



ASSOCIATE JUSTICE
SUPREME COURT OF LIBERIA



JUDICIAL BRANCH
TEMPLE OF JUSTICE
MONROVIA, LIBERIA

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

Johnetta Davies-Cisco of the City of Monrovia,
Liberia.....Movant/Appellee)

Versus)

Motion to Dismiss)

Willie Bernard also of the City of Monrovia,
Liberia.....Respondent/Appellant)

GROWING OUT OF THE CASE:)

Johnetta Davies-Cisco of the City of Monrovia,
Liberia.....Plaintiff)

Versus)

Action of Ejectment)

Willie Bernard also of the City of Monrovia.
Liberia.....Defendant)

HEARD: April 10, 2018

DECIDED: July 4, 2018

JUDGMENT WITHOUT OPINION

When this case was called for hearing, Counsellors J. Emmanuel R. Berry of the Berry Law Firm and Counsellor Dexter Tiah, Sr., of the Henries Law Firm, appeared for the movant/appellee. No lawyer appeared for the respondent/appellant.

The movant/appellee, Johnetta Davis-Cisco, was the successful party from a judgment rendered on June 1, 1987, by the Sixth Judicial Circuit Court,

Montserrado County, against the respondent/appellant, Willie Bernard, in an action of ejectment. The records show that the respondent/appellant excepted to the ruling, announced an appeal and subsequently completed the appeal process on June 30, 1987, but died while the case was still pending before the Supreme Court.

On May 26, 2011, twenty (20) years after the death of the respondent/appellant, the movant/appellee filed a motion to dismiss the appeal with the Clerk of the Supreme Court on the basis that the respondent/appellant's heirs failed to substitute the late respondent/appellant.

At the call of the motion to dismiss on April 3, 2018, this Court observed not only the absence of the lawyer for the respondent/appellant, but that on March 27, 2018, one Mr. Alexander Bernard, had by himself, filed a letter in the office of the Clerk of the Supreme Court withdrawing the appeal, and which if granted by the Court, would render moot the movant/appellee's motion to dismiss. We quote hereunder the letter of withdrawal:

"JOHNETTA DAVIES-CISCO OF THE CITY OF	)	
MONROVIA, LIBERIA	)	
.....MOVANT/APPELLEE	)	
	)	
VERSUS	)	MOTION TO DISMISS APPEAL
	)	
THE INTERSTATE ESTATE OF THE LATE WILLIE	)	
BERNARD, REPRESENTED BY AND THRU ITS	)	
ADMINISTRATORS, JOHN K. BERNARD, SR.,	)	
WILLIAMENA AND ALEXANDER BERNARD	)	
ALSO OF THE CITY OF MONROVIA, LIBERIA	)	
.....RESPONDENTS/APPELLANTS	)	

Dear Mr. Clerk:

Please spread or cause to be spread upon the records as contained in the above entitled captioned case that we the Respondents/Appellants hereby withdraw our appeal filed in this case.

And for so doing, this shall constitute your legal and sufficient authority.

Dated this 27th day of March, A.D. 2018.

Respectfully submitted:

Alexander Bernard
Respondent/Appellant
Cell #:0886589898/0777589898"

The Court noted from the caption of the letter of withdrawal, that Mr. Alexander Bernard was one of three (3) administrators for the intestate estate of the respondent/appellant, Willie Bernard. The Clerk was therefore mandated to contact and advise Mr. Alexander Bernard to withdraw and re-file the letter of withdrawal to reflect the involvement and approval of the other two co-administrators, evidenced by their signatures affixed thereto.

On April 9, 2018, in obedience to the Court's mandate, the three (3) administrators of the respondent/appellant's intestate estate, jointly signed and filed with the office of the Clerk another letter withdrawing the appeal from the Supreme Court. The said letter of withdrawal dated April 6, 2018, is quoted herein below to wit:

"Dear Mr. Clerk:

Please spread or cause to be spread upon the records as contained in the above entitled captioned case that we, the respondents/appellants hereby withdraw our appeal filed in this case.

And for so doing, this shall constitute your legal and sufficient authority.

Dated this 6th day of April, A.D. 2018.

Respectfully Submitted:

Alexander Bernard
Respondent/Appellant
Cell: 0886589898/0777589898

John K. Bernard, Sr.,
Respondent/Appellant

Williamena Bernard
Respondent/Appellant"

Being satisfied that the withdrawal meets the requirement of the rule of this Court, it is hereby

ADJUDGED:

That as the withdrawal of the respondent/appellant's appeal does not affect the rights of the movant/appellee, the successful party in the lower court, the

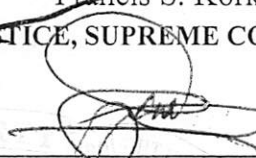
respondent/appellant is bound by the judgment of that court. The appeal is therefore ordered withdrawn and stricken from the docket of the Supreme Court.

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. IT IS HEREBY SO ORDERED.

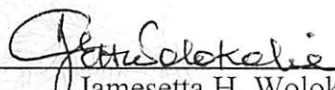
GIVEN UNDER OUR HANDS AND SEAL
OF THE SUPREME COURT OF LIBERIA
THIS 4th DAY OF JULY A.D 2018.



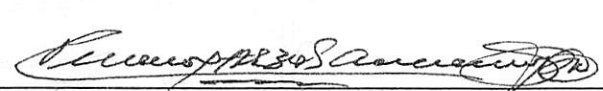
Francis S. Korkpor, Sr.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA



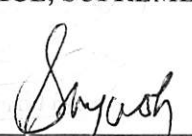
Kabineh M. Ja'neh
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA



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