



THE HIGH COURT

**COMMERCIAL - INTELLECTUAL PROPERTY
AND TECHNOLOGY**

[2026] IEHC 650

High Court Record Number: 2025/1289P

(2025 No. 26 COM)

BETWEEN

PEOPLE CENTER INC., D/B/A RIPPLING AND RIPPLING IRELAND

PLAINTIFFS

-AND-

KEITH O'BRIEN AND DEEL INC.

DEFENDANTS

JUDGMENT of Mr. Justice Mark Sanfey delivered on the 25th day of September, 2026

Introduction

1. This judgment concerns the second defendant's application for discovery from the plaintiffs by way of notice of motion issued on 8 April 2026.
2. There was a lengthy case management hearing involving the plaintiffs and the second defendant on 1 May 2026 which addressed a number of matters, including discovery. At that point, both the plaintiffs and the second defendant had issued lengthy motions for discovery. The parties were reminded by this court that, as is usual in the Commercial Court, they were expected to reach agreement and make reasonable accommodations on the disputed categories as far as possible so that only the most intractable disputes would remain for debate before the court. The two motions were listed for hearing on 3 - 4 June 2026.
3. In fairness to the parties, there was substantial engagement between them with a view to narrowing the matters under dispute, so much so that it proved possible to dispose of the plaintiffs' very substantial motion for discovery by agreement between the parties, so that only the second defendant's motion required to be heard by the court. This latter motion originally sought 17 categories of documents, many of which sought multiple sub-categories. The parties reached agreement in relation to 12 of the 17 categories, with only categories 1, 3, 4, 10 and 17 left to be resolved. For ease of reference, I have attached these categories as "Appendix 1" to this judgment.
4. Both parties proffered detailed written submissions in advance of the hearing. In its written submissions, the second defendant ("Deel") pointed out that the plaintiffs (collectively "Rippling") had referred to "*five overarching preliminary matters*" in the replying affidavit of Julie Murphy O'Connor of 27 April 2026 on behalf of Rippling. Four of these matters were resolved by agreement of the parties, with only "Preliminary matter 2"

– an important matter of principle relevant to most of the outstanding categories - remaining outstanding.

5. The net result, then, of the negotiations between the parties is that one issue of principle and five categories of discovery were the subject of dispute and submissions before me at the hearing.

The statement of claim

6. The present litigation has required the delivery on 20 March 2026 of three substantial written judgments on procedural matters by this court. Those judgments set out details of the background to the litigation and its progress to date. As the purpose of this judgment is to communicate the court’s reasoned decision on the disputed categories of discovery, I propose to omit a detailed exposition of such matters in this judgment, and to set out only sufficient material for the reader to understand the court’s decision and the reasons for it.

7. The allegations made by Rippling are set out in the current iteration of its statement of claim. This pleading bears the heading “*re-amended statement of claim*”, although the text underneath the heading states “*Re-re-amended and delivered this 7th day of May 2026 pursuant to the Order of Mr Justice Sanfey dated the 1st day of May 2026...*”. The text of the statement of claim shows the various amendments made which arise either from orders made by this court or by agreement of the parties. Most notably, three individuals associated with Deel succeeded in having their joinder as defendants to the proceedings set aside: see “*Judgment number 1*” of this Court on 20 March 2026 at [2026] IEHC 178.

8. When the proceedings were issued on 12 March 2025, the first defendant (“Mr. O’Brien”) was the sole defendant. Paragraph 10 of the statement of claim stated as follows:

“As against Mr O’Brien the Plaintiffs alleged that he had been engaged in a covert course of conduct whereby he had spied for Deel and had provided Deel with the Plaintiff’s trade secrets (within the meaning of the European Union (Protection of Trade Secrets) Regulations 2018 SI No.188/2018 (the “**Trade Secret Regulations**”) and proprietary and confidential information.” (emphasis in original)

9. On 12 March 2025, this Court granted the plaintiffs urgent *ex parte* relief aimed at obtaining and preserving evidence of Mr O’Brien’s alleged wrongdoing. Mr O’Brien did not comply with the order, and it is alleged by Rippling that, in breach of the tipping off provisions of the order, Mr O’Brien was in contact with the individuals associated with Deel who were subsequently joined to (and later removed from) the proceedings. On 17 March 2025, Rippling issued proceedings against Deel in the US District Court for the Northern District of California (“the US proceedings”).

10. Paragraphs 17 and 18 of the statement of claim – replacing “*the Deel defendants*” with “*Deel*” as a result of “*Judgment Number 1*” of 20 March 2026 – are as follows:

“17. On or after 14 March 2025, Deel agreed to use lawful and unlawful means to frustrate the Order and to create a false narrative to explain the bringing of these Proceedings, the obtaining of the Order and Mr O’Brien’s non-compliance with the Order. Deel’s conspiracy is hereafter referred to as ‘the Scheme’.

18. The dominant purpose of the Scheme was to damage the Plaintiffs and their reputation by creating a false narrative whereby Mr O’Brien and Deel were portrayed as the victims of unmeritorious and abusive conduct on the part of the Plaintiffs and by causing Mr O’Brien to destroy evidence that would undermine that false narrative. Without prejudice to the generality of the foregoing, Deel agreed that it would create a false narrative to the effect that:

(a) The Plaintiffs brought these proceedings and obtained the Order to punish Mr O'Brien for making protected disclosures in connection with sanctioned payments to Russia;

(b) The purpose of these proceedings was to manufacture evidence and to coerce Mr O'Brien into making false allegations against Deel; and

(c) After 27 March 2025, when Mr O'Brien agreed to cooperate, Deel expanded the false narrative by alleging that the Plaintiffs had succeeded in their nefarious objects and had through coercion and duress caused Mr O'Brien to swear an affidavit in which he made false allegations against Deel.

Deel made these claims notwithstanding that as of 27 March 2025, Mr O'Brien was represented by solicitors and counsel and the solicitors representing Mr O'Brien had been recommended to him by Deel's former solicitors, A&L Goodbody."

11. At paragraphs 19 to 45 of the statement of claim, Rippling sets out particulars of Deel's conduct which it says forms part of the alleged conspiracy or "*Scheme*". At paragraphs 46 to 52, details are given of alleged co-operation between Rippling and Mr O'Brien, in particular the conclusion between them of a "*Co-Operation agreement*" and a "*Termination Agreement*", and the furnishing by Mr O'Brien of an affidavit purporting to set out details of his dealings with Deel "*both in connection with the issues the subject matter of the U.S. Proceedings and the Scheme...*".

12. The statement of claim goes on to set out alleged details of "*Deel's conduct in pursuance of the Scheme (including particulars of defamatory statements made in connection with the Scheme)*", and sets out in detail a range of reliefs sought against Deel. Rippling filed a notice of discontinuance against Mr O'Brien on 1 August 2025, and no relief is sought against him in the statement of claim.

The defence

13. Deel's defence was initially delivered on 23 June 2025. It was amended on 22 December 2025 pursuant to this court's order, and amended and delivered again on 15 May 2026 pursuant to the order of court of 1 May 2026, and in response to Rippling's "*Re-re-amended*" statement of claim.

14. Rippling has repeatedly pointed out, both in the hearing of the present matter and in previous disputes, that Deel's defence is notable for the absence of proactive pleas, and that it consists - apart from various admissions of uncontroversial matters - largely of traverses of matters in the statement of claim. Rippling regards this as being of particular significance, for reasons which I explain below. Deel maintains that this approach is entirely appropriate, and that each assertion in the statement of claim which is "*denied*" in the defence becomes an "*issue*" in the proceedings entitling Deel to relevant documentation in relation to that issue by way of discovery. Rippling fundamentally disagrees with this position.

"Preliminary matter 2": the "issues"

The plaintiff's affidavit

15. At paragraphs 10 - 18 of her affidavit of 27 April 2026, Julie Murphy O'Connor, a solicitor representing Rippling, set out Rippling's position in relation to what was "*the core issue for determination in the proceedings*", which she defined as follows:

- “(a) were Deel and/or its agents made aware of the Disclosure Order by Keith O'Brien;
- (b) did Deel and/or its agents advise Mr O'Brien to destroy his mobile phone and to otherwise act in breach of that Order;
- (c) did Deel and/or its agents tell Mr O'Brien to contact A&L Goodbody LLP and/or the Central Bank and to say things to the Irish court [which] would portray a certain narrative which was defamatory of the plaintiffs;

(d) did Deel and/or its agents portray a certain narrative to A&L Goodbody LLP and/or news agencies which was defamatory of the plaintiffs”.

16. Rippling’s position, as outlined in Ms. Murphy O’Connor’s affidavit, may be summarised as follows:

- Discovery in the case must be directed to the disposal of the issues identified;
- Deel had “*elected not to make any positive pleas or raise any counterclaim in the proceedings*”;
- Paragraphs 1 - 18 of the statement of claim “*simply set out the background to the plaintiff’s claim in the Irish Proceedings, i.e. the spying and theft of confidential information and trade secrets prior to the attempted execution of the Disclosure Order on 14 March 2025*”;
- No claim was made against Deel in the Irish proceedings in relation to the matters set out in the statement of claim which occurred prior to 14 March 2025;
- Such matters are therefore not “*issues*” in the proceedings.

17. Ms Murphy O’Connor asserted at paragraph 14 that Deel had avoided “*having to commit on affidavit to what occurred on 14 March 2025 and afterwards, choosing not to contradict the sworn evidence of Mr O’Brien...*”. She maintains that Deel has adopted a tactic “*of raising whatever procedural issues and to issue whatever motions it can with a view to delaying or avoiding the case going to trial*”.

Deel’s Submissions

18. Deel did not respond by way of affidavit to Ms Murphy O’Connor’s averments in relation to the various “*preliminary matters*” set out in her affidavit; instead, it proffered

detailed written legal submissions on 6 May 2026, which included a substantial section on *“Preliminary Matter 2”*.

19. Deel contends that Rippling’s position is unsustainable. It submits that the alleged *“covert course of conduct”* cannot represent *“background to the plaintiffs claim”* in circumstances where it is denied in Deel’s defence (at paragraphs 10-11) and, Deel submits, is thus an issue in the proceedings. Deel also submits that whether Mr O’Brien engaged in espionage at the behest of Deel *“is centrally relevant to the alleged ‘Scheme’ pleaded against Deel in the Proceedings”*, and is in fact the *“foundational issue”* in the proceedings. As Deel puts it at paragraph 16 of the written submissions:

“Logically, if Deel did not conspire with Mr O’Brien with a view to stealing Rippling’s alleged trade secrets and confidential information, this negates entirely the factual substratum underpinning any allegation that Deel subsequently conspired with Mr O’Brien to procure the destruction of evidence of that alleged espionage and theft, and to create *‘the false narrative’*. All of these matters are inextricably, and obviously, connected.”

20. Deel makes five specific observations in the written submissions in relation to Rippling’s position, which may be summarised briefly as follows:

- (1) In adversarial litigation, “the Plaintiff alleges and the Defendant denies, as it sees fit” (paragraph 21). Contested allegations must be proved by evidence at trial, and tested by cross-examination with the aid of relevant documentation. Deel is not obliged to make positive pleas in its defence. Mr O’Brien will be cross-examined at the trial in respect of the allegations in his affidavit, and Deel is entitled to do so on the basis of relevant documents.

- (2) Deel's pleading in the US proceedings makes clear that Deel's position is that Mr O'Brien was never engaged in spying or theft on behalf of Deel, was never provided with payment or inducement for any such conduct and was not directed, threatened, induced or instructed not to comply with this court's order of 12 March 2025. All of these allegations are denied in the Irish proceedings. As Mr O'Brien is obliged under the terms of his co-operation agreement to assist Rippling in the US proceedings as well as the present proceedings, Deel intends to put the "*package of agreements*" to Mr O'Brien in cross-examination, and it is in this context that the US proceedings are exhibited to Deel's affidavits. The suggestion at paragraphs 58 – 59 of the statement of claim that it is an abuse of process for Deel to file court proceedings in the US proceedings which set out its position is "*impossible*" and "*unrealistic*" [paragraph 28].
- (3) Deel deprecates the reliance by Rippling on a judgment of 23 February 2026 in the US proceedings denying Deel's application to the US Court to refuse jurisdiction on the grounds of *forum non conveniens*. Ms Murphy O'Connor drew attention at paragraph 16 of her affidavit to this judgment by Judge Charles R. Breyer of the US District Court for the Northern District of California, and in particular his remark that the Irish and US cases "*involve different claims, distinct time periods, and separate legal interests*". As Deel put it at paragraph 30 of the written submissions:

“... Nothing in this judgment of the Californian court alters the reality that, if there was no spying directed by Deel in the first place, then Rippling's contention that Deel had an interest in procuring Mr O'Brien's non-compliance with the Order simply falls away. The fact that Rippling is not

seeking reliefs in the Proceedings for events prior to 14 March 2025 does not mean that those events are not an *issue* in the Proceedings. Indeed, they are *the foundational issue*.” (emphasis in original)

Deel makes the point that there remain several references in the statement of claim to the “*covert course of conduct*”, and that at paragraph 3(ii) of its replies to particulars raised by Deel, Rippling confirmed that it would “*rely upon the entirety of the covert course of conduct involving Deel and Mr O’Brien (before and after the Court Order)*” in support of the allegation at paragraph 14 of the statement of claim that Mr O’Brien “*likely tipped off Deel about the fact and substance of these proceedings*”.

However, it should be noted that, by an open letter of 01 June 2026 - two days before the hearing – Rippling’s solicitors wrote to Deel’s solicitors and stated that “... *For the avoidance of any doubt, that [sic] we confirm that our client does not intend to lead any evidence about the alleged espionage and that it will not rely on any event before 14 March 2025 in support of the plea at paragraph 14 of the amended Statement of Claim*”.

(4) Deel submits that the fact that Rippling does not seek any reliefs directly related to the “*covert course of conduct*” in the Irish proceedings is not determinative of whether documentation going to whether the alleged conduct occurred is relevant and necessary for a fair disposal of the proceedings. As Deel puts it, “... *There is no authority for the proposition that an otherwise relevant factual issue (in this case the foundational issue) need not be determined in proceedings simply because no reliefs are sought in relation to it*” [paragraph 37].

(5) Deel trenchantly rejected the notion that it has in any way delayed the proceedings, pointing in particular to the repeated amendments of the statement of claim necessitated mainly by orders of this court. This point had in fact been made forcefully by counsel for Deel at the hearing before this Court on 1 May 2026.

21. The written submissions as regards “*Preliminary matter 2*” were developed and expanded upon at the hearing by counsel for Deel, Paul Gardiner SC. In particular, counsel submitted that it would be impossible for the court to establish whether or not there had been a “*false narrative*” or a “*scheme*” such as is alleged at paragraphs 17 to 18 of the statement of claim without establishing whether or not Mr O’Brien had acted in concert with or at the behest of Deel prior to 14 March 2025 in the manner in which he alleged in his affidavit. It was submitted that the issue of whether or not Mr O’Brien had spied for Deel and provided it with trade secrets as alleged at paragraph 10 of the statement of claim was patently an issue in the proceedings in respect of which there would inevitably be cross-examination, and that Deel was entitled to discovery in respect of any such issue.

22. Counsel posed the possibility that Rippling would agree to “*go to trial on the post-14th March behaviour on the agreed fact that there was no spying*” [Day 1, page 39, lines 11 to 15]. It was agreed that, if Rippling would not agree to this, the spying would have to be a live issue before the court because of its importance to what is alleged to have occurred after 14 March 2025. It was said that the case could not be tried “*in a silo*” without considering whether spying had actually taken place, in particular because Rippling alleges that, in the words of paragraph 17 of the statement of claim, “*... Deel agreed to use lawful and unlawful means to frustrate the Order and to create a false narrative to explain the bringing of these Proceedings, the obtaining of the Order and Mr O’Brien’s non-compliance with the Order*”.

23. Counsel submitted that Deel was seeking discovery in respect of the following matters, all denied by Deel in its defence: whether or not Mr O'Brien was in fact a spy; whether Deel instructed him to destroy his phone; whether Deel instructed him to write to the Central Bank; whether what Mr O'Brien told this Court on 19 March 2025 was said on Deel's behalf; and whether Deel instructed Mr O'Brien to write four emails to A&L Goodbody. Counsel said that Deel was entitled to discovery on these issues, whether or not discovery gave rise to material which attacked Mr O'Brien's credit [see Day 1, page 101 lines 11 to 28].

Rippling's submissions

24. Rippling also proffered detailed written submissions dealing with "*Preliminary matter 2*" and the disputed categories in response to the written submissions of Deel. These submissions were likewise addressed and expanded upon by counsel for Rippling, Eoin McCullough SC.

25. In his oral submissions, counsel emphasised five overall points, which may be summarised as follows:

(1) The case relates to events that occurred over a six-week period between 14 March 2025 and the end of April. It "*centrally concerns an alleged abuse by the defendant of the processes of the Court*" [Day 1, page 127 lines 23 to 25]. Deel has refused to commit in the present proceedings to its version of the events which the plaintiff alleges took place in this period.

(2) Discovery is determined by reference to the pleaded issues between the parties. It is "*not the case that there is discovery for everything mentioned in the Statement of Claim, the Court must carry out an analysis, with the assistance of*

counsel, [as to] what are actually the issues between the parties on the Pleadings”
[Day 1, page 128 lines 25 to 129 to line 5].

(3) The case “*is not a case about spying, or covering up spying. It is primarily a case about frustrating a court order. That, of course, doesn’t depend on whether Rippling was right to [allege] spying or not in the outcome of US proceedings. Whether or not there was spying, Deel still attempted to frustrate the Court order*”
[Day 1, page 130 lines 12 to 19]. The espionage is “*not an issue in the case... Deel could have pleaded this case by saying that Rippling had wrongly alleged that Mr O’Brien was engaged in spying. But that is not the way it has chosen to defend it... Deel could have pleaded, in this case, that Rippling did indeed engage in sanctioned payments but it hasn’t made that case*” [Day 1, page 130 lines 29 to page 131 line 8].

(4) It is important to distinguish between the issues in the case on the one hand - which may warrant an order for discovery - and the question of whether Deel is entitled to cross-examine Mr O’Brien as to his credit in relation to his allegations of spying for a Deel. The latter issue is solely a matter for the trial judge; but discovery cannot be ordered in relation to that matter as pre-14th March matters are not an “*issue*” on the pleadings which warrants discovery. As counsel put it:

“... If the reason for which [counsel for Deel] wants the documents is simply that he wants to attack Mr O’Brien’s credit, even by demonstrating that Mr O’Brien was wrong when he said that he spied for Deel, it may be that he will be allowed to do that. But that doesn’t mean he is entitled to discovery in relation to it” [Day 1, page 133 lines 16 to 23].

- (5.) The present application is for discovery. The court has not been asked to determine the range of matters which can be canvassed during the case. That will be a matter for the trial judge.

Preliminary matter 2: discussion

26. Essentially what is at issue is whether matters prior to 14 March 2025 are issues such as to entitle the defendants to discovery in relation to them. As the statement of claim from paragraph 19 onwards deals with matters subsequent to 14 March 2025, it is necessary to look at the effect of paragraphs 1 to 18, and the defendant's position in relation to these paragraphs.

27. Paragraphs 1 to 4 set out details of the parties to the litigation. Deel pleads in its defence that it is a stranger to the details pleaded at paragraph 4 in respect of Mr O'Brien, but otherwise the first four paragraphs of the statement of claim are uncontroversial. Paragraphs 5 to 8 have been deleted as a result of the order of this court that the second, third and fifth named defendants were improperly joined to the proceedings. In relation to paragraph 9 of the statement of claim, Deel admits the commencement of the proceedings on 12 March 2025, but notes the conclusion of the Termination Agreement (referred to by Deel as the "*compromise agreement*") and the Cooperation Agreement concluded by Rippling with Mr O'Brien on 27 March 2025, and pleads that "*these proceedings were commenced against Deel on 2 April 2025*".

28. In relation to paragraph 10 of the statement of claim — see paragraph 8 above - Deel pleads as follows:

- "11. As regards paragraph 10 of the Amended Statement of Claim,

(i) It is admitted that as against Mr O'Brien the Plaintiffs alleged that he had been engaged in a covert course of conduct whereby he had spied for Deel and had provided Deel with the Plaintiff's trade secrets (within the meaning of the European Union (Protection of Trade Secrets) Regulations 2018 SI No. 188/2018 and proprietary and confidential information.

(ii) Deel denies all allegations related to the alleged "*covert course of conduct*" referred to therein, insofar as same touch on and/or concern Deel."

29. At paragraphs 11 to 16 of the statement of claim, the plaintiff pleads as follows:

"11. On 12 March 2025 the Plaintiffs applied for and obtained urgent *ex parte* relief aimed at obtaining and preserving evidence of Mr O'Brien's wrongdoing (the "**Order**").

12. On 14 March 2025 the Plaintiffs unsuccessfully attempted to execute the Order against Mr O'Brien at Rippling Ireland's office in Dublin. Mr O'Brien refused to comply with the Order, left the premises and, in breach of the tipping off provisions of the Order, contacted the CEO of Deel, Mr Alex Bouaziz via LinkedIn. Soon thereafter, Mr O'Brien was contacted by Deel's in-house counsel Mr Andrea David Mieli and Mr Asif Malik via Telegram.

13. Following the attempted execution of the Order, on 14 March 2025 the Plaintiffs sought and obtained leave from the High Court to issue and serve a notice seeking leave to attach and commit Mr O'Brien for his breach of the Order (the "**Contempt Application**").

14. Notwithstanding the Contempt Application, Mr O'Brien persisted in his refusal to comply with the Order. The Plaintiffs determined that Mr O'Brien had

likely tipped off Deel about the fact and substance of these proceedings and on 17 March 2025, People Center issued proceedings against Deel in the United States District Court for the Northern District of California, San Francisco Division, Case No. 3:25-CV-2576 (the “**U.S. Proceedings**”).

15. As appears from the complaint in the U.S. Proceedings, People Center’s claims against Deel in the U.S. Proceedings are confined to Deel’s conduct prior to the time on 14 March 2025 when Deel learned that Rippling had discovered its wrongful conduct including civil racketeering and misappropriation of trade secrets.

16. The Plaintiff’s claims against Deel in these proceedings are confined to its unlawful conduct to frustrate the Order subsequent to the time on 14 March 2025 when Deel learned that Rippling had discovered its wrongful conduct and to defamatory statements made by Deel to that end.”

30. The pleas by Deel in its defence to paragraphs 11 to 18 of the statement of claim are as follows:

“12. As regards paragraph 11 of the Amended Statement of Claim

(i) It is admitted that on 12 March 2025, the Plaintiffs applied for and obtained *ex parte* relief against Mr O’Brien in the form of the Order of this Honourable Court (Sanfey J).

(ii) Deel denies all allegations of ‘*wrongdoing*’ referred to by the Plaintiffs in seeking and obtaining that Order, insofar as same touch on and/or concern Deel.

13. The contents of paragraph 12 of the Amended Statement of Claim are denied as if same are set out individually here and traversed seriatim.

14. It is admitted that on 14 March 2025 the Plaintiffs sought and obtained leave from the High Court to issue and serve a notice seeking leave to attach and commit Mr O'Brien for his breach of the Order.

15. As regards paragraph 14 of the Amended Statement of Claim,

(i) It is admitted that on Monday, 17 March 2025, the First Named Plaintiff, People Center, issued proceedings against Deel in the US District Court for the Northern District of California bearing the record number referred to (hereafter “**the U.S. Proceedings**”).

(ii) Deel denies the factual and legal bases for any “*determin[ation]*” by the Plaintiffs ‘*that Mr O’Brien... tipped off Deel about the fact and substance of these proceedings*’.

16. As regards paragraph 15 of the Amended Statement of Claim,

(i) It is denied that in the Complaint in the the U.S. Proceedings, People Center’s claims against Deel are confined to Deel’s conduct prior to 14 March 2025.

(ii) It is denied that Deel was involved in wrongful conduct, including civil racketeering or misappropriation of trade secrets or that Deel learned that Rippling had discovered same.

17. As regards paragraph 16 of the Amended Statement of Claim,

(i) Deel notes that the Plaintiffs purport to limit the Plaintiff’s claims against Deel in these proceedings:

(a) to Deel's alleged '*unlawful conduct to frustrate the Order subsequent to the time on 14 March 2025 when Deel allegedly learned that Rippling had discovered its alleged wrongful conduct*', and

(b) to allegedly defamatory statements allegedly made by Deel '*to that end*'.

(ii) Deel denies that the proceedings can be so confined in light of the allegations made in the within proceedings by the Plaintiffs concerning the alleged wrongful conduct of Deel prior to 14 March 2025, which alleged wrongful conduct and making of defamatory statements are denied.

18. The contents of paragraph 17 of the Amended Statement of Claim are denied as if same were set out individually here and traversed seriatim.

19. The contents of paragraph 18 of the Amended Statement of Claim are denied as if same were set out individually here and traversed seriatim."

31. Rippling's net position may be summarised as follows:

- Its '*claims against Deel*' are '*confined to its unlawful conduct to frustrate the Order subsequent to... 14 March 2025*' [paragraph 16 statement of claim].
As can be seen above, Deel takes particular issue with this position at paragraph 17 (ii) of its defence.
- In relation to the pleas at paragraph 17 and 18 of the statement of claim, the defendants do not set out in their defence a proactive plea, but simply traverse the allegations in those paragraphs.

- In an open letter of 1 June 2026, the plaintiff confirms that *'our client does not intend to lead any evidence about the alleged espionage and that it will not rely on any event before 14 March 2025 in support of the plea at paragraph 14 of the amended Statement of Claim'*.
- At paragraph 29 of the statement of claim, Rippling claimed that Mr O'Brien made statements about Rippling set out at paragraph 27 of the statement of claim - which Rippling claims at paragraph 28 were made *'falsely, maliciously and in the knowledge that they were untrue'* – “as the agent of Deel”.

32. This latter plea was particularised at paragraph 14 of Rippling's replies to particulars.

In relation to this paragraph 14, Mr McCullough said on behalf of Rippling as follows:

“This plea was a particular of the allegation that Mr O'Brien had acted as an agent of Deel in respect of the matters that are pleaded at paragraph 29. Mr Gardiner brought to your attention that we said there that as Deel is aware, it paid Mr O'Brien to spy on Rippling and then instructed him in relation to the noncompliance with the Court order and the creation of the false narrative. So I am saying this in open court, Judge, we are not going to be relying in support of this allegation at paragraph 14 on the contention that Deel paid Mr O'Brien to spy on Rippling.

The same thing applies at paragraph 237, which Mr Gardiner also brought to your attention, page 237, excuse me, paragraph 22, where you will see reference is made back to particular 14.

Mr. Justice Sanfey: Yes.

Mr McCullough: And again, Judge, I am saying in open court that in respect of that plea, we are not going to be relying in these proceedings, on the contention that Mr O'Brien spied for Deel." [Day 2, page 85 line 19 to page 86 line 11]

33. Is this net position sufficient to satisfy the court that the only "issues" which arise between the parties are those relating to the conduct of the parties after 14 March 2025, and that it is not necessary for the court to conclude that the question of whether or not Mr O'Brien spied for Deel is a "live" issue which must be addressed in these proceedings and thereby warrants the making of orders of discovery?

34. It seems clear from the statement of claim that the intention of Rippling was that the Irish proceedings were intended to relate only to events on or after 14 March 2025. This intention was made clear at paragraph 16 - although, as previously stated, the defendants make equally clear at paragraph 17 (ii) of the defence that they do not accept this premise - and paragraphs 1 to 15 are essentially expository in nature. The essential allegations on which the plaintiff relies are those in paragraphs 17 and 18. The remainder of the statement of claim consists mainly of particulars of the allegations in these paragraphs. No relief is sought in the statement of claim in relation to any matters prior to 14 March 2025.

35. Much was said by both sides about the nature of the US proceedings, and possible overlap with the Irish proceedings. It is certainly the case, from a perusal of the pleadings in the US proceedings, that Deel has strenuously denied that it solicited or paid Mr O'Brien to spy on Rippling, and has set out its case in that regard in a very full manner. There was some debate about whether the US proceedings were concerned solely with events leading up to 14 March 2025, or included issues after that date; however, there is no doubt that they deal in considerable detail with events prior to 14 March 2025, and in particular whether or

not spying took place and whether Deel had any involvement in or responsibility for Mr O'Brien's alleged actions.

36. There was little dispute between the parties as to the principles which should be applied by this court to a discovery dispute. Thankfully, those principles are well-settled and do not require further exposition by this court. As Clarke CJ said in *Tobin v Minister for Defence* [2020] 1 IR 211, “... *The key criteria remain those of relevance and necessity... The starting point has to remain a consideration of what is ‘relevant’...*” (Para. 45, 47). However, in the present case, the court needs to decide what the “issue” is in relation to which relevance and necessity must be established.

37. Deel says that whether or not Mr O'Brien “spied for Deel and... provided Deel with the plaintiff’s trade secrets” is a “foundational issue”, and that it cannot fully deal with the allegations at paragraph 17 of the statement of claim that it sought to “frustrate the Order and... create a false narrative...” without addressing whether or not spying actually took place. It argues that, if spying did not take place, the issue of a cover-up or frustration with the court’s order does not arise.

38. Rippling is correct in saying that Deel does not offer proactive pleas to either paragraph 10 or paragraphs 17 to 18 of the statement of claim. The allegations in those paragraphs are merely denied. What is the effect of those denials on the issues to be tried in the proceedings?

39. I consider that a denial in a defence of an allegation made in the statement of claim has the effect of putting the plaintiff on proof of that allegation, so that if the plaintiff does not at trial adduce appropriate proof to establish the allegation in evidence, the plaintiff cannot rely on the matter pleaded.

40. As we have seen, the allegations at paragraphs 17 and 18 of the statement of claim have been simply denied by the defendant. Those allegations are undoubtedly in issue in the case. However, is the same true of the allegations of spying and provision of trade secrets to which reference is made in paragraph 10?

41. The plaintiff has acknowledged in open correspondence *“for the avoidance of doubt”* that it *“does not intend to lead any evidence about the alleged espionage and that it will not rely on any event before 14 March 2025 in support of the plea at paragraph 14 of the amended Statement of claim”* [1 June 2026]. This is consistent with paragraph 16 of the statement of claim. Counsel, as we have seen, has acknowledged this position in open court.

42. A close examination of paragraphs 1 to 16 of the statement of claim suggests that Rippling does not in fact directly allege, as part of its case in the present proceedings, that Deel caused Mr O’Brien to spy for it or provide it with trade secrets. At paragraph 11 of the defence, Deel admits that Rippling *“alleged”* that Mr O’Brien had been engaged in the covert course of conduct described, but denies any allegations in this regard *“insofar as same touch on and/or concern Deel”*. At paragraph 12(ii) of the Defence, Deel denies the allegations of the plaintiff in relation to “wrongdoing” in the Rippling application for ex parte relief. There are tangential, indirect references to pre - 14 March 2025 conduct on the part of Deel at paragraphs 14 and 15 of the statement of claim; such matters are unequivocally denied at paragraphs 15 and 16 of the defence.

43. Deel’s assertion of its entitlement to discovery rests on the proposition that its denial of allegations made in the statement of claim as to its conduct prior to 14 March 2025 is sufficient to constitute such disputed matters as *“issues”* in the proceedings which require production by the plaintiff of documentation in relation to those issues which is *“relevant”* and *“necessary for the fair and just resolution of the proceedings and potentially for saving*

costs” [see Clarke J at paragraph 46, *Tobin*]. However, it does not seem to me that Rippling relies on such matters in the statement of claim in a way that is integral to the case which Rippling seeks to make. That is not to say that what may have occurred prior to 14 March 2025 is unconnected to the alleged events after that date upon which Rippling clearly relies; Rippling prosecutes the proceedings on the basis that it does not have to prove such matters, and has now confirmed that it will not seek to do so.

44. Moreover, both parties accept that Deel is not entitled to discovery of documentation, the only purpose of which is to test the credit of a witness. Deel is not entitled to documents, the only purpose of which would be to assist a cross-examination in which Mr O’Brien’s honesty and veracity would be under question. Both parties accept the fundamental principle that any discovery must relate to the issues between the parties as disclosed by the pleadings.

45. Deel could have drafted its defence in such a way as to ensure that its conduct prior to 14 March 2025 would be an issue in the proceedings. It could perhaps have proactively pleaded that “*the Scheme*” alleged by Rippling at paragraph 17 of the statement of claim had no foundation as there had in fact been no “*covert course of conduct*” prior to 14 March 2025, and hence no need to “*frustrate the Order*” or “*create a false narrative*”. It could have set out any matters on which it relied to substantiate this position. It may have been open to Deel to counterclaim against Rippling, as it has done in the US proceedings. There is certainly a sharp contrast between Deel’s conduct of its defence of the US proceedings, in which an extremely expansive answer and counterclaim is submitted to Rippling’s complaint, and the more reticent approach adopted in the Irish proceedings.

46. I hasten to say that it is no part of the function of this court to comment critically upon tactical decisions by litigants as to how to plead their case, and nothing I have said in the foregoing paragraph should be taken as criticism of Deel’s pleadings in the present

proceedings. I acknowledge that - leaving aside situations where a particular plea is required by law, such as a plea based on the statute of limitations - a defendant is entitled to simply deny allegations in the statement of claim, rather than plead proactively, and that such a denial will usually be sufficient to join issue with a plaintiff's allegation in the statement of claim.

47. However, that pre-supposes that the allegation in the statement of claim is one which the plaintiff requires to prove in order to establish its case. If a plaintiff in a personal injuries case pleads that she was driving her car along a certain road, and that her car was struck from behind by the defendant's while the plaintiff's car was stationary at traffic lights, such matters are often simply denied in the defence, and the allegations thus denied are issues which the plaintiff must prove to win her case. In the present proceedings, Rippling makes it clear that it does not rely on events prior to 14 March 2025 to establish its case. A simple denial by Deel of those events does not convert them into an "*issue*" in the proceedings which requires discovery of documentation.

Conclusion on "*Preliminary matter 2*"

48. For the reasons set out above, I do not consider that events prior to 14 March 2025 constitute an "*issue*" arising from the pleadings. The present application is for discovery only; the task of this court is to decide whether an order for discovery is required on the basis that production of documentation should be ordered which is relevant to the issues in the case as set out in the pleadings and necessary for the fair and just resolution of the proceedings and potentially for saving costs. Wider questions of what evidence is or is not relevant or admissible or what topics may be pursued in the course of the trial are solely a matter for the trial judge.

Category 1

49. As may be seen from Appendix 1 to this judgment, Category 1 is very detailed, with 12 sub-categories. The parties agreed that Rippling would discover documents responsive to sub-categories 6, 7 and 8. Counsel for Rippling emphasised that these categories were offered by way of compromise, and entirely without prejudice to Rippling's contention that it was not obliged to make discovery of those sub-categories, and on the basis that such discovery did not determine the relevance or admissibility of the documentation disclosed.

50. To their credit, the parties continued to liaise during the hearing to see if further compromise could be achieved. After lunch on the second day, Mr McCullough informed the court that discovery would be made in relation to sub-category 12 on the same basis as sub-categories 6 to 8.

51. What remains, then, are sub-categories 1 to 5 and 9 to 11. Categories 1 to 5 seek very detailed records relating to the alleged "*covert course of conduct*" and particular documentation relating to "*trade secrets*". The sub-categories are very broad. By way of example, sub-category 3 is as follows:

"All documents evidencing the measures allegedly taken by Rippling prior to 12 March 2025 to preserve the secrecy of each such trade secret, including with respect to access permissions/restrictions; confidentiality policies; audit logs; and monitoring and verification systems."

52. It is difficult to see how the breadth of this sub-category could be justified on grounds of relevance or necessity even if the spying allegation was an issue arising directly from the pleadings. Consideration might have had to be given to the fact that Rippling and Deel are close commercial competitors when considering the necessity for this documentation.

53. However, given my conclusion on the “*issues*” in the case as set out above, it does not seem to me that sub-categories 1 to 5 or 9 to 11 are relevant to the issues or necessary for the fair and just resolution of the proceedings. Sub-categories 6 - 8 in respect of which Rippling has agreed discovery will in any event potentially provide Deel with substantial documentation in relation to the alleged “*covert course of conduct*”.

Category 3

54. This category primarily concerns the allegations at paragraphs 23 (c), (d) and paragraph 26 *et seq* of the statement of claim, in which it is alleged that, on 18 March 2025, Mr O’Brien made a “*false report*” to the Central Bank of Ireland (“CBI”) that he had been “*told to make payments to Russia*” at a time when this might have been a “*relevant wrongdoing*” within the meaning of the Protected Disclosures Act 2014 (as amended). The alleged meaning of Mr O’Brien’s report is set out in paragraph 27 of the statement of claim, and at paragraph 28 it is alleged that Deel “*directed, threatened and induced Mr O’Brien to make the said statements to the Central Bank of Ireland...*”, and that the statements were made “*as the agent of Deel*” [paragraph 29]. Deel makes comprehensive denials of these matters at paragraphs 27 to 32 of its defence.

55. At paragraph 52 of its written submissions, Rippling offered the following formulation for discovery:

“All documents evidencing that Mr O’Brien had knowledge of, or raised concerns internally in Rippling during the course of his employment with Rippling regarding, payments to sanctioned jurisdictions, including but not limited to sanctioned Russian payments”.

56. This corresponds roughly to sub-category 3 of category 3. Rippling is not prepared to make discovery of any of the other sub-categories. It maintains that the aspects in relation to this element of the case are, firstly, whether or not Mr. O'Brien made statements to the CBI about Rippling breaching sanctions legislation when he said he did, and secondly, whether he made those statements on the instructions of Deel.

57. A perusal of the sub-categories 1 to 2 and 4 to 6 sought by Deel show that what Deel wants is documentation, and particularly internal documentation, in relation to how Rippling deals with issues of sanctioned payments, how it monitors compliance generally into sanctioned payments, whether any other employee has raised concerns about such payments, and its communications with a named journalist in this regard.

58. Nothing is contained in Deel's defence in relation to any of these issues. It is not suggested that Rippling has had issues or concerns in relation to sanctioned payments generally, or that other employees have raised issues in this regard. Deel has not pleaded that the allegations made by Mr. O'Brien were true.

59. In such circumstances, it seems to me that sub-categories 1 – 2 and 4 – 6 of Category 3 are speculative and in the nature of a *"fishing expedition"*. The formulation offered by Rippling corresponds to sub-category 3 sought by Deel, and discovery in those terms is appropriate.

Category 4

60. Category 4 relates to documentation regarding Mr O'Brien's alleged report to the CBI *"and any investigation by or communications with the CBI into this alleged report..."*. Five specific sub-categories of documentation are sought:

"(1) All documents evidencing the making of the said complaint by Mr O'Brien.

- (2) All communications between the CBI and Mr O'Brien in response to the said alleged complaint.
- (3) All communications between the CBI and Rippling in response to said alleged complaint.
- (4) Any contemporaneous records or notes held by Rippling regarding the alleged report to the CBI, including internal investigations, discussions, or evaluations of Mr O'Brien's claims about Sanctioned Payments or protected disclosures.
- (5) All documents and communications evidencing Rippling's assertion that the report was false."

61. Rippling is agreeable to making discovery in terms of subcategories 1 and 2, but not in relation to sub-categories 3 to 5. I consider that sub-categories 1 and 2 are sufficient; Deel does not allege that the report was true or justified. Nowhere in the defence is it suggested by Deel that Rippling did indeed make sanctioned payments. Sub-categories 3 to 5 address issues which do not arise on the pleadings.

Category 10

62. In Category 10, eight sub-categories of documentation "which relate to or provide evidence of Mr O'Brien's health condition" ... are sought. The statement of claim alleges at paragraph 23 (f) that Deel instructed Mr O'Brien, *inter-alia*, to "*see a doctor*". At paragraphs 39 to 43 of the statement of claim, Rippling pleads that Mr O'Brien sent several emails to A&L Goodbody which it alleges were defamatory of Rippling. It is pleaded that the emails were sent "*as a result of... instructions and inducements from Deel and as a result of or in furtherance of the Scheme...*". The email quoted at paragraph 40 of the statement of claim refers to Mr O'Brien having mental health difficulties extending to suicidal

thoughts. It is pleaded that Deel is liable for the making of the various statements and emails, and/or that Mr O'Brien made statements as agent of Deel.

63. In its defence, Deel admits that the emails were sent by Mr O'Brien but denies that they were sent in furtherance of the alleged scheme. It is denied that Mr O'Brien acted as the agent of Deel, or that Deel was responsible in law for the sending of the emails. Deel also denies the instructions alleged at paragraph 23 of the statement of claim to have been given to Mr O'Brien by Deel.

64. Essentially, Rippling's allegation is that Deel "*directed, threatened and induced*" Mr O'Brien to write the emails. This is denied by Deel, which also contends in relation to each of the defamatory statements allegedly made by Mr. O'Brien to A&L Goodbody that, as "*the alleged publication of the allegedly defamatory statement was by Mr O'Brien to Deel's solicitors... the allegedly defamatory statement did not injure the Plaintiffs' reputation...*" [paragraph 39(v), 40(v), 41(v), and 42(v)]. At para 44 of the defence - which addresses paragraph 44 of the statement of claim - Deel pleads at paragraph 44 (iii) that, if the statements were made by Mr O'Brien falsely, maliciously and in the knowledge that they were untrue, "*... same is a matter between the Plaintiffs and Mr. O'Brien and Deel is not responsible in law for same*".

65. Deel does not in fact challenge or put the plaintiff on proof of the veracity of the content of Mr O'Brien's emails. Rather, it seeks to contend that, for a number of reasons, if Mr O'Brien's statements in those emails were made falsely, maliciously and in the knowledge that they were untrue, Deel is not responsible in law. The central issue which emerges from the pleadings is whether or not, as alleged at paragraph 23, Mr O'Brien was given instructions to make false statements to the CBI, the High Court and A&L Goodbody.

66. This relatively narrow issue does not warrant the making of discovery in relation to the categories which Deel requires. There may be some probative value in establishing whether or not Mr O'Brien did in fact require treatment for mental health difficulties, in that if he did, that could suggest that his statements in the emails about those difficulties were genuine. However, that is surely a matter which can be clarified in correspondence between the parties, and is not a matter which warrants the intrusive level of documentation sought in Category 10.

67. I am also mindful that the current motion is not directed to Mr O'Brien. While he may have obligations under the so-called cooperation agreement to render assistance to Rippling, I am uncomfortable with the notion of ordering exhaustive discovery of confidential material relating to such a sensitive topic as Mr O'Brien's mental health without taking his views into account.

68. It would perhaps be helpful if Rippling's solicitors could clarify to Deel's solicitors whether in fact Mr O'Brien was suffering from the sort of mental health problems to which he refers in his emails, and whether he sought treatment in that regard. The matter does not appear to be canvassed in the exchanges in relation to particulars. I note that, apart from a brief reference at paragraph 45 of his affidavit of 1 April 2025 to messaging the independent solicitor on March 24, 2025 that he could not meet him as he was "*unwell*", there is no reference in that affidavit to Mr O'Brien suffering from or receiving treatment for health problems until the final paragraph, in which he avers as follows:

"... I was having bad thoughts at the time; it was a horrible time for me. I was getting sick concealing this lie. I realised that I was harming myself and my family to protect Deel ...".

69. In any event, as the discovery sought does not arise from an issue in the pleadings, I am not disposed to grant discovery in terms of Category 10.

Category 17

70. Category 17 comprises a detailed request for documents in relation to losses claimed by Rippling to have resulted from the alleged activities of Deel. Rippling has offered the following response to Deel's request:

“Rippling's financial records to the extent that they evidence commercial harm, competitive disadvantage, loss of custom, revenue, sales or other financial loss said to arise from the matters pleaded in the Re-Amended Statement of Claim” [written submissions paragraph 84].

71. The difficulty is that Rippling's claim for loss has not yet been particularised. Accordingly, counsel indicated to the court that they had agreed that discovery would be made in the terms offered by Rippling, but that the sufficiency of such documentation could be revisited if necessary by Deel after particulars are furnished by Rippling.

72. That seems a pragmatic and sensible compromise. An order will therefore be made for discovery by Rippling in the terms set out at paragraph 70 above.

Conclusion

73. It is necessary for the court to bear in mind that the present application is for discovery only. While much was said by both parties about the allegations made in this jurisdiction and in the US, the parties were in fact agreed that the essential task of the court was to consider whether the documentation sought by Deel was relevant to the matters at issue as

disclosed by the pleadings in these proceedings, and necessary for the fair and just resolution of the proceedings and potentially for saving costs.

74. There may well be issues at trial as to the extent to which evidence or cross-examination in relation to events prior to 14 March 2025 may be admissible, even though Rippling's position is that any cause of action it has relates only to events after 14 March 2025. I agree that any such issues are matters for determination at the trial of the action; the present application requires a narrower focus.

75. The court will order discovery as follows:

- Category 1: sub-categories 6, 7, 8 and 12;
- Category 3: Rippling's formulation as set out at paragraph 55 above;
- Category 4: sub-categories 1 and 2; and
- Category 17: Rippling's formulation as set out at paragraph 70 above.

76. All other requests by Deel as set out in categories 1, 3, 4 and 10 of the Appendix are refused. The parties should agree the terms of an order in accordance with this judgment. The parties may also wish to consider whether any further alterations to pleadings or particulars are necessary or desirable in view of the position set out "*for the avoidance of doubt*" in Rippling's letter to Deel of 1 June 2026.

77. The matter will be listed on Wednesday 14 October at 10:15am for submissions, if necessary, in relation to the order or any ancillary matters.

APPENDIX 1

Category 1

All documents which relate to, or provide evidence of, the allegations that Mr. O'Brien engaged in a covert course of conduct whereby he spied for Deel and provided Deel with Rippling's trade secrets (within the meaning of the European Union (Protection of Trade Secrets) Regulations 2018, SI. No.188/2018 ("**the 2018 Regulations**") and proprietary and confidential information, including, without prejudice to the generality of the foregoing,

1. All documents identifying each item of information alleged to constitute a "trade secret" within the meaning of the 2018 Regulations and said to have been misappropriated prior to 12 March 2025.
2. All documents evidencing the content and scope of each alleged trade secret; the date of its creation; the author(s) of same and the business function to which it relates.
3. All documents evidencing the measures allegedly taken by Rippling prior to 12 March 2025 to preserve the secrecy of each such trade secret, including with respect to access permissions/restrictions; confidentiality policies; audit logs; and monitoring and verification systems.
4. All documents identifying with precision each item of information which is not alleged to constitute a "trade secret" within the meaning of the 2018 Regulations but which is alleged to be otherwise proprietary and/or confidential in nature and which is alleged to have been misappropriated by Mr. O'Brien as part of the alleged covert conduct.
5. All documents evidencing the matters identified at subcategories (2) and (3) above, in the case of each item of information coming within sub-category (4).

6. All documents evidencing any alleged disclosure, transmission, provision or communication of Rippling's trade secrets and/or proprietary and/or confidential information by Mr. O'Brien to Deel prior to 12 March 2025.
7. All reports, audit logs, download histories, email logs, access records, meta data or device analyses relied upon by Rippling to support the allegation that Mr. O'Brien provided Deel with Rippling's trade secrets and proprietary and confidential information prior to 12 March 2025.
8. All documents evidencing Rippling's knowledge, prior to 12 March 2025, of any contact between Mr. O'Brien and Deel and the content of such contact.
9. All documents recording or evidencing communications to /from/ with Mr. Michael Roddan.
10. All documents relating to Rippling's internal investigation [prior to 12 March 2025) into:
 - a) Mr. O'Brien's conduct;
 - b) Alleged data access or copying;
 - c) Alleged communications with Deel.
11. All documents briefed to PWC for the purpose of investigation of Mr. O'Brien and all reports, including draft reports and communications from PWC and between Rippling and PWC after their engagement up to 12 March 2025.
12. All records of, or evidencing, the accessing by Mr. O'Brien of the Slack channels used by Rippling from the date of the commencement of his employment to 12 March 2025.

Category 3

All documents which evidence or record any transactions, payment made or facilitated by Rippling to any person or entity, which person or entity is the subject of sanctions whether U.S. Sanctions or European Sanctions or UK Sanctions ("**Sanctioned Payments**"), including

1. All documents evidencing Rippling's processing, facilitating, approving, rejecting, reviewing or considering in any way payments involving Russia or any sanctioned jurisdiction.
2. All sanctions compliance reviews undertaken by Rippling.
3. All documents relating to any concerns raised internally in Rippling by Mr. O'Brien during the course of his employment with Rippling regarding Sanctioned Payments, including but not limited to sanctioned Russian payments.
4. All documents relating to any reports or concerns raised internally in Rippling by any other employee, servant or agent of Rippling during the course of their employment with Rippling regarding Sanctioned Payments.
5. All internal Rippling communications relating to Sanctioned Payments, including communications to, from and with Mr. Michael Roddan.
6. All internal Rippling communications concerning regulatory exposure or sanctions compliance, to include all correspondence with any relevant competent authority in relation to the issue of Sanctioned Payments.

Category 4

All documents recording or evidencing Mr. O'Brien's alleged reporting to the CBI on 18 March 2025 and any investigation by or communications with the CBI into this alleged report, including, without prejudice to the generality of the foregoing,

1. All documents evidencing the making of the said complaint by Mr. O'Brien.
2. All communications between the CBI and Mr. O'Brien in response to the said alleged complaint.
3. All communications between the CBI and Rippling in response to the said alleged complaint.
4. Any contemporaneous records or notes held by Rippling regarding the alleged report to the CBI, including internal investigations, discussions, or evaluations of Mr. O'Brien's Claims about Sanctioned Payments or protected disclosures
5. All documents and communications evidencing Rippling's assertion that the report was false.

Category 10

All documents which relate to or provide evidence of Mr. O' Brien's health condition (including Mr. O'Brien's mental health condition) during the period 12 March 2025 to date, including, but not limited to:

1. All notes and records (including medical records) in respect of Mr. O'Brien's health condition (including his mental health condition) to include all notes and records of General Practitioners, psychiatric consultants, psychologists, nurses and/or any other medical practitioners responsible for treating or otherwise dealing or consulting with Mr. O' Brien in relation to his health condition.
2. All emails, messages or electronic communications sent by Mr. O'Brien to Rippling referencing psychiatric treatment, breakdown, suicidal thoughts or otherwise referencing his mental health condition.

3. All emails or electronic communications sent by Mr. O'Brien to Matheson Solicitors LLP describing his mental health, stress, or coercion, including any attachments, notes, or documents referenced or appended to these communications.
4. All emails or electronic communications sent by Mr. O'Brien to Mr. Michael Coonan describing his mental health, stress, or coercion, including any attachments, notes, or documents referenced or appended to these communications.
5. All documents alleging coercion linked to Mr. O'Brien's mental health and any communications discussing his mental state in connection with the alleged Scheme.
6. All emails, messages, notes, or documents evidencing or referring to alleged inducements or threats made by Deel linked to Mr. O'Brien's health, including but not limited to documents recording or summarising Mr. O'Brien's responses or actions relating to these alleged inducements, threats or health concerns.
7. All documents and communications between Rippling and any third parties discussing Mr. O'Brien's mental or emotional condition in the context of the alleged "Scheme", including but not limited to documents reflecting Rippling's contemporaneous understanding, knowledge, or assessment of Mr. O'Brien's mental health condition or any Stress or mental or emotional difficulties experienced by Mr. O'Brien in or around the time of the alleged inducements or threats allegedly made by Deel.
8. Any contemporaneous reporting or recording of Mr. O'Brien's mental health Condition in the context of the Proceedings, including but not limited to notes, recordings, contemporaneous memoranda, communications and documents obtained in the preparation of and under the Co-Operation Agreement dated 27 March 2025 and/or the Termination Agreement dated 27 March 2025.

Category 17

All documents evidencing any alleged commercial harm, competitive disadvantage, loss of custom, revenue, sales or other financial loss said to arise from the matters pleaded in the Re-Amended Statement of Claim, including, without prejudice to the generality of the foregoing,

1. Rippling's management accounts (monthly and quarterly) from January 2024 to date.
2. Rippling's audited financial statements for FY 2023, FY 2024 and FY 2025 (if available).
3. Rippling's board packs, investor reports or financial updates referring to:
 - a) Any reputational damage arising from these proceedings.
 - b) The impact of these proceedings.
 - c) The impact of any of the alleged defamatory publications referred to in the Re-Amended Statement of Claim,
4. Any internal Rippling analysis attributing loss or damage to:
 - a) The alleged conduct of Deel as alleged in the Proceedings and/or the US, Proceedings, including the “covert course of conduct;
 - b) Media coverage of the subject-matter of the Proceedings and/or of the U.S. Proceedings;
 - c) Mr. O'Brien's alleged conduct;
 - d) Regulatory engagement;
 - e) Market conditions;
 - f) Competitive pressures.
5. All documents evidencing, recording or referring to:

- a) Any alleged loss of customers arising from the matters referred to in the Re-Amended Statement of Claim.
 - b) Any alleged reduction in revenue arising from the matters referred to in the Re-Amended Statement of Claim.
 - c) Any lost sales opportunities arising from the matters referred to in the Re-Amended Statement of Claim.
6. Any terminated or varied contracts arising from the matters referred to in the Re-Amended Statement of Claim.
7. Any customer complaints referencing:
- a) The subject-matter of the Proceedings.
 - b) The fact of the Proceedings.
 - c) The alleged defamatory statements.
 - d) The subject-matter of the U.S. Proceedings.
 - e) The fact of the U.S. Proceedings.
 - f) Allegations of Russian payments being made by or facilitated by Rippling.
 - g) Media coverage of the Proceedings or the U.S. Proceedings.

Unless otherwise Specified, the period for discovery in this category shall be 1 January 2024 to the date of discovery, with liberty to seek extension if necessary.