

MOZEL L. BRIGHT, Plaintiff-In-Error v. **HIS HONOUR FRANK W. SMITH**,
Resident Judge, People's Seventh Judicial Circuit, Grand Gedeh County, and **WILMOT P.**
BRIGHT, Defendants-In-Error.

JUDGMENT WITHOUT OPINION

Heard: June 9, 1983. Decided: July 8, 1983.

When this case was called for hearing, Counsellor Wellington K. Neufville appeared for the plaintiff-in-error and Counsellor John A. Dennis appeared for the defendants-in-error and following the announcement of representation, they brought to the attention of court that they had filed a joint stipulation of withdrawal. Carefully perusing the joint withdrawal, we recognized that count two thereof is a waiver of all costs by the defendants-in-error on both the trial and appellate levels of judicature. Since a waiver of costs does not constitute a withdrawal of a cause of action, we give judicial cognizance to the withdrawal by the plaintiff-in-error and hereby adjudged that the ruling of the Chambers Justice quashing the alternative writ and denying the petition is hereby confirmed and affirmed with costs against the plaintiff-in-error. The Clerk of this Court is directed to send a mandate to the lower court to resume jurisdiction over the case and enforce its judgment. And it is hereby so ordered.

Note: Mr. Justice Smith having presided over this case in the lower court as trial judge, prior to His elevation to the Full Bench, he therefore recused himself from taking part; hence, he has not signed this judgment.

Mr. Justice Yangbe, having decided this case in Chambers as a Chambers Justice, therefore recued himself from sitting on the hearing. Hence, has not signed this judgment.