

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC
OF LIBERIA, SITTING IN ITS OCTOBER TERM, A.D. 2022

BEFORE HER HONOR: SIE-A-NYENE G. YUOH.....CHIEF JUSTICE
BEFORE HER HONOR: JAMESSETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: JOSEPH N. NAGBE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: YUSSIF D. KABA.....ASSOCIATE JUSTICE

The Intestate Estate of the late Musa M. Kamara, Sr., by and
thru its administrator and heirs of the City of Monrovia,
Liberia.....Informant

VERSUS

BILL OF INFORMATION

Her Honor Eva Mappy Morgan, Chief Judge, His Honor Chan-Chan
A. Paegar, Associate Judge and His Honor Othello S. Paymah, I,
Associate Judge, Commercial Court of Liberia
the City of Monrovia, Liberia.....1ST Respondent

AND

International Bank (Liberia) Limited, represented by its Chief
Executive Officer, Mr. Henry F. Saamoi, and all authorized
officers of the City of Monrovia, Liberia.....2nd Respondent

GROWING OUT OF THE CASE:

International Bank (Liberia) Limited, represented by its Chief
Executive Officer, Mr. Henry F. Saamoi, and all authorized
officers of the City of Monrovia, Liberia.....Movant

VERSUS

MOTION TO DISMISS
APPEAL

The Intestate Estate of the late Musa M. Kamara, Sr., by and
thru its administrator and heirs of the City of Monrovia,
Liberia.....Respondent

GROWING OUT OF THE CASE:

The Intestate Estate of the late Musa M. Kamara, Sr., by and
thru its administrator and heirs of the City of Monrovia,
Liberia.....Appellant

VERSUS

APPEAL

International Bank (Liberia) Limited, represented by its Chief
Executive Officer, Mr. Henry F. Saamoi, and all authorized
officers of the City of Monrovia, Liberia.....Appellee

GROWING OUT OF THE CASE:

The Intestate Estate of the late Musa M. Kamara, Sr., by and
thru its administrator and heirs of the City of Monrovia,

Liberia.....	Petitioner)
)
	VERSUS)
)
	PETITION FOR)
	ADVERSE CLAIM)
International Bank (Liberia) Limited, represented by its Chief)
Executive Officer, Mr. Henry F. Saamoi, and all authorized)
officers of the City of Monrovia, Liberia.....	Respondent)
)
<u>GROWING OUT OF THE CASE:</u>)
)
I International Bank (Liberia) Limited, represented by its Chief)
Executive Officer, Mr. Henry F. Saamoi, and all authorized)
officers of the City of Monrovia, Liberia.....	Petitioner)
)
	VERSUS)
)
	PETITION FOR)
	FORECLOSURES OF)
	MORTGAGE)
The Intestate Estate of the late Musa M. Kamara, Sr., by and)
thru its administrator and heirs of the City of Monrovia,)
Liberia.....	Respondent)

Heard: October 18, 2022

Decided: January 25, 2023

MR. JUSTICE NAGBE DELIVERED THE OPINION OF THE COURT.

“Bill of Information is a special proceeding in the form of a complaint before a court where a matter is pending, or before a court which had earlier adjudicated a cause, invariably informing the court of a failure to do what it had ordered to be done; or of something which ought to be done or undone for one who is a party; or for one who was a party in or otherwise affected by a cause already adjudicated”. *Kpoto v. Kpoto*, 34 LLR 371 (1987); *Holder v. the Intestate Estate of Sarah King-Howard*, Supreme Court Opinion, March Term A.D. 2014.

On May 10, 2022, the informant, the Intestate Estate of Musa Kamara, filed with the Clerk of the Supreme Court of Liberia a nine-count (9) bill of information and alleged inter alia, that the appeal taken from the final ruling of the Commercial Court was dismissed by the Supreme Court of Liberia on a motion to dismiss appeal for its failure to perfect the appeal within the statutory time; that the Supreme Court, in its Mandate, instructed the judge presiding in the lower court to resume

jurisdiction and enforce the Commercial Court's final ruling; that in the execution of its ruling, the sheriff of the Commercial Court conducted the auction in secrecy to the exclusion of the interested parties, including the informant; and that the entire process was marred by arbitrariness and irregularities; hence, the informant is praying the Supreme Court of Liberia to reverse the said auction conducted by the Commercial Court in the spirit of fair play and transparency.

From the averments contained in the foregoing bill of information, this Court has been called upon by the informant to reverse the auction conducted by the Commercial Court when it enforced its final ruling on the Mandate from the Supreme Court of Liberia, instructing the trial judge to resume jurisdiction over said case and enforce its ruling. The informant also informed this Court that its appeal which grew out of the final ruling of the Commercial Court was dismissed by the Supreme Court of Liberia for informant's failure to comply with the appeal statute. With this assertion culled from count six (6) of the bill of information, this Court says that there is nothing left before it to take judicial notice of as the appeal from the final ruling of the Commercial Court was dismissed by this Court.

Rule IV, Part 12 of the Revised Rules of the Supreme Court Liberia provides that: "(a) A Bill of Information will lie to prevent a Judge or any Judicial Officer who attempts to execute the Mandate of the Supreme Court in an improper manner from doing so; and (b) A Bill of Information will also lie to prevent any one whomsoever from interfering with the Judgment and/or Mandate of the Supreme Court". This Court says that the appeal in the case: *The Intestate Estate of Musa Kamara v. International Bank (Liberia) Limited*, having been dismissed by the Supreme Court Liberia on January 27, 2022, without delving into

the merits or demerits, and mandated the Commercial Court to enforce its final ruling; that said enforcement been marred by irregularities as claimed by the informant, could that be concluded as the Mandate of the Supreme Court been improperly executed or interfered with? We answer in the negative. The assertion by the informant that its appeal was dismissed by the Supreme Court for violation of the appeal statute, the Commercial Court enforcing its final ruling, how irregular the process might have appeared to the informant, that cannot be construed as an improper execution of the Supreme Court's Mandate. Therefore, it is our holding that the informant's appeal having been dismissed by the Supreme Court, the allegation contained in the bill of information is not directly cognizable before the Supreme Court; hence it will not lie.

Wherefore and in view of the foregoing, the bill of information is denied and ordered dismissed. AND IT IS HEREBY SO ORDERED.

When this case was called for hearing, Counsellor Kpoto Kpadeh Gizzie appeared for the informant. Counsellors J. Awia Vankan and Abraham B. Sillah, Sr. appeared for the respondent.