

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

Management of Insurance Company of Africa of the City of Monrovia)
Republic of Liberia.....Movant)
)
Versus) MOTION TO
) DISMISS
Efua Reynolds-Doe of the City of Monrovia, Liberia.....Respondent)
)
GROWING OUT OF THE CASE:)
)
Efua Reynolds-Doe of the City of Monrovia, Liberia.....Appellant)
)
Versus) PETITION FOR
) JUDICIAL REVIEW
His Honor Moses M. Kollie, Resident Judge, National Labor Court for)
Montserrado County and the Management of the Insurance Company)
of Africa, of the City of Monrovia, Liberia.....Appellees)

Heard: October 22, 2025

Decided: December 18, 2025

MR. CHIEF JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

This motion to dismiss appeal emanates from a judgment rendered by the National Labor Court reversing the ruling of the Ministry of Labor on January 28, 2025. The movant requests this Court to dismiss the appeal filed by the respondent from the said judgment solely on the ground that: that the respondent failed to superintend its appeal by neglecting to submit the certified copy of its records before the Supreme Court within the period of ninety (90) days as prescribed by the Civil Procedure Law, Rev. Code 1:51.11; that up to the filing of this motion to dismiss appeal the respondent has not still submitted its certified records before this Court.

In resisting the motion to dismiss its appeal, the respondent admits that it has, up to the time of the hearing of this motion not transcribed its certified records before this Court, but argues that she has met all the statutory requirements for the completion of an appeal before this Court including paying to the Clerk of the National Labor Court the amount of Forty Thousand Liberian Dollars (L\$40,000.00) for the transcription and transmission of the records in the said case.

The respondent further argued that the Clerk of the National Labor Court sent out a citation for the taxing of the certified copy of the records in this case on October 17, 2025, scheduling the said taxing of the records for October 17, 2025, and that before this time, the movant had already filed its motion to dismiss.

The respondent has therefore vehemently argued that this Court should deny the motion to dismiss its appeal and proceed to hear the case on its merits as she fulfilled every action expected of her under the law.

Recourse to the records reveals that the respondent, Efua Reynolds-Doe filed an action of wrongful dismissal against the Insurance Company of Africa, Movant herein, on July 6, 2023, before the Ministry of Labor and after the hearing, the hearing officer ruled in the respondent's favor. The movant herein, excepted to the said ruling and filed a petition for judicial review before the National Labor Court for Montserrat County. The Labor Court, after reviewing the records certified to it, ruled reversing the said ruling of the Hearing Officer of the Ministry of Labor on January 28, 2025. This prompted the respondent to except to the ruling of the trial judge and announced an appeal therefrom.

In keeping with the appeal statute, the respondent completed all the jurisdictional steps required for the perfecting of an appeal on March 31, 2025, and the said appeal was properly venue before this Court.

The main contention of the movant here is that the respondent has abandoned its appeal by its failure to transcribe the certified records to this Court within ninety (90) days in keeping with law as provided for in the Civil Procedure Law, Rev. Code. 1:51.11 and that up to the time of the issuance of assignment and served on the parties for argument of this motion, the respondent has still not transmitted the certified records of his appeal from the lower court to this Court for a period spanning approximately six (6) months, the appeal should be dismissed as the failure of the respondent/appellant to transcribe his records before this Court is tantamount to an abandonment of his appeal; therefore, this Court should refrain from hearing respondent's appeal on its merits and dismiss the appeal.

We acknowledge our previous holdings and affirm herein that though failure to transcribe the records is not a statutory ground for dismissing of an appeal, this Court however, will not hesitate to dismiss a case for prolong abandonment; however, the right to appeal being a constitutional and statutory right should not and must not be lightly denied. The dismissal of an appeal on the grounds of abandonment is a drastic remedy, to be exercised only where there is clear evidence that the respondent has failed or refused to superintend its case with

due diligence required of an appealing party, in other words, for a case to be dismissed on grounds of abandonment, there must be a strong showing from the facts and circumstances that a respondent in a particular case has abandoned the said case, and we do not see the said showing in this case.

The respondent has argued that it is not her fault that the certified records have not being transcribed to this Court, she furthered argued that she, thru her lawyer, paid the Clerk of the National Labor Court the amount of Forty Thousand Liberian Dollars (L\$40,000.00) on the 12th day of June, 2025 for the transcription and transmission of the records in the said case and obtained a receipt; that the said clerk did not send out a citation for the taxing of the certified copies of the original records in the case until October 15, 2025, when the movant had already filed a motion to dismiss the appeal.

Respondent has argued that she cannot be made to bear the burden for the clerk's neglect or deficiency in executing his assigned task, as she did her part by paying for the transcription of the said records in June of 2025 and didn't receive a citation for taxing the said records until October 15, 2025, at which time the movant has already filed its motion to dismiss the said appeal. The respondent then prayed this Court to deny the motion and proceed to hear the appeal on its merits.

Civil Procedure Law, Rev. Code 1:51.11; provides that: *"The clerk of the court from which the appeal is taken shall make a record containing certified copies of all the writs, returns, notices, pledges, motions, applications, certificates, minutes, verdicts, decisions, rulings, orders, opinions, judgments, bill of exceptions, and all other proceedings in the case. He shall transmit his record with a copy of the appeal bond to the appellate court within ninety (90) days after rendition of judgment. The clerk of the appellate court shall docket the record forthwith and forward a receipt to the clerk who transmitted it."*

This provision of the statute quoted is not ground for dismissing an appeal. Movant has however argued that this Court quite recently dismissed an appeal for failure of the appellant to transcribe the records to the Supreme Court within ninety (90) days. *The Intestate Estate of Gobbeh Kamara and Satta Kamara v. The Intestate Estate of J. Lamark Cox*, Supreme Court Opinion, October Term, 2023.

The facts of the case cited and relied upon by the movant are not analogous to the case at bar. In the case cited by the movant, the Court held that the respondent abandoned its case

because of its counsel willful conduct by not only failing to transcribe the records of the case after eighteen (18) months, but also his failure to transcribe the records up to the date he received the assignment for the motion to dismiss and the date of the hearing of the motion to dismiss. It was this reckless action by the respondent's counsel that the Court considered an abandonment of his case.

This Court says that even though transcription of the records is not grounds for dismissal, it will treat each matter on a case-by-case basis to properly determine whether the appellant's conduct is tantamount to abandonment. *Intestate Estate of Gbedze v. Aboubakar Diallo*, Supreme Court Opinion, October Term 2024.

In the case at bar, the respondent concedes that he did not transcribe his records to this Court within the ninety-day (90) period but has argued that it is not her fault as she paid for the transcription of the said records to the clerk of the lower court and that it was due to the clerk of the said court not sending a citation out for the timely taxing of the records that caused the said delay and therefore, she is not at fault and she should not be made to suffer for officer of the court failure to properly and timely execute his function.

We see nowhere in the records where this contention of the respondent was challenged by the movant.

Based upon the facts and circumstances of the case at bar, this Court does not find it feasible to dismiss the appeal as the respondent paid for the transcription of the said records but because of the lower court clerk's failure to timely send out citation for the taxing of the records, the records have not been transcribed before this Court.

Moreover, besides a clear showing by the respondent thru her counsel of her intent and willingness to have her matter heard on the merits by this Court, this Court notes that the records have not been transcribe to this Court for a period of approximately six (6) months which this Court, based on the prevailing facts and circumstances, does not find long a period to constitute abandonment, as the facts in the case cited and relied upon by the movant, shows that the respondent in that case did not transcribe its records before this Court for a period spanning almost eighteen (18) months and showed no proof of any effort on its part to superintend its records before this Court, which is the exact opposite in this case.

This Court will treat each case of abandonment on a case-by-case basis as abandonment must be clear and deliberate and that even though transcription of the records is not grounds

for dismissal, it will treat each matter on a case-by-case basis to judicially decide whether the appellant's conduct is tantamount to abandonment.

In the instant case, we cannot hold the respondent liable for such action as the respondent completed the appeal process and complied with the appeal statute properly. It was the clerk of the lower court who failed to timely send out citation for the taxing of the records transcribe the records to this Court, an argument was not rebutted by the movant.

Because of this, this Court does not find it feasible to dismiss the appeal as the respondent fulfilled every legal action to have the records transcribed to this Court and therefore, we cannot make the respondent suffer because of the court's officer's failure to execute his job diligently. *29 LLR, 268 (1981)*.

It is therefore the considered opinion of this Court that the appeal must be heard on its merits.

WHEREFORE AND IN VIEW OF THE FOREGOING, the motion to dismiss the respondent's appeal is hereby denied, and the Court shall proceed to hear the appeal on its merits. Meanwhile the clerk of the supreme court is hereby instructed to send a mandate instructing the court administrator to commission an investigation to investigate the conduct of the clerk and make appropriate report to the Chief Justice.

Accordingly, the Clerk of this Court is hereby ordered to docket the case for the hearing of the appeal on its merits. Costs are to abide final determination of the case. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING COUNSELLOR JAMES B. SEEKPEE OF THE CMB LAW GROUP APPEARED FOR THE MOVANT. COUNSELLOR J. JOHNNY MOMOH OF J. JOHNNY MOMOH & ASSOCIATES LEGAL CHAMBERS APPEARED FOR THE RESPONDENT.

Motion Denied.