


From: **Desmond Kane** deskane1@hotmail.com   
Subject: No compartmentalise .....becomes ...yes ....lawyers are cagey .....  
Date: 30 July 2014 22:09  
To: John Shell News john@shellnews.net



Hi John ....we actually got Fitzgibbon to explain the word Crothers had used ...

He explained ..he wants you to take 180k .....for every thing ...including booze .

DES

Sent from my iPad

Begin forwarded message:

**From:** Marc Fitzgibbon <[Marc@lavellecoleman.ie](mailto:Marc@lavellecoleman.ie)>  
**Date:** 30 July 2014 09:51:52 BST  
**To:** 'Desmond Kane' <[deskane1@hotmail.com](mailto:deskane1@hotmail.com)>, Neil Rooney <[neilrooney420@hotmail.com](mailto:neilrooney420@hotmail.com)>  
**Subject:** RE: Shell London HQ and Burlington Hotel Dublin meetings ...Urgent .

Desmond,

I am sorry but I cannot recall with the level of precision what may have been said at that meeting which occurred over two years ago. I did make a note as best I could and on reviewing that note I find no reference to him saying he would not Compartmentalise, the alcohol as an item. My note refers to the offer to settle for €180K being made in the context of Shell buying stock from you in exchange for a withdrawal by you of all of your claims. There is a line in my note saying that the "€180k was not intended for the stock alone", but that was a reference to the payment for the stock covering all of your claims including the alcohol, but I don't have an express reference to the alcohol.

I accept that the word compartmentalise was used but cannot say that it was used in the context of the alcohol. My recollection is at best that the offer was to cover everything that you claimed to be owed including your claim that you were owed money for the alcohol.

If you want to talk to me please call me at office.

Best,

Marc

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**From:** Desmond Kane [<mailto:deskane1@hotmail.com>]  
**Sent:** 28 July 2014 19:43  
**To:** Marc Fitzgibbon; Neil Rooney  
**Subject:** Re: Shell London HQ and Burlington Hotel Dublin meetings ...Urgent .

Hi Marc

The unsigned letters you received earlier were from Neil .....

He did not express himself properly ....

In the Burlington meeting ....Crothers introduced a word .....COMPARTMENTALISE .... saying he could not COMPARTMENTALISE ...the alcohol as an item .....YOU EXPLAINED .. ...TO BOTH NEIL AND MYSELF ..... What he meant .....he wanted the 180 k payment to be A settlement of everything .

How you have no recollection of worries me .....

We can now not travel if you do not confirm this ....it's the crux of the matter .

He wanted to hide the payment .....YOU WERE CLEAR AT THE TIME .

WE NEED YOUR RESPONSE NOW .

DESMOND .

Sent from my iPad

On 28 Jul 2014, at 11:30, "Marc Fitzgibbon" <[Marc@lavellecoleman.ie](mailto:Marc@lavellecoleman.ie)> wrote:

Dear Desmond,

I refer to our recent meeting and have now had an opportunity to consult my file and notes regarding the matters that you talked to me about. In reviewing the file I looked at the settlement agreement that was executed at the mediation and it is clear from that document that the agreement releases Shell and Roadbridge from not just the claims in the proceedings but "from any and all liabilities and obligations that they may have out of or in connection with the matters the subject of the proceedings and from all past, present or future claims or causes of action howsoever and whensoever's arising whether known or unknown" which you may

have against either of them. This effect is an acknowledgement that you are not owed anything further by Shell and would be a very good defence to any legal claim that you might bring against them for any monies that you say are outstanding.

You have however asked me to answer certain specific questions which I now do as follows:-

Firstly in Shells HQ in London ....was the matter of a Shell instruction to supply alcohol to the  
>> Irish police force openly discussed ,together with other items of dispute ?

Yes this is a matter that was openly discussed at that meeting.

>>

>> Did Michael Crothers state at the conclusion of the meeting in response to Desmond Kane's request for payment of the alcohol ...that he " would find away "to pay for the alcohol being

>> discussed .?

I am sorry but I have no recollection or note of a statement to that effect. My note does however record the following statement being made,"Trying to find ways within the rule book to find a resolution"

>> Did Julia Busby Head of Legal for Shell, also present, qualify Mr Crothers remark by saying immediately ..... "well maybe we will "

?

I do remember Ms Busby correcting Mr Crothers regarding something he said towards the end of the meeting, but I cannot say that it was said in response to the statement that you attribute to Mr Crothers above.

>>

>> (So that's three requests for your interpretation of matters discussed )

>>

>> Secondly meeting two ...

>>

>> Follow the London meeting Shell arranged a meeting with OSSL and your good self in the

>> Burlington Hotel in Dublin .

Yes this meeting was on the morning of the 17th of May 2012.

>>

>> At that meeting did Michael Crothers open with a resumé of the London meeting and an offer

>> of settlement of 185k euro to settle the dispute ?

My note records that Mr Crothers opened the meeting saying that Shell "want to make an offer Without Prejudice". It goes on to say that the offer is "€180,000 to settle"-take stock, drop claim, and cease demonstrations with residents"

>>

>> Did Mr Kane immediately respond with the request " what about the police alcohol " .?

I am sorry but I don't recall this and nor do I have a note of it.

>> Did Mr Crothers respond that ,that offer was for" all matters discussed in London "and further  
Again I don't recall this or have a reference to it in my note.

>> add that he could not "compartmentalise that payment "referring to the police alcohol .?

I don't remember this being said by Mr Crothers.

>> Did OSSL refuse the offer and leave the room ?

yes

>>

>> Are you aware that KPMG visited the appointed accounting advisor for OSSL in Dublin

Yes I am aware that there was a meeting with John McNally of FMB Chartered Accountants

>> a few days later and together with other items, discussed the police alcohol ,which was previously discussed in London and Dublin with Shells Mr Crothers and Ms Busby ?

>> I believe that this is correct but it is hearsay coming from me to you.

I am sorry but it was very difficult for me to take and maintain good notes of what was said at the two meetings that I attended, because I was alone and very much involved in the discussions, thus making it very difficult to record what everybody was saying.

If you require anything further from me please let me know.

Best,

Marc

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**From:** Desmond Kane [<mailto:deskane1@hotmail.com>]

**Sent:** 25 July 2014 07:46

**To:** Marc Fitzgibbon

**Subject:** Re: Shell London HQ and Burlington Hotel Dublin meetings ...Urgent .

Hi Marc ....please be good enough to submit your response ...we need it next week .

Travelling Wednesday to Holland .

Desmond

Sent from my iPad

> On 22 Jul 2014, at 08:08, "Desmond Kane" <[deskane1@hotmail.com](mailto:deskane1@hotmail.com)> wrote:

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<  
> Morning Marc ....meeting in Holland next week ....need your response ....it's key to our  
> Advancement ...  
> ....thanks .....Desmond  
>  
> Sent from my iPad  
>  
>> On 18 Jul 2014, at 07:15, "Desmond Kane" <[deskane1@hotmail.com](mailto:deskane1@hotmail.com)> wrote:  
>>  
>>  
>> Mr Fitzgibbon can outline your recollections on the matter of Garda alcohol ...below is how  
>> Neil and Desmond .....recall the matter .  
>>  
>> In 2012 you attended meetings acting for OSSL in a dispute with Shell .  
>>  
>> Firstly in Shells HQ in London ....was the matter of a Shell instruction to supply alcohol to the  
>> Irish police force openly discussed ,together with other items of dispute ?  
>>  
>> Did Michael Crothers state at the conclusion of the meeting in response to Desmond Kane's request for payment of the alcohol  
...that he " would find away "to pay for the alcohol being  
>> discussed .?  
>>  
>> Did Julia Busby Head of Legal for Shell, also present, qualify Mr Crothers remark by saying immediately ..... "well maybe we will "  
?  
>>  
>> (So that's three requests for your interpretation of matters discussed )  
>>  
>> Secondly meeting two ...  
>>  
>> Follow the London meeting Shell arranged a meeting with OSSL and your good self in the  
>> Burlington Hotel in Dublin .  
>>  
>> At that meeting did Michael Crothers open with a resumé of the London meeting and an offer  
>> of settlement of 185k euro to settle the dispute ?  
>>  
>> Did Mr Kane immediately respond with the request " what about the police alcohol " .?  
>>  
>> Did Mr Crothers respond that ,that offer was for" all matters discussed in London "and further  
>> add that he could not "compartmentalise that payment "referring to the police alcohol .?  
>>  
>> Did OSSL refuse the offer and leave the room ?  
>>  
>> Are you aware that KPMG visited the appointed accounting advisor for OSSL in Dublin  
>> a few days later and together with other items, discussed the police alcohol ,which was previously discussed in London and  
Dublin with Shells Mr Crothers and Ms Busby ?  
>>  
>> ( five requests for your interpretation of matters discussed )  
>>  
>> Thank you  
>>  
>> It was indeed nice to see you yesterday  
>>  
>> Desmond .  
>>  
>> Sent from my iPad