

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  
“ HIS HONOR PHILIP A. Z. BANKS, III.,.....ASSOCIATE JUSTICE  
“ HER HONOR SIE-A-NYENE G. YUOH,.....ASSOCIATE JUSTICE

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Tuesday, April 3, 2018  
4<sup>th</sup> 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.

COUNSELLORS PRESENT: Thompson N. Jargba, J. Emmanuel R. Berry, Joseph P. Gibson, Anthony D. Mason, Denise S. Sokan, Nyenati Tuan, Roland F. Dahn, Amara M. Sheriff, Gartor Tate, Luther N. Yorfee, Arthur T. Johnson, Dexter Tiah, G. Weifueh Alfred Sayeh, Samuel Wureh, and Charles Abdullai.

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.

The correction and adoption of the minutes of Tuesday, March 27, 2018, and Wednesday, March 28, 2018, were suspended.

THE CASE: CONTEMPT PROCEEDINGS AGAINST THE HENRIES LAW FIRM IS CALLED FOR HEARING.

REPRESENTATIONS: “*The Henries Law Firm is represented by Counsellor Anthony D. Mason. And respectfully submits.*”

The following questions were posed to counsel for Contemnor, Henries Law Firm, by the Bench:

Ques: Do you work for the Henries Law Firm?

Ans: Yes, Your Honors.

Ques: Are you the counsel for the Contemnor?

Ans: Yes, Your Honors.

Ques: Did you receive the notice of assignment for the hearing of the case out of which these contempt proceedings grew?

Ans: Yes, Your Honors.

Ques: Did you appear for the hearing of the case?

Ans: No, Your Honors. We did not appear for the hearing of the case because when the notice of assignment was served on the Law Firm, the Office Manager failed to inform any of the lawyers about the notice of assignment.

*“Counsel representing the Henries Law Firm in these contempt proceedings prays Your Honors to kindly purge the said counsel of the contempt and pleads with Your Honors that such situation will not be repeated. Counsel says that if same were to be repeated, the Court should have no other alternative but to use the law accordingly. And respectfully submits.”*

THE COURT: *“During the last day’s sitting of this Honorable Court, same being Wednesday, March 28, 2018, the 3<sup>rd</sup> day’s session, the case: Amos B. Chappy and Linda Chappy of the city of Monrovia, Liberia, movants, versus Pastor Andrew Conteh also of the city of Monrovia, Liberia, respondent, which had been assigned, was called for hearing. The Henries Law Firm representing the party respondent in the case though was duly served the notice of assignment, failed to attend on the cause. Consequently, the Henries Law Firm was cited in contempt for today, Tuesday, April 3, 2018.*

*At the call of the contempt proceedings, Counsellor Anthony D. Mason appearing for the Henries Law Firm informed Court that the notice of assignment was indeed received by the Henries Law Firm through an office attendant. No justifiable reason was given for the absence of the Henries Law Firm from the hearing of this case on March 28, 2018. This action of the Henries Law Firm is contemptuous. In this regards, the Henries Law Firm is hereby fined the amount of US\$250.00 (TWO HUNDRED FIFTY UNITED STATES DOLLARS) to be paid into government revenue within 72 hours, and a copy of the payment receipt deposited with the Marshal of this Court. And it is hereby so ordered.”*

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

REPRESENTATIONS: *“Movants are represented by the Wright & Associates Law Firm and present in Court is Counsellor Joseph P. Gibson. And respectfully submits.” “The respondent is represented by the Henries Law Firm and present in Court is Counsellor Anthony D. Mason. And respectfully submits.”*

**EACH SIDE WAS GIVEN 5(FIVE) MINUTES TO ARGUE**

Counsel for the movants argued as per the motion to dismiss appeal.

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

Ques: Did you file brief in this case?

Ans: No, Your Honors.

Ques: Did you review the bill of exceptions filed by the respondent/appellant?

Ans: Yes, Your Honors.

Ques: Did you notice that the bill of exceptions is signed by Counsellor Richard K. Flumo in his name and not in the name of the Galawolu Law Firm?

Ans: Counsellor Richard K. Flumo operates with the Galawolu Law Firm, and all the pleadings and precepts in this case were served on Counsellor Flumo through the Galawolo Law Firm.

Counsel for the respondent argued as per the respondent's returns.

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

Ques: Who initially represented the respondent/appellant?

Ans: The respondent/appellant was represented by Counsellor Richard K. Flumo.

Ques: What is your request or prayer to this Court?

Ans: We are requesting the Supreme Court for enlargement of time to file the necessary papers to perfect the appeal, since the original counsel fell sick and the new lawyer that was recommended refused to perfect the appeal.

Ques: Is this the way to request for enlargement of time?

Ans: No, Your Honors. But because of the time lapse, I thought it was a long delay and that filing a motion for enlargement of time at this time might not be useful.

Ques: Who's in possession of the property?

Ans: The respondent is in possession of the property, Your Honors.

Ques: What type of property is it?

Ans: The property is a Church building on a parcel of land that the movants claimed is theirs, Your Honors.

Counsel for respondent in closing, prayed the Honorable Supreme Court to allow the respondent to complete the appeal process by granting an enlargement of time for excusable neglect because of the illness of the original counsel; and to grant any and all further relief deemed just and legal. And respectfully submitted.

Counsel for movants in closing, prayed the Honorable Supreme Court to grant movants' motion to dismiss respondent/appellant's appeal, and to grant all further relief deemed just and legal. And respectfully submitted.

THE COURT: "RULING RESERVED. MATTER SUSPENDED."

THE CASE: SIAFA KAMARA OF THE CITY OF MONROVIA, REPUBLIC OF LIBERIA, MOVANT, VERSUS, CROSSROAD ENTERPRISE OF THE CITY OF MONROVIA, REPUBLIC OF LIBERIA, RESPONDENT. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: "*The movant is represented by the J. Johnny Momoh & Associates Legal Chambers, Inc., and present in Court is Counsellor Amara M. Sheriff. And respectfully submits.*" "*The respondent/appellant is represented by the Law Offices of Sayeh & Sayeh, Inc., and present in Court is Counsellor G. Wiefueh Alfred Sayeh. And respectfully submits.*"

EACH SIDE WAS GIVEN FIFTEEN (15) MINUTES TO ARGUE

Counsel for the movant argued as per his brief and presented the following issues for determination by the Bench:

1. *Whether an appellant's appeal will be dismissed because it failed to comply with the statutory prerequisite (filing a petition for judicial review within thirty (30) days upon receipt of the Hearing Officer's Ruling) of the appeal statute in a labor case?*

2. Whether the National Labor Court ruling enforcing final judgment of a Hearing Officer without petition for judicial review is appealable?"

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

Ques: What is the province of Judicial Review?

Ans: It's a form of an appeal from the Hearing Officer to the National Labor Court for the review of the records.

Ques: What obtains when a losing party before a Hearing Officer refused to file a petition for judicial review within the 30 days statutory period?

Ans: When a losing party before a hearing officer refused to file a petition for judicial review, the decision of that hearing officer becomes final, and is then enforced by the National Labor Court upon the filing of a petition for enforcement of judgment filed by the winning party.

Ques: What did the judge at the National Labor Court do when you filed your petition for enforcement of judgment?

Ans: The Judge granted our petition for enforcement of the Hearing Officer's judgment.

Ques: Why did you file this motion to dismiss the appellant's appeal?

Ans: We filed this motion to dismiss the appellant's appeal because a judgment to enforce a previous judgment is not appealable, Your Honors.

Ques: Does a party have the right to appeal from a judgment of the National Labor Court from a petition for enforcement of judgment?

Ans: No, Your Honors. The Interim National Assembly (INA) Decree Number 21 provides that a party dissatisfied with the decision of a hearing officer in a labor case has 30 days to file a petition for judicial review. A failure to do so, makes the hearing officer's decision final.

Ques: Does the Interim National Assembly (INA) Decree Number 21 supersede the Constitution?

Ans: No, Your Honors. But to enjoy a constitutional right or relief, one should comply with previous enabling statutory provisions.

Ques: Are you ready to argue the main case?

Ans: Yes, Your Honors.

Counsel for movant rested on the opening argument.

Counsel for the respondent argued as per his brief and presented the following issue for determination by the Bench:

“1. Whether an appellant’s appeal will be dismissed because it failed to comply with the statutory prerequisite (filing a petition for judicial review within 30 days upon receipt of the Hearing Officer’s ruling) of the appeal statute in a labor case?”

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

Ques: Are you ready to argue the main case?

Ans: No, Your Honors. I am new to this case, Your Honors. I don’t have all the facts in this case.

Que: When did you get in this case?

Ans: I was contacted by the respondent when the case was already at the level of the Supreme Court.

**THE COURT:** *“The hearing of the appeal, out of which the motion to dismiss grew, is hereby ordered assigned for hearing on Tuesday, April 10, 2018, at the hour of 10:00 a.m. And so ordered. Matter suspended.”*

THE CASE: THE MINISTRY OF HEALTH BY AND THRU ITS MINISTER, DEPUTY MINISTERS, COMPTROLLER, DIRECTORS AND ALL OTHER PERSONS ACTING UNDER THE SCOPE OF AUTHORITY OF SAID MINISTRY OF THE CITY OF MONROVIA, LIBERIA, MOVANT/APPELLEE, VERSUS ITTER PHARMACY BY AND THRU ITS GENERAL MANAGER NABEL ITTER OF THE CITY OF MONROVIA, LIBERIA, RESPONDENT/APELLANT. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

**REPRESENTATIONS:** *“The movant, Ministry of Health, is represented by the Ministry of Justice and present in Court is Counsellor Garto Tate. And respectfully submits.” “The*

*respondent is represented by Counsellor Denise S. Sokan of the Jones & Jones Law Firm who begs leave of Court to request Your Honors to make a submission after notation of representations by Your Honors. And respectfully submits.”*

THE COURT: *“The representations of the parties are noted, and the counsel for the respondent may proceed to make her submission as requested.”*

SUBMISSION: *“At this stage, counsel for respondent requests Your Honors for a continuance of the hearing in these proceedings, as counsel was just retained on march 23, 2018. Counsel respectfully requests Your Honors for time to file her brief. And respectfully submits.”*

THE COURT: *“The submission made by counsel for respondent is noted. This case is hereby re-assigned for hearing on Tuesday, April 10, 2018. And it is hereby so ordered. Matter suspended.”*

THE CASE: JOHNETTA DAVIES-CISCO OF THE CITY OF MONROVIA, LIBERIA, MOVANT/APPELLEE, VERSUS WILLIE BERNARD ALSO OF THE CITY OF MONROVIA, LIBERIA. RESPONDENT/APPELLANT. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: *“The movant is represented by Counsellor J. Emmanuel R. Berry. And respectfully submits.”*

No counsel appeared for the respondent.

At this stage, Counsellor Dexter Tiah informed the Court that the Henries Law Firm is also counsel for the Movant/appellee as per the notice of additional counsel filed with this Honorable Court by the Administratrixes of the Intestate Estate of Johnnetta Davies-Cisco.

The following questions were posed to Counsellor Dexter Tiah by the Bench:

Ques: Who are the Administratrixes of the Intestate Estate of Johnnetta Davies-Cisco?

Ans: The Administratrixes are Mary C. Walker and Emily W. Gant.

Ques: Did you find out that Counsellor Berry was the original counsel in the case?

Ans: Yes, Your Honors.

Ques: Did you meet Counsellor Berry to inform him that you have been added as additional counsel?

Ans: Yes, Your Honors. The Administratrixes took me to Counsellor Berry's office, but he asked me out of his office.

Ques: Did you receive any letter from the respondent/appellant?

Ans: The respondent informed me that he filed a letter with the Clerk's Office, Your Honors.

Mr. Alexander Bernard, co-administrator of the intestate estate of the Late Willie Bernard, was asked the following questions by the Bench:

Ques: Are you one of the Administrators of the intestate estate of Willie Bernard?

Ans: Yes, Your Honors.

Ques: There are how many administrators?

Ans: We are three administrators, Your Honors.

Ques: Did you file a communication with this Court withdrawing the appeal?

Ans: Yes, Your Honors.

Ques: Can you have the other administrators to co-sign the letter of withdrawal?

Ans: Yes, Your Honors. I can have the other administrators co-signed the letter of withdrawal, and have same filed with this Court on or before Tuesday, April 10, 2018.

THE COURT: *"The hearing of this case is postponed to Tuesday, April 10, 2018, at the hour of 10:00 a.m. And so ordered. Matter suspended."*

THE CASE: ELIZABETH ADDO & GLORIA ADDO, ADMINISTRATRIXES OF THE INTESTATE ESTATE OF THE LATE HENRIETTA ADDO, MOVANTS/ APPELLEES, VERSUS MAI WILLIAMS ADDO, WIFE OF THE LATE ALEXANDER ADDO, SR., THRU HER ATTORNEY-IN-FACT, COUNSELLOR WILLIAM H. WILSON OF MONROVIA, RESPONDENT/APPELLANT. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: *"Movants are represented by the Henries Law Firm and present in Court is Counsellor Anthony D. Mason. And respectfully submits." "The respondent is represented by the Wright & Associates Law Firm and present in Court is Counsellor Joseph P.*



*Gibson, who says that he has a submission to make after the notation of representations by Your Honors.*

SUBMISSION: *“At this stage, one of counsel for the respondent concedes the legal soundness of the motion to dismiss and he therefore has decided not to proceed with the matter. Counsel further says that the concession to the motion is with the consensus of the respondent, Counsellor William H. Wilson, Attorney-in-Fact for Mrs. Mai Addo. And respectfully submits.”*

Counsel for the movant interposed no objection.

THE COURT: *“The Court notes the submission made by counsel for the respondent conceding the legal soundness of the movants’ motion. 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: JOHN W. ANDREWS, OF THE CITY OF MONROVIA, MONTERRADO COUNTY, REPUBLIC OF LIBERIA, MOVANT, VERSUS THE MANAGEMENT OF WORKERS-ON-CALL BY AND THRU ITS CHIEF EXECUTIVE OFFICER, MR. THEO DEKONTY JOSEPH OF THE CITY OF MONROVIA, LIBERIA, RESPONDENT .ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: *“Movant is represented as per records and present in Court is Counsellor Samuel D. Wureh, Jr., and respectfully submits.” “The respondent is represented by Counsellor Arthur T. Johnson. And respectfully submits.”*

EACH SIDE WAS GIVEN FIFTEEN (15) MINUTES TO ARGUE

Counsel for the movant argued as per his brief and presented the following issue for determination by the Bench:

*“1. Whether a motion to dismiss an appeal will lie where the appellant failed, neglected, and refused to file its appeal bond and serve its notice of completion of appeal within the sixty days period allowed by the appeal statute?”*

*Counsel for movant rested on the opening argument.*

Counsel for respondent argued as per his brief and presented the following issue for determination by the Bench:

*“1. Whether the respondent’s appeal process and the perfection of its appeal from the ruling of the National Labor Court Judge were within the time limits of the statute controlling?”*

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

Ques: Did you file your appeal in time?

Ans: Yes, Your Honors. The ruling was received on the 13<sup>th</sup> day of February 2017, and we filed our notice of completion of appeal on April 12, 2017.

Ques: When was the ruling made available?

Ans: The ruling was made available on the 13<sup>th</sup> of February 2017.

Ques: Why did you give the bill of exceptions to the clerk without firstly being in possession of the ruling?

Ans: I was taking precautions, Your Honors. I did not want the ten days statutory period to catch up with me.

Ques: Did you inform the court that though the ruling had been read in court, but you have not obtained a copy of the ruling?

\Ans: Yes, Your Honor, I was always checking with the court, but was informed that the ruling was not yet ready.

Ques: How could you have made specific references to the ruling in your bill of exceptions when you had not received copy of the ruling?

Ans: The issues raised in the bill of exceptions were the same issues that I had earlier raised in my legal memorandum prior to the ruling, Your Honors.

Counsel for the respondent rested on the opening argument, and in closing, prayed the Honorable Supreme Court to deny movant's motion and grant all further relief as deemed just and legal. And respectfully submitted.

Counsel for movant in closing, prayed the Honorable Supreme Court to grant Movant's motion to dismiss appellant's appeal, and grant any and all further relief deemed just and legal. And respectfully submitted.

THE COURT: "RULING RESERVED, MATTER SUSPENDED."

THE CASE: BEN MASSAQUOI ET AL OF THE CITY OF MONROVIA, LIBERIA, MOVANTS/APPELLEES, VERSUS THE LIBERIA COCA-COLA BOTTLING COMPANY (LCCBC) REPRESENTED BY AND THRU ITS GENERAL MANAGER, RESPONDENT/APPELLANT. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: *“Movants are represented by the Law Offices of Yonah, Obey & Associates, Inc., and present in Court is Counsellor Roland F. Dahn. And respectfully submits.”*  
*“The respondent is represented by the Sherman & Sherman, Inc., and present in Court is Counsellor Luther N. Yorfee. And respectfully submits.”*

EACH SIDE WAS GIVEN FIFTEEN (15) MINUTES TO ARGUE

Counsel for movants argued as per his brief and presented the following issue for determination by the Bench:

*“1. Is the motion to dismiss appeal the proper remedy where the appellant in the instant case filed its notice of completion of appeal within sixty-one (61) days rather than sixty (60) days?”*

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

Ques: Why did you file this motion to dismiss?

Ans: We filed this motion to dismiss appellant’s appeal for appellant’s failure to file its notice of completion of appeal within the sixty days period allowed by statute.

Ques: When did the appellant file its notice of completion of appeal?

Ans: The ruling was delivered on June 6, 2016, and the respondent/appellant excepted and announced appeal to the Supreme Court. The bill of exceptions was filed within ten (10) days, but the notice of completion of appeal was filed on August 6, 2016, one (1) day after the statutory allowed period of sixty (60) days.

Counsel for movants rested on the opening argument.

Counsel for respondent argued as per his brief and presented the following issues for determination by the Bench:

- “1. Whether respondent/appellant’s appeal bond and notice of completion of appeal were filed within statutory time as allowed by law?*
- 2. Whether an appeal bond and notice of completion of appeal which were filed and served within sixty days as in keeping with law may be dismissed on ground not supported by law?*
- 3. Whether an employee who has been honorably retired and on whose behalf the employer has made the required statutory contributions to the National Pension*

*Scheme operated by the NASSCORP during the tenure of his/her employment and who is thereby entitled to receive and is receiving retirement pension from NASSCORP is also entitled to receive a second or another pension payment from the same employer under Section 2501 of the Labor Law of Liberia?*

4. *Whether the imposition on the employer, of the obligation to pay pension benefit in line with the Labor Law while the retiree is at the same time receiving pension benefits under the National Pension Fund operated by NASSCORP and to which employer has made the required statutory contributions on behalf of the retiree during the tenure of him employment, in an onerous double compensation to the retiree not contemplated by law?"*

The following questions were posed to counsel for the respondent/appellant by the Bench:

Ques: When did you receive the ruling of the lower court?

Ans: We received the ruling on June 7, 2016, one day after it was delivered (read) by the judge, Your Honors.

Ques: Why did you not receive the ruling on the date it was delivered by the judge?

Ans: The ruling was not yet ready, Your Honors.

Counsel for the respondent rested on the opening argument, and in closing, prayed the Honorable Supreme Court to deny movant's motion and grant all further relief as deemed just and legal. And respectfully submitted.

Counsel for movant in closing, prayed the Honorable Supreme Court to grant Movant's motion to dismiss appellant's appeal, and grant any and all further relief deemed just and legal. And respectfully submitted.

THE COURT: "RULING RESERVED, MATTER SUSPENDED."

THE CASE: JAMES Z. MOMOH BY AND THRU HIS ATTORNEY-IN- FACT, GEORGE LANSANA FALLAH OF THE CITY OF PAYNESVILLE, LIBERIA, MOVANT, VERSUS SOLOMON NGEKIA, HAWA FAHNBULLEH, ANSUMANA SHERIFF, BEATRICE JOHNSON, ET AL OF THE CITY OF PAYNESVILLE, LIBERIA, RESPONDENT. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: *"Movant/appellee is represented by the Tuan Wreh Law Firm and present in Court is Counsellor Nyenati Tuan. And respectfully submits." "The respondents/appellants are represented by Counsellor Thompson N. Jargba of the Law Offices of*

*Jargba & Jargba. Counsel begs leave of Court and requests Your Honors most respectfully to make a submission after the notation of representations by Your Honors. And respectfully submits.”*

THE COURT: *“The representations of the parties are noted. The counsel for the respondents/appellants may now proceed to make his submission as requested.”*

SUBMISSION: *“At this stage, counsel for respondents/appellants begs to inform Your Honors that due to illness as was communicated to your Honors in a letter dated March 26, 2018, requests for postponement of the hearing of this matter for a week, as counsel is still taking treatment. And respectfully submits.”*

RESISTANCE: *“Counsel for movant says that the contention of counsel for movants are not supported by law. Firstly, counsel for movants say that he does not have a file, and to dispose of a motion to dismiss deals with the appeal process which does not need the entire case file.*

*Counsel for movant says further that under our law and practice, wherever a lawyer is sick, he sends a medical report to the Court, but this was not the case with counsel for the respondents. There is a legal maxim which says that a mere assertion without prove does not constitute anything. Counsel therefore feels that the motion should be argued. However, final decision is with Your Honors. And respectfully submits.”*

THE COURT: *“The application for continuance made by Counsellor Thompson N. Jargba does not meet the requirement of the law. On the first count wherein he says that he has not received the case file, his own admission says that he was retained more than two (2) weeks ago. This is sufficient time to receive the case file.*

*On the second count, wherein he states that he is ill, there is no medical or physician’s report to support this averment as in keeping with practice. The request for postponement is therefore denied. However, the Court in its own wisdom will reassign this case for hearing on Tuesday, April 10, 2018, at the hour of 10:00 a.m. And 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 Alhaji Mustapha Wollor Momoh, Assistant Chaplain, Supreme Court of Liberia, to give the benediction. The Marshal was ordered to adjourn the Court to meet on Wednesday, April 4, 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.

