

Document nr 31 is the very important exhibit and on this occasion we show it.¹⁰³

In appendix 39 Leo Fay of Michael J. Kennedy Solicitors, on 27th June 2013, writes....

“I added this to **the file** and would need more details in which way line manager put you out of his house and took his key from you”

I added this to **the file** and would need more details in which way line manager put you out of his house and took his key from you.

This, further, means that the victim contacted Michael J. Kennedy Solicitors **EVEN BEFORE** 27th June 2013 as on this day Leo Fay **ALREADY HAD THE FILE** which came into being **BEFORE** 27th June 2013.

That is another evidence absolutely excluding Leo Fay’s scornful assertion that the victim.....

contacted us approximately 2.5 years after the incident.

(see second paragraph of appendix 24)

¹⁰³ See appendix 39

All this undeniably proves that BOTH material particulars of the foregoing entry....

the 12th of April 2012

The incident arose on

.....and.....

Mr [REDACTED] contacted us approximately 2.5 years after the incident.

.....are the two criminal offences violating section 10.- (1) (a) in connection with 10.- (2) (a) and also section 10.- (1) (c) ...Criminal Justice (Theft and Fraud Offences) Act 2001.¹⁰⁴

None of the two material particulars:

the 12th of April 2012

The incident arose on

.....and.....

Mr [REDACTED] contacted us approximately 2.5 years after the incident.

.....could have come into being had it not been for concealing....

- document nr thirty one as explained on page 12.... and

- the reminder of the documents¹⁰⁵ containing evidence that the accident took place on 2nd August 2012 as proved on pages 1, 2 and 3 of this analysis and **not** on 12th April 2012 as Leo Fay of Michael J. Kennedy Solicitors despicably lies in second paragraph of appendix 24.

Concealing document nr thirty one and concealing reminder of the documents was the precondition of advancing to the next phase of these two criminal offences and that phase appears in form of the second paragraph of appendix 24.....

the 12th of April 2012 and Mr [REDACTED] contacted us approximately 2.5 years after the incident.

The incident arose on

According to Leo Fay of Michael J. Kennedy Solicitors the victim contacted them around 12th October 2014. Namely,.....

¹⁰⁴ See appendix 30

¹⁰⁵ See appendix 35

approximately 2.5 years after the incident.

which as he writes¹⁰⁶

arose on

the 12th of April 2012

...falls around 12th October 2014. If we compare the dates of appendix 39¹⁰⁷ and 12th October 2014 we note difference of approximately fifteen months and fifteen days and that difference testifies of the size of this horrific criminal offence.

However, if we have a look at the real date of accident (2nd August 2012) as explained on pages 1, 2 and 3 of this analysis and dates of appendix 39¹⁰⁸ of this analysis we note the time frame of 10 months and 15 days which falls **WELL WITHIN** two years less than one day.^{109, 110, 111} This is the evidence that the victim was **NOT**.....

outside the time allowed

pursuant to the Statute of Limitations.

....as criminal Leo Fay writes in 5th paragraph of appendix 24. Even if (as Leo Fay fraudulently writes) the accident¹¹²

arose on

the 12th of April 2012

....only 14 months and 15 days can be accommodated from that date to 27th June 2013¹¹³ when the victim contacted Leo Fay.

“only 14 months and 15 days” after the incident is not the same as.....

approximately 2.5 years after the incident.

“only 14 months and 15 days” also fall **WELL WITHIN** two years less than one day.^{114, 115, 116}

We already spoke of these fourteen months and fifteen days on page 8 of this analysis. It is now apprehensible why Leo Fay of Michael J. Kennedy Solicitors moved arising of the accident 111 days backward – from 2nd August to 12th April 2012.

We go further.

¹⁰⁶ See second paragraph of appendix 24

¹⁰⁷ (27th June 2013-when the victim really contacted Leo Fay)

¹⁰⁸ (27th June 2013 – when the victim really contacted Leo Fay)

¹⁰⁹ See appendix 34...yellow highlighted

¹¹⁰ See appendix 25yellow highlighted

¹¹¹ See also appendix 40yellow highlighted

¹¹² See second paragraph...appendix 24

¹¹³ See dates of appendix 39

¹¹⁴ See appendix 34...yellow highlighted

¹¹⁵ See appendix 25yellow highlighted

¹¹⁶ See also appendix 40yellow highlighted



MICHAEL J. KENNEDY & CO.
SOLICITORS

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APPENDIX 24

Our Ref: LF/HB/PEU101/7278 You Ref23/9389

Date: 26th September 2023

Re:

Dear Sirs,

We refer to the above and letter received on the 31st of August 2023 where we note the content of Mr [REDACTED] letter and in relation to the points raised therein we would say as follows:

Mr [REDACTED] initially made contact with us in relation to issues with his employer. The incident arose on the 12th of April 2012 and Mr [REDACTED] contacted us approximately 2.5 years after the incident.

We agreed to raise the issue with his employer given that he had numerous grievances against his then employer in relation to sick pay.

Thereafter the issues developed with regard to injuries, sustained by Mr [REDACTED] as a result of his treatment at the hands of the person he was assigned to care for, which took place in his client's house in 2012.

We wish to point out that at all times the approaches made to the Irish Wheelchair Association were on the basis of seeking to negotiate some form of settlement given that he was outside the time allowed pursuant to the Statute of Limitations.

We have dealt with all aspects of Mr [REDACTED] claim in a fairhanded manner and made him aware of his limited entitlements, which will be at the sole discretion of his former employer.

In relation to the letter of complaint dated the 7th day of July 2023, I can say that when I last met with Mr [REDACTED] on the day of June 2023 he was very clear that he wanted his case closed, which I understand to mean settled by the end of July 2023. His instructions were that if the case could not be closed by that date he would rely upon legal advice that he is receiving from Lawyers whom he became acquainted with while working for the United Nations. I told Mr [REDACTED] that I could not give him any guarantees in

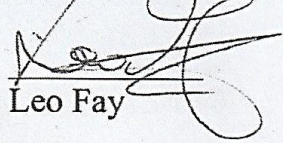
Partners: Michael J. Kennedy, Leo Fay, Fiona Cullivan
Solicitor: Aileen Mollahan

VAT Reg No. [REDACTED]

29 SEP 2023
Received

relation to time limits and it may be more beneficial to pursue the alternate route as suggested by his alternate legal advisers.

Yours Faithfully,


Leo Fay

Partners: Michael J. Kennedy, Leo Fay, Fiona Cullivan
Solicitor: Aileen Mollahan

VAT Reg No.

APPENDIX 25

What are the time limits for different areas of law?

- **Personal Injury Claim – 2 years**
- **Medical Negligence Claim – 2 years**
- **Sexual Abuse – 6 years**
- **Assault including sexual assault – 6 years**
- **Professional Negligence – 6 years**
- **Breach of Contract – 6 years.**

Statute of Limitations for personal injury

The period in which a person can bring a claim for personal injury is **two years less than one day**. The clock starts running from the date of knowledge. The date of knowledge is the date on which the injured person became aware they were injured; it was a significant injury, and it was caused by the negligence of the party at fault. Often this date will be the day of the actual accident, however, in some cases, an injury does not manifest itself immediately after the relevant incident.

1.1 Exceptions

There are some circumstances in which the applicable time limit may be altered, such as:

- Where the injured party has suffered a mental impairment as a result of their injury

APPENDIX 30

[2001.] *Criminal Justice (Theft and Fraud Offences) Act, 2001.* [No. 50.]

(6) A person who is arrested pursuant to this section by a person other than a member of the Garda Síochána shall be transferred by that person into the custody of the Garda Síochána as soon as practicable. Pt.2 S.8

(7) A person guilty of an offence under this section is liable on conviction on indictment to a fine not exceeding £3,000 or imprisonment for a term not exceeding 2 years or both.

9.—(1) A person who dishonestly, whether within or outside the State, operates or causes to be operated a computer within the State with the intention of making a gain for himself or herself or another, or of causing loss to another, is guilty of an offence. Unlawful use of computer.

(2) A person guilty of an offence under this section is liable on conviction on indictment to a fine or imprisonment for a term not exceeding 10 years or both.

10.—(1) A person is guilty of an offence if he or she dishonestly, with the intention of making a gain for himself or herself or another, or of causing loss to another— False accounting.

- (a) destroys, defaces, conceals or falsifies any account or any document made or required for any accounting purpose,
- (b) fails to make or complete any account or any such document, or
- (c) in furnishing information for any purpose produces or makes use of any account, or any such document, which to his or her knowledge is or may be misleading, false or deceptive in a material particular.

(2) For the purposes of this section a person shall be treated as falsifying an account or other document if he or she—

- (a) makes or concurs in making therein an entry which is or may be misleading, false or deceptive in a material particular, or
- (b) omits or concurs in omitting a material particular therefrom.

(3) A person guilty of an offence under this section is liable on conviction on indictment to a fine or imprisonment for a term not exceeding 10 years or both.

11.—(1) A person is guilty of an offence if he or she dishonestly, with the intention of making a gain for himself or herself or another, or of causing loss to another, destroys, defaces or conceals any valuable security, any will or other testamentary document or any original document of or belonging to, or filed or deposited in, any court or any government department or office. Suppression, etc., of documents.

- (2) (a) A person who dishonestly, with the intention of making a gain for himself or herself or another, or of causing loss to another, by any deception procures the execution of a valuable security is guilty of an offence.

(b) Paragraph (a) shall apply in relation to—

Statute of Limitations time limit:

Other than the extra 6 months afforded to you from the date of the release of your PIAB assessment (if applicable), The Statute of Limitations Act 1957 requires that your court proceedings are issued **2 years less 1 day** from the date of injury.

If the injured party is a child, a parent or guardian can issue proceedings on the child's behalf at **any point in time up until the child's 18th birthday**. After which, the young adult can issue their court proceedings in their own right 2 years less 1 day from the date of their 18th birthday.

Exceptions to the time limit:

- Date of knowledge

Sometimes, an injury or illness may not become noticeable until a while after the incident occurred. This is when the date of knowledge can become the start date for the timeline for issuing proceedings. The date of knowledge is the date on which you were aware of the following:

1. You had been injured
2. The injury was significant
3. The injury was caused by the negligence of another person or party
4. You were able to identify who that person or party was

- When the injured party is mentally impaired as a result of sustaining their injury

- When the injury sustained is of such a serious nature, that the injured party was rendered incapable of making a claim. The 2 year less 1 day time limit commences on the date that the person is deemed well enough to make a claim.
- Misdiagnosis of an illness. The 2 year less 1 day time limit commences on the date of the correct diagnosis.

Private & Confidential

APPENDIX 35

Our Ref: MJK/HB/PEU101/7278

Date: 27 July 2023

Re: Employment matter with IWA

Dear [REDACTED]

Please find enclosed a copy of the relevant documents in relation to the period 14th day of October 2015 to the 25th of August 2016. The remainder of the documents which you have requested will be released as part of our response within twenty-eight days of your original request dated the 7th of July 2023.

Yours sincerely

Leo Fay
Michael J Kennedy & Co

RE:

APPENDIX 39

Leo Fay

Thu 27/06/2013 16:49

To:

Thanks

I added this to **the file** and would need more details in which way line manager put you out of his house and took his key from you.

Regards,

Leo

From:

Sent: 27 June 2013 14:17

To: Leo Fay

Subject:

Hi Leo,

In the attachment you can find document confirming that the line manager of Irish Wheelchair Association expelled me from work.

All the best,

How long do you have to file a personal injury claim?

The general rule is that you have a two-year period from the date of the accident or injury to initiate legal proceedings. However, there are specific situations that might affect this starting point:

- Minor at the time of the injury: If the injured party was under 18 at the time of the accident, the two-year period begins on their 18th birthday.
- Delayed knowledge of the injury: Sometimes, the full extent or nature of the injury might not be immediately apparent.
- Incapacity: If the injured person was incapacitated in some way, such as being in a coma or lacking the mental capacity to manage their affairs.

APPENDIX 40