CORRECTED AND ADOPTED

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA MARCH TERM, A.D. 2018

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

Wednesday, March 28, 2018 3rd DAY'S SESSION

The Honorable Supreme Court of the Republic of Liberia, sitting in its March Term, 2018, 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.

<u>COUNSELLORS PRESENT</u>: Lawrence Yeakula, Frances Johnson Allison, Mamee Gongba, James E. Pierre, Joseph P. Gibson, Necular Y. Edwards, D. Onesimus Banwon, Sayma Serenius Cephus, Powo C. Hilton, Amara Sheriff, Gartor Tate, Jonathan Massaquoi, Idris Sheriff, Philip Y. Gongloe, Dexter C. Tiah, Sr., Golda E. Bonah Elliott, Ambrose Taplah, Snonsio E. Nigba, Momolu G. Kandakai, and Tiawan S. Gongloe.

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 Monday, March 12, 2018, the 1st Day's Session (Opening Ceremony), was made by Counsellor Necular Y. Edwards of the Law Offices of Dean and Associates, and seconded by Counsellor Joseph P. Gibson of the Wright and Associates Law Firm.

The following corrections were made to the minutes of Monday, March 12, 2018, the 1st Day's Session (Opening Ceremony), by the Bench:

Page 1: "JUDGES PRESENT: '...Richard S. Klah, Sr., Comfort S. Natt, Muna C. Sio, Nelson B. Chineh, J. Kennedy Peabody, Ernest Flomo B. Bana, Tweh Wesseh, Sr., Cecelia Grandoe Rogers, Clarence N. Weah, Lawrence Wah Jackson, and Joseph F. Harris'."

Page 1: "OFFICIALS OF GOVERNMENT PRESENT: His Excellency George
Manneh Weah, President of the Republic of Liberia, Honorable Bhofal
Chambers, Speaker of the House of Representatives of the 54th Legislature,
and Senator Albert Chie, Senate Pro-tempore of the Liberian Senate

THE COURT: "With the corrections made by the Bench, the minutes of Monday, March 12, 2018, the 1st Day's Session (Opening Ceremony), are adopted."

THE CASE: ALOYSIOUS D. COLEMAN, SR., OF THE CITY OF MONROVIA, MONTSERRADO COUNTY MOVANT, VERSUS MR. SAMUEL DOE OF THE CITY OF BUCHANAN, LIBERIA "RESPONDENT. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: "The movant is represented by the Gongloe and Associates Law Firm, and present in Court are Counsellors Momolu G. Kandakai and Philip Y. Gongloe. And respectfully submit."

No counsel appeared for the respondent

The Chief Justice ascertained from the Clerk of Court whether there was any letter of excuse filed by the respondent, and if so to have said letter read in Court. The Clerk of Court responded in the affirmative and read the letter of excuse filed by the Tulay and Associates Law Firm.

THE COURT: "At the call of the case, a letter written by the Tulay and Associates Law Offices was brought to the attention of the Court. The Counsel who wrote the letter did not state his name, but the letter requests reassignment of the case for reason according to the counsel, so that he will review the case file and adequately represent his client. At the same time, the letter tends to concede the fact that the appeal announced by the appellant in this case was never perfected in keeping with law.

The Court notes the concession made. However, the Court denies the request for postponement and reassignment of the case to give another time for the counsel to appear at another hearing. The rules of this Court will be applied. The Court will enter upon the records and make determination of the case. Matter suspended. And so ordered."

THE CASE: THE INTESTATE ESTATE OF THE LATE SOLOMON T. EDWARDS, REPRESENTED BY ITS ADMINISTRATOR, RHONDA RICHARDS VONBALLMOOS AND VIOLET THOMAS RICHMOND OF THE CITY OF MONROVIA, LIBERIA, MOVANTS, VERSUS YOUNGER DENINIS, CHARLES WATKINS, BOIMA PORTE, FESTER KAMARA, AMOS YARKPAWOLO, SIAH, MARY AND SAAH, KENEH DIANUE, PRINCE WEADOR, NAPOLEON BARKOLLIE, CORNERSTONE DD& CHILDREN, M., E.J.W., D.D.M.K., J.F.J & G AND J.& S, JOHN QWIYARHA, ISAAC SOUMIE, ALPHONSO TAMBA, JOHN GLUBE, SUSUNAH CLARKE, AMOS BEYAN, MR. PHILIP AND OTHERS TO BE IDENTIFIED, ALSO OF THE CITY OF MONROVIA. RESPONDENTS. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: "The movants are represented by the Torch Professional and Consultancy Chambers, Inc., and present in Court is Counsellor Powo C. Hilton. And respectfully submits."

No counsel appeared for the respondent.

The Chief Justice ascertained from the Clerk of Court whether there was any letter of excuse filed by the respondent, and if so to have said letter read in Court. The Clerk of Court responded in the affirmative and read the letter for continuance dated March 27, 2018, filed by Counsellor Thompson Jargba of the Law Offices of Jargba and Jargba, Inc.

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

Ques: Has the respondents' counsel filed resistance to the motion?

Ans: Yes, Your Honors.

Ques: Who is in possession of the subject property?

Ans: The respondents/defendants are in possession of the property as we speak, Your Honors.

Ques: What is the basis of the motion to dismiss the appeal?

Ans: We filed this motion to dismiss the appellants' appeal because of appellants' failure to have the case file forwarded from the lower court to the Supreme Court, Your Honors.

Ques: Do you agree that the failure of an appellant to forward/transcribe the records from the lower court to the Supreme Court is not a statutory ground for the dismissal of an appeal?

Ans: Yes, Your Honors. But The Supreme Court has ruled in a number of cases that the failure of an appellant to transcribe the records to the Supreme Court constitutes an abandonment of the matter.

THE COURT: "The record in this case is not complete. The appellants did not transcribe the records from the lower court to allow the Supreme Court receive the records. The movant/appellee is urged to transcribe the records so that the Court will have the entire records. The expenses made by the appellee will be passed to the appellants for reimbursement. The case out of which this motion grew will be assign for hearing two weeks from today. And it is so ordered. Matter suspended."

CASE: THE MANAGEMENT OF **SARAFINA VENTURES AND** COMMUNICATIONS, INC., AND LIB 24, INC., BY AND THRU THEIR AUTHORIZED REPRESENTATIVES AND ALL PERSONS OPERATING UNDER THEIR AUTHORITY AND HIS HONOR YUSSIF D.KABA, RESIDENT CIRCUIT JUDGE PRESIDING OVER THE **SEPTEMBER** 2016 TERM OF COURT, SIXTH JUDICIAL CIRCUIT. MOVANTS/APPELLEES **VERSUS** LIBERIA TELECOMMUNICATIONS AUTHORITY (LTA) RESPONDENT/APPELLANT. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

<u>REPRESENTATIONS</u>: "The movant is represented by the Liberty Law Firm and present in Court are Counsellors Lawrence Yekula and Mamee S. Gongba, who say that after notation of representations they have a submission to spread on the minutes of Court. and respectfully submit." "The respondent, Liberia Telecommunication Authority is represented by the Ministry of Justice and present in Court are Counsellors Gartor Tate and J. Daku Mulbah. And respectfully submits.

THE COURT: "the representations of the parties are noted and the counsel for movant may proceed to make his submission as requested."

SUBMISSION: "At this stage, one of counsels for movant begs to inform Your Honors that upon the receipt of the notice of assignment for the hearing of the motion, he was informed by the proprietor, Honorable Benoni Urey, that he has received all equipment seized by the respondent and that we should consider the case moot. Counsel therefore requests Your Honors to allow him to file the relevant document, specifically a request for voluntary discontinuance. And respectfully submits."

RESISTANCE: "One of counsels for respondent says that the submission made by movant's counsel, same being the fair representation of the facts, he interposes no objection, and equally says that he shall in like manner file the appropriate papers before this Honorable Court as would be respondent's own position in this case. And respectfully submits."

THE COURT: "The submission/application made by counsel for movant is hereby granted. The parties will file the appropriate instrument to have the matter stricken from the docket of this Court. The parties are given the period of two weeks to have the instrument filed. And so ordered. Matter suspended."

THE CASE: ESTHER W. SALI OF THE CITY OF MONROVIA, REPUBLIC OF LIBERIA MOVANT/APPELLEE VERSUS THE MANAGEMENT OF FORESTRY DEVELOPMENT AUTHORITY OF WEIN TOWN, MONTSERRADO COUNTY, LIBERIA RESPONDENT/APPELLANT. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: "Movant is represented by the Henries Law Firm, and present in Court are Counsellors Idris S. Sheriff and Dexter C. Tiah. And respectfully submits." "The respondent, Forestry Development Authority (FDA) is represented by the J. Johnny Momoh and Associates Legal Chambers, in association with the International Law Group (ILG), and present in Court are Counsellors Jonathan Massaquoi and Amara M. Sheriff, who begs leave to make an application upon the notation of representations by Your Honors. And respectfully submits."

THE COURT: "the representations of the parties are noted and the counsel for respondent may now proceed to make his submission as requested."

<u>SUBMISSION</u>: "At this stage, one of counsels for the respondent says that they, as succeeding counsels of records, have perused the case file and realized that jurisdictional steps required to be taken by the respondent/appellant were never complied with, and therefore concede the legal soundness of movant's motion. And most respectfully submits.

Counsel for movant interposed no objection to the submission filed by counsel for respondent.

THE COURT: "The Court takes note of the application made by one of counsels for the respondent, in which he conceded the legal soundness of the motion to dismiss on the ground that his client, the party appellant, did not comply with the laws regarding perfection of appeal to have the Supreme Court seize of this matter. The moving party, through her counsel, interposed no objection to the application. The Court will enter upon the records of this case and enter a Judgment without Opinion at the appropriate time. And so ordered. Matter suspended."

THE CASE: FREDRICK KAMARA, ET AL, OF THE CITY OF MONROVIA, LIBERIA. MOVANTS, VERSUS BEA MOUNTAIN MINING COMPANY OF THE CITY OF MONROVIA, LIBERIA, RESPONDENT. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: "The movants are represented by the Henries Law Firm and present in Court are Counsellors Dexter C. Tiah, Sr., and Idris S. Sheriff. And respectfully submit." "The respondent is represented by the CMB Consultants Inc., and present in Court is Counsellor D. Onesimus Banwon who says he has a submission to spread on the minutes of Court after notation of representations by Your Honors. And respectfully submits."

THE COURT: "The request made by counsel for respondent to make a submission is granted. Counsel may now proceed to make his submission."

SUBMISSION: "At this stage, one of counsels for respondent/appellant begs to inform Court and Your Honors that CMB Consultants Inc., is the legal representatives of the Bea Mountain Company, and not Brumskine and Associates. Counsel says further and submits that the designation of Brumskine and Associates to the effect that Brumskine & Associates was the next legal representation of the Bea Mountain Company is erroneous and that the Court should take judicial cognizance of this correction. And respectfully submits."

THE COURT: "The Court takes note of the submission made by the counsel for the respondent. For late filing of respondent's resistance, counsel for the respondent is hereby fined the amount of US\$50.00 (Fifty United States Dollars) to be paid in Government revenue within the period of 72 hours, and the receipt of payment deposited with the Marshal of this Honorable Court. This case is hereby postponed to be heard on its merit next week. And it is so ordered. Matter suspended."

THE CASE: SAMUEL DENNIS OF THE CITY OF MONROVIA, LIBERIA, MOVANT, VERSUS THE MANAGEMENT OF PRESTIGE MOTORS CORPORATION, RESPONDENT. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: "The Movant is represented by the Johnson, Allison and Associates Chambers, Inc., and present in Court is Counsellor Frances Johnson Allison. And respectfully submits." "The respondent is represented by the J. Johnny Momoh and Associates Legal Chambers, and present in Court is Counsellor Amara M. Sheriff who begs leave of Court to make a submission after the notation of representations by Your Honors. And respectfully submits."

THE COURT: "The representations of the parties are noted. Counsel for respondent may now proceed to make his submission as requested. And so ordered."

SUBMISSION: "At this stage, counsel for the respondent begs leave of Court and says that they were retained as additional counsel when all of the procedural steps required by law had elapsed at the instance of the previous counsel. The records also reveal that neither notice of completion of appeal nor a petition for judicial review was filed within 30 days. And this Court, speaking unanimously through Madam Justice Yuoh, in the case: Sayeh Vs. LTA, held that any party dissatisfied with the decision of a Hearing Officer, should file a petition for judicial review within 30 days. After the 30 days, the decision of the Hearing Officer shall be final and conclusive. Again, this step was never complied with. The original counsel of records did not perfect these jurisdictional steps for reason(s) counsel wouldn't know. This motion being in the province of law, counsel for respondent says that he concedes to the legal soundness of the motion. Counsel requests Court for time to meet with his client so that settlement can be made quickly. And respectfully submits."

RESPONSE: "Counsel for movant welcomes the concession of the counsel for the respondent. And respectfully submits."

THE COURT: "The Court notes and grants the submission/application made by counsel for the respondent conceding to the legal soundness of the movant's motion. The Court will enter upon the records and make the appropriate decision. And it is so ordered. Matter suspended.

THE CASE: AMOS B. CHAPPY AND LINDA CHAPPY OF THE CITY OF MONROVIA, LIBERIA, MOVANT, VERSUS PASTOR ANDREW CONTEH ALSO OF THE CITY OF MONROVIA, LIBERIA . RESPONDENT. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

<u>REPRESENTATIONS</u>: "Movant is represented by the Wright and Associates Law Firm and present in Court is Counsellor Joseph P. Gibson. And respectfully submits."

No counsel appeared for the respondent.

The Chief Justice ascertained from the Clerk of Court whether there was any letter of excuse filed by the respondent, and if so to have said letter read in Court. The Clerk of Court responded in the negative.

THE COURT: "Mr. Clerk, you will address a communication to the Henries Law Firm citing it to appear before the Supreme Court of Liberia on Tuesday, April 3, 2018, at the hour of 10:00 a.m. to should cause why it should not be held in contempt for receiving notice of assignment to appear for the hearing of this case, but failing to do so. You will also issue a notice of assignment for the hearing of the case out of which the contempt proceedings grew, and inform the parties to file their responsive pleadings before the hearing of the case. And it is hereby so ordered. Matter suspended."

THE CASE: JAMES D. WEAVER AND J. C. N. HOWARD OF THE CITY OF MONROVIA, LIBERIA, MOVANTS, VERSUS BENJAMIN PAYGAR ALSO FOR THE CITY OF MONROVIA, LIBERIA.RESPONDENT. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: "Movants are represented by the Wright and Associates Law Firm, and present in Court is Counsellor Joseph P. Gibson. And respectfully submits." "The respondent is represented by the Stubblefiled, Nigba and Associates Law Firm, and present in Court is Counsellor Snonsio E. Nigba who says that he has a submission to make after the notation of representations by Your Honors. and respectfully submits."

THE COURT: "The representations of the parties are noted. Counsel for respondent may now proceed to make his submission as requested. And so ordered."

<u>SUBMISSION:</u> "At this stage, counsel for the respondent says that he concedes the legal soundness of the movants' motion to dismiss respondent/appellant's appeal. And respectfully submits."

Counsel for the movants interposed no objection. And respectfully submitted.

THE COURT: "The Court notes and grants the submission/application made by counsel for the respondent conceding the legal soundness of the movant's motion. The Court will enter upon the records and make the appropriate decision. And it is so ordered. Matter suspended."

THE CASE: THE MANAGEMENT OF FIRESTONE, LIBERIA, INC. REPRESENTED BY ITS AUTHORIZED REPRESENTATIVE, HARBEL, MARGIBI COUNTY, LIBERIA, APPELLANT, VERSUS OTOSO COLE ET AL, ALSO OF HARBEL, MARGIBI COUNTY, APPELLEES: ACTION: PETITION FOR JUDICIAL REVIEW IS CALLED FOR HEARING.

REPRESENTATIONS: "The appellant is represented by the Sherman & Sherman Inc., and present in Court is Counsellor Golda A. Bonah Elliott, who begs leave of Court to make a submission after the notation of representations. And respectfully submits." "The appellees are represented by the CEMAR Law Offices, and present in Court is Counsellor Sayma Serenius Cephus. And respectfully submits.

THE COURT: "The representations of the parties are noted. Counsel for appellant may now proceed to make her submission as requested. And so ordered."

SUBMISSION: "The appellant's counsel informs Your Honor that on December 2, 2012, the appellant and the appellees through their respective legal representatives, filed with this Honorable Court a Joint Stipulation of Withdrawal and Abatement which was approved by His Honor Philip A. Z. Banks, III., and that the said Joint Stipulation of Withdrawal and Abatement grew out of the settlement of the action between the appellant and the appellees as evidence by a Settlement Agreement executed by the parties on September 24, 2012. Appellant says therefore that the parties have settled this matter and a Joint Stipulation signed by the counsels and approved by Mr. Justice Philip A. Z. Banks, III, was filed with this Court. The appeal announced by the appellant is therefore moot, and counsel respectfully requests Your Honors to enter upon the records the settlement and withdrawal of this matter. And respectfully submits."

RESISTANCE: "Appellees counsel in strongly resisting the application made by the counsel for the appellant says the following:

- 1. That the information regarding a purported settlement agreement is false and misleading and that there was never any settlement agreement between the parties. Counsel says that the appellees hereby challenge the appellant to produce the original of the purported settlement agreement.
- 2. Counsel says while it is true that a settlement agreement was circulated by the Sherman & Sherman Inc. in 2012 to the appellees, same was never signed by the appellees because in Section 2.4 of the purported agreement, it is stated that the appellee directed and instructed their counsel to withdraw the matter from the Court, which is not the case. And also in count 2.7 of the purported agreement, as a form of release, each personnel of the appellees was required to execute a release to the effect that the matter has been withdrawn. That also was rejected. Counsel says that in the only agreement executed entitled: Power of Attorney, for the deduction of 25% of the US\$1,267,336. A specific account was designated for the payment of the said legal fees, but the Sherman & Sherman surreptitiously and without the knowledge of the appellees, paid 25% of over US\$291,000.00 designating it as a settlement of the over one million United States Dollars that was awarded the appellees. Counsel says that the letter designating the account was signed by appellees, which is in the Court's file.

- 3. Counsel says that the only record that appears to be authentic is the Joint Stipulation of withdrawal that was approved by His Honor Mr. Justice Philip A. Z. Banks, III., but that no instrument was given to the appellees' counsel to withdraw the matter from this Court as alleged in count 2.4 of the purported settlement agreement. Counsel says affidavits duly notarized and supporting documents have been filed with the Court in support of the allegation made that there was no authorization given to withdraw this matter.
- 4. Counsel says that the signature on the purported Settlement Agreement referred to earlier, are superimposed, and that the original settlement agreement which is unsigned has been filed with this Court to demonstrate that there was never any signed settlement agreement as alleged by the appellant. Counsel says that while it is true that appellees were given the amount of US\$291,000.00 by the appellant, under the pretext that the balance of over one million United States dollars would be paid after the rendition of the final judgment by the Supreme Court of Liberia, the appellees have not given the waiver of the amount. That in 2016, the Sherman & Sherman begun circulating what purports to be a settlement agreement to the appellees and issued a letter of disclaimer which is also part of the records of this Court and same have been filed.

In view of the foregoing, it is the prayer of the appellees, that the Sherman & Sherman having seen the legal soundness of appellees agreement and having made a part payment of over US\$291,000.00 of monies representing deductions of their salaries and overtime, it should be made in the name of justice to make the full payment referred to earlier, since there is no records before this Honorable Court to suggest in any form and manner that the matter was dismissed with the behest or the approval of the appellees and waiver to any subsequent claim of the over US\$291,000.00 paid to appellees. And respectfully submits."

THE COURT: "In view of the challenge to the instrument of settlement and the Joint Stipulation of Withdrawal and Abatement, this case is hereby postponed to be reassigned. And so ordered. Matter suspended.

THE CASE: IN RE: THE PETITION OF MICAH WILKINS WRIGHT PRAYING FOR RESTORATION OF HIS ELIGIBILITY AND REINSTATEMENT OF HIS LICENSE TO PRACTICE LAW WITHIN THE REPUBLIC OF LIBERIA IS CALLED FOR HEARING.

REPRESENTATIONS: "The petitioner is represented by Counsellor James E. Pierre, Tiawan S. Gongloe, Necular Y. Edwards and Joseph P. Gibson. And respectfully submit."

Ques: Where is the petitioner?

Ans: The petitioner is out of the country, Your Honors.

Ques: Is it true that during the course of his suspension, the petitioner filed a case against his suspension at the ECOWAS Court?

Ans: Yes, Your Honors, but that case was withdrawn.

Ques: When was the petitioner suspended?

Ans: The petitioner was suspended in February 2017.

Ques: Was the petitioner practicing law when he filed his complaint before the ECOWAS Court?

Ans: No, Your Honors, he hired the service of a lawyer.

Ques: Where is the instrument filed by the petitioner against his suspension at the ECOWAS Court?

Ans: The complaint was received by the Ministry of Justice, Your Honors.

Ques: How did your client, the petitioner, interpret the non-practice of law directly or indirectly?

Ans: Your Honors, the Supreme Court mandate said that the petitioner is suspended from practicing law within the Republic of Liberia, however, the petitioner did not practice law ouside the Republic of Liberia during his suspension.

Ques: Did the petitioner continue to sit as a judge at the ECOWAS Court as of the date of the judgment of the Supreme Court of Liberia?

Ans: No Your Honors, he was immediately withdrawn by the Government of the Republic of Liberia.

Ques: When did the petitioner instruct his lawyer to withdraw the case from the ECOWAS Court?

Ans: The matter was withdrawn from the ECOWAS Court in January 2018.

Ques: If you challenge the decision of a Court, can you say that you are complying with that decision?

Ans: The suspension of the petitioner's license does not deprive him from exercising his right to challenge the decision of this Court.

Ques: When did the petitioner cease sitting as a judge at the ECOWAS Court?

Ans: He filed his action before the ECOWAS Court in March 2017, and as of that time he was not sitting as a judge.

THE COURT: "Additional information is needed to inform the Court as to the time the petitioner actually started to comply with the judgment of this Court. The petitioner's counsels are requested to provide more information as to the time the petitioner started complying with the mandate of the Supreme Court. It is hereby so ordered. Matter Suspended."

There being no other matter to claim the attention of the Court, His Honor Francis S. Korkpor, Sr., Chief Justice, ordered Rev. I. Cisco Brown, Assistant Chaplain, Supreme Court of Liberia, to give the benediction. The Marshal was ordered to adjourn the Court to meet on Tuesday, April 3, 2018, 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.