



THE SUPREME COURT

[RECORD NO.: 262/2009]

**MacMenamin J.
Dunne J.
Charleton J.**

BETWEEN:

KEVIN TRACEY

APPELLANT

AND

**DISTRICT JUDGE MIRIAM MALONE AND DISTRICT JUDGE
BRIDGET REILLY, KEVIN GROGAN, RONAN COFFEY, AND THE
DIRECTOR OF PUBLIC PROSECUTIONS**

RESPONDENTS

**Ruling on Costs by Mr. Justice John MacMenamin dated the 23rd day of
August, 2021**

1. This is a ruling on costs. The judgment in this appeal was delivered on the 30th April, 2020 by MacMenamin J ([2020] IESC 21). The appeal was against a judgment and order of Cooke J., delivered as long ago as the 20th January, 2009, where that judge refused to grant judicial review against the respondents ([2009] IEHC 14). The circumstances were fully set out in detail by the High Court judgment and this Court's judgment. The appellant's application for judicial review was refused. His appeal failed in this Court, in a judgment which addressed all the issues raised.

2. Costs follow the event (Order 99, Rules of the Superior Courts 1986; s.169(1) Legal Services Regulation Act, 2015). *Prima facie*, the respondents would be entitled to their costs. However, in the circumstances, counsel for the respondents submit that the appropriate and just order is that no order for costs should be made. In my view, this is a fair resolution of the matter. I would, therefore, make no order for the costs of this appeal, or in the High Court. (See also observations made in *Kevin Tracey v. District Judge Tom O'Donnell and the Director of Public Prosecutions*, Record No. 173/2008, and *Kevin Tracey v. District Judge Hugh O'Donnell and the Director of Public Prosecutions*, Record No. 355/2006, rulings on costs also delivered today.)