

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS MARCH TERM, A.D. 2026

BEFORE HIS HONOR: YAMIE QUIQUI GBEISAY, SRCHIEF 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

Reginald F. Gibson and Gregory G. Gibson, Administrators of)
The Intestate Estate of Fannie Gibson George and all those)
under their authority and Cllr. Alihaji Swaliho A. Sesay,)
Montserrado County, Liberia.....Movants)

Versus

) MOTION TO DISMISS
) APPEAL

Mohammed S. Balde by and thru his Attorneys-In-Fact,)
Mamadou B. Balde and Mohammed Balde of the City of)
Monrovia, Liberia.....Respondent)

GROWING OUT OF THE CASE:

Mohammed S. Balde by and thru his Attorneys-In-Fact,)
Mamadou B. Balde and Mohammed Balde of the City of)
Monrovia, Liberia.....Appellant)

Versus

) APPEAL

Reginald F. Gibson and Gregory G. Gibson, Administrators of)
The Intestate Estate of Fannie Gibson George and all those)
under their authority and Cllr. Alihaji Swaliho A. Sesay,)
Montserrado County, Liberia.....Movants)

Heard: March 18, 2026

Decided: May 21, 2026

MR. CHIEF JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

Reginald E. Gibson and Gregory G. Gibson, Administrators of the Intestate Estate of Fannie Gibson George, movants herein have filed this motion to dismiss urging this Court to dismiss the appeal as announced by Mohammed S. Balde by and thru his Attorneys-In-Fact, Mamadou B. Balde and Mohammed Balde, respondent herein. The movants have argued the said appeal should be dismissed because the respondent by his action, is clear that he has abandoned his appeal by failing to superintend the transcribing of the records of the case before this Honorable Court for final determination.

We revert to the records in order to have a proper understanding of this controversy that will enable us to rightly decide this matter.

The records show that the movants instituted an action of specific performance against the respondent in the lower court. After all the procedural steps necessary for the case to be heard were completed, the case was ruled to trial; thereafter, movants herein filed a motion for joinder praying the court to join Cllr. Swaliho A. Sesay, the said motion was heard and granted. A trial was heard and final ruling was rendered by the trial court on July 11, 2022. The respondent excepted and announced an appeal to this Court and his bill of exceptions was approved on July 18, 2022. The records show that the respondent fully complied with all the processes required of perfecting his appeal in line with Civil Procedure Law Rev. Code 1:51.4; however, the records also show that since he completed his appeal process by serving his notice of completion of appeal on the movants on August 30, 2022, the trial records have not been transcribed before this Court.

Predicated upon this, the movants have filed a motion to dismiss the said appeal.

The respondent in his defense has argued that the said motion is made in bad faith as he has made frantic efforts to have the records transcribed before this Court through verbal request and other means; that in November 2025, he (respondent) made a written request to the Sixth Judicial Circuit, Civil Law Court for the transcription of the records and the costs associated with the said process; that the lower court informed him that some records in the file was missing including the final ruling, which he (respondent) had to make available his copy to be added on the file; that the said motion is made in bad faith because even though the records is yet to be transcribed to this Court, he made frantic efforts to superintend the transcription of the records and they (the parties) were notified to appear for the taxation of the records on February 16, 2026; that the motion should be denied because the delay was not totally his fault as the court officers, especially the office of the clerk were the ones who delay the said transcription of the records.

The respondent then prayed this Court to deny the motion to dismiss and venue the appeal to be heard on its merits.

The issue that we must decide to judicially bring an end to the current controversy is: whether or not the appellant's failure to transcribe the records from the trial court to the Supreme Court within a period of three (3) years is tantamount to an abandonment of the respondent's appeal and whether such abandonment is a ground for dismissal of its appeal?

We answer this question in the affirmative and hold that respondent/appellant's failure to transcribe the records to this Court over and beyond a period of thirty-six (36) months is tantamount to an abandonment of the appeal.

The records show that the appeal from which this motion to dismiss sprouts was completed by the respondent on August 30, 2022, and up to the time of the hearing of this motion, that is March 18, 2026, the records are yet to be transmitted to this Court, that is more than three (3) years since the respondent fully complied with the statutory steps required for completion of an appeal. We cannot help but wonder why the respondent will be so wanton and careless in protecting his client's interest. It was the respondent who, genuinely believing that its rights had been violated by the trial court, excepted and announced and perfected its appeal before this Court of last resort in order to have its rights restored. All practicing lawyers are aware that though the burden to transcribe the records to the Supreme Court is on the clerk of the lower court, there is an implied burden on the party that appealed to superintend and ensure that the records is transcribed before this Court. We are now left to wonder why the respondent did not superintend its case to make sure that the records were transmitted to this Court.

Even, for the sake of argument, were we to consider that the respondent counsel, due to his busy schedule forgot to make follow up with the clerk as to the transmittal of the records of his case before this Court, won't the respondent's counsel, immediately upon receipt of the movant's motion to dismiss his appeal make sure his records are transmitted before this Court? Again, we are stunned that even after the respondent counsel received the movant's motion to dismiss and filed a response thereto, he did not, even after assignment for the hearing of this motion was served on him, transmit his records to this Court; this leaves us no other option but to reasonably conclude that the respondent has no interest in its appeal and that its actions are tantamount to abandonment of its appeal.

The respondent has argued that it has fully complied with every statutory step for the completion of an appeal before this Court and that lateness to transmit was not totally his fault as the clerk's office of the lower court also delayed in putting the records together. We are not persuaded by this argument as the respondent counsel should know what to do in the case of the office of the clerk delay to tax the records to have them transcribe as the time period is just too long for this excuse to persuade us to deny the motion. A three (3) year period is a long time to remedy whatever situation was wrong with the records from below and to now argue that the failure to have the records transcribed was because of the clerk's failure to fully compile the records is untenable.

This Court, in the case *Nat'l Housing & Savings Bank v. Gordon*, 35 LLR 323 (1998), dismissed an appeal after the respondent's failure to transmit his records to this Court in ninety (90) days as prescribed by statute, holding that: "**where defendant excepts to an**

adverse judgment, prays for an appeal, and files an approved bill of exceptions and a legal appeal bond, thus depriving the lower court of jurisdiction, but defendant does not have the records sent to the appellate court, the appellate court will grant a petition by the successful party below to have the judgment of the lower court enforced."

This Court in the case mentioned supra further held that: "even if a failure to have the records of the appeal transmitted to this court is not a statutory ground for dismissing an appeal, every court has right to dismiss any cause for abandonment, either as to a plaintiff or an appellant, and no reasonable mind can say that the dismissal is unjustified when in fact without it a defendant or an appellee will be left without justice, either to be discharged from a complaint or to have the lower court judgment in favor of an appellee's enforced." *Nat'l Housing & Savings Bank v Gordon*, 35 LLR 323, (1988).

WHEREFORE AND IN VEW OF THE FOREGOING, the movant motion to dismiss is hereby granted and the appeal is hereby dismissed. The Clerk of this Court is hereby ordered to send a Mandate to the court below commanding the judge presiding therein to resume Jurisdiction and give effect to this Judgment. Costs are ruled against the respondent. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLOR SWALIHO A. SEASAY APPEARED FOR THE MOVANTS. COUNSELLOR DENISE S. SOKAN APPEARED FOR THE RESPONDENT.

Dismissed.