

THURSDAY THE 20th DAY OF MAY 2021

BEFORE MR JUSTICE CROSS

IN THE MATTER OF THE COURTS OF JUSTICE ACTS, 1924 TO 1961, AND THE COURTS (SUPPLEMENTAL PROVISIONS) ACTS, 1961 TO 1981

BETWEEN:

HEALTH SERVICE EXECUTIVE

Intended Plaintiff

-AND-

PERSONS UNKNOWN

(Responsible for accessing the Intended Plaintiff's IT system and planting a ransomware note thereon discovered by the Intended Plaintiff on 14 May 2021)

Intended Defendants

Upon Motion of Counsel for the Intended Plaintiff made unto this Court this day pursuant to Ex Parte Docket herein dated 20 May 2021 seeking the following reliefs:

1. An Order granting the Intended Plaintiff liberty to issue the Plenary Summons herein in the form appended hereto at Appendix 1;
2. An Order that this application for interim relief be heard in camera, otherwise than in public and/or subject to reporting restrictions;
3. An Order pursuant to Order 11, Rule (1)(f) of the Rules of the Superior Courts 1986 (as amended) (the "Rules") granting the Intended Plaintiff leave to serve Notice of these proceedings out of the Jurisdiction;
4. An Order pursuant to Order 10, Rule 1 of the Rules providing for substituted service of Notice of the proceedings herein upon the Intended Defendants by way of sending a copy to the Intended Defendants over the link provided as appears in the Affidavit of Fran Thompson at "FT1".
5. An Order fixing a period of 42 days for entry of an Appearance by or on behalf of the Intended Defendants or any of them;
6. An Order fixing a return date for the Notice of Motion appended hereto at Appendix 2;
7. An interim injunction restraining the Intended Defendants, their servants or agents, or any other person having notice of the making of this Order from selling, processing, publishing, sharing, making available to any members of the public, possessing, transferring and/or disclosing any information, data and/or documentation of any nature obtained, without the Intended Plaintiff's consent, from the Intended Plaintiff through data exfiltration, extrusion, exportation and/or theft (the "Stolen Data");

8. An interim injunction directing the Defendants, or any other person in possession of the Stolen Data having notice of the making of this Order, to deliver up all of the Stolen Data within their possession, power or procurement;
9. An interim injunction directing the Defendants to identify themselves by means of the provision of names and addresses, together with both an email address and a postal address for service;
10. An order granting liberty to any person who has been given notice of the making of the said injunction(s) to apply to the court on no less than 4 days' notice to the Intended Plaintiff's solicitors for the variation or discharge of the orders;
11. Such further or other Order as this Honourable Court shall deem fit to include, but not limited to, any declaratory or injunctive relief required to bring an end to the use, dissemination, publication and/or exploitation of the Stolen Data by the Intended Defendants or any other person having notice of the making of an Order;
12. Such further or other Order as this Honourable Court shall deem fit;
13. The costs of and incidental to this application.

And on reading the Affidavit of Fran Thompson sworn on 20 May 2021 and the Affidavit of Paul Reid sworn on 20 May 2021 and the exhibits therein referred to

IT IS ORDERED that there be a prohibition on any reporting of the application before 6:30pm on 20 May 2021 or the publication on the HSE website that the Order had been served on the Defendants, whichever is sooner

IT IS ORDERED that the Intended Plaintiff be at liberty to notify the Intended Defendants of the making of this Order, if necessary prior to the issuing and serving of the Proceedings

THE COURT NOTES that the members of the press present undertake through their solicitor not to publish any material concerning this application pending notification of service on the HSE website or 6:30pm on 20 May 2021 whichever is sooner

IT IS ORDERED that the Intended Plaintiff be at liberty to issue proceedings against Persons Unknown (Responsible for accessing the Intended Plaintiff's IT system and planting a ransomware note thereon discovered by the Intended Plaintiff on 14 May 2021)

AND IT IS ORDERED pursuant to Order 11, Rule (1)(f) of the Rules of the Superior Courts 1986 that the Intended Plaintiff do have liberty to serve Notice of these proceedings out of the Jurisdiction

AND IT IS ORDERED pursuant to Order 10, Rule 1 of the Rules providing for substituted service of Notice of the proceedings herein upon the Intended Defendants by way of the Intended Plaintiff sending a copy to the Intended Defendants over the link provided as appears in the Affidavit of Fran Thompson at "FT1" and the Court doth direct that the Intended Defendants doth have forty two days from the date of service thereof within which to enter an appearance thereto

AND IT IS ORDERED that in the event that the link does not allow the Intended Plaintiff to upload copies of the Order and Proceedings that it is sufficient service for the Intended Plaintiff, through the link, to notify the Intended Defendants of the making of the Order and of the Proceedings and to provide a separate link to allow the Intended Defendants to access copies of the Order and Proceedings.

AND IT IS ORDERED that the Intended Defendants, their servants or agents, or any other person having notice of the making of this Order

1. be restrained pending the hearing of the action herein or until further Order from selling, processing, publishing, sharing, making available to any members of the public, possessing, transferring and/or disclosing any information, data and/or documentation of any nature obtained, without the Intended Plaintiff's consent, from the Intended Plaintiff through data exfiltration, extrusion, exportation and/or theft (the "Stolen Data");
2. that any person in possession of the Stolen Data having notice of the making of this Order, shall forthwith deliver up all of the Stolen Data within their possession, power or procurement;
3. that the Defendants identify themselves by means of the provision of names and addresses, together with both an email address and a postal address for service of proceedings

AND IT IS ORDERED that any person who has been given notice of the making of the said injunction(s) be at liberty to apply to the court on no less than 4 days' notice to the Intended Plaintiff's solicitors for the variation or discharge of the orders;

And the Court doth Reserve the costs this Motion and Order

THE HIGH COURT
Alan Byrne
REGISTRAR

Perfected: 20 /05/ 2021

ByrneWallace LLP

Solicitors for the Intended Plaintiff