

# THE SUPREME COURT

APPEAL NUMBER: S:AP:IE:2023:000093

LOWER COURT RECORD: 2022/1456 P

**SC 17 APPLICATION TO VARY OR RESCIND A FINAL JUDGMENT OR ORDER MADE BY  
THE SUPREME COURT**

**(issued under section 7(7) of the Courts (Supplemental Provisions) Act 1961, inserted  
by paragraph (a)(iv) of section 44 of the Court of Appeal Act 2014)**

**DAVID EGAN AND SHARON BROWNE**

**Plaintiffs / Appellants**

**-And-**

**STEPHEN DONNELLY, MICHAEL MARTIN, DR. TONY HOLOHAN and PAUL REID**

**Defendants / Respondents**

## Submissions

I make the following submissions in support of our case and our Motion and grounding affidavit before the Supreme Court.

### **Submission 1**

#### **Oxford study shows only covid19 vaccinated kids are dying and getting myocarditis and pericarditis**

A new large-scale study from renowned scientists at the prestigious University of Oxford has just confirmed that myocarditis and pericarditis only appear in children and adolescents after covid19 vaccination and not after infection from the virus. This corroborates the evidence we filed and pleaded in the High Court and Supreme Court, and proves our case in this SC17 Supreme Court appeal.

I cite this scientific study below:

OpenSAFELY: Effectiveness of COVID-19 vaccination in children and adolescents

Andrews et al. 2024

<https://www.medrxiv.org/content/10.1101/2024.05.20.24306810v1>

The new study looked at the official government data of more than 1 million English children and adolescents aged between five and 11 and 12 and 15.

The study compared vaccinated and unvaccinated subjects.

**Vaccinated:** 12 cases of myocarditis or pericarditis, 3 deaths

**Unvaccinated:** 0 cases; 0 deaths

Considering there were no COVID19 deaths in either cohort, health authorities such as the CDC should be telling parents not to vaccinate their kids.

The myocarditis and pericarditis cases difference is highly statistically significant ( $p=0.00024$ ). The death differences (3 vs. 0) were just short of statistical significance ( $p=.13$ ).

This scientific study is consistent with other scientific studies showing that the covid19 vaccinations cause myocarditis and pericarditis in vaccinated people.

## **Submission 2**

### **Effects of non commencement of the Courts of Justice Act 1924 and Ministers and Secretaries Act 1924 and the non sealing of the latter.**

#### **Firstly;**

Article 6, deals with the power of the people over the Legislative, Executive and Judicial branches of the State, and the necessity of all three organs of government to be established by the Constitution before they exercise power. It is only through valid in-force law that power can be exercised by the Judiciary and Executive to be in compliance with Article 6 mandate

#### **Secondly;**

Article 25, deals with the signing and promulgation of laws, that contains a reservation clause which tells us when a Bill is signed by the President, it does not immediately become law, eg; the words "contrary intention".

For example, the reservation clause in the Ministers and Secretaries Act 1924 S.I. no. 4 of 1924 has resulted in the Act becoming null and void, because the Commencement Order is not duly affixed with the Executive Council Seal on 2nd June 1924. Therefore, because the Ministers and Secretaries Act 1924 is not validly enforced, all Ministers of State for the last 100 years have no power to sign statutory instruments.

### **Thirdly;**

Article 28 deals with the Executive power of the State being exercised by Ministers of the Government in accordance with law. eg; Ministers and Secretaries Act 1924, but that Act is invalid and unenforced

### **Fourthly;**

Courts are not lawfully Established in compliance with Article 34 of the Irish Constitution (1937)

Article 34 deals with Judges being only able to exercise power (jurisdiction) in the "new Courts" established by law. However this was never accomplished. eg. The Courts (Establishment and Constitution ) Act 1961 and its companion Courts (Supplemental Provisions) Act 1961 were not lawfully enforced on the 29th September 1961 by Sean Lemass because he had no power under the invalid Ministers and Secretaries Act 1924 to sign S.I. 217 of 1961. Furthermore, Invalid jurisdiction from the unenforced Courts of Justice Act 1924 as mentioned in Article 58 also contributes to the invalidity of the "new Courts".

### **Fifthly;**

Article 35 wording deals quite simply with the power of the President to appoint Judges to existent courts eg; ( validly established and commenced by prior valid law.)

In other words Courts had to be established by valid law with valid jurisdiction, before the President could appoint judges to those Courts.

### **Sixthly;**

Article 36; deals with the culmination of compliance with the mandates of the previous Articles which I cited here for the Courts and jurisdiction, to aspire to achieve lawful regulation of the organizing of the "new Courts" to give them a form of own per say;

a.) judicial constitution through Statutory law, with powers for judges to hear cases(jurisdiction) through Statutory law,

b.) power to divide up subject matters to be heard through Statutory law, and  
c.) power to formulate defined procedures that apply to judges and litigants, in the administration of justice arena through Statutory law.

### **Seventhly**

Member state Ireland is in breach of the EU Rule of law mandates in the 3rd and 28th Amendments of the Irish Constitution. Breach of Article 2 of the Treaty on the Functioning of the European Union.

### **Eighthly**

Mary Harney, Minister for Health and Children was not lawfully empowered by the invalid un-enforced Ministers and Secretaries Act 1924, to sign the following Statutory instruments in 2004-2005 to commence the Health Act 2004, and to establish the Corporation Sole Irish State entity known as the Health Service Executive (HSE)

### **Ninthly**

COSTS ORDERS made by Rules of Court and the Legal Services Regulation Act 2015 are invalid because, Frances Fitzgerald Minister for Justice had no lawful valid empowerment pursuant to Part 1 (cited below) to sign S.I. 383/2016 to commence different parts of the Legal Services Regulation Act 2015 on different days, because the Ministers and Secretaries Act 1924 was invalid and unenforced on the 2nd June 1924.

This adversely affects the legal right of Audience by means of valid Registration for Solicitors and Barristers in lawfully established Irish Courts, and further adversely affects the lawful right for Costs to be awarded to any parties involved in litigation.

I attach listing of Irish Constitutional articles which have been breached below:

## THE STATE

### ARTICLE 6

1 All powers of government, legislative, **executive and judicial**, derive, under God, from the people-----

2 These **powers of government are exercisable** only by or on the **authority of the organs** of State **established** by this Constitution.

### Signing and Promulgation of Laws

#### ARTICLE 25

4 1° Every Bill shall become and be law as on and from the day on which it is signed by the President under this Constitution, and shall, **unless the contrary intention appears**, come into operation on that day.

## THE GOVERNMENT

### ARTICLE 28

1 The Government shall consist of not less than seven and not more than fifteen members who shall be appointed by the President in accordance with the provisions of this Constitution.

2 The **executive power of the State shall**, subject to the provisions of this Constitution, be exercised by or on the authority of the Government.

4 1° The Government shall be responsible to Dáil Éireann.

2° The Government shall meet and act as a collective authority, and shall be collectively responsible for the Departments of State administered by the members of the Government.

12 The following matters **shall be regulated in accordance with law**, namely, the organization of, and distribution of business amongst, Departments of State, the designation of members of the Government to be the **Ministers in charge** of the said Departments, the discharge of the functions of the office of a member of the Government during his temporary absence or incapacity, and the remuneration of the members of the Government.

## THE COURTS

### ARTICLE 34

1 Justice shall be administered in courts **established by law by judges appointed in the manner provided by this Constitution**, and, save in such special and limited cases as may be prescribed by law, shall be administered in public.

### ARTICLE 35

1 The judges of the Supreme Court, the Court of Appeal, the High Court and all other Courts **established in pursuance of Article 34** hereof shall be appointed by the President.

### ARTICLE 36

Subject to the foregoing provisions of this Constitution relating to the Courts, the following matters **shall be regulated in accordance with law**, that is to say:—

iii the **constitution and organization** of the said Courts, the distribution of **jurisdiction** and business among the said Courts and judges, and **all matters of procedure**.

## **Submission 3**

The Health Act 1947 was invalidly commenced and not enforced by S.I.342/1947 because James Ryan had no lawful empowerment under the invalid and unenforced Ministers and Secretaries Act 1924. The Health (Amendment) Act 2021 was an amendment of the Health Act 1947 at Section 31 A and both Acts in 1947 and 2021 were invalid as the Minister had no legal power to sign these law as the Ministers and Secretaries Act 1924 was void ab initio, invalid, unlawful, illegal and unconstitutional. The Health (Amendment) (No.2) Act 2021 which created vaccine passports and discrimination in Ireland was also invalid, unlawful, illegal and unconstitutional for the same reasons. The statutory instruments created by the Minister for Justice under the Health (Amendment) Act 2021 in 2020, 2021, and 2022 were all invalid, unlawful, illegal and unconstitutional for the same reasons.

These facts were not provided to the Irish public and to those people who were subjected to the covid19 lockdowns and restrictions and those people got the covid19 vaccinations. There was no informed consent for the covid19 vaccinations.

## **Submission 4**

### **Landmark court case in Britain where a British mother fought in the courts for her right to informed consent to stop the covid19 vaccination of her disabled child**

Every effort was made by the British health and government authorities to prevent a mother exercising her legal right to informed consent to stop the covid19 vaccination of her child, Tom. Coercion and threats were used to deprive the mother of informed consent. She was threatened with arrest, jail, seizure of her assets and the possibility of her son, Tom, being removed from their home to be “forcibly jabbed”. The British health and government authorities claimed that the covid19 vaccine was “safe and effective” for her son yet concealed and hid important evidence about the vaccine. The same happened in Ireland.

She feared the messenger RNA (mRNA) vaccine, which tells cells how to trigger an immune response to Covid, could cause an adverse reaction in the heart of her son. So, she resisted doctors and social workers’ demands that he be injected for the “greater good of society”.

On July 12<sup>th</sup> 2024, Mr Justice Hayden, sitting in the Court of Protection in the UK, has ruled it is “no longer in Tom’s best interests to receive the jab” . Mr Justice Hayden the has ruled that Tom need not have the jab after hearing expert evidence from US academic Prof Martin McCaffrey. The names of the mother and son have been redacted for legal reasons in Britain, as the son is vulnerable adult.

This court case was reported in the Daily Telegraph in Britain:

Mother wins battle to stop son having Covid vaccine she feared could kill him

Daily Telegraph newspaper, July 13 2024

<https://www.telegraph.co.uk/news/2024/07/13/mother-battle-covid-jab-feared-kill-son/>

We rely on and cite this precedent from the High Court in Britain in our case.

## **Submission 5**

### **Judgment of the European Court of Justice on the matter of the covid19 vaccines and covid19 vaccinations on July 17, 2024.**

**In Case T-689/21**

**Margrete Auken,**

**Tilly Metz,**

**Jutta Paulus,**

**Emilie Mosnier,** as heir of Michèle Rivasi,

**Kimberly van Sparrentak,**

represented by B. Kloostra, lawyer,

Applicants

**v**

**European Commission,** represented by G. Gattinara and A. Spina, acting as Agents,

Defendant

I attach the judgment as **Exhibit ECJ Judgment** and **Exhibit Synopsis of ECJ Judgment**.

These are on the usb memory stick for the Supreme Court.

In September 2020, the European Commission introduced indemnification for vaccine makers in cases of “side effects.” However, the European Court of Justice stated here that the liability of pharmaceutical companies cannot be limited if harm is caused by a defective product.

As regards the agreements’ provisions on the indemnification of the pharmaceutical undertakings by the Member States for any damages that those undertakings would have to pay in the event of their vaccines being defective, the General Court states that **a producer is liable for the damage caused by a defect in its product and its liability cannot be limited or excluded** vis-à-vis the victim by a clause limiting, or providing an exemption from, liability under Directive 85/374.

The General Court notes, however, that there is no provision in Directive 85/374 that prohibits a third party from reimbursing the damages which a producer has paid as a result of its product being defective.

I quote from the judgment of the European Court of Justice:

“ (2) *The provisions on indemnification*

151 As a preliminary point, it should be noted that, according to Articles 1 and 12 of Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (OJ 1985 L 210, p. 29), a producer is liable for damage caused by a defect in his product and his liability to the injured person may not be limited or excluded by a provision limiting his liability or exempting him from liability. Thus, as acknowledged by the Commission at the hearing, in the absence of an amendment of Directive 85/374, neither the Commission nor the Member States were entitled to derogate from the provisions of that directive.

152 Moreover, no provision of Directive 85/374 prohibits a third party, in this instance a Member State, from reimbursing the damages which a producer has paid on account of his product being defective.”

EU Directive 85/374 states the following about a defective product:



‘... to protect the physical well-being and property of the consumer, **the defectiveness of the product should be determined by reference not to its fitness for use but to the lack of the safety which the public at large is entitled to expect**; whereas the safety is assessed by excluding any misuse of the product not reasonable under the circumstances’

In our affidavits, evidence and submissions to the High Court and Supreme Court we identified several defects in the covid19 vaccines which caused harm, loss and injury to several million people in the Europe Union, including Ireland, and amounted to breaches of EU Directive 85/374.

In addition to this, we identified and pleaded frauds in the covid19 vaccine contract between Pfizer and the EU Commission and member states and between the Irish government and the people of Ireland in respect of covid19 vaccines. These are additional grounds for rendering the vaccine contracts and indemnifications null and void in law and making Pfizer financially accountable for the harm, loss and injury caused by their covid19 vaccines.

Furthermore, the Honourable and Learned Judges of the European Court of Justice stated that the redactions applied to the vaccine contract, to conceal information from the public and MEP’s, were not lawful and legal, as the EU Commission had a legal duty of transparency and accountability to the people of Europe.

This raises the same question we posed to the High Court and Supreme Court, this being “how can people provide their full informed consent for a vaccination if material and important information about the vaccine was withheld and concealed ?”

The answer is obvious to everybody and to the Court. Informed consent cannot be given in such circumstances.

We, as Plaintiffs, in this Supreme Court case now cite and rely on this new precedent set in the European Court of Justice.

## **Submission 6**

This court case involves serious breaches of the Irish Constitution and the European Convention on Human Rights and the European Charter of Fundamental Rights and Freedoms and EU law. The Supreme Court has a legal duty and Constitutional duty to protect and uphold these rights, and to make judgments, orders or declarations to do this and provide restitution to those people who suffer

infringement of these rights.

EU law makes provision for appeal to the European Courts in relation to breaches of EU law, EU treaties and EU rights and breaches of international human rights and accompanying Irish Constitutional rights.

## Submission 7

### Biopsy of heart confirms damage caused by the covid19 vaccination to the heart

A case study from Japan has documented the first known biopsy-proven instance of inflammatory dilated cardiomyopathy (iDCM) a condition where the heart becomes enlarged and weakened due to inflammation after COVID-19 vaccination. Doctors at Narita-Tomisato Tokushukai Hospital in Chiba, Japan, used an endomyocardial biopsy to diagnose iDCM in a 78-year-old woman who developed heart problems after receiving her third COVID-19 vaccine dose. I cite the scientific study below.

A case of biopsy-proven inflammatory dilated cardiomyopathy following heterologous mRNA-1273 third-dose immunization

Hashimoto et al. 2024

<https://onlinelibrary.wiley.com/doi/full/10.1002/ehf2.14924>

News reports at <https://childrenshealthdefense.org/defender/cardiomyopathy-covid-vaccines-japan-study/>

This corroborates a scientific study from January 2024 which made similar findings about the covid19 vaccinations. I cite this scientific study below:

Determinants of COVID-19 vaccine-induced myocarditis

Rose et al. 2024

<https://pubmed.ncbi.nlm.nih.gov/38293564/>

**Results:** We found the number of myocarditis reports in VAERS after COVID-19 vaccination in 2021 was 223 times higher than the average of all vaccines combined for the past 30 years. This represented a 2500% increase in the absolute number of reports in the first year of the campaign when comparing historical values prior to 2021. Demographic data revealed that myocarditis occurred most in youths (50%) and males (69%). A total of 76% of cases resulted in emergency care and hospitalization. Of the total myocarditis reports, 92 individuals died (3%). Myocarditis was more likely after dose 2 ( $p <$

0.00001) and individuals less than 30 years of age were more likely than individuals older than 30 to acquire myocarditis ( $p < 0.00001$ ).

**Conclusion:** COVID-19 vaccination is strongly associated with a serious adverse safety signal of myocarditis, particularly in children and young adults resulting in hospitalization and death. Further investigation into the underlying mechanisms of COVID-19 vaccine-induced myocarditis is imperative to create effective mitigation strategies and ensure the safety of COVID-19 vaccination programs across populations

## **Submission 8**

### **No evidence to show and prove that the sars-cov2 virus has been isolated and the spike protein of this virus has been isolated**

We await scientific evidence to show and prove that the sars-cov2 virus has been isolated and the spike protein of this virus has been isolated. This information is material and relevant to our High Court case and Supreme Court case.

## **Submission 9**

### **In Law, Justice has to be seen to be done in the court**

There are fears that prejudice and politics and judicial membership of political parties has seeped into judgments and orders in Irish courts and this will necessitate more extensive use of the Bangalore Principles, Judicial Council Act and Rules and Constitutional law, EU law and international human rights law and the laws and legal principles regarding the separation of powers. The grounding affidavit for the Motion provides some substance to these fears.

In law, Justice has to be seen to be done in the courts. This in itself is grounds for appeal to the Supreme Court.

## Submission 10

We cite and rely on the important precedent set in the Supreme Court in Heather Hill Management Company CLG & McGoldrick -v- An Bord Pleanála, Burkeway Homes Limited and the Attorney General, 2024, where protective costs were awarded to the litigants as their case and grounds for taking the case involved alleged breaches of the Aarhus Convention. We stated that breach of some of the provisions of the Aarhus Convention as one of our grounds for taking our court case and this was detailed in our High Court papers and Supreme Court papers. This fact entitled us to protective costs in our court case. This was denied to us by Twomey J. who refused to hold court hearings about these provisions of the Aarhus Convention and about the substantive issues in this court case.

## Submission 11

### **Dr. Tony Fauci ex head of the NIH in the USA**

Dr. Tony Fauci ex head of the NIH in the USA falsely claimed that the covid19 vaccines and boosters were effective and prevented covid19 infection, yet he publicly stated in a news interview, **Exhibit Fool**, that he got several covid19 infections after getting covid19 vaccinations and boosters. He has proven himself to be liar who deceived the public about covid19 vaccines.

The EMA in Europe and the HPRA, NIAC, HSE, CMO and Minister for Health in Ireland relied on the public statements and alleged "expertise" of Dr. Tony Fauci head of the NIH in the USA from 2020 to 2024.

## Submission 12

I refer to two published scientific papers in 2024 which corroborate the evidence we filed and submitted to the High Court and Supreme Court. This evidence completely refutes the judgments and orders of Twomey J rendering them erroneous and defective in law and provide additional grounds for declaring them null and void in law.

## **New scientific study on Excess Mortality Associated with covid19 vaccinations**

A study published on July 19, 2024 analysed excess mortality across the world during the covid years of 2020 to 2023. It was conducted by researchers from the Canadian non-profit Correlation Research in the Public Interest and the University of Quebec at Trois-Rivières.

The paper, titled

‘Spatiotemporal variation of excess all-cause mortality in the world (125 countries) during the Covid period 2020-2023 regarding socio economic factors and public-health and medical interventions’,

By Denis Rancourt, Joseph Hickey and Christian Linard

<https://correlation-canada.org/wp-content/uploads/2024/07/2024-07-19-Correlation-ACM-World-125-countries-Rancourt-Hickey-Linard.pdf>

At 521 pages it is a comprehensive report containing hundreds of figures and a detailed examination of excess all-cause mortality during the years 2020 to 2023 in 125 countries, comprising approximately 2.7 billion people which is about 35% of the world’s population. Using the data from 78 countries the researchers calculated the population-wide risk of death per covid19 injection. From this, they estimated the global all-ages excess mortality associated with covid19 vaccines up to 30 December 2022. They calculated that the deaths, globally, associated with covid19 vaccines up to 30 December 2022 was 16.9 million people. The investigation determined that pandemic-related restrictions resulted in 30 million deaths globally and that 16.9 million deaths can be attributed to the COVID-19 vaccines.

There was no informed consent for any of this in relation to the covid19 vaccinations.

Long-term risk of autoimmune diseases after mRNA-based SARS-CoV2 vaccination in a Korean, nationwide, population-based cohort study

Jung et al. 2024

<https://www.nature.com/articles/s41467-024-50656-8>

Researchers found a striking 620% increased risk of myocarditis and 175% increased risk of pericarditis in people who received the vaccine compared to historical controls. The study also revealed a 62% increased risk for Guillain-Barré syndrome (GBS), a rare neurological disorder. The researchers found a 16% increased chance of systemic lupus erythematosus (SLE — the most common lupus type) and a 58% higher risk of bullous pemphigoid (BP — large, fluid-filled blisters). The study also revealed that booster shots were associated with slightly increased risks of several autoimmune connective tissue diseases (AI-CTDs), including alopecia areata (patchy hair loss), psoriasis (scaly, inflamed skin) and rheumatoid arthritis.

There was no informed consent for any of this in relation to the covid19 vaccinations.

## Submission 13

A new Japanese scientific study has found further contamination of the covid19 vaccines. This contamination relates to the discovery of self assembling units or nanotechnology inside the Pfizer and Moderna covid19 vaccines and in vaccinated blood. This corroborates our evidence presented to the High Court showing nanotechnology inside the covid19 vaccines and in vaccinated blood. I refer to the scientific study below:

Real-Time Self-Assembly of Stereomicroscopically Visible Artificial Constructions in Incubated Specimens of mRNA Products Mainly from Pfizer and Moderna: A Comprehensive Longitudinal Study  
Lee et al. 2024

<https://ijvtpr.com/index.php/IJVTPR/article/view/102>

I quote from this scientific paper:

‘ From such research, reasonable inferences can be drawn about observed injuries worldwide that have occurred since the injectables were pressed upon billions of individuals.

In addition to cellular toxicity, our findings reveal numerous —on the order of  $3 \sim 4 \times 10^6$  per milliliter of the injectable—visible artificial self-assembling entities ranging from about 1 to  $100 \mu\text{m}$ , or greater, of many different shapes.

There were animated worm-like entities, discs, chains, spirals, tubes, right-angle structures containing other artificial entities within them, and so forth.

All these are exceedingly beyond any expected and acceptable levels of contamination of the COVID-19 injectables, and incubation studies revealed the progressive self-assembly of many artifactual structures.

As time progressed during incubation, simple one- and two-dimensional structures over two or three weeks became more complex in shape and size developing into stereoscopically visible entities in three-dimensions.

They resembled carbon nanotube filaments, ribbons, and tapes, some appearing as transparent, thin, flat membranes, and others as three-dimensional spirals, and beaded chains.

Some of these seemed to appear and then disappear over time. Our observations suggest the presence of some kind of nanotechnology in the COVID-19 injectables'

There was no informed consent for this. This contamination of the covid19 vaccines and of vaccinated blood is a health hazard for blood banks and blood transfusion services.

Thus requires immediate and comprehensive scientific studies in Ireland to examine this contamination of the covid19 vaccines in the interests of Irish national security.