor.

CHAIRMAN: Just one or two quick matters, Mr. O'Connor.

When Mr. O'Brien Senior first asked you to take a limited involvement in Doncaster dispute matters, as you have told us, in the course of meeting him here leading on to a couple of meetings, did it occur to you to say "this might not be the wisest thing from a point of view of perception, I am Michael Lowry's financial advisor"? After all, you were a pretty senior accountant in a respected partnership with plenty of work, no doubt, on board. Would it occur to you to say "It might not be the wisest to engage me in this particular context"?

A. It obviously didn't. I mean, I am genuinely a workaholic.

I am turned on by challenges. In hindsight, maybe it should have struck my mind, but the type of person I am, Chairman, I was in work at half six this morning and my last meeting tonight will get me home around half eleven or twelve, and that's not an unusual day for me. It's the type of person I am. I just and, like, I can think I won't mention it, but I can think of a case I got last year, it's about a national personality, I'd be quite happy to give you his name on a piece of paper, and people would say, "Did that not exercise your brain to get involved in that?" But it's unfortunately I mean, for some reason or other, I end up in what I'd call difficult cases and sometimes probably don't think in time. It is the type of

person I am, though.

CHAIRMAN: You told us earlier this morning how your relationship with Mr. O'Brien Senior terminated, how you thought you had a conversation and you felt you had been sidelined a bit. I think your recollection of that said that his final word was "send on your invoice". Did you not think at that stage, "Well, I have been led a bit of a dance, I might as well get some recompense, and perhaps a fairly decent invoice"?

A. I actually had the opposite view. I felt like telling him where to stick the whole job at that stage, to be honest with you. I was annoyed the way I had been treated. I felt that I did a good job on the retention exercise, but because it didn't suit the picture path of Craig Tallents, Ruth Collard and Mr. O'Brien Senior, that they turned against me, type of thing. I got very annoyed about the whole thing. The relationship had literally broken down. I felt it was kind of nearly a sarcastic throwaway remark, and I wasn't going begging to him, multi-millionaire and all as he was.

CHAIRMAN: Lastly, I think we saw the memorandum made by Mr. Christopher Vaughan of the call that he got from Mr. Mark Weaver. You remember that?

A. The one in October '02?

CHAIRMAN: We needn't go back to the actual

A. No, I remember it.

CHAIRMAN: He had a few tentative thoughts at the end of

it, one of which was to wonder why did Weaver make the trip from Doncaster to his part of the woods in Northampton, and he said it's something like an 80 to 100 miles journey. It was quite a trip, was it?

A. 80 miles was what sorry, Chairman, I didn't quite catch I understand the context.

CHAIRMAN: His statement was 80-100 miles, whether he meant the round trip or

A. I don't know what he meant. But I just, I took it to be a very confused comment to put in a memo like that. Like, whether Weaver had come 200 miles or 100 miles, did it matter to the content of what the whole thing was about? That's what struck me reading that this morning.

CHAIRMAN: All right. Briefly, Mr. Healy, is there anything?

MR. HEALY: No.

CHAIRMAN: Very good. Thanks, Mr. O'Connor, for your attendance these last several days, and we can leave you to the remainder of what still remains a busy day.

A. Thank you.

CHAIRMAN: What date will I fix?

MR. HEALY: I think we might put it on the Net.

CHAIRMAN: It will be very soon, but I think there has been some limited degree of difficulty about remaining testimony and immediately we are in a position, which will be very shortly, it will be posted on the Internet in the usual way.



THE TRIBUNAL ADJOURNED UNTIL FURTHER NOTICE.