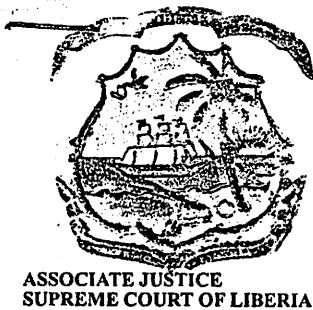




IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC
OF LIBERIA, SITTING IN ITS MARCH TERM, A.D. 2018.

BEFORE HIS HONOR: FRANCIS S. KORKPOR, SR.....CHIEF JUSTICE
BEFORE HIS HONOR: KABINEH M. JA'NEHASSOCIATE JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: PHILIP A.Z. BANKS, III.....ASSOCIATE JUSTICE
BEFORE HER HONOR: SIE-A-NYENE G. YUOH.....ASSOCIATE JUSTICE

Aloysious D. Coleman, Sr. of the City of
Monrovia.....MOVANT

VERSUS

Mr. Samuel Doe of the City of
Buchanan.....RESPONDENT

GROWING OUT OF THE CASE

Aloysious D. Coleman, Sr. of the City
of MonroviaPLAINTIFF

VERSUS

Mr. Samuel Doe of the City of
Buchanan.....DEFENDANT

MOTION TO
DISMISS APPEAL

ACTION

DAMAGES FOR WRONG
FOR BREACH OF CONTRACT

Heard: March 28, 2018

Decided: April 12, 2018

JUDGMENT WITHOUT OPINION

When this case was called for hearing, Counsellors Momolu G. Kandakai and Philip Y. Gongloe, of Gongloe and Associates Law Firm, appeared for the movant. No lawyer appeared for the respondent.

Following the notation of representations of the parties, the Clerk of the Supreme Court brought to the attention of the Court that the Counsel for respondent had filed a letter of excuse on March 27, 2018, requesting for continuance, while at the

same time conceding the fact that the appeal announced by the appellant was never perfected in keeping with law. The letter is quoted herein below:

"Atty. Sam Mamulu
Clerk
Supreme Court of the Republic of Liberia
Temple of Justice
Capitol Hill- Monrovia
Monrovia, Liberia

Dear Mr. Clerk:

We hereby extend to you our compliments and wish to inform you that we have just been contacted by Attorney-At-Law, S. Nikrumah Tickey to represent them at the Honorable Supreme Court level....Upon the review of the file by me, [I] discovered that no step in the perfection of the appeal was taken....

In view of the above, I request that you be kind enough to re-assign this case in order to enable me study the case, so that I can be prepared to appear before the Honorable Supreme Court of Liberia to ably represent our client, the respondent in the instant case. Moreover, I have realized that the (60) days legal requirements have lapsed, before turning the case file over to me for which a clerk's certificate was prayed for and subsequently granted in favor of the movant.

In furtherance to the above, we have observed that it is now over a year since the approved bill of exceptions was filed by our client, the respondent, without perfecting the appeal process in its totality....

Respectfully submitted:
Respondent by and thru his legal counsel
Tulay and Associate Law Offices
Johnson & Benson Streets Junction
New Georgia Parking Station
Cell#:0886524556"

The above quoted letter was read in open Court by the Clerk; the Court noted the concession made therein, denied the request for continuance, and evoked the Revised Rules of the Supreme Court to enter upon the records of the case and make determination.

The Revised Rules of the Supreme Court Part 6(b) provides:

"When a case which has been assigned and the assignment acknowledged by his signature thereon is called for argument and neither party appears, or files briefs, the case shall be put to the bottom of the docket and the counsel(s) fined not less than \$500.00. If the parties fail to

appear but have filed their briefs, the Court may open the records and at its selection render a judgment with or without opinion.”

A review of the records shows that on November 15, 2016, the Sixth Judicial Circuit Court, Montserrado County sitting in its September Term A.D. 2016, entered final judgment in favor of the movant. The respondent excepted thereto and announced an appeal to the Supreme Court. On November 23, 2016, the respondent filed a bill of exceptions within the time required by statute but took no further steps to perfect the appeal by the filing of an appeal bond and the service and filing of the Notice of Completion of Appeal. On January 17, 2017, the movant obtained a certificate from the clerk of the Sixth Judicial Circuit Court, Montserrado County, to this effect hence, the motion to dismiss. Accordingly, it is hereby

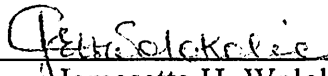
ADJUDGED:

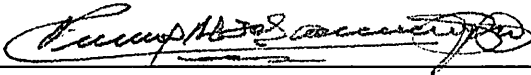
That the motion to dismiss the appeal be and same is hereby granted. Therefore, the appeal is denied and dismissed as a matter of law. The Clerk of this Court is ordered to send a mandate to the Sixth Judicial Circuit Court, Montserrado County mandating the judge presiding therein to resume jurisdiction over the case and give effect to this Judgment. IT IS SO ORDERED.

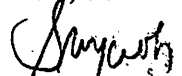
GIVEN UNDER OUR HANDS AND SEAL
OF THE SUPREME COURT OF LIBERIA,
THIS 12th DAY OF APRIL A.D. 2018.


Francis S. Korkpor, Sr.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA


Kabineh-M. Ja'neh
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA


Jamesetta H. Wolokolie
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA


Philip A.Z. Banks, III.
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA


Sie-A-Nyene G. Yuoh
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA