

IN THE HONORABLE 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: CEATNEH D. CLINTON-JOHNSON.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : BOAKAI N. KANNEH.....ASSOCIATE JUSTICE

Madame Esther Yeanay Barkpei of the City of
Paynesville, Montserrado County, Republic of
Liberia.....Movant

Versus

Christian City Church by and thru its senior pastor
Monibah M. Kollie and all others of the City of
Paynesville, Montserrado County, Republic of
Liberia.....Respondent

GROWING OUT OF THE CASE:

Christian City Church by and thru its senior pastor
Monibah M. Kollie and all others of the City of
Paynesville, Montserrado County, Republic of
Liberia.....Appellant

Versus

Madame Esther Yeanay Barkpei of the City of
Paynesville, Montserrado County, Republic of
Liberia.....Appellee

GROWING OUT OF THE CASE:

Madame Esther Yeanay Barkpei of the City of
Paynesville, Montserrado County, Republic of
Liberia.....Plaintiff

Versus

Christian City Church by and thru its senior pastor
Monibah M. Kollie and all others of the City of
Paynesville, Montserrado County, Republic of
Liberia.....Defendant

MOTION TO DISMISS
APPEAL

APPEAL

PETITION FOR AN ORDER
TO COMPEL ARBITRATION

Heard: March 17, 2026

Decided: May 20, 2026

MR. JUSTICE KANNEH DELIVERED THE OPINION OF THE COURT

The Civil Procedure Law Revised Code, 1:51.4 provides the steps necessary for the completion of an appeal in the following words:

“The following acts shall be necessary for the completion of an appeal:

- (a) Announcement of the taking of the appeal;
- (b) Filing of the bill of exceptions;
- (c) Filing of an appeal bond;
- (d) Service and filing of notice of completion of appeal

Failure to comply with any of these requirements within the time allotted by statute shall be ground for the dismissal of the appeal.”

Additionally, the Civil Procedure Law Revised Code: 1: 51.9 provides as follows, to wit:

“After the filing of the bill of exceptions and the filing of the appeal bond as required by sections 51.7 and 51.8, the clerk of court on application of the appellant shall issue a notice of completion of appeal a copy of which shall be served **by the appellant on the appellee [Our Emphasis]**. The original of such notice shall be filed in the office of the clerk of the trial court.”

In furtherance to these statutory provisions, this Court has also reaffirmed in a litany of Opinions that the failure to comply with the appeal statute is a ground for the dismissal of an appeal announced before the Supreme Court.” *Siaka A. Toure v. Ma Konneh Kamara et. al*, Supreme Court Opinion, October Term 2024; *Pol v. His Honor James E. Jones et. al*, Supreme Court Opinion, October Term 2024.

Having quoted the pertinent provisions of the appeal statute and decisional laws of this Court, we will now examine the key contentions of the movant and respondent as enshrined in the motion to dismiss appeal and the resistance thereto before making our determination as to whether the motion to dismiss appeal will lie under the facts and circumstances of this case.

In the instant motion to dismiss appeal filed on March 31, 2025, the movant, Madam Esther Yeanay Barkpei, has called this Court’s attention to the violation of the above-stated provisions of the appeal statute by the respondent, Christian City Church. Specifically, the movant has contended that on November 27, 2024, following the final ruling of the trial judge in an ejectment action, the respondent noted exceptions thereto, announced an appeal to this Court of denier resort, and filed its approved bill of exceptions before the trial court on December 6, 2024. However, the movant further alleged that following the completion of the first two (2) steps under the mandatory provisions of the appeal statute, the respondent did not file and serve its appeal bond and notice of completion of appeal on the movant as required by the appeal statute.

On October 21, 2025, the respondents filed its resistance to the motion to dismiss appeal, conceding to the violation of the appeal statute by its failure to file an appeal bond and timely served its notice of completion of appeal on the movant within the timeframe as dictated by the appeal statute. Notwithstanding this admission, the respondent argued that this Court should deny the motion to dismiss and hear the

appeal on its merits due to the fact that the failure of the respondent to comply with dictates of the appeal statute was due to the negligence of the respondent's counsel. Hence, the respondent should not be denied the constitutional right to protect its property interests due to the negligence of its counsel.

Having stated the basic contentions of the parties, this Court says that the issue regarding the failure to file an appeal bond and the non-service and filing of the notice of completion of appeal on the adversary party, as was done by the respondent in the present case, has been addressed in several of its Opinions. In the case, *Hussenni v Brumskine*, Supreme Court Opinion, March Term 2013, the Supreme Court held that "In many of the instances where the request is made to dismiss an appeal, whether traceable to the negligence of counsel for the appellant, the inability of the appellant himself or herself to meet the statutory requirements, or the defiant attitude or refusal, or the negligence by the appellant to comply with the command of the statute, or for whatever other reasons not attributable to any acts or actions of the trial court, this Court has opined that the failure to fulfill or conform to the appeal requirements of the law renders the appeal dismissible, and this Court has so acted. *Dahn et al. v. Waeyen*, 29 LLR 119, 121 (1981); *First United American Bank v. Ali Sahsouk Textile Center*, 38 LLR 327 (1997); *International Bank (Liberia) Limited (IBL) v. Leigh-Parker*, 42 LLR 140, 142 (2004); *Liberian Petroleum Refining Company v. Natt and Corneh*, 42 LLR 54, 58 (2004); *Ahmar v. Gbortoe*, 42 LLR 117, 119 (2004); *Sarweh et al. v. National Port Authority*, 42 LLR 436, 438 (2004).

We affirm the holding in the *Hussein case* hereinabove and hold that in keeping with the aforementioned precedent of this Court, the respondent's failure to file an appeal bond and timely serve its notice of completion of appeal on the movant's counsel is a ground for the dismissal of the appeal.

Hence, we are convinced from the records before us that Counsellor Sunifu S. Sheriff was unduly negligent in the handling of the matter which the respondent entrusted to him. We expect that hereafter this lawyer will perform his duty with a greater degree of professionalism.

WHEREFORE, AND IN VIEW OF THE FOREGOING, the motion to dismiss the respondent's appeal is granted and the appeal is hereby dismissed as a matter of law. The Clerk of this Court is ordered to send a Mandate to the court below commanding the judge presiding therein to resume jurisdiction over this case and give effect to this Judgment. Costs are ruled against the respondent. AND IT IS HEREBY SO ORDERED.

Motion granted.

When this case was called for hearing, the movant was represented by Counsellor M. Wilkins Wright of the Wright and Associates Law Firm, Inc. The respondent was represented by Counsellor Sunifu S. Sheriff.