

Howard-Kendor v Bailey [2016] LRSC 5 (22 January 2016)

Sandra Howard-Kendor, of the City of Monrovia Republic of Liberia MOVANT Versus **Rev. Dr. Emmanuel F. Bailey** of the City of Monrovia, Aforesaid Republic, Respondent

MOTION TO DISMISS APPEAL

Heard: October 26, 2015

DECIDED: January 22, 2016

JUDGMENT WITHOUT OPINION

When this case was called for hearing, Counsellors T. NeGbalee Warner of the Heritage, Partners and Associates and Laveli Koboi Johnson of the Century Law Offices appeared for the movant. Counsellor Lawrence Yerkula of the Liberty Firm appeared for the respondent.

During argument before this Court, the counsel for the movant contended that the notice of completion of appeal was filed over and above the statutory period of sixty (60) days, hence, the appeal ought to be dismissed as a matter of law.

Counsellor Lawrence Yerkula, counsel for the respondent conceded that he made an error in calculating the period for the filing of the appeal bond and notice of completion of appeal in that, he inadvertently started computing the time from the date of the filing of the bill of exceptions.

WHEREFORE, and in view of the foregoing, it is hereby ADJUDGED;

That a review of the records in this case shows that the final judgment was entered on January 24, 2015, and the bill or exceptions file on February 5, 2015, while the notice of completion of appeal was filed on April 2, 2015, sixty-eight (68) days after the rendition of final judgment.

This Court having considered the motion made by counsel for the movant and the concession of the counsel for the respondent conceding that he erred in computing the time for perfecting the appeal, the motion to dismiss the appeal is hereby granted and the appeal is ordered dismissed.

The Clerk of this Court is ordered to send a mandate to the judge presiding in the court below to resume jurisdiction over this case and give effect to this judgment. Costs are ruled against the respondent. And it is so ordered.

GIVEN UNDER OUR HANDS AND SEAL OF THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA THIS 22nd DAY OF JANUARY, A.D. 2016

[Please see pdf file for signatures]