

THE TRIBUNAL RESUMED AS FOLLOWS ON MONDAY,

10TH DECEMBER, 2007, AT 2:00 P.M:

13:54:42 1
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14:12:51 5 CHAIRMAN: Good morning, Ms. Dillon.

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7 MS. DILLON: Good afternoon, Chairman.

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9 The purposes of this afternoon's hearings was to resume the evidence of
10 Mr. Frank Dunlop who last gave evidence before the Tribunal on the 6th of
11 November 2007.

12
13 And you will recollect, Sir, that thereafter the Tribunal was informed that Mr.
14 Dunlop had been hospitalised and was receiving treatment in the Mater Hospital.

14:13:13 15
16 Thereafter on the 23rd of November 2007 the Tribunal was informed that Mr.
17 Dunlop was to have an MRI Scan carried out and depending on the results of that
18 MRI Scan would be able to resume giving evidence before the Tribunal.

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14:13:29 20 The Tribunal was informed that that MRI Scan was to take place this day week.
21 In other words last Monday. And I understand that that in fact has happened.

22
23 It appears the position now is that notwithstanding the MRI Scan having been
24 taken in the Mater Hospital last Monday, the MRI Scan or its results have not
14:13:50 25 been conveyed to Mr. Dunlop's consultant neurologist.

26
27 So Mr. Dunlop's neurologist is not in a position to advise Mr. Dunlop of the
28 results of the MRI Scan and therefore whether he is medically fit to resume
29 giving evidence to the Tribunal.

14:14:05 30

14:14:05 1 I am not aware of any explanation as to why it is that it has not been possible
2 within the Mater Hospital to transfer the MRI Scan or the results of the MRI
3 Scan from the imaging centre to Mr. Dunlop's consultant neurologist. And I
4 cannot give you any explanation for the delay of seven days in that exercise
14:14:25 5 being carried out.

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7 The difficulty with Mr. Dunlop's returning to give evidence is that the medical
8 report which was furnished to the Tribunal by Mr. Dunlop's consultant
9 neurologist recommends that Mr. Dunlop not resume to give his evidence until
14:14:41 10 the consultant neurologist has considered the results of the MRI Scan. And I
11 am not sure that I can advance the matter any further.

12
13 I understand from Mr. Redmond, Counsel to Mr. Dunlop, that before attending
14 here this afternoon they contacted Mr. Dunlop's consultant neurologist and was
14:15:00 15 informed by Mr. Dunlop's consultant's neurologist's office that they had not
16 yet received the MRI scan or the results.

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19 CHAIRMAN: All right. Mr. Redmond.

14:15:11 20
21 MR. REDMOND: Yes, Chairman.

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23 CHAIRMAN: I know it's not your own personal responsibility. But can you
24 advise the Tribunal why it hasn't been possible to physically transfer an MRI
14:15:24 25 Scan result within the same building to a consultant in that building one week
26 after the MRI Scan has taken place?

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28 MR. REDMOND: I am not in a position to explain that as you will understand,
29 Chairman.

14:15:40 30

14:15:40 1 What I can say is that the matter has been followed up by Mr. Dunlop personally
2 on an almost daily basis. That Mr. Lunch's office has been unable, has
3 confirmed that as of today they have yet to receive the results of the MRI Scan
4 and we can really do no more than constantly monitor and I have already
14:15:59 5 indicated to Ms. Dillon that no sooner do we know that Ms. Dillon will be
6 informed of the fact that the conveyance of the information has taken place.
7 As to why, I do not know.

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9 CHAIRMAN: But surely somebody can check with the people who conducted the
14:16:13 10 scan?

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12 MR. REDMOND: That may well be possible but it is my understanding ...

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14 CHAIRMAN: If the consultant still hasn't received it. It means that it
14:16:24 15 hasn't been dispatched to him, within the same building.

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17 MR. REDMOND: I appreciate all of that, Chairman. But it is my understanding
18 that once the MRI Scan has been commissioned by a consultant. The procedure is
19 that the scan results are conveyed to that consultant and to nobody else.

14:16:42 20
21 CHAIRMAN: He hasn't received it yet.

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23 MR. REDMOND: That is correct. What I am trying to suggest, it doesn't appear
24 to be open to anybody else to physically go and collect the scan results to
14:16:53 25 convey them to Mr. Lynch's office. That's the point that I'm trying to get
26 across to the Tribunal.

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28 CHAIRMAN: While I appreciate the predicament that Mr. Dunlop is in, it's his
29 health that we are talking about. It's becoming a very serious practical
14:17:08 30 problem for the Tribunal because there are a number of witnesses who are

14:17:13 1 anxious that Mr. Dunlop should give evidence. Should conclude his evidence
2 before they are called to give evidence. So in effect things are being held up
3 very significantly.
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14:17:26 5 So perhaps you might or your solicitor might convey to whoever is in charge of
6 these things in the Mater Hospital the fact that the Tribunal is especially
7 concerned at the delay in having this test checked out because it's a
8 significant costs issue as well for the Tribunal. Because in effect we are
9 being forced to abandon hearings on a regular basis. All right?

14:18:00 10
11 MR. REDMOND: Yes, Chairman, that can be done. My solicitor advices me as well
12 that on a previous occasion the Tribunal had requested the permission of Mr.
13 Dunlop to write to his medical advisors to inquire as to the status of
14 investigations etc. and that invitation remains open that despite the fact --

14:18:16 15
16 CHAIRMAN: Well, the Tribunal has in fact written to the consultant with your
17 client's consent.
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19 MR. REDMOND: Yes.

14:18:22 20
21 CHAIRMAN: Last week. Asking that he would expedite the reading of the scan.
22 Now, we haven't heard from him but we understand from you that he hasn't even
23 received it.
24

14:18:35 25 MR. REDMOND: That is correct. As of today.
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27 CHAIRMAN: It seems amazing that the scan can't be conveyed down a few
28 corridors from one part of the Mater Hospital to another.
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14:18:48 30 Anyway. That means we've no further business today. And tomorrow ...

14:18:55 1
2 MS. DILLON: Mr. Dunlop was scheduled to give evidence tomorrow morning. And
3 that now -- he was the only witness scheduled for tomorrow. And that doesn't
4 appear to be likely. But could I suggest that you list Mr. Dunlop for ten
14:19:08 5 o'clock on Wednesday morning or 10.30 on Wednesday morning at which stage it
6 might be possible to have an update in relation to Mr. Dunlop's medical
7 condition. Because as I understand the situation in relation to the MRI, if
8 nothing untoward is found and hopefully that will be the case, Mr. Dunlop will
9 almost immediately be able to resume giving his evidence. And I don't think
14:19:30 10 there's any necessity for counsel necessarily to attend before you on
11 Wednesday.

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13 But the Tribunal should be informed in public on a regular basis as to the
14 status of the examination and the likely date of the results so that everybody
14:19:46 15 can be informed of the imminent return of Mr. Dunlop. Because we have cleared
16 the mornings all this week to take Mr. Dunlop's evidence and we could proceed
17 with Mr. Dunlop on Wednesday if he received medical clearance.

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19 CHAIRMAN: All right. Well we'll list it on Wednesday at 10.30 and either
14:20:03 20 you, Mr. Redmond, or your solicitor might inform the Tribunal as to what has
21 happened in the meantime. And hopefully that might put some pressure on the,
22 whoever deals with these things in the Mater to expedite the transfer of the
23 scan to the consultant. And we will continue every couple of days to list the
24 matter until that matter has been dealt with.

14:20:32 25
26 And if Mr. Dunlop is in a position to give evidence on Wednesday.

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28 MS. DILLON: Wednesday.

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14:20:36 30 CHAIRMAN: We will start his evidence on Wednesday.

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2 MR. REDMOND: Very good, Chairman. I can confirm that I have already
3 discussed that with Ms. Dillon in principle and I'm agreeable to same.
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14:20:44 5 CHAIRMAN: Very good. So at the moment we will adjourn to Wednesday for
6 mention at 10.30. Well, it will be for hearing subject to whatever has
7 happened in the meantime.
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9 MS. DILLON: May it please you, Sir.

14:20:55 10

11 CHAIRMAN: And we will proceed with the evidence if Mr. Dunlop is in a
12 position to take the box.
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14 MS. DILLON: May it please you, Sir.

14:21:02 15

16 CHAIRMAN: All right. Thank you.
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19 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**
20 **WEDNESDAY, 12TH DECEMBER 2007, AT 10.30 A.M.**

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