

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS OCTOBER TERM, A.D. 2025

BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SRCHIEF JUSTICE
BEFORE HER HONOR : JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : YUSSIF D. KABA.....ASSOCIATE JUSTICE
BEFORE HER HONOR : CEAINEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE
BEFORE HER HONOR : BOAKAI N. KANNEHASSOCIATE JUSTICE

Hans Armstrong of the City of Monrovia)
Montserrado County, Republic of Liberia)
.....Movant)

Versus)

MOTION TO DISMISS APPEAL

Activa International Insurance by and thru its)
Managing Director Mr. Austin Gahr, of the)
City of Monrovia, Montserrado County,)
Republic of LiberiaRespondent)

GROWING OUT OF THE CASE:

Activa International Insurance by and thru its)
Managing Director Mr. Austin Gahr, of the)
City of Monrovia, Montserrado County,)
Republic of LiberiaAppellant)

Versus)

APPEAL

Hans Armstrong of the City of Monrovia,)
Montserrado County, Republic of Liberia)
..... Appellee)

Heard: October 20, 2025

Decided: December 18, 2025

MADAM JUSTICE WOLOKOLIE DELIVERED THE OPINION OF THE COURT

The undisputed facts preceding this motion to dismiss are that the movant, Hans Armstrong, plaintiff in the court below, through his legal counsel instituted an action of debt by attachment against Western Cluster Mining Company and Citadel Mining Services & Construction Company, 1st and 2nd defendants respectively, in the court below. The defendants subsequently secured an indemnity bond from Activa International Insurance, the respondent herein to lift the attachment filed by movant. The movant, in its action of debt filed before the Debt Court for Montserrado County, alleged that the defendants were indebted to him in the amount of United States Three Hundred Seventy-Eight Thousand Dollars (US\$378,000.00)

under an equipment rental agreement. During the course of the trial, the 1st defendant, Western Cluster Mining Company, was dropped by the debt court from the case on grounds that it was a nominal party to the transactions; that Western Cluster Mining Company having sub-contracted work to the 2nd defendant, Citadel Mining Services & Construction Company, for the execution thereof, it was Citadel Mining Services & Construction Company that contracted the movant herein for use of his equipment.

At the end of trial, the debt court entered a final judgment against the 2nd defendant, Citadel Mining Services & Construction Company, ordering it to pay United States Four Hundred Thirty Thousand Nine Hundred Thirty Dollars (US\$430,930.00) as judgment amount to the movant/plaintiff.

Given that attempts to enforce the debt court's final ruling against the 2nd defendant proved futile, as the sheriff's reported that 2nd defendant's offices was locked and its senior staff out of the country, the court, upon request of movant and in keeping with law, served the payment order on the respondent on grounds that it provided indemnity bond for the defendants before the lower court during the course of the trial.

The respondent, upon receipt of the payment order, filed a bill of information and a motion to vacate the payment order, basically contending among several issues that the subject bond was never authorized by it and neither did it receive any consideration nor ratify said issuance as the bond issuance was fraudulent, and that the corporate officer who signed the indemnity bond was no longer in its employ.

The debt court Judge consolidated both the bill of information and motion to vacate for hearing and denied vacating the payment order made. The debt court Judge ordered the sheriff of the court to proceed with the enforcement of the court's final judgment against the respondent. The respondent excepted to this final ruling of the debt court and announced an appeal to this Court.

It is the respondent's appeal to this Court that the movant sought to have dismissed, contending that the lawyer for the respondent, Counsellor Benedict F. Sannoh, who appeared alone in court, noted exceptions to the debt court's ruling, announced an appeal and filed the bill of exceptions is unlicensed to practice law for the year 2025; that he having failed to procure his license for the year as of October 3, 2025, contrary to law which requires all lawyers to procure license to practice in Liberia from the Liberia National Bar Association by the 2nd Monday of March each year the appeal by the respondent is thereby dismissible.

This Court has held that lawyers practicing before our courts must have a legal license to practice law in Liberia. In other words, those handling matter before courts without a valid

license to practice are engaged in an authorized practice of law and any actions by them before the courts are void *and of no legal effect*. *Lonestar Insurance Co. v. Cooper et al.*, 40 LLR 549, 554 (2001); *Sesay v. Badio, Roberts et al.*, 37 LLR 359, 365 (1994); *Kanna v. Smith et al.*, 24 LLR 359, 363 (19750)

The respondent's counsel has however argued that the Supreme Court has no jurisdiction to hear the movant's motion to dismiss because respondent has sixty days to perfect its appeal in keeping the law, and its appeal being still pending in the lower court, the Supreme Court is without jurisdiction to hear the movant's motion to dismiss.

As stated by the respondent's counsel and unrebutted by the movant's counsel, the respondent filed its bill of exceptions on October 3, 2025, after the final judgment of the lower court on September 30, 2025 and the respondent has up to November 29, 2025, about forty (40) days, from the filing of the movant's motion to dismiss, remaining to complete the process of its appeal, i.e. posting of its appeal bond and filing of the notice of completion of appeal.

The respondent argues that the sixty day appeal period not having expired, or the respondent not having filed a notice of completion of appeal and thereby remove the case from the lower court, the Supreme Court cannot assumed jurisdiction by law; that it cannot traverse the issue raised in the movant's motion to dismiss, since the Court is without jurisdiction over both respondent as a party and the subject matter of movant's motion.

The lone question we must answer then is *whether under the facts and circumstances narrated, movant's motion to dismiss the respondent's appeal can be entertained by this Court?*

This Court legally acquires jurisdiction to entertain a matter relating to an appeal when the time set for the completion of an appeal (60 days) has expired and the appellant has filed its bill of exceptions, or when the appellant files notice of completion of appeal before the expiration of the sixty days set by statute. *Raspal and Sachdeva v Dukuly*, Supreme Court Opinion, March Term, A.D. 2015; *Intestate Estate of Quagar v. Barclay et al.*, Supreme Court Opinion, October Term A.D 2008; *Citi Bank v. Barrow* 37 LLR 727, 731 (1995).

In the instant case, the movant does not deny that that the respondent's appeal remains pending in the lower court. This Court has held that issues relating to the appeal process must be handled by the lower court until after expiration of the sixty-day period set for perfection of an appeal and the appellant has filed its bill of exceptions, or until the case is removed from the lower court to the Supreme Court by the respondent's filing of a motion of completion of appeal.

The contentions therefore relating to the appeal process is cognizable before the trial court where evidence can be taken in relationship to the appeal process and before the appeal period expires, as where a challenge is posed to the late filing of a bill of exception, or to the sufficiency or defectiveness of a bond. The respondent not having exhausted the process of perfecting its appeal, and being left with forty days for the completion of same, the movants current objection to the motion to dismiss should have been filed before the court below since the bill of exceptions, if found null and void as the movant alleged, means that no bill of exceptions was filed and the appeal is dismissible at the lower court.

As this Court lacks the capacity to make determination in a matter that is yet to be removed from the jurisdiction of lower the court through the completion of the appeal process, and the Court cannot hear evidence, the Court holds that it is estopped from assuming jurisdiction in this matter.

WHEFORE AND IN VIEW OF THE FOREGOING, the motion to dismiss the respondent's appeal is denied for lack of jurisdiction by this Court. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLOR AMARA M. SHERIFF APPEARED FOR THE MOVANT. COUNSELLOR BENEDICT F. SANNOH APPEARED FOR THE RESPONDENT.