

IN THE COURT OF GENERAL GAOL DELIVERY IN

THE MATTER of the Proceeds of Crime Act 2008

And

IN THE MATTER of Robert Paul Davis First Applicant

And

IN THE MATTER of Monica Elizabete Bottcher Second Applicant

And

IN THE MATTER of Timothy Richard Craine Third Applicant

And

IN THE MATTER of Balladaniel Limited Fourth Applicant

And

IN THE MATTER of Differentia Limited Fifth Applicant

And

IN THE MATTER of Counting House Services Limited Sixth Applicant

And

IN THE MATTER of Delivered Co Limited Seventh Applicant

(the First – Seventh Applicants shall collectively be referred to as “the Applicants”)

His Honour Deemster Kainth QC

Transcript of Hearing

3 September 2018 1 Recording starts: 12:16:00

Deemster: So earlier this morning I heard an application by the Applicants for discharge of a Restraint Order that was made in September last year by His Honour Deemster Montgomerie. I have been directed to the appropriate information that was before the learned Deemster at the point of these various orders having been granted by him and the Judge being satisfied that the criteria within the relevant Act had been made out. The application this morning is for me to consider taking it step by step the legislative framework with respect to those orders that were granted last year. And of course, there is no disputing that the relevant criteria is Sections 96 and 97 of the Act which directs as to what must be complied with in order for orders to be made by a Court of law. With the agreement of both parties I directed that the appropriate and sensible way forward would be first of all to deal with each test individually and then if that test was overcome to hear further submissions with regards to the next element of the statutory criteria.

So, as a starting point I am dealing with whether or not there was sufficient material for there to be suspicion that the order should have been granted in the first instance. That is what was being asked of me. So, dealing with that first. The Prosecution have relied upon Section 96 of section 2 of the Act which requires there to be, point A, a criminal investigation in the island with regard to an offence and, B, a reasonable cause to believe that the alleged offender has benefitted from the alleged offender's criminal conduct. It is the last element which I deal with first; has there been benefit with regards to any of these applicants as far as the restraint orders are concerned? One has to go back in time to consider that information which was provided to Deemster Montgomerie and I have in front of me the very comprehensive and detailed witness statement of Mr Crennell. That is signed and dated the 23rd August 2017. The thrust of Ms Watts' submissions on the discreet point which I highlighted was this; that the statement of Mr Crennell coupled with that of Mr Paul O'Grady, who is a officer in Ireland, attached to the Bureau Office, sorry Criminal Assets Bureau, that those two statements were sufficient to identify that there was reasonable cause under 96(2)(b) and she explored that in further detail with respect to her skeleton argument at paragraph 10 and those were broken down and dissected in the course of her argument as to why it was the Attorney General's submission in specific terms that there was reasonable cause for the orders to be made and for them to continue to remain in force. On the reverse side of the coin Mr Gough in his

skeleton argument argued that the position adopted by the Attorney General's Office was simply wrong in law for a variety of reasons which are very clearly spelt out in his skeleton argument.

And dealing then with reasonable cause. It's properly stated at paragraph 16 of his skeleton that reasonable cause is greater than mere suspicion. The Prosecution must produce material for the court in its application for the Deemster to reach the conclusion himself that there is reasonable cause to believe that the applicants had benefitted from their alleged criminal conduct. The Deemster cannot reach the conclusion by simply being informed of the OFAC's announcements without seeing a n d underlining evidence to show that OFAC's suspicions were correct. Quoting the established case of R v Windsor citation 2011 EWCA Crim 143 paragraphs 82, 86-87. Benefit again is defined by the Court of Appeal in the case of Jennings citation Jennings CPS 2005 EWCA 6746 paragraph 36-39. I have had the benefit of looking at the authorities. I have had the opportunity of going through these bundles of papers. As I indicated right from the beginning I was under a false understanding that I was coming to deal with a particular issue, not the substance of why the restraint orders were made, but as I have already read the papers on more than one occasion and made comprehensive notes, it wasn't too difficult to remind myself of the key principles and the primary evidence upon which both parties seek to rely upon. So, looking at reasonable cause. Mr Gough's submission effectively is this. That the material provided at the time to Deemster Montgomerie was of such poor quality that even on the civil standard, or any standard effectively, it was simply not made out for reasonable cause suspicion to have been found by the learned Deemster. I do not know and I do not comment with regard to the amount of time one would expend in order to dissect the evidence, but I have had the opportunity, and as I have already indicated t look at it in detail over a number of days in the past and today. So, putting aside for a moment the expert report of Mr Bernstein (because his report effectively goes to the OFAC position as adopted within the statement of Mr Crennell) because that, and there is no disputing, was the substance of why the applications were made in the first place. Paragraph 5 of the statement, which is page 4, makes reference to of course OFAC – OFAC standing for the Office of Foreign Assets Control as part of the Department of Treasury in America. So, a brief summary of why all this has taken place. The authorities in America at some point decided to place a Canadian payment processor by the name of PACNET Services

Limited onto a designated list as a organization /company which they had concerns about. And it's as a consequence of enquiries as far as PACNET were concerned, that an international dimension took place and orders being sought in more than one jurisdiction. There is no disputing that there is no criminal action against PACNET whatsoever, as I am told at the moment. Have criminal charges been instigated against any organisation, whether it be an individual or a company, or any entity? Well the answer at the moment remains unclear as to whether or not that is the process because the question was asked by Mr Gough when I raised it in connection with paragraph 5 of Mr Crennell's statement, which reads, and I will paraphrase it, well actually I will just read it. "On 22 September 2016 the US Department of Justice in coordination with the US Postal Inspection Service, the Department of Treasuries, Office of Foreign Assets Control and their other law enforcement partners announced wide ranging enforcement actions the pertinent details of which were referred to below including criminal charges, economic sanctions, seizure of criminal proceeds and civil injunction law suits." Well, as I already indicated it remains unclear and it is very unsatisfactory with regards to whether or not criminal charges have been brought against any entity. On the face of the material provided so far I can only draw one conclusion, which is no. Even if criminal proceedings had been instigated against an entity, it would be for the Attorney General's Office to identify that there is a causal link or some kind of link between whatever company or entity had been prosecuted or charged to those who are before this court seeking that the restraint orders against them be discharged. There is no material that I can conclude by way of looking at the referencing including criminal charges that there is, at the moment. In the course of submissions I referred to PACNET as the umbrella company.

I am going continue to use that particular phraseology because it does assist with regards to why we are here. PACNET as already indicated is a company that effectively was providing services to a whole host of clients in connection with payment processing and it would appear on the face of it that the Attorney General's Office are suggesting that those who have been involved with PACNET as customers, users, could potentially come under suspicion with regards to criminality taking place. And they say that for a variety of reasons, one being that PACNET were placed on a designated list as an organisation which was of concern. There is no disputing the fact because it is contained within the expert report of Mr Bernstein, and I heard no evidence to suggest a contrary position, that with

regards to the designation initially made by OFAC of PACNET that organisation, i.e. PACNET, were delisted and that no criminal prosecutions have been brought against them, or any of its officers. Whether or not they are delisted or not, is that material to what I have to consider? Well probably not ultimately, but it is material which may shed some light overall to the reasonable cause test as highlighted within the jurisdiction of the Isle of Man. But as I indicated, there are no criminal proceedings against that organisation. There has been a resolution in as much as an agreement has been reached between that company, PACNET, and the authorities in America. I have not been provided with any information as to what the agreement is and I am not prepared to speculate with regards to what that potentially may entail save to say no criminal proceedings. Does that mean therefore that in the absence of any proceedings against PACNET the application for restraint orders should be allowed? Well no, because as indicated earlier there needs to be some other material upon which the prosecuting authority can seek to rely upon. Ms Watts quite helpfully directed me to paragraph 10 of her skeleton and we went through, in some detail, the statement of Mr Crennell.

So looking at that first, the very fact that these applicants have some interaction with PACNET at some point, does it mean therefore that the reasonable cause test in isolation, just looking at that, is sufficient? And the parties will remember because I uttered these particular words, individually the information isn't. Cumulatively is it? That is what I suggested to Ms Watts and she agreed with it. Well, dissecting it and looking at it in the round, so, as I indicate at paragraph 15(d), the very fact that there is a similar investigation taking place in the Netherlands, would that be sufficient to assist the prosecuting authority in contesting the application? Well, just looking at it, the very fact that there is an investigation taking place in the Netherlands, none of these applicants are actually named as parties to that whatsoever. The Attorney General's Office are suggesting that because they were past customers of PACNET that would be sufficient for the Netherlands enquiry to result in reasonable cause? Well, I simply can't see that and I did indicate when that suggestion was made that it was somewhat weak. In my assessment the evidence it's somewhat desperate really to suggest that in itself is sufficient, it is not. It can't be because the analogy would effectively be that I being a customer of a particular company, they're being investigated overseas and because they are being investigated I

must be tarred with the same brush, well that is a step too far. It can't be the case. I therefore discount that as a proposition of reasonable cause. Simply can't be. [12:31:50]

Then moving to the next element, 17(c) of the statement. Reference made to, and I have to be careful here, because of the fact that some of the material was in that statement has been redacted, but as I indicated earlier and Ms Watts quite properly accepted, it was vague with regards to that which had been suggested as far as Mr Craine's involvement with this particular bank was concerned on the island. Just because there is potentially some concern, it is not supported, there is no witness statement, there is nothing. Am I expected to work in a vacuum? I am not prepared to work in a vacuum because the whole ethos of the law is to ensure that the rule of the law is upheld and I am not prepared to speculate as I have indicated on that. Does that assist the Attorney General's Office? Well I am using strong words, it can't, it never can. [12:33:17]

Right, then we move into the next potential element of going to reasonable cause. Paragraph 19(c). Now this is interesting and the exercise that has been undertaken this morning has been eliminated. Because it has been suggested here that a complaint made, and I use the word 'complaint' loosely, with regards to various transactions have resulted in an enquiry taking place with respect to certain transactions. Well first of all I am told that the person who made the complaint made it via an email some twelve months ago. I do not know what the email contained. What I do know is that no statement has been taken from that complainant Mr X. Mr X purports to represent a number of other individuals as well. There are no supporting statements from those individuals, therefore what do they say? Well, I don't know, I have absolutely no idea as to what they say. What is the thrust of the complaint? Well that I have that because that is contained within 19(c)(ii) effectively. Is that sufficient by itself? No. That's why the AG's office suggests that paragraph 19(c)(iii) adds a bit more flesh to the bone in connection with a number of transactions which they say may be indicative to support the complaint made by Mr X and those who he represents with regards to inappropriate behaviours which can go to reasonable cause. Other than that broad statement, there is no other direct link with respect to identifying any one of those transactions which have been broken down to suggest that inappropriate behaviour has taken place by any one of the applicants. So I reject the proposition that either the

complaint by Mr X is sufficient, even coupled with the various transactions, there are transactions, they could be generic, they are specific in as much as that they related to particular dates and certain amounts. But nowhere have I been taken to evidence to suggest that this particular transaction supports the proposition that inappropriate behaviour has taken place, and as I said, its not my job ultimately to take the view that it does. I have got to be taken to whatever evidence there is. I can only conclude there is no supporting evidence for that proposition. That deals with 19(c). [12:36:47]

19(d) well part of that has been redacted, but even looking at it without the redaction, how does that assist the prosecuting authority? I just fail to see how it can. There may be something taking place in a foreign jurisdiction, well that may well be the case, but unless I have some information to support the proposition, it doesn't help the Attorney General's Office. I therefore I discount that particular element as well. [12:37:23] I was then taken to paragraph 24(d) of Mr Crennell's statement. The vast majority of this has been redacted. How does that assist? Well, I struggle to see how it does. Various companies across other jurisdictions have.... let me just rephrase that. Other organisations are of concern to the authorities. Looking at the clean copy, the non-redacted copy, reference is made to a whole host of information which isn't privy to Mr Gough, I have looked at that carefully, dissecting it to try and understand what it is within that that supports the Attorney General's Office on the reasonable cause, i.e. greater than mere suspicion, and I can't see anything on the face of it. I therefore discount that as well. [12:38:47]

The last point that was made was with regards to an international dimension that there are other countries looking at the PACNET situation as an umbrella company. Well that may well be the case, but is that indicative that there is inappropriate behaviour by any one of these applicants. I used an analogy earlier, probably not the best analogy, but it was the only one I could think of at the time, and that was with regards to going to Woolworth's, because it relates to one of the points that were being suggested to me to support suspicion and the example was simply this. That if I put my dirty hand in a bucket of sweets I have contaminated all of the sweets and if another person who had clean hands placed their hand in the same bucket, are they responsible for my contamination? Well of course

the answer has to be they can't be because where is the causal link? There has to be a causal link. I see no causal link at all. There is a whole wealth of material that has been provided. I was invited to look at statements of those who are here to add a bit more flesh to the bone, in particular of course statements of Robert Paul Davis, who has undertaken various statements, 1 to 4, and they are very comprehensive indeed.

Ultimately I am here to look at the law; that's my job. I am not here to speculate, I am not here to second guess, I have to be satisfied that the statutory criteria is met applying the civil standard. And on the basis of that which I have read so far and the submissions which I have heard, it cannot be said that the regulation framework that applies on the Isle of Man has been complied with and therefore as a consequence of that I say is as follows. That Section 96 of the Proceeds of Crime Act 2008 has not been complied with. If it hasn't been complied with because the first stage hasn't been met, do I need to look at anything else? Well of course I don't because it is a step by step approach. The AG's office simply cannot overcome the first hurdle because of the comprehensive reasons which I have set out in my judgment. The very fact that a company was on a designated list is the reason why this all commenced. They are not on that list. Even if they remained on the list, could the Attorney General's Office get home with regards to the criteria? Well no, they can't. And accordingly I allow the application that the restraint orders against each applicant be discharged.

AG Obligated Your Honour.

Deemster Now, Mr Gough, would you be kind enough just to draft the order?

AG Yes.

Deemster And email it in Word format please, then it can be dealt with

AG Yes, there will be... they are pretty much the same, there will be separate orders for each defendant because of the separate restraints. If I attempt to agree the form with Mrs Watts I can send you an agreed suggested order

Deemster Fine

AG Well I will do that straight away

Deemster Ok. Anything else?

AG There may be an ancillary application regarding costs, but it's a problematic area with regards to the Proceeds of Crime Act. So as long as I can have leave to put in such an application we can deal with it in due course.

Deemster I will grant leave as far as that is concerned. In light of the order by way of discharge, there was an application Mr Gough with respect to return of particular items.

AG Yes. Well perhaps Mrs Watts might agree that that can just be granted?

Deemster Mrs Watts?

LW Your Honour I haven't addressed my mind to that application as yet, I am afraid I have been away rather a lot lately.

Deemster Ok, I can deal with it at 2:00pm

LW Certainly Your Honour.

Deemster Because I am here.

LW Yes. I am happy to deal with it then.

Deemster Mr Gough?

AG Yes.... Would it be inconvenient if I went and did the order and Mr Marshall my colleague dealt with the application at 2:00pm? He is the one who put it in.

Deemster Yes, yes, that's fine. I can give a steer now. Mr preliminary view. Because I think I did the same with regards to when I was dealing with the expert report of Professor Bernstein. My preliminary view is they should be returned. I have some issues which I want to flag up, but on the basis of what I have read so far, there is no reason why they shouldn't, and incidentally looking at the application for the orders for 1.1 to 1.3, it may be, there may be a very good reason why the following is not included, but there was a HP laptop data which when it was returned back to the second applicant he wasn't able to retrieve his personal data from it. Now he makes reference at paragraph 6 of his formal statement as far as that is concerned, so maybe that needs to be addressed as well.

AG Yes. Otherwise from me I don't think there is anything else at this time Your Honour.

Deemster That might help you Ms Watts.

LW Yes, thank you Your Honour

Deemster It's been four months hasn't it?

LW Yes.

Deemster 4 months, ample time.

LW Three and a half I think, but yes. It's been....

Deemster Three and a half is ample. Three is ample. There we are. Thank you very much.

AG Thank you Your Honour. [12:45:20]

[14:01:32]

Deemster So, I have the application prepared by Gough Law with regards to the return of various Apple products to the First and Second Applicants. I probably don't need to hear anything at the moment from you Mr Marshall with the greatest respect.

AM Yes Your Honour.

Deemster Ms Watts.

LW Your Honour. The application is opposed on the basis that the High Tec Crime Unit have not finished their examination of the items as yet.....

Deemster Have they started it?

LW Yes they have.

Deemster When did they start it?

LW Your Honour I can give full history of what has happened, if that would assist.

Deemster No, I just need to know when they started it that's all.

LW Ok. The devices were handed to the High Tec Crime Department on 27 June.

Deemster 27 June?

LW Yes. That's some....

Deemster But they were seized on 15th and 16th May.

LW They were yes Your Honour. So, may I inform the Court as to what happened in the meantime.

Deemster Oh please yes.

LW Your Honour will know that the TT period falls at the end of May and the beginning of June, for the police on the Isle of Man most other things stop during TT and officers are deployed for

TT duties. That's what happened to 100% of the High Tec Crime Unit and almost all of the Economic Crime Unit. It is not unusual, it happens every year.

Deemster Well the simple to that answer really is tough. That's from the police?

LW Yes. I am attempting to assist the court by filling in the facts as I know them.

Deemster Thanks for being so blunt about it, I just really find that gob-smacking amazing, but there we are. Ok, so what happened thereafter then?

LW Well they used to bring police over from other jurisdictions as well to assist in TT, but that's not possible these days....

Deemster So there's a delay because of TT.

LW So after TT then all of the exhibits which were seized in all of the searches which took place at the five addresses on 15th and 16th May had to be logged into the police computer system by an officer, whose job it was to do that, and it was only when that was complete on 27th June that the items were sent to the High Tech Crime Unit. There is one fulltime officer who works in the High Tech Crime Unit who is required to assist the whole police service, not just the Economic Crime Unit. There is another who is part time who is ringfenced for other duties. So this officer has commenced and I am told that all but the pink Apple Mac, which is exhibit 167/3, although I don't think that will mean anything to anyone yet, remains to be imaged. So, everything has been imaged but the ...

Deemster When you say imaged, you mean that the data has been downloaded, is that what they refer to as 'imaged'?

LW Imaging is the making of a duplicate copy of the original information.

Deemster So it's downloaded.

LW Yes. And I am told that best practice is that devices where they hold any evidence which is of use to the Prosecution, these days best practice is that they are kept until trial because it is possible that there will be a challenge as to the download or the changing of the information. And the state of devices currently is that if you turn it on again there are changes that have been made simply by the act of turning it on again. Now I don't have any evidence to put before Your Honour in respect of that, and if Your Honour wished to hear evidence then I have asked for a member of the High Tech

Crime Unit to provide that evidence as to what that best practice is based on. Unfortunately there is no one available this afternoon, but of course I could provide that evidence to Your Honour.

Deemster Is there a hard copy of some type of protocol on the island which suggests that it would be best practice?

LW I think it is something in the UK that is relied on rather than it being a local document.

Deemster Ok, because in the UK it works both ways.

LW The National Crime Agency I am told it emanates from.

Deemster It works both ways in the UK, I know that because I have just dealt with a case where, to use the phraseology you used, it was mirroring the items to be returned. Ok.

LW I am told that that isn't regarded as sufficient these days.

Deemster So effectively what you are saying is putting aside the fact that one item has yet to be...

LW imaged.

Deemster ... imaged, best practice would dictate the items should not be returned?

LW Yes, if there is something on them that the Prosecution wished to use evidentially. If there isn't, once the downloads have been analysed, then the devices can go straight back.

Deemster So they have been imaged, but not been looked at yet.

LW Yes.

Deemster So who is going to look at those?

LW The police, High Tech Crime Unit in conjunction with the Economic Crime Unit. They are now one unit, so it will be that unit.

Deemster Ok, thank you. So Mr Marshall, what do you say to that.

AM Your Honour has already touched upon the fact that the items were seized on 15th and 16th May, we are now nearly four months down the line. Paragraph 112 of the Code of Practice, which can be found on page 18 of my authorities bundle, sets out very clearly what the Attorney General's Chambers and the police must do and it states "property must not be retained if a photograph or copy would suffice for the purposes of evidence in prospective court proceedings following the investigation".

Deemster But Ms Watts I would suggest would probably say "well the investigation is ongoing".

AM Yes Your Honour, or if Your Honour looks at paragraph 111, “anything which has been seized may be retained only for as long as is necessary in connection with the investigation”. Your Honour, it is not the applicants’ fault if the police are under resourced. Nor is it the applicants’ fault to simply to sit on their, or required to simply sit on their hands until the police find time to download a copy.

Deemster Now my understanding, I am not very good with technology, but my understanding is that if you have got an Apple product, the information contained on your Apple product is stored in the Apple iCloud somewhere and you can then download your information onto another device, as long as it is another Apple device. That’s my understanding.

AM I daren’t comment on that Your Honour, I am not very tech savvy myself.

Deemster I only say that because I have an Apple phone, my daughter has had Apple phones and we have just undertaken that exercise not that long ago. But whether or not it would mean that the data on the original device gets deleted, I don’t know. I am not that *au fait* with the process.

AM We have got that issue Your Honour regarding Mr Craine’s device as detailed in paragraph 6 of his witness statement, which confirms that he has actually had a laptop returned and there appears to be loss of data and Mr Craine would be grateful if the police could provide a copy of the data for him to then restore onto his laptop.

Deemster I suppose the fact that it was copied at his address conflicts with best practice Ms Watts which you suggested.

LW Yes, I think....

Deemster Internally inconsistent.

LW I am not great with technology either. I understand that Apple devices are different to non-Apple devices.

Deemster No that I understand, the point I am trying to make is this. That you are saying that it is best practice to keep a device until the outcome of the trial, well if that was adopted then Mr Craine would never have had his HP laptop returned, well not even returned, it wasn’t even seized because it was downloaded there and then.

LW I think the difference is between HP laptop, which is obviously not an Apple device and a mobile Apple device, which behaves differently when you turn it on and off, as I understand it, as I said I am

not a technical expert. Your Honour's understanding with regard to the iCloud accords with mine, although I have never tried to do it myself. I believe that that's the position.

Deemster If you are going to download from an android, for want of a better expression, laptop, all you are doing is mirroring the information that is contained within it. The same applies to an Apple product, you simply just download that which is contained on the device, on the hard drive, or accessing because the passwords have been given, the data that is in the iCloud, I think that is what it is called, I am not sure. It boils down to the same thing, the data is retrievable.

LW Yes Your Honour. I am only imparting what advice I have been given. Of course I am willing to have a high-tech officer come and explain it to the court should that be necessary on another occasion.

Deemster Oh no, I am just going to deal with it today. So I assume the pink Apple iPad is Mr Craine's girlfriend's? I don't suspect he'll be having a pink one.

LW I don't know.

Deemster Would that be right?

Mr Craine It's my girlfriend's mini iPad, everything on it is in Thai.

Deemster It's not very PC with that which I've just outlined, but hey ho. Ok. So that is the only device that has yet to be...

LW imaged

Deemster ... imaged. How long will that take? Not long I suspect.

LW No, I would have thought not long.

Deemster Ok. Mr Marshall is there anything else you want to add?

AM Yes Your Honour, just looking at paragraph 112, it states that property must not be retained, it doesn't say that property must not be retained following the investigation, it just simply says that it must not be retained. And therefore that would suggest that the police are therefore required to deal with the devices efficiently and ensure that they are returned in a timely manner. If that adds anything further to my points before....

Deemster it is open to interpretation Mr Marshall because following the investigation, it doesn't say, it doesn't stipulate with any degree of clarity there as to whether it's during the investigation or at the end.

AM I will leave that for Your Honour to determine.

Deemster Are you bringing the HP laptop data as part of what you are asking for, which would be a new 1.4 in the application.

AM Yes Your Honour, that would be helpful, rather than having to file it, if I could make that application on foot.

Deemster Ok. Alright, so my order is as follows, looking at the code of practice that has been provided, it's quite clear that items should not be retained if copies can be made. Ultimately there is some ambiguity with regards to paragraph 112 in connection with the passage "following the investigation". But the arguments as presented are as follows. Ms Watts states all the items have been copied save for one. Utilising the UK procedures it would be bad practice not to keep hold of an item with data on it which potentially could be used in criminal proceedings. There's force in that, but then of course its internally inconsistent in as much as that with regards to Mr Craine's HP laptop, that was copied and the information and the laptop then was returned to him the following day as per paragraph 6 of his witness statement. So there is an internal conflict with regards to that. But on this occasion I say as follows. That in connection with the Apple product relating to the First Applicant, Mr Davis, it is to be returned forthwith. In connection with the other Apple products relating to the Second Applicant they are to be returned forthwith, save for the pink Apple device, which will have to be returned.. what's the date today?

LW The 3rd September Your Honour.

Deemster ...by the 17th of September. And in connection with the HP laptop data relating to the Second Applicant Mr Craine, that is the data which has been retrieved by way imaging a copy to be provided to him by the 17th of September. Anything else?

LW No thank you Your Honour.

AM No thank you Your Honour

Deemster No fine. Well I should have said earlier, when I gave the ruling as far as the discharge of the restraint orders were concerned I failed to make any specific reference to the statement of Mr O'Grady, although I referred to it in the body of discussions which took place between the respective parties. I simply want to add the following. As far as that statement is concerned, on my reading of it, I could not distil anything that was relevant to any of the applicants, at all. It was somewhat generic in connection with the information it contained. Or to put it another way, there was a paucity of information of relevance. There we are. Can I ask you Mr Marshall to please to draft the requisite orders.

AM Yes Your Honour. Is it possible for the applicants to have leave to file any applications regarding costs if it is possible with under this legislation.

Deemster Yes it is, fine.

AM Thank you Your Honour.

Deemster Anything else?

LW No thank you Your Honour.

AM No thank you Your Honour.

Recording Ends 14:18:09