

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS MARCH 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: CEATNEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: BOAKAI N. KANNEH.....ASSOCIATE JUSTICE

Mrs. Jude Moore Settro, widow of Issac B. Settro, Sr., of the City of)
Monrovia, Liberia.....Movant))
)
Versus) MOTION TO
) DISMISS APPEAL
Mrs. Christine Settro Johnson, Solomon Settro and Mrs. Christine Juah)
Settro Cooper also of the City of Monrovia, Liberia.....Respondents))
)
GROWING OUT OF THE CASE:)
)
Mrs. Jude Moore Settro, widow of Isaac B. Settro Sr., of the City of)
Monrovia, Liberia.....Petitioner))
)
Versus) PETITION FOR
) DECLARATORY
Mrs. Christine Settro Johnson, Solomon Settro and Mrs. Christine Juah) JUDGMENT
Settro Cooper also of the City of Monrovia, Liberia.....Respondents)

Heard: October 23, 2025

Decided: December 18, 2025

MR. CHIEF JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

The facts as culled from the records provide that Mrs. Jude Moore Settro, movant herein, filed this motion to dismiss appeal before this Court alleging that Mrs. Christine Settro Johnson, Solomon Settro and Mrs. Christine Juah Settro, respondents herein have abandoned their appeal that is before this Court and as such their appeal should be dismissed.

The records reveal that the Movant, Mrs. Jude Moore Settro, instituted a Petition for Declaratory Judgment before the Civil Law Court, Sixth Judicial Circuit, Montserrado County, on December 14, 2022, seeking a declaration of her rights and an injunction against the Respondents from conducting the burial of her late husband, Isaac B. Settro, Sr. The Respondents, in their Returns, denied the existence of a marital relationship between the Movant and the deceased, asserting instead that the Movant is a biological daughter of the deceased and that the deceased was married in the United States of America, though no evidence was adduced to support this claim.

Upon the conclusion of pleadings, the matter was assigned for a Pre-Trial Conference, which proved unfruitful, and the case proceeded to trial. The Movant produced five witnesses, whose testimonies corroborated the existence of a traditional marriage between the Movant and the deceased, and the procreation of five children, three of whom predeceased them. The Respondents, in turn, produced four witnesses, denying the marital relationship but confirming the existence of five children.

After the parties rested with evidence, arguments were entertained, and on April 13, 2023, the trial court rendered final judgment in favor of the Movant. Counsel for the Respondents excepted to the judgment and announced an appeal to this Court.

The Respondents filed their Bill of Exceptions on April 16, 2023, and subsequently filed and served their Appeal Bond and Notice of Completion of Appeal on April 20, 2023.

However, the records show that since the respondents filed their notice of completion of appeal, they have failed to transcribe the records of the case to this Court for review spanning a period of two (2) years, and that up to the filing of this complaint, the respondents have still not transcribed the records before this Court.

Section 51.11 of the Civil Procedure Law provides that the clerk of the trial court shall transmit the record of the case to the appellate court within ninety (90) days after the rendition of judgment. The statute is clear and mandatory in its terms. The purpose of this provision is to ensure the expeditious disposition of appeals and to prevent undue delay in the administration of justice.

The records in this case show that since the filing of the Notice of Completion of Appeal on April 20, 2023, the Appellants/Respondents have failed, neglected, and refused to transmit the court's record to this Court, as required by law. More than eight hundred fifty (850) days have elapsed since the filing of the Notice of Completion of Appeal, yet the record is yet to be transcribed.

This Court has consistently held that the failure to transmit the record within the statutory period constitutes abandonment of the appeal and warrants dismissal. See *Kollie v. Kpoto*, 41 LLR 1 (2002); *Cooper v. Republic*, 39 LLR 658 (1999).

The respondents in their response filed before this Court conceded to the movant's motion on grounds that they have not superintended or transcribed the records to this Court and as such they have no objection or contest against the motion to dismiss the said appeal.

This Court has held that an admission by a party is evidence against the party. Rev. Code 1:25.8, 34 LLR 392.

WHEREFORE AND IN VIEW OF THE FOREGOING, the motion to dismiss the respondents' appeal is hereby granted and the appeal is hereby dismissed. The Clerk of this Court is ordered to send a mandate to the court below to resume jurisdiction over this case and enforce its final ruling. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING COUNSELLOR SAM NYA HARRIS OF THE SARJAR LAW CHAMBERS ALONG WITH COUNSELLOR FRANK F. NIMELY APPEARED FOR THE MOVANT. COUNSELLOR MOLLEY N. GRAY, JR. OF THE JONES & JONES LAW FIRM APPEARED FOR THE RESPONDENT.