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BETWEEN

*2016/543/JR*

MUNSTER WIRELESS LIMITED

APPLICANT

AND

JUDGE TERENCE FINN

RESPONDENT

AND

TIPPERARY COUNTY COUNCIL

NOTICE PARTY

AFFIDAVIT OF WILLIAM FITZGERALD

*Company Director D. N. J.*

I William Fitzgerald, of Drumroe, Ballyporeen, Co. Tipperary aged 18 years and upwards  
*make oath and say as follows: - D.N.J.*

1. I am a director of the applicant company in the judicial review proceedings herein and I make this Affidavit in support of the companies application for leave to apply for Judicial Review.
2. I make this Affidavit from facts in my own knowledge save where otherwise appears and where so appears, I believe those facts to be true.
3. The application relates to proceedings at Cashel District Court between Tipperary County Council and Munster Wireless Ltd., of which I am a director.
4. I have brought a number of Judicial Review applications against decisions of Judge Finn, beginning in March 2013 (2013/202JR) where Judge Finn refused to allow me access to a section 47 report in Family Law case as I was a lay litigant. The affidavit accompanying that application is attached as exhibit A.
5. In September 2014 I brought another application (2014/545JR) to review his decision to refuse to allow Digital Audio Recording to be active during proceedings in relation to the case herein. The affidavit accompanying that application is attached as exhibit B.
6. In October 2014 I brought another application (2014/603JR) to review his decision to refuse to allow Digital Audio Recording to be active during proceedings in relation to the case herein and also his refusal to refer a question on the right of a company to be represented by a non legal professional to the ECJ under article 267 TFEU and whether the prohibition of this right complied with Article 54 of the TFEU. The affidavit accompanying that application is attached as exhibit C

7. I appealed the decision in 2014/603JR to the Court of Appeal. The affidavit accompanying that application is attached as exhibit D.

8. I lodged an affidavit with the District Court Office on the 19<sup>th</sup> of February 2016 which outlined some of the contentious issues relating to the proceedings before the court. That affidavit is attached as exhibit E.

9. I believe that the attached affidavits prove bias on the part of the Respondent.

10. I informed the respondent that I had lodged an affidavit with the court office and asked if he had read it. He replied that he had. I again asked him to recuse himself to which he replied that the court had ruled on that matter.

11. I said that in that case we would not be engaging in proceedings and considered that if he were to proceed that it would be an act of malfeasance.

12. The Respondent said that I could employ a representative. I said that the issue was his bias toward me and any person with whom I was involved.

13. The Respondent continued regardless while I observed Mr. Fred Binchy for Tipperary County Council go through a charade with Mr. Frank O'Brien Rates Collector for Tipperary County Council in the witness box, where no evidence was presented which demonstrated any legal obligation on the company with regard to the demand by Tipperary County Council.

14. Despite the Notice Party failing to present any evidence that they had any lawful right to demand any monies from the applicant, the Respondent found in their favour.

15. The absence of DAR recordings puts the applicant at a disadvantage, as did the refusal of the respondent to allow relevant information.

16. The applicant's requests for information from the Valuation Office and Tipperary County Council under the Data Protection Act were denied as the applicant was a company and not a natural person. I believe this to be contrary to Article 54 of the TFEU which declares that a company shall be treated as a natural person.

17. The applicant has been unable to get a copy of the District Court Order. However the Clonmel District Court Office has informed me by email that a decree had been made but the order had not been signed as yet. These emails are attached as exhibit F.

Sworn by the said William Fitzgerald this 18<sup>th</sup> day of July 2016 at Dublin before me a commissioner of oaths

*at 3 Inns Quay, Chancery Place in the City of Dublin and the respondent is identified to me by reference to driving licence no 230063089*

*Deirdre NicFhionnlaoich*

*Deirdre NicFhionnlaoich* commissioner of oaths.

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