

CORRECTED AND ADOPTED

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
MARCH TERM, A.D. 2017

PRESENT: HIS HONOR FRANCIS S. KORKPOR, SR.,.....CHIEF JUSTICE
“ HIS HONOR KABINEH M. JA’NEH,.....ASSOCIATE JUSTICE
“ HER HONOR JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
“ HIS HONOR PHILIP A. Z. BANKS, III.,.....ASSOCIATE JUSTICE
“ HER HONOR SIE-A-NYENE G. YUOH,.....ASSOCIATE JUSTICE

TUESDAY, MAY 2, 2017
7TH DAY’S SESSION

The Honorable Supreme Court of the Republic of Liberia, sitting in its March Term, A. D. 2017, met this morning at the hour of 10:00 a.m., for the transaction of business with His Honor Francis S. Korkpor, Sr., Chief Justice, presiding.

OFFICERS OF COURT PRESENT.

COUNSELLORS PRESENT: Winston A. Tubman, Cooper W. Kruah, Emmanuel B. James, Rosemarie B. James, Zaiye B. Dehkee, James N. Kumeh, William A. N. Gbaintor, Cyril Jones, Samuel Pearson, George W. Sagbeh, D. Onesimus Barwon, James G. Innis, G. Wiefueh Alfred Sayeh, and Denise C. Sokan.

His Honor Francis S. Korkpor, Sr., ordered and the Marshal cried the opening of the day’s session. Thereafter, the Court was led in devotion by Rev. J. Joel Gould, Chaplain, Supreme Court of Liberia.

A motion for the correction and adoption of the minutes of Thursday, April 26, 2017, 6th day’s session, was made by Counsellor Cooper W. Kruah of Henries Law Firm, and seconded by Counsellor Denise C. Sokan of Jones & Jones Law Firm.

The following corrections were made to the minutes of Thursday, April 26, 2017, 6th day’s session, by the Bench and the Bar:

Page 5: *“THE CASE: MR. AND MRS. MUSA KONNEH OF SKD COMMUNITY, BUSHROD ISLAND, MONROVIA, REPUBLIC OF LIBERIA, APPELLANTS, VERSUS MOHAMMED KONNEH, BELLEH KONNEH, LAYEE KAMARA, ET-AL, OF SKD COMMUNITY, BUSHROD ISLAND, MONROVIA, REPUBLIC OF LIBERIA, APPELLEES. ACTION OF EJECTMENT IS CALLED FOR HEARING.”*

“ : *“Whether a mere possession (of real property) by a party amounts to a title?”*

THE COURT: *“With the corrections made by the Bench and the Bar, the minutes of Thursday, April 26, 2017, 6th day’s session, are adopted.”*

THE CASE: AMADUO BAH OF THE CITY OF MONROVIA, LIBERIA, INFORMANT VERSUS HIS HONOR YUSSIF D. KABA, RESIDENT JUDGE, CIVIL LAW COURT AND MR. NELSON ONIYAMA ALL OF THE CITY OF MONROVIA, LIBERIA, RESPONDENTS, ACTION: BILL OF INFORMATION IS CALLED FOR HEARING.

REPRESENTATIONS: *“The Informant is represented by Henries Law Firm and present in Court is Counsellor Cooper W. Kruah. And respectfully submits.”*

No counsel appeared for the respondents.

At this stage, the Chief Justice ascertained from the Marshal whether a copy of the notice of assignment was served on the counsel for the respondents. The Marshal informed the Court that Counsellor Amara M. Sheriff of J. Johnny Momoh and Associates Legal Chambers signed for and received a copy of the notice of assignment for the respondents.

THE COURT: *“At the call of the case, Counsellor Cooper W. Kruah of Henries Law Firm appeared for the informant. No counsel appeared for the respondents. According to the record, the notice of assignment was served on both parties. In the case of the respondents, the record shows that Counsellor Amara M. Sheriff signed for and received the notice of assignment but failed to appear.”*

Counsellor Amara M. Sheriff is hereby cited to appear on Thursday, May 4, 2017 at the hour of 10:00 a. m. to show cause why he should not be held in contempt of Court for receiving the notice of assignment but failed to appear on the cause. The case is also reassigned for hearing on Thursday, May 4, 2017, at the hour of 10:00 a. m. It is hereby so ordered. Matter suspended.”

THE CASE: ZAIYE B. DEHKEE OF THE CITY OF MONROVIA, REPUBLIC OF LIBERIA, INFORMANT, VERSUS HIS HONOR J. BOIMA KONTAE, ASSIGNED CIRCUIT JUDGE, SIXTH JUDICIAL CIRCUIT, MONTERRADO COUNTY, REPUBLIC OF LIBERIA, 1ST RESPONDENT, AND SALAH FARHAT OF THE CITY OF MONROVIA, REPUBLIC OF LIBERIA, 2ND RESPONDENT. ACTION: BILL OF INFORMATION IS CALLED FOR HEARING.

REPRESENTATIONS: *“Informant is represented by Gbaintor Law Firm and present in Court is Counsellor William A. N. Gbaintor. And respectfully submits.” “The respondents are represented by Sagbeh & Sagbeh Law Chambers, and present in Court is Counsellor George W. Sagbeh. And respectfully submits.”*

THE COURT: *“The representations of the parties are noted.”*

The following questions were posed to counsel for the informant by the Bench:

Ques: Why did you file this notice of withdrawal?

Ans: The parties' dispute has been resolved and they want the matter to be withdrawn from the Court.

Ques: Did you file a notice of discontinuance before the lower Court?

Ans: Yes, Your Honors.

Ques: How did the matter come to the Supreme Court?

Ans: A bill of information was filed by the informant to the Supreme Court.

Ques: Have you paid the cost of Court to the Clerk's office?

Ans: No, Your Honors.

The following questions were posed to counsel for the respondents:

Ques: Are you willing to have this matter withdrawn from the Court?

Ans: Yes, Your Honors.

Ques: Did the parties meet and decide to have this matter withdrawn?

Ans: Yes, Your Honors.

At this stage, the Chief justice informed the counsel for the informant to pay to the Office of the Clerk of Court the cost of court for the voluntary withdrawal of the cause as per the Rules of Court.

THE COURT: RULING RESERVED. MATTER SUSPENDED."

THE CASE: THE MANAGEMENT OF LIBERIA SERVICES CORPORATION THRU ITS PRESIDENT/CEO, KWAKU ADDY AND ALL OTHER CORPORATE OFFICERS UNDER THE AUTHORITY OF SAID CORPORATION OF THE CITY OF MONROVIA, APPELLANT, VERSUS MONROVIA CITY CORPORATION BY AND THRU ITS MAYOR, CLARA DOE MVOGO OF THE CITY OF MONROVIA, LIBERIA, APPELLEE. ACTION: APPEAL, PETITION FOR CANCELLATION OF CONTRACT IS CALLED FOR HEARING.

REPRESENTATIONS: *“Appellant is represented by Jones & Jones Law Firm, and present in Court is Counsellor Denise S. Soka who says that after the notation of representations, she has a submission to make. And respectfully submits.” “The appellee is represented by the In-House legal team of the Monrovia City Corporation, and present in Court are Counsellors James N. Kumeh and Samuel Pearson. And respectfully submits.”*

THE COURT: *“The representations of the parties are noted. Counsel for appellant may proceed to make her submission.”*

SUBMISSION: *“Counsel for appellant begs to inform Your Honors that the parties have met and agreed to have the matter settled out of Court, and hence they have filed a notice of Voluntary Discontinuance of the matter, which has been approved by one of the Justices of the Honorable Supreme Court. And respectfully submits.”*

To which submission, one of counsels for appellee confirmed the allegations made by counsel for appellant that the parties met, agreed to some terms and condition, and filed a notice of Voluntary Discontinuance of the matter before the Honorable Supreme Court. And respectfully submitted.

At this stage, the Chief Justice informed the counsel for the informant to pay to the Office of the Clerk of Court the cost of court for the voluntary withdrawal of the cause as per the Rules of Court.

THE COURT: *RULING RESERVED. MATTER SUSPENDED.*”

THE CASE: THE LIBERIA BAPTIST THEOLOGICAL SEMINARY, BY AND THRU ITS PRESIDENT, VICE PRESIDENT AND ALL AUTHORIZED OFFICERS, THE BOARD OF TRUSTEES OF THE LIBERIA BAPTIST THEOLOGICAL SEMINARY AND ALL AUTHORIZED OFFICERS OF THE CITY OF PAYNESVILLE, REPUBLIC OF LIBERIA, MOVANT, VERSUS DR. LINCOLN S. BROWNELL, JR., OF THE CITY OF PAYNESVILLE, MONTSERRADO, REPUBLIC OF LIBERIA, REPENDENT. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: *“Movant is represented by the International Group of Legal Advocates and Consultants, Inc., and present in Court are Counsellors Rosemarie B. James and Emmanuel B. James. And respectfully submits.” “Counsellor Winston A. Tubman is present in Court in response to a letter citing him to appear before the Honorable Supreme Court of Liberia. And respectfully submits.”*

THE COURT: *"The representations of the parties are noted.*

The following questions were posed to Counsellor Winston A. Tubman by the Bench:

Ques: Did you address a communication to the Court on behalf of Dr. Lincoln Brownell, informing the Court that he will not appoint another lawyer for the hearing of his case?

Ans: Yes, Your Honors.

Ques: Is Dr. Lincoln Brownell your client?

Ans: Not in this case, Your Honors, but Dr. Brownell is my client in another case.

Ques: Do you think it was legally appropriate for you to write that kind of letter?

Ans: Yes, Your Honors. Dr. Brownell just needed my help to write a letter to the Court to inform the Court that he did not need another lawyer to represent him.

Ques: Don't you think it would have been more appropriate for you to have drafted a letter for his (Dr. Brownell's) signature instead of you writing a letter to the Court, since you say you are not his lawyer in this case?

Ans: That would have been the better way to have done it Your Honors. But Dr. Brownell felt that he could not write directly to the Court so he asked me to write the letter on his behalf.

At this stage, Dr. Brownell was called up and the following questions were posed to him:

Ques: Who represented you in the defamation case?

Ans: I was represented by Counsellors Musah Dean, Jr. and Necular Y. Edwards.

Ques: Did you complain the lawyers that represented you in the defamation case?

Ans: Yes, Your Honors.

Ques: Are you saying that you will not appoint another lawyer to represent you in the case before us?

Ans: I do not have the means right now to retain the services of another lawyer.

Ques: Was the “labor case” settled?

Ans: Yes, Your Honors.

Ques: What is the status of the defamation case?

Ans: The decision in the defamation case was not in my favor and an appeal was taken from the judgment of the lower court.

Ques: When did you complain the lawyers that represented you in the defamation case?

Ans: Counsellors Necular Y. Edwards and F. Musah Dean, Jr. were complained in 2015.

Ques: Do you still want to pursue the defamation case?

Ans: I want the Court to give me two (2) weeks to make a decision whether to pursue the case or not, Your Honors.

At this stage, the Chief Justice ascertained from counsels for movant whether they have any reaction/objection to the request for two weeks made by the respondent. The counsels for movant interposed no objection.

THE COURT: *“The request made by the respondent for two (2) weeks to enable him decide whether he wants to pursue his “defamation case” or not, is granted. The Court hereby warns Counsellor Winston A. Tubman not to repeat his action(s) in this case, which action is considered as an affront to this Court. The hearing of this case will be reassigned after two weeks as of today’s date. And it is hereby so ordered. Matter Suspended.”*

THE CASE: THE INTESTATE ESTATE OF THE LATE STEPHEN R. JOHNSON OF THE CITY OF MONROVIA, LIBERIA, INFORMANT, VERSUS HIS HONOR YAMIE Q. GBEISAY, JUDGE OF THE MONTHLY & PROBATE COURT FOR MONTERRADO COUNTY, DAVID JOHNSON AND LAWRENCE P. JOHNSON ALSO OF THE CITY OF MONROVIA, RESPONDENTS. ACTION: BILL OF INFORMATION IS CALLED FOR HEARING.

REPRESENTATIONS: *“Informant is represented by Pierre, Tweh & Associates Law Firm and present in Court is Counsellor Zaiye B. Dehkee. And respectfully submits.”*

No counsel appeared for the respondents.

At this stage, the Chief Justice ascertained from the Marshal whether a copy of the notice of assignment was served on counsel for the respondents. The Marshal informed the Court that one Mackinley Kerkula, Office Administrator of the Tulay & Associates Law Firm (Counsel for the respondents), signed for and received a copy of the notice of assignment for the respondents.

THE COURT: *“At the call of the case, Counsellor Zaiye B. Dehkee of Pierre, Tweh & Associates Law Firm appeared for the informant. No counsel appeared for the respondents. According to the record, the notice of assignment was served on both parties. In the case of the respondents, the record shows that Tulay & Associates Law Firm, through its office administrator, Mackinley Kerkula, received the notice of assignment but failed to appear.*

Counsellor Emmanuel B. Tulay of Tulay & Associates Law Firm is hereby cited to appear on Thursday, May 4, 2017 at the hour of 10:00 a. m. to show cause why he should not be held in contempt for receiving the notice of assignment but failed to appear for the hearing of the case. The case is also assigned for hearing on Thursday, May 4, 2017, at the hour of 10:00 a. m. It is hereby so ordered. Matter suspended.”

THE CASE: MR. IBRAHIM K. HAMDAN OF THE CITY OF MONROVIA, LIBERIA, INFORMANT, VERSUS HER HONOR, SIE-A-NYENE G. YUOH, ASSOCIATE JUSTICE OF THE SUPREME COURT OF LIBERIA, HER HONOR EVA MAPPY MORGAN, CHIEF JUDGE, HIS HONOR CHAN CHAN A. PAEGAR AND HIS HONOR RICHARD L. KLAH, SR., ASSOCIATE JUDGES, ALL OF THE COMMERCIAL COURT OF LIBERIA, AND MONROVIA OIL TRADING CORPORATION (MOTC) A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE REPUBLIC OF LIBERIA, REPRESENTED BY AND THRU ITS CHAIRMAN, MR. KRIS LEEMANS AND ITS CHIEF EXECUTIVE OFFICER (CEO), MR. CHARLES CARRON AND ITS GENERAL MANAGERS OF VAI TOWN, BUSHROD ISLAND, CITY OF MONROVIA, LIBERIA, RESPONDENTS. ACTION: BILL OF INFORMATION IS CALLED FOR HEARING.

REPRESENTATIONS: *“Informant is represented by the International Group of Legal Advocates and Consultants, Inc., and present in Court are Counsellors Emmanuel B. James and Rosemarie B. James, who say they have a submission to make after the notation of representation by Your Honors. And respectfully submits.” “Respondents are represented by Jones and Jones Law Firm and present in Court is Counsellor Cyril Jones. And respectfully submits.”*

Note: *“Madam Justice Sie-A-Nyene G. Yuoh recuses herself from the hearing and determination of this matter, as the present bill of information is an outcome of a decision she made while presiding as Justice in Chambers.”*

THE COURT: *“The representations of the parties are noted. Counsels for informant may proceed to make their submission.”*

SUBMISSION: “At this stage, one of counsels for movant begs to inform this Honorable Court and Your Honors that they filed a motion to strike the returns of the respondent for improper verification and respectfully requests this Honorable Court to hear the motion to strike before entertaining the bill of information. And respectfully submits.”

RESISTANCE: “Counsel for respondents says that in keeping with Vol. 24 of the Liberia Law Report (24LLR), *Nasser V. Sartia and Bright*, text at pages 127-128, the said motion is moot because prior to ten days of its filing the respondents’ returns was withdrawn, cost paid and an amended returns substituted. Whereby in that case, it is stated, respondent raised the point that amended pleading in special proceedings are not provided for by statute. We do not agree with that contention because the law on amended pleading should be taken in context with all pleading in our courts, whether a subordinate court of records or the Supreme Court. And respectfully submits.”

The following questions were posed to counsel for the respondents by the Bench:

Ques: Did you receive a copy of the motion to strike from the movant?

Ans: Yes, Your Honors. The motion to strike was received five days after the filing of the unverified returns, on March 22, 2017.

Ques: Why have you not filed your resistance to the motion to strike?

Ans: The motion is moot, and the notice of assignment calls for the hearing of the bill of information and not the motion to strike.

At this stage, counsel for respondents requested the Court for time to enable him file a formal resistance to the motion to strike. And respectfully submitted.

THE COURT: “The request made by counsel for respondents for time to enable him file a formal resistance to the motion to strike is granted. The hearing of this case is postponed to be heard on another date to be decided by the Court. And so ordered. Matter suspended.”

THE CASE: ADBULLAH M. HUSSEINI AND ZEINAB M. HOUSSEINI ALL OF CLARA TOWN, MONROVIA, LIBERIA, INFORMANTS, VERSUS HIS HONOR KABINEH M. JA'NEH, ASSOCIATE JUSTICE PRESIDING IN CHAMBERS AND HIS HONOR J. BOIMA KONTAE, PRESIDING JUDGE, SIXTH JUDICIAL CIRCUIT AND ERICO WORLD WIDE VENTURE, REPRESENTED BY THE MANAGING DIRECTOR, ERIC C. WELLINGTON OF CLARA TOWN, RESPONDENTS. ACTION: BILL OF INFORMATION IS CALLED FOR HEARING.

REPRESENTATIONS: *“The informant is represented by Henries Law Firm and present in Court is Counsellor Cooper W. Kruah. And respectfully submits.” “Respondent are represented by Brumskine and Associates Law Firm and present in Court are Counsellors D. Onesimus Barwon and James G. Innis who begs leave of Court to inform the Court that they have a submission to make after the notation of representations. And respectfully submits.” “Respondents are also represented by the Law Offices of Sayeh & Sayeh, Inc. and present in Court is Counsellor G. Wiefueh Alfred Sayeh who begs leave of Court to make a submission after the notation of representations. And respectfully submits.”*

Note: *Mr. Justice Kabineh N. Ja'neh recuses himself from the hearing and determination of this matter for reasons already stated in the record of this case.”*

Note: *Mr. Justice Banks says that during the last sitting of this case, he recused himself from the hearing of this case. For consistency and justice, he reiterates his recusal from the hearing of this case.”*

THE COURT: *“The representations of the parties are noted. Counsels for respondents may proceed to make their submission as requested.”*

SUBMISSION: *“One of counsels for respondents most respectfully begs to inform Your Honors that the Brumskine & Associates Law Firm had earlier withdrawn its representation of the respondents in this case and subsequently filed a notice of withdrawal of counsels with the Office of the Clerk of Court. Counsel respectfully requests this Honorable Court to relief the Brumskine & Associates Law Firm from further representation of the respondents. And respectfully submits.”*

SUBMISSION: *“One of counsels for respondents, Counsellor G. Wiefueh Alfred Sayeh, begs to request Your Honors for continuance of the hearing of this case, as he has just been retained by the co-respondent Eric C. Wellington to represent his legal interest in this case. and respectfully submits.”*

RESISTANCE: *“Counsel for informant interposes no objection to the submissions made by counsels for the respondents. And respectfully submits.”*

THE COURT: *“The submissions made by counsel for the respondents, is noted. The Court hereby relieves the Brumskine and Associates Law Firm from representing the respondents in this case, and that the new counsel is now the Law Offices of Sayeh and Sayeh. Considering the request of Counsellor Sayeh that he has just been retained and needed time to familiarize himself with the case, is hereby granted. This case will be reassigned at a later date. And it is hereby so ordered. Matter suspended.”*

There being no other matters to claim the attention of the Court, His Honor Francis S. Korkpor, Sr., Chief Justice, ordered Rev. J. Joel Gould, Chaplain, Supreme Court of Liberia, to give the benediction. The Marshal was ordered to adjourn the Court to meet on Thursday, May 4, 2017 at the hour of 10:00 a. m. And said order was carried out.

Respectfully Submitted:

Atty. Sam Mamulu
ACTING CLERK, SUPREME COURT, R.L.