IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA,
SITTING IN ITS MARCH TERM, A. D.2026

BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR……..……..…….CHIEF 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 HIS HONOR : BOAKAI N. KANNEH.……...….....ASSOCIATE JUSTICE

Adrienna Gbard and Suah Gbard of the City of Paynesville, Montserrado County, Liberia ……..……. Appellants	)	
Versus	)	Appeal
Mary Parker by and thru her Attorney-in-fact Bob Parker of Paynesville, Montserrado County, Liberia.….. Appellee	)	

GROWING OUT OF THE CASE:

Mary Parker by and thru her Attorney-in-fact Bob Parker of Paynesville, Montserrado County, Liberia.….. Appellee	)	
Versus	)	Summary Judgment
Adrienna Gbard and Suah Gbard of the City of Paynesville, Montserrado County, Liberia ……..……. Appellants	)	

GROWING OUT OF THE CASE:

Mary Parker by and thru her Attorney-in-fact Bob Parker of Paynesville, Montserrado County, Liberia.….. Plaintiff	)	
Versus	)	Ejectment
Adrienna Gbard and Suah Gbard of the City of Paynesville, Montserrado County, Liberia ……..……. Defendats	)	

Heard: June 15, 2026 Decided: August 28, 2026

MR. JUSTICE KABA DELIVERED THE OPINION OF THE COURT

This appeal arises from the granting of a motion for summary judgment in an action of ejectment instituted by the Plaintiff/Appellee, Mary Parker, by and through her Attorney-in-Fact, Bob Parker, against the Defendants/Appellants, Adrienna Gbard and Suah Gbard, before the Sixth Judicial Circuit, Civil Law

Court, Montserrado County. The trial court concluded that there was no genuine issue of material fact and that title to the property was undisputed. It therefore granted the Appellee's motion for summary judgment pursuant to Section 11.3(3) of the Civil Procedure Law. Being dissatisfied with the ruling, the Appellants entered exceptions thereto, announced an appeal, and subsequently perfected the appeal in accordance with Section 51.4 of the Civil Procedure Law.

The records reveal that Mary Parker, acting through her alleged Attorney-in-Fact, Bob Parker, instituted an action of ejectment alleging that she is the lawful owner of a parcel of land situated in the ELWA Community, Paynesville, Montserrado County. According to the complaint, the Appellee acquired the property on August 1, 1987, from the Administrators of the Estate of James Gbee and Topogar Gbee for the sum of Eight Hundred United States Dollars (US$800.00). The complaint further alleged that because the Appellee resides in the United States of America, she appointed her brother, Bob Parker, as her Attorney-in-Fact to manage the affairs of her property in Liberia. The complaint also averred that during a visit to Liberia in 2019, the Appellee entrusted management of the property, which allegedly contained two residential buildings, to her biological daughter, the Co-Appellant Adrienna Gbard, before returning to the United States. That approximately one year later, Adrienna permitted her husband, Co-Appellant Suah Gbard, to move onto the property. The complaint further alleged that the Appellants unlawfully entered the master bedroom of Mary Parker, removed her original deed, and thereafter manufactured a fraudulent deed based upon the original instrument. The complaint maintained that co-appellant Adrienna was only five years old when the property was purchased and therefore could not have acquired an ownership interest therein. That, while the Appellee was residing in the United States, the Appellants informed her that the property situated at Kpelle Town, ELWA Community, belonged to the Appellants. Based upon these allegations, the Appellee sought the eviction of the Appellants from the premises, recovery of rental damages in the amount of US$300.00 per month for five years for the apartments allegedly occupied by the Appellants, and general damages for the emotional distress and hardship allegedly caused by their conduct.

The Appellants filed an answer. The Appellee subsequently moved to strike the answer pursuant to Section 1.7 of the Civil Procedure Law on the ground that the answer was filed outside of the law governing pleadings. The trial court granted

the motion and struck the answer from the record, thereby placing the Appellants on bare denial.

Three days thereafter, the Appellee filed a motion for summary judgment substantially, that she was entitled to judgment as a matter of law because there was no genuine issue as to any material fact; that the Appellants had acknowledged that the property belonged to Mary Parker; that the Appellee and Adrienna had merely operated within a mother-daughter relationship and had no formal agreement concerning the property; and that the Appellants' claim for compensation could not be substantiated. The Appellee further argued that, under the doctrine of principal and agent, an agent could not challenge the ownership of the principal from whom the agent derived authority. She therefore prayed for judgment against the Appellants, including general damages of US$30,000.00 and accrued rent of US$18,000.00.

The Appellants, in resisting the motion, among other things, challenged the authenticity of the power of attorney allegedly authorizing Bob Parker to act for Mary Parker and alleged that the deed attached to the complaint was fraudulent. The Appellants also contended that although the property belonged to Mary Parker, it had been entrusted to Adrienna, who, with Mary Parker's knowledge and approval, had constructed two houses thereon and occupied the premises. They argued that the appellee’s claim of US$15,000.00 as compensation was itself sufficient to demonstrate the existence of factual issues and the allegation that the appellants are attempting to convert the property to their personal use could not properly be resolved by summary judgment.

The Appellants further disputed the Appellee's allegation concerning the source of title, maintaining that the property was purchased from James Gbee, James Jayweh, Kpalawue Kpenneh, and Bardy Zeon, as administrators of the intestate estate of the late Zoewolor, and not from James Gboe and Topogar Gboe, as stated in the purported deed attached to the complaint. That for all the years Mary Parker had the property, the deed was not probated; it was not until the appellants were placed in charge that the title was probated in 2015, before their formal appointment in 2016, when Mary Parker visited Liberia. Had Mary Parker truly appointed Bob Parker as her attorney-at-fact, she would have given him the actual document(s) and not the forged one annexed to the complaint. That Bob Parker is

not the lawful attorney-in-fact for Mary Parker to oust the appellants and claimed damages.

While the motion remained pending, the trial judge assigned the matter for disposition of the issues of law. After considering the pleadings, the judge ruled that the complaint presented mixed issues of law and fact requiring determination at trial. As such, the case was ruled to proceed to trial. The parties were consequently directed to file their respective pretrial memoranda. Notwithstanding the ruling that the case should proceed to trial, the succeeding judge assigned the Appellee's motion for summary judgment for hearing.

At the call of the motion, the Appellants were absent, although the record indicates that they had received notice of the assignment. The Appellee consequently moved the court to grant the motion on the ground of default. The trial court relied upon Section 10.7 of the Civil Procedure Law, granted the application for default on motion, and proceeded to determine that the Appellants' alleged admission in their stricken answer that the property belonged to Mary Parker demonstrated that no genuine issue of material fact existed. The trial judge accordingly ordered the Appellants ousted and ejected from the property.

The Appellants entered exceptions to the ruling, announced an appeal, and perfected the appeal for review by this Court.

Having reviewed the pleadings, the trial court's ruling, the bill of exceptions, and the entire certified record, we conclude that the dispositive question before this Court is whether the trial court properly exercised its authority in disposing of the case by summary judgment after the trial court had previously ruled the appellants to bare denial when their answer was ordered stricken, and after another judge of concurrent jurisdiction had expressly ruled the case to trial. For the reasons stated herein, we hold that it did not.

It has long been a settled law in our jurisdiction that no judge has a scintilla of judicial authority to conduct himself/herself in a manner that amounts to reviewing, setting aside, or modifying, let alone rescinding or reversing a ruling duly entered by a colleague of concurrent judicial authority. This principle of law has been rigidly applied in this jurisdiction even where a judicial act or decision rendered by a colleague judge is said to be glaringly flawed and the fault apparent

on its face. The correction of any such defect or error is the proper province of appellate jurisdiction. Sherman, et at., v. Reeves, 23 LLR 227, 240 (1974), Cheng and American International Underwriters (AIU) v. Togba, 29 LLR 22, 28 (1981); Donzo v. Tate, 39 LLR 72, 84 (1998). Cooper et al v Keita [2002] LRSC 4; 41 LLR 36 (2002) (14 June 2002). The reason for this rule is fundamental to the orderly administration of justice. Judicial authority attaches to the court and is exercised through the judge presiding over it at the time. Consequently, the successor judge inherits the case in the procedural posture in which it was left by the predecessor judge of concurrent jurisdiction. The successor judge may continue the proceedings but may not sit as an appellate tribunal over the judicial acts of his or her predecessor colleague of concurrent jurisdiction.

The principle is not dependent upon whether the first ruling was correct or incorrect. Indeed, the rule applies even where the succeeding judge believes that the prior ruling was plainly erroneous. The reason is that allowing a judge of concurrent jurisdiction to reverse the ruling of another judge of equal jurisdiction would create an appellate relationship where none exists. It would also permit litigants to obtain repeated reconsideration of the same issue merely by awaiting the reassignment of a particular judge.

In this case, when the pleadings rested, the appellee moved to strike the appellants' answer on the ground that it was filed outside the prescribed period allowed by law. Judge J. Kennedy Peabody granted the motion, struck the answer, and placed the appellants on bare denial. Significantly, Judge Peabody thereafter expressly ruled that the complaint presented mixed issues of law and fact requiring a trial on the merits. Having determined that factual issues existed requiring a trial, the court directed the parties to proceed with filing their pretrial memoranda. Judge Peabody leaves for another assignment in a different circuit.

When Judge Nancy F. Sammy succeeded Judge Kennedy Peabody at the Civil Law Court, she assigned the motion for summary judgment, heard and granted same in the face of Judge Kennedy Peabody’s ruling that the case be tried on the merits. Considering the precedents cited *supra*, Judge Sammy's act amounted to reviewing the act of a judge of concurrent jurisdiction. Judge Sammy was bound to continue the proceedings from the point at which Judge Peabody had left them. She was not

vested with appellate authority to reconsider whether the pleadings actually presented factual issues.

This Court was confronted with a similar situation in *Sarnor v. Leigh-Sherman, LRSC 8 (July 5, 2012).* There, after the pleadings had rested, the assigned judge ruled the case to trial upon determining that the pleadings presented mixed questions of law and fact. A subsequent judge reviewed the pleadings and granted summary judgment without conducting the trial ordered by the predecessor judge with concurrent jurisdiction. On appeal, this Court held that a judge with concurrent jurisdiction could not review another judge's judicial act and therefore could not grant summary judgment after his colleague had already ruled the case for trial.

The rule announced in *Sarnor* is controlling here. Accordingly, once Judge Peabody ruled the appellants to bare denial after striking their answer based upon the application of the appellee and subsequently determined that the case presented mixed issues of law and fact and ruled it to trial, Judge Sammy could not lawfully revisit those rulings and determinations, and give consideration to the stricken answer and substitute her own view that no genuine issue of material fact existed. The proper course was to proceed with the trial. If either party believed that Judge Peabody's ruling was erroneous, the remedy lay in the appropriate appellate process, not in securing a different ruling from a successor judge of equal jurisdiction.

This case could have ended here; however, the trial court's error was compounded by its treatment of the appellants' bare denial. We deem it necessary to address same.

It is the law in this jurisdiction that striking a defendant’s answer places the defendant on bare denial and renders it as though the defendant has not filed an answer. That bare denial, however, does not preclude the plaintiff from producing evidence to substantiate the averments in the complaint. The striking of an answer does not amount to a judgment on the merits. In *Kamara v. Thorpe*, 30 LLR 841 (1982), this Court held that the dismissal of an answer places the defendant on bare denial but does not remove the defendant from the case or deprive him of the right to participate in the trial. Likewise, in *FDA v. Buchanan Logging Corporation*, 29

LLR 437 (1982), this Court recognized that a defendant, once on bare denial, retains the right to produce witnesses in support of the denial, although affirmative defenses may no longer be introduced. In *Kashouh et al. v. Heirs of Bernard et al.* (2008), this Court reaffirmed that a party placed on bare denial remains entitled to cross-examine the opposing party's witnesses and present evidence controverting the plaintiff's case. And in *Donzo v. Tate*, 39 LLR 72 (1998), this Court emphasized that placing a defendant on bare denial does not shift the burden of proof from the plaintiff or relieve the plaintiff of the obligation to establish every essential element of the cause of action.

These authorities are particularly significant here because an action of ejectment places upon the plaintiff the burden of establishing a superior right to possession of the property. The plaintiff cannot obtain possession merely because the defendant's answer has been stricken. The plaintiff must still establish the legal and factual basis for the relief sought. Thus, bare denial does not transform an action into an uncontested claim. It simply restricts the defendant's ability to affirmatively plead defenses while preserving the defendant's right to require the plaintiff to prove the allegations of the complaint.

The trial judge also relied on averments in the appellants' answer that were struck from the record when granting the summary judgment. The answer having been stricken, the court could not thereafter rely upon statements contained in that same pleading as a basis for granting summary judgment. A pleading that has been stricken no longer has operative effect as a pleading in the action. The court cannot simultaneously treat the answer as nonexistent for purposes of the Appellants' defense and at the same time consider averments therein to make determinations.

From a careful review of the pleadings, the bill of exceptions, the rulings of the trial court, the applicable statutory provisions, and the controlling precedents of this Court, particularly *Sarnor v. Leigh-Sherman*, we are satisfied that the trial court committed reversible error in granting summary judgment in favor of the Appellee.

First, Judge Peabody, a judge of competent and concurrent jurisdiction, had already determined that the pleadings presented mixed issues of law and fact and had ruled the case to trial. Judge Sammy, as a succeeding judge of the same court, had no authority to review, modify, or reverse that ruling. Second, the Appellants'

placement on bare denial did not relieve the Appellee of her burden of proving the essential elements of her ejectment action. Third, having struck the Appellants' answer from the record, the trial court could not thereafter rely upon statements contained in that stricken pleading as a basis for determination. In the instant case, where the appellants' answer was stricken, the trial court's subsequent grant of the appellee's motion for summary judgment constituted reversible error.

WHEREFORE, AND IN VIEW OF THE FOREGOING, the ruling of the trial court is hereby reversed, and the case remanded for trial on the appellee's complaint. The Clerk of this Court is hereby ordered to send a Mandate to the court below, commanding the judge presiding therein to resume jurisdiction over the case and give effect to the judgment of this Opinion. Costs to abide final determination. AND IT IS HEREBY SO ORDERED.

When this case was called for hearing, Counsellors T. Emmanuel Tomah and Roland F. Dahn of Yonah, Obey and Associates, Inc. appeared for the Appellant. Counselor Festus K. Nowon Sr. of Universal Law Partners Inc. appeared for the Appellee.