

ORIGINATING SUMMONS

No1.

Record No:

O.1, r.2.

PLENARY SUMMONS

**THE HIGH COURT**  
(An Ard-Chúirt)

*Between:*

**STEPHEN MANNING and NORIKO MANNING,  
and CHRISTINA MANNING (a minor, suing by her father, guardian and next friend  
Stephen Manning), and COLLEEN MANNING (a minor, suing by her father, guardian  
and next friend Stephen Manning), DANIEL MANNING (a minor, suing by his father,  
guardian and next friend Stephen Manning)**

Plaintiffs

- and-

**IRELAND, THE ATTORNEY GENERAL, AN GARDA SIOCHANA, THE GARDA  
SIOCHANA OMBUDSMAN COMMISSION, THE COURTS SERVICE, HSE CHILD &  
FAMILY AGENCY / CHILD PROTECTION SERVICES (‘TUSLA’)**

Defendants

This Plenary Summons is to require that within eight days after the service thereof upon you (exclusive of the day of such service) that you in person or by solicitor do enter an appearance in the Central Office, Four Courts, Dublin in the above action; and TAKE NOTICE that, in default of your so doing, the Plaintiff may proceed therein, and judgement may be given in your absence.

BY ORDER, THE HONOURABLE Justice Susan Denham, Chief Justice of Ireland,  
the \_\_\_\_\_ day of \_\_\_\_\_ 2014.

N.B. This summons is to be served within twelve calendar months from the date hereof, and, if renewed within six calendar months from the date of the last renewal, including the day of such date, and not afterwards.

The Defendant(s) may appear hereto by entering an appearance either personally, or by solicitor at the Central Office, Four Courts, Dublin.

### **GENERAL INDORSEMENT OF CLAIM**

The Plaintiffs claim is:

1. I am the 1<sup>st</sup> named Plaintiff in these proceedings and I make this Statement on behalf of the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> named Plaintiffs, from facts within my own knowledge save where otherwise appears, and where so appearing I believe the same to be true.
2. The 1<sup>st</sup> named Plaintiff is a teacher / book publisher / sports instructor & official / a volunteer with Special Olympics and the owner and administrator of the Integrity Ireland website ([www.integrityireland.ie](http://www.integrityireland.ie)). The Plaintiff currently resides at Belcarra, Castlebar, County Mayo with his wife and three children, who are the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> named Plaintiffs respectively.
3. The 2<sup>nd</sup> named Plaintiff is the wife of the 1<sup>st</sup> named Plaintiff, and is a retired kindergarten teacher, a homemaker and a full-time carer for her son who has special needs.
4. The 3<sup>rd</sup> named Plaintiff is the eldest daughter of the 1<sup>st</sup> and 2<sup>nd</sup> named Plaintiffs, and is a student at secondary school.
5. The 4<sup>th</sup> named Plaintiff is the youngest daughter of the 1<sup>st</sup> and 2<sup>nd</sup> named Plaintiffs, and is a student at secondary school.

6. The 5<sup>th</sup> named Plaintiff is the son and youngest child of the 1<sup>st</sup> and 2<sup>nd</sup> named Plaintiffs, and is a student with special needs who, until recently, attended Belcarra National School.
7. The Plaintiffs currently reside at Belcarra, Castlebar, Co. Mayo.
8. The Defendants collectively are agents, agencies and/or affiliates of the State, who, variously, during and subsequent to ‘the incident’ of January 6<sup>th</sup> 2014 at our home in Belcarra, Castlebar, Co. Mayo (as outlined following, and in detail in the Statement of Claim to follow) have engaged in serial acts of nonfeasance, misfeasance and malfeasance including (but not limited to) the following acts of commission, omission and/or facilitation, to the detriment of the Plaintiffs’ constitutional rights under Irish and EU law.
  - (a) Failure, neglect and/or breach of statutory duty
  - (b) Denial of due service
  - (c) Failure to uphold the law and the Constitution
  - (d) Abuse of authority
  - (e) Misuse of statutory instruments and facilities
  - (f) Harassment and intimidation and facilitation of the same
  - (g) Deception, obfuscation, obstructionism and facilitation of the same
  - (h) General and specific discrimination, maltreatment and persecution of a law abiding citizen and his family and facilitation of the same
  - (i) Suppression of criminal activity and facilitation of the same
  - (j) Conspiracy to attempt to criminalise the lead Plaintiff
  - (k) Conspiracy to obstruct and/or pervert the course of justice
  - (l) Additional acts of nonfeasance, misfeasance and malfeasance as detailed in the Statement of Claim to follow
9. On January 6<sup>th</sup> 2014, at approximately 10.15am, at a time when only the 3<sup>rd</sup> and 4<sup>th</sup> named Plaintiffs were in residence (Christina and Colleen Manning), four men (which included two unidentified men ‘dressed in black’ plus two uniformed

Gardaí) approached the Manning residence and, being denied entrance by the Manning girls, remained in the immediate vicinity for approximately 45 minutes.

10. The 'men in black' failed or refused to identify themselves and state their business at the house. The two Gardaí lied to the Manning girls about the circumstances of their attendance at the house and implied that they would break into the house if the girls did not open the door. The Manning girls were in a state of heightened anxiety and fear throughout.
11. At approximately 11.00am, the 1<sup>st</sup> and 2<sup>nd</sup> named Plaintiffs, Stephen and Noriko Manning returned to the family home with an independent witness to find that the four men had just departed, leaving the Manning girls (their 12 and 14 year-old daughters) in a state of considerable emotional distress.
12. Meanwhile, from approximately 10.40 am and on sixteen subsequent occasions throughout the day, Mr Manning was repeatedly phoned by one of the 'men in black' who identified himself only as 'Steve'. He refused to state his full name, his business at the house, or his occupation. 'Steve' was informed that his actions both at the house and on the phone constituted intimidation and harassment of the Manning family.
13. The Manning parents contacted the local Chief Superintendent's Office several times over subsequent days and weeks asking for an appointment to discuss 'the incident'. Chief Superintendent Finbarr O'Brien of Castlebar Gardaí has repeatedly failed or refused to meet with the Plaintiffs.
14. On January 21<sup>st</sup> 2014, at the High Court Central Office, while seeking to secure witness subpoenas to serve on several high-ranking Gardaí and civil servants for attendance at a High Court Appeal Hearing scheduled for January 30<sup>th</sup>, the lead Plaintiff Stephen Manning received an 'urgent' phone call from Ms Mary Malee, social worker with the HSE Child Protection Services ('TUSLA') demanding that he return to Mayo for an 'urgent' meeting regarding some 'very serious issues' concerning the Manning children. The meeting was scheduled for January 23<sup>rd</sup>.

15. On January 23<sup>rd</sup> 2014, and without any advance notice whatsoever to Stephen Manning (who is the Plaintiff in the aforesaid case 667/11) a hearing was facilitated in Dublin by the President of the High Court, Justice Nicholas Kearns, wherein the Plaintiff, Dr Manning, was completely unrepresented. One 'Paul Collins' had apparently approached the High Court in advance, claiming to represent George Collins, the 1<sup>st</sup> named Defendant in Case 667/11. The Mannings were not notified of this. The Mannings would later discover that the said 'Paul Collins' was one of the 'men in black' involved in the January 6<sup>th</sup> incident.
16. On that same day January 23<sup>rd</sup>, at the 'urgent' meeting scheduled by Ms Mary Malee of the HSE Child Protection Services, the Mannings discovered that a completely false and vexatious 'referral' had apparently been made to the HSE Child Protection Services, by local Gardai, concerning the January 6<sup>th</sup> incident.
17. The Mannings alerted the local HSE Offices and Chief Superintendent O'Brien of the facts, requesting that the incident of January 6<sup>th</sup> be properly investigated. At first, Mr Paddy Martin, senior social worker, made it clear to the Mannings that he considered the referral by Gardai to be 'a very serious matter' that required a thorough investigation. However, when the 1<sup>st</sup> named Plaintiff Dr Stephen Manning informed Mr Martin that a video recording of the incident of January 6<sup>th</sup> would definitively prove that the referral made by Gardai was false and malicious, and that the Gardai and the 'men in black' had acted improperly and illegally on the day, Mr Martin declared that he saw no need to investigate further. Meanwhile, Chief Superintendent O'Brien referred the Mannings to the Garda Síochána Ombudsman Commission ('GSOC'), who likewise immediately deemed the Manning's complaint against the improper conduct of the two Gardai 'inadmissible'.
18. On Wednesday April 9<sup>th</sup> 2014, at 9.00am, the 2<sup>nd</sup> named Plaintiff Mrs Noriko Manning was summoned to the office of Mr David Healy, principal of Belcarra National School, where she was questioned as to whether there was any 'domestic violence' ongoing at the Manning home. Mrs Manning was informed that the

enquiry was being made on the basis of ‘certain comments’ (as yet undisclosed to the Mannings) allegedly made by her special needs son Danny, in school, over a month previously.

19. The 1<sup>st</sup> named Plaintiff Stephen Manning arranged for a meeting with Mr Healy at 3.00pm where it was disclosed that Mr Healy was acting ‘on the instructions of Ms Siobhan O’Connor, social worker at the local Child Protection Services’ who had explicitly directed Mr Healy to conduct said interview of Mrs Manning without informing her husband.
20. The following day, on Thursday April 10<sup>th</sup> the 1<sup>st</sup> named Plaintiff Stephen Manning spoke with Ms Siobhan O’Connor on the phone, articulating the Manning’s serious reservations about the manner in which things were being ‘handled’ by Ms O’Connor and her HSE associates. During said conversation, Ms O’Connor lied to Mr Manning about certain important matters. In context of these cumulative acts of deception and other dubious activities, Mr Manning declared a complete lack of confidence and trust in Ms O’Connor and her two associates Ms Mary Malee and Mr Paddy Martin, of the local HSE Child Protection Agency.
21. On Monday April 14<sup>th</sup> 2014, a formal letter arrived from Ms Siobhan O’Connor inviting the Mannings to an appointment in Castlebar on Tuesday April 15<sup>th</sup>. The Plaintiffs intend to demonstrate that this letter was a contrivance.
22. On Tuesday April 15<sup>th</sup> the Mannings received formal notices from Patrick Durkan solicitors to be in Castlebar District Court on April 24<sup>th</sup>, where the Child & Family Agency intended to make application for supervision orders as against the Manning children. The ‘reasons’ given were vague and non-specific.
23. Since January 6<sup>th</sup> ongoing, Mr Manning has repeatedly requested from the various parties concerned that the specific allegations against him be clarified in writing, and has asked for this information from the local Gardai, the HSE Child Protection Agency, the local school and Patrick Durkan solicitors. The lead Plaintiff has asked variously; verbally, in writing, as well as under the Data Protection and

Freedom of Information Acts, but all of the Plaintiff's requests have been denied, refused or ignored.

24. On the basis of the supporting facts and evidence as outlined in the Statement of Claim and exhibits to follow, the Plaintiffs assert that the Defendants have conspired improperly and illegally against the legitimate interests of the Plaintiffs in contravention of the Plaintiffs' fundamental rights under Irish and EU law.
25. The Defendants' conduct in carrying out the various acts of commission, omission and/or facilitation was in breach of the Plaintiffs' fundamental rights, and in breach of the Defendants' statutory duties. Certain of these activities constitute criminal acts which will be further detailed in the Statement of Claim.
26. The conduct of the Defendants in carrying out these acts was variously deliberate, contrived, reckless, malicious, unlawful and unconstitutional, so as to entitle the Plaintiffs to claim, as they do, aggravated, exemplary and punitive damages.
27. Through the selective, malicious and prejudicial application of Child Protection Guidelines without any supporting evidence whatsoever, and through the resultant innuendo and suggestion of wrongdoing, the lead Plaintiff's standing and reputation as a decent father and husband has come seriously under question. The lead Plaintiff and his wife have likewise sustained great personal upset including emotional and psychological distress, anxiety and fear of further improper and/or illegitimate actions by State agents.
28. In consequence of the foregoing, the Plaintiffs as a family suffered emotional and psychological distress, loss of peace and financial expense. The 3<sup>rd</sup> and 4<sup>th</sup> named Plaintiffs, Christina and Colleen Manning have experienced seriously improper and inappropriate conduct on the part of Gardaí and HSE representatives, and this has compromised their personal innocence and undermined the sense of trust they are entitled to have in State agencies. The 5<sup>th</sup> named Plaintiff, Danny Manning is now without adequate schooling, due to the breach of trust between parents and teachers, and the reasonable belief on the part of the Plaintiffs, that any future

‘innocent comment’ made by their ‘special needs’ son may be seized upon by unscrupulous HSE agents for underhanded purposes. As a result, the Mannings as a family must now reconsider their long-term family and schooling plans.

29. The Plaintiffs collectively seek a public apology on behalf of the Gardai, the HSE Child & Family Agency and the Garda Ombudsman for the aforesaid acts of nonfeasance, misfeasance and malfeasance visited on the Manning family. The Plaintiffs further seek an Order to purge from Garda and HSE records any and all references to the Plaintiffs that are adjudged in these proceedings to be false, groundless, contrived or inaccurate. The Plaintiffs also collectively seek a prohibitory Order directing agents of the State to cease and desist forthwith from continuing any and all acts of overt or covert harassment and/or intimidation, including the unqualified observation or interviewing of any of the Plaintiffs from this date forwards.
30. **AND THE PLAINTIFFS CLAIM** damages, including aggravated, exemplary and punitive damages, for the various acts of omission and commission; of acts of nonfeasance, misfeasance and malfeasance as attributed to the aforesaid agencies and agents of the State, as limited to the jurisdiction of this Honourable Court together with the costs of these proceedings against the Defendants or one or more of them, as this Honourable Court deems fit.

Signed:.....

Stephen and Noriko Manning,

*(Plaintiffs, also as guardians and best friends on behalf of the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> named Plaintiffs),*

Belcarra,

Castlebar,

Co. Mayo.



**This summons was issued by the Plaintiff** who resides at **Belcarra, Castlebar, Co. Mayo**, and who is a book publisher, teacher and sports official, and whose address for service is **Belcarra, Castlebar, Co. Mayo**.

**Indorsement of Service**

*Plenary Summons – The High Court*

**This summons was served by the Plaintiff** (in person / by agent / by recorded post / by registered post as appropriate)\* who resides at Belcarra, Castlebar, Co. Mayo, and who is a book publisher, teacher and sports official, and whose address for service is Belcarra, Castlebar, Co. Mayo. Copies of this summons as issued by the High Court were served on the Defendants as listed following, on the dates indicated.

Date and time of service:

To the Defendants:

IRELAND, THE ATTORNEY GENERAL, AN GARDA SIOCHANA, THE GARDA SIOCHANA OMBUDSMAN COMMISSION, THE COURTS SERVICE, HSE CHILD & FAMILY AGENCY / CHILD PROTECTION SERVICES (‘TUSLA’)

Date:.....Post Office Stamp / signature:\*

Signed:.....

Witnessed:.....

Stephen Manning, Plaintiff,  
Belcarra,  
Castlebar,  
Co. Mayo.

Solicitor / Commissioner of Oaths  
Name:  
Address:

No. 2014/

**THE HIGH COURT**

Between:

*STEPHEN MANNING*

**PLAINTIFF**

and

**DEFENDANTS**

IRELAND, THE ATTORNEY GENERAL, AN GARDA SIOCHANA, THE GARDA  
SIOCHANA OMBUDSMAN COMMISSION, THE COURTS SERVICE, HSE CHILD &  
FAMILY AGENCY / CHILD PROTECTION SERVICES ('TUSLA')

**PLENARY SUMMONS**

**Stephen Manning**

Plaintiff in Person

Belcarra

Castlebar

Co. Mayo