

138

2012 12340 P

Record No: ___/___ P

THE HIGH COURT

BETWEEN:

Name Removed

Plaintiff

AND

**PHIL HOGAN, BRIAN O'GORMAN, SEAMUS DE FAOITE, MARIA O'CALLAGHAN,
PAUL Mc SWEENEY, ALAN SHATTER, MICHAEL NOONAN, WARD Mc ELLIN,
JOHN CONDON, ~~NEALA~~**

Defendants

PLENARY SUMMONS

To the Defendants:

The **First Named Defendant PHIL HOGAN** Minister of the Environment, Community and Local Trust, with an address at, Department of the Environment, Custom House, Custom House Quay, Dublin 1.

The **Second Named Defendant BRIAN O'GORMAN** Call Centre Manager, with an address at, Household Charge Bureau, PO Box 12168, Dublin 1.

The **Third Named Defendant SEAMUS DE FAOITE** Operations Manager, with an address at Household Charge Bureau, PO Box 12168, Dublin 1.

The **Fourth Named Defendant MARIA O'CALLAGHAN** Administration Manager, with an address at Household Charge Bureau, PO Box 12168, Dublin 1.

The **Fifth Named Defendant PAUL Mc SWEENEY** CEO, with an address at Local Government Management Agency, 35-39 Ushers Quay, Dublin 8.

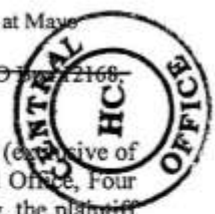
The **Sixth Named Defendant ALAN SHATTER** Minister of Justice and Equity, with an address at Department of Justice and Equality, 94 St. Stephens Green, Dublin 2.

The **Seventh Named Defendant MICHAEL NOONAN** Minister of Finance, with an address at Department of Finance, Government Buildings, Upper Merrion Street, Dublin 2.

The **Eighth Named Defendant WARD Mc ELLIN** Solicitor, with an address at King & McEllin Solicitors, The Mall, Castlebar, County Mayo.

The **Ninth Named Defendant JOHN CONDON** Mayo County Council Secretary, with an address at Mayo County Council, Corporate Affairs Section, The Mall, Castlebar, County Mayo.

~~The Tenth Named Defendant NEALA~~ Supervisor, with an address at Household Charge Bureau, PO Box 12168, Dublin 1.



This plenary summons is to require that within eight days after the service thereof upon you (exclusive of the day of such service) you in person or by solicitor do enter an appearance in the Central Office, Four Courts, Dublin 7 in the above action; and **TAKE NOTICE** that, in default of your so doing, the plaintiff may proceed therein, and judgment may be given in your absence.

By Order, the Honorable Susan Denham, Chief Justice of Ireland, the 5 day of December two thousand and twelve.

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

The defendants may appear hereto by entering an appearance either personally or by solicitor at the Central Office, Four Courts, Dublin 7.

D. Butler
FOR PROSECUTOR

GENERAL INDORSEMENT OF CLAIM

The plaintiff's claim is:

1. The Plaintiff is [REDACTED], a gentleman with an address at, [REDACTED].
2. The Defendants are: **PHIL HOGAN Minister of the Environment, Community and Local Trust**, with an address at, Department of the Environment, Custom House, Custom House Quay, Dublin 1.
3. **BRIAN O'GORMAN Call Centre Manager**, with an address at, Household Charge Bureau, PO Box 12168, Dublin 1.
4. **SEAMUS DE FAOITE Operations Manager**, with an address at Household Charge Bureau, PO Box 12168, Dublin 1.
5. **MARIA O'CALLAGHAN Administration Manager**, with an address at Household Charge Bureau, PO Box 12168, Dublin 1.
6. **PAUL Mc SWEENEY CEO**, with an address at Local Government Management Agency, 35-39 Ushers Quay, Dublin 8.
7. **ALAN SHATTER Minister of Justice and Equity**, with an address at Department of Justice and Equality, 94 St. Stephens Green, Dublin 2.
8. **MICHAEL NOONAN Minister of Finance**, with an address at Department of Finance, Government Buildings, Upper Merrion Street, Dublin 2.
9. **WARD Mc ELLIN Solicitor**, with an address at King & McEllin Solicitors, The Mall, Castlebar, County Mayo.
10. **JOHN CONDON Mayo County Council Secretary**, with an address at Mayo County Council, Corporate Affairs Section, The Mall, Castlebar, County Mayo.
11. **NEALA Supervisor**, with an address at Household Charge Bureau, PO Box 12168, Dublin 1.
12. The herein named Defendants **PHIL HOGAN, BRIAN O'GORMAN, SEAMUS DE FAOITE, MARIA O'CALLAGHAN, PAUL Mc SWEENEY, ALAN SHATTER, MICHAEL NOONAN, WARD Mc ELLIN, JOHN CONDON and NEALA** (hereinafter, named Defendants), did and are wilfully conspiring to unlawfully, illegally, unconstitutionally and immorally coerce and force me, against my will, to make a declaration, that which is precluded by Bunreacht na hÉireann and by LAW.
13. The herein named Defendants are in breach and contempt of the European Convention of Human Rights, the Universal declaration of Human Rights, and their collective and individual acts and actions constitute an offence under "the Non-Fatal Offences Against the Person Act 1997".
14. ALL of the herein named Defendants were issued with a **NOTICE/DEMAND** on the 27th. November 2012 and another **FINAL NOTICE/DEMAND** on the 30th. November 2012, wherein ALL of the named Defendants did wilfully FAIL, REFUSE and/or NEGLECT to acknowledge, answer or deal with any of the questions and statements of fact contained therein. **Ref Exhibit 01 & 02**
15. PHIL HOGAN and ALL of the herein named Defendants have willfully neglected and disregarded our demand for full and open disclosure for data, information and answers about their unlawfully concocted **LOCAL GOVERNMENT (HOUSEHOLD CHARGE) ACT 2011** (hereinafter "the Act"), the attached Summons, THE HOUSEHOLD CHARGE BUREAU, the Household Charge Form, Bunreacht na hÉireann, the Non-Fatal Offences Against the Person Act 1997, and Contract LAW.

Thus, PHIL HOGAN and the named Defendants have wilfully rendered me without recourse to a Defence in the matter. This is an OFFENCE. It is UNLAWFUL. It is UNCONSTITUTIONAL and is a HUMAN RIGHTS VIOLATION. PHIL HOGAN knows it and so do the named Defendants. **A Full Statement of Claim will follow within 21 Days of Service Herein.**

BETWEEN:

Plaintiff

AND

PHIL HOGAN, BRIAN O’GORMAN, SEAMUS DE FAOITE, MARIA O’CALLAGHAN, PAUL Mc SWEENEY, ALAN SHATTER, MICHAEL NOONAN, WARD Mc ELLIN, JOHN CONDON, NEALA
Defendants

AFFIDAVIT OF

I, [REDACTED], a gentleman with an address at, [REDACTED], being aged 18 years and upwards do hereby make oath and say as follows:

1. The herein named Defendants **PHIL HOGAN, BRIAN O’GORMAN, SEAMUS DE FAOITE, MARIA O’CALLAGHAN, PAUL Mc SWEENEY, ALAN SHATTER, MICHAEL NOONAN, WARD Mc ELLIN, JOHN CONDON and NEALA** (hereinafter, named Defendants), did and are wilfully conspiring to unlawfully, illegally, unconstitutionally and immorally coerce and force me, against my will, to make a declaration, that which is precluded by Bunreacht na hÉireann and by LAW.
2. The herein named Defendants are in breach and contempt of the European Convention of Human Rights, the Universal declaration of Human Rights, and their collective and individual acts and actions constitute an offence under “the Non-Fatal Offences Against the Person Act 1997”.
3. ALL of the herein named Defendants were issued with a **NOTICE/DEMAND** on the 27th. November 2012 and another **FINAL NOTICE/DEMAND** on the 30th. November 2012, wherein ALL of the named Defendants did wilfully FAIL, REFUSE and/or NEGLECT to acknowledge, answer or deal with any of the questions and statements of fact contained therein. Ref Exhibit 01 & 02

PHIL HOGAN and ALL of the herein named Defendants have wilfully neglected and disregarded our demand for full and open disclosure for data, information and answers about their unlawfully concocted **LOCAL GOVERNMENT (HOUSEHOLD CHARGE) ACT 2011** (hereinafter “the Act”), the attached Summons, THE HOUSEHOLD CHARGE BUREAU, the Household Charge Form, Bunreacht na hÉireann, the Non-Fatal Offences Against the Person Act 1997, and Contract LAW. Thus, PHIL HOGAN and the named Defendants have wilfully rendered me without recourse to a Defence in the matter. This is an OFFENCE. It is UNLAWFUL. It is UNCONSTITUTIONAL and is a HUMAN RIGHTS VIOLATION. PHIL HOGAN knows it and so do the named Defendants.

4. We Demand that PHIL HOGAN and ALL the herein named Defendants be brought before this Honorable Court one by one, to answer ALL of the questions contained within the aforementioned NOTICE/DEMAND, under penalty of perjury.
5. By the duplicity of the herein named Defendants, they have concocted what can only be construed as an unlawful Summons, in order to coerce me into attending a District Court, wherein they intend to do me harm, and to persecute me, for and with no legitimate, legal or lawful reason or claim.
6. PHIL HOGAN and the herein named Defendants have been and are working in cahoots with each other, with the intention of misleading ME, one of the People into making “self-declarations” that are NOT MANDATORY, are NOT Constitutional and NOT Lawful, for the purpose of creating what is termed “a simple debt contract”. Wherein these “simple debt contracts” which may be used as the basis for the creation of instruments, as defined by the “Bill of Exchange 1882”. This is being done and carried out *without the explicit consent* and knowledge of the People. There is no “Consensus ad idem”, therefore it is unlawful, illegal and immoral.
7. PHIL HOGAN and the herein named Defendants are using fear and ambiguity, which seems to be the order of the day for the current Government and the State. It is NOT MANDATORY to fill in the Household Charge Bureau form as prescribed by “the Act”, and certainly there is absolutely NO PRESCRIBED requirement, be

it obligatory or not, to give the Household Charge Bureau any level or depth of information that they infer is required by their “HOUSEHOLD CHARGE DECLARATION / NEW ACCOUNT REGISTRATION FORM (HC12N)”. Ref Exhibit 03.

8. PHIL HOGAN and the herein named Defendants have NOT provided any “Testamentary Evidence” in support of their claim. We demand that they now provide this Honorable Court with that “Testamentary Evidence” if such thing exists, by answering ALL questions previously put to them. Ref Exhibit 01 & 02.
9. The Household Charge Bureau in and of itself, is nothing more than a front for an illegal and highly organised criminal gang. Whose aim is to willfully mislead, misinform and misdirect ME and the People of the Island into making “self-declarations” that are NOT MANDATORY, solely for the purpose of fraudulently and illegally coercing People into paying money to them, under the guise of the aforementioned Act. The agents of the Household Bureau have basically admitted same.
10. The Household Charge Bureau are employing agents that have NOT read and do NOT understand “the Act”, and they have admitted same. The agents of the Household Charge Bureau are NOT legally trained, are NOT professionally trained, and are NOT Civil or State Servants, and have admitted same. The agents of the Household Charge Bureau are constituted and employed solely for the purpose of debt collection.
11. The Household Charge Bureau agents are NOT there to explain “the Act”, to assist the People in their understanding of “the Act”, or guide People through “the Act” in an objective way or form. This would not be possible for the agents of the Household Charge Bureau, as they themselves are not employed for that purpose. They are handed a crib sheet of answers and do not veer from that set of answers. The agents of the Household Charge Bureau are employed as unregulated, ill-informed and uneducated debt collectors. This is a designed convenience for PHIL HOGAN and the herein named Defendants. By employing unregulated legal imbeciles, PHIL HOGAN and the herein named Defendants can perceivably “wash their hands” of the whole torrid affair if they get caught, and they have, but we won’t let them “wash their hands”, as too much pain has already been inflicted by PHIL and his gang, and as a result some People have taken their own lives.
12. PHIL HOGAN and the herein named Defendants are willfully in contempt of Bunreacht na hÉireann, in that: Their concocted Act, and the attempted implementation through the subjugation of ME and the People of the Island is contemptuous to the promotion of Prudence, Justice and Charity as laid out in the Preamble of Bunreacht na hÉireann. The Act and the establishment of “The Household Charge Bureau” is an atrocity to the Law and equity.
13. We Demand that PHIL HOGAN and the herein named Defendants be brought to book in Public and before this Honorable Court to answer as follows:-
14. **Article 15.4 1° - “The Oireachtas is not permitted to enact any law which would be in any way against this Constitution or against any provision of this Constitution”.**

The “Household Charge Act 2011” does contravene this article.

15. **Article 15.4 2° - “In the case of any law (of those) which the Oireachtas enacts being in any way against this Constitution or against any provision of this Constitution it will be without validity to the extent that it will be against this Constitution and to that extent alone”.**

PHIL HOGAN and the herein named Defendants are in contravention of this article, therefore “the Act” is without validity and therefore unlawful.

16. **Article 40.1 - “It is reckoned that all the citizens are equal as human persons in the presence of the law”.**

“The Act” does wilfully discriminate between distinct economic personas.

This is a wilful and blatant act of discrimination.

This make “the Act” Unconstitutional.

- 17. Article 40.3 1° - *“The State guarantees not to interfere by its laws with the personal rights of any citizen, and it further guarantees to defend and assert those rights with its laws in so far as it is possible”.***

“The Act” is in contravention of Article 40.3 1° herein.

It is incumbent upon “the state” to “defend and assert those rights”.

- 18. Article 41.1 1° - *“The State acknowledges that the Family is the basic primary group-unit of/for society according to nature, and that it is a moral institution which has inalienable invincible rights which are more ancient and higher than any human statute”.***

Forcing “an Act” upon the family as “the basic primary group-unit of/for society according to nature”, that which is aimed at the wanton destruction and destitution of the family, is nothing less than a wilful attack upon “a moral institution”, within the context of this article.

- 19. Article 41.2 1° - *“Specifically, the State acknowledges that the woman gives the State, through her life in the family household, assistance/support without which the welfare of the people could not be achieved”.***

Given that “the woman ... through her life in the family household” already gives “assistance/support without which the welfare of the People could not be achieved”, therefore your, “the Act” is a form of financial enslavement, which threatens the welfare of the People, by forcing “the woman” away from the home and family household in order to get, make or earn monies for the payment of the said charge.

“The Act” does contravene this said article.

It is incumbent upon “the state” to defend and protect “the woman, her life and the family household”.

- 20. Article 41.2 2° - *“For that reason, the State will endeavour to ensure that mothers of a family, because of want, will not have to engage in work and neglect their duties in the household because of that”.***

It is incumbent upon “the state” to endeavour “to ensure that mothers of a family ... will not have to engage in work and neglect their duties in the household” because of your “the Act”.

“The State” through “the Act” are wilfully burdening the mother, the family and the household.

It is incumbent upon “the state” to protect the mother, the family and the household from this attack.

- 21. Article 43.1 1° - *“The State acknowledges, because man has the gift of reason, that he has a natural right to have worldly assets of his own privately, a right which is more ancient than human statute”.***

“The Act” is a wilful attempt to extinguish this right, which is more ancient than the Euro, the State and human statute.

The Island of Ireland and all the assets therein are *privately* owned by the People.

- 22. Article 43. 1 2° - *“For that reason, the State guarantees not to enact any law attempting to set aside that right, nor the ordinary right of man to assign and to bequeath and to receive assets/property as an inheritance”.***

“The Act” an attempt to enact law to set aside that right.

“The Act” is a wilful attempt to extinguish “the ordinary right of man to assign and to bequeath and to receive assets/property as an inheritance”.

It is incumbent upon “the state” to guarantee “not to enact” such a law.

- 23. Article 43.2 1° - *“But the State acknowledges that it is fitting, in civil society, to regulate the operation of the rights which are mentioned in the foregoing provisions of this Article in accordance with the basic rules of the societal justice”.***

It is incumbent upon “the state ... to regulate the operation of the rights” when “the Act” proposes to do the opposite.

- 24. Article 43.2 2° - “For that reason, the State may, as will be necessary, put a limit to the operation of the aforementioned rights in order to bring together that operation and the welfare of the people”.**

It is incumbent upon “the state” to bring together “that operation” which specifically advocates for the welfare of the people as stated in this article.

- 25. Article 44.2 5° - “Every religious grouping has the right to manage its own affairs, and to have property, both movable and immovable, of its own, and to get it and administer it, and to maintain foundations for religious and charitable purposes”.**

ALL religious groupings are exempt from “the Act” / “the Household Charge” without exception.

- 26. Article 44.2 6° - “It is not permitted to take the property of any religious grouping or any educational foundations from them except for necessary works for public utility, and that after paying them compensation”.**

ALL religious groupings are exempt from “the Act” / “the Household Charge” without exception.

- 27. Article 45.1 – “The State will do its utmost to advance the welfare of all the people through ensuring and preserving as far as it is able a societal order, in which justice and charity will rule every institution which relates to the national life”.**

It is incumbent upon “the state” to advance the welfare of ALL the People.

- 28. PHIL HOGAN and the herein named Defendants** are guilty of crimes as defined under “the Non-Fatal Offences Against the Person Act 1997” herein.

S. 11.—(1) A person who makes any demand for payment of a debt shall be guilty of an offence if—

- (a) the demands by reason of their frequency are calculated to subject the debtor or a member of the family of the debtor to alarm, distress or humiliation, or
- (b) the person falsely represents that criminal proceedings lie for non-payment of the debt, or
- (c) the person falsely represents that he or she is authorised in some official capacity to enforce payment, or
- (d) the person utters a document falsely represented to have an official character.

S.11 (2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £1,500.

- 29.** It is true that a demand for payment with menace, which can be “threat of court action”, breaches section 11.1 of the Non-Fatal Offences Against the Person Act 1997.

30. Demanding a person to sign a declaration “under threat” is coercion.

31. Demanding a person to sign a declaration “under threat” is undue influence.

32. Demanding a person to sign a declaration “under threat” is moral & economic coercion.

33. Demanding a person to sign a declaration “under threat” is economic duress.

34. Demanding a person to sign a declaration “under threat” is moral duress.

35. Demanding a person to sign a declaration “under threat” is fraud.

36. Demanding a person to sign a declaration “under threat” is fraud in the inducement.

37. Demanding a person to sign a declaration “under threat” is fraud in the factum.
38. “THE ACT” is a FRAUDULENT ACT.
39. “The Act” of the “Household Charge Act 2011” is equivalent to dictatorship, bondage and slavery ... given that it wilfully aims and does deny and suspends all legal, political, civil and human rights, and subjects the People of the Island to the constraints and domination of “the State” and its illegal and unlawful enactments, on behalf of a foreign body/government.
40. Does “the State” or any other entity hold legal title to registered property/land, and unregistered property/land in the state which is owned by individuals?
41. If yes, who then does hold legal title?
42. The “Household Charge Act 2011” establishes that servitude exists in the state.
43. “A contract/legislation that interferes with the welfare of the People is null and void”.
- a. “The Act” DOES interfere with the welfare of the People.
 - b. Therefore “the Act” is NULL and VOID.
44. PHIL HOGAN and the herein named Defendants are wilfully subjugating me to the whims of an UNLAWFUL ACT, and duplicity making demands of me for “Declaration’s” and demands for “Payment” as would the members of an organised Criminal gang, albeit a white collar and quazi-legal Criminal gang, nonetheless a Criminal gang.

SIGNED BY

This ____ day of December 2012

At _____

Before me a Practicing Solicitor / Commissioner for Oaths

Practicing Solicitor / Commissioner for Oaths

AND THE PLAINTIFF CLAIMS:-

- (a) That this Honourable Court VOID the LOCAL GOVERNMENT (HOUSEHOLD CHARGE) ACT 2011.
- (b) Injunctive relief from the court against the above named defendants to restrain all defendants from further trespass into or onto my life and or family.
- (c) Damages, wherefore the above mentioned defendants have destroyed the life, peace, and mental wellbeing of the Plaintiff.
- (d) Further and other relief as the Honourable Court may deem fit.
- (e) Costs.

Signed _____ (Plaintiff)
By: 