



CHIEF JUSTICE
SUPREME COURT OF LIBERIA



JUDICIAL BRANCH
TEMPLE OF JUSTICE
MONROVIA, LIBERIA

IN THE HONORABLE 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 HOWARD-WOLOKOLIE...ASSOCIATE JUSTICE
BEFORE HIS HONOR: PHILIP A.Z. BANKS, IIIASSOCIATE JUSTICE
BEFORE HER HONOR: SIE-A-NYENE G. YUOHASSOCIATE JUSTICE

SRIMEX Oil and Gas Company, represented by and thru its)
Chief Executive Officer, Musa H. Bility of the City of Monrovia)
Liberia.....1st Petitioner)

AND)

AMINATA & Sons, Inc. represented by and thru its Chief)
Executive Officer, Emmanuel Togba of the City of Monrovia,)
Liberia and Petro Trade Inc., represented by and thru its)
Chief Coordinating Officer, Abraham Kaydea, also of the City)
of Monrovia, Liberia.....2nd Petitioners) Petition for the Writ of
Prohibition

Versus)

The Government of Liberia, represented by the)
Ministry of Justice, Ministry of Finance & Development)
Planning by and thru Minister Boima F. Kamara, the)
Ministry of Public Works by and thru Minister Gyude Moore)
and, the Liberia Revenue Authority (LRA) by and thru its)
Commissioner General, Hon. Elfrieda Stewart Tamba, of the)
City of Monrovia, Liberia.....1st Respondent)

And)

The Liberia Petroleum Refining Company (LPRC))
Represented by and thru its Managing Director)
Hon. Jackson F. Doe, Jr., also of the City of Monrovia)
Liberia.....2nd Respondent)

JUDGMENT WITHOUT OPINION

When this case was called for hearing, Counsellor Emmanuel B. James of the International Group of
Legal Advocates and Consultants, Inc. appeared for the 1st petitioner. Counsellors Benedict F. Sannoh

of Sannoh & Partners, Inc. and Amos Y. Bartu of Legal Consultants Inc. appeared for the 2nd petitioners. Counsellors J. Daku Mulbah, Solicitor General of the Republic of Liberia and Jerry D. K. Garlawolu, Legal Counsel, Ministry of Justice, appeared for the respondents.

The records in this case reveal that two separate petitions for prohibition were filed by two petroleum companies operating and doing business in Liberia before two justices presiding in the Chambers of this Court at different times. The first petition was filed on September 1, 2017, by Srimex Oil and Gas Company represented by and thru its Chief Executive Officer, Musa H. Bility of the City of Monrovia ("1st petitioner") against the Government of Liberia, represented by the Ministry of Justice, the Ministry of Finance and Development Planning, the Ministry of Public Works, and the Liberia Revenue Authority, LRA ("1st respondents") and the Liberia Petroleum Refining Company, LPRC ("2nd respondents").

The second petition for prohibition was filed on November 23, 2017, by Aminata & Sons and Petro Trade Inc. also against the Government of Liberia, represented by the Ministry of Justice, the Ministry of Finance and Development Planning, the Ministry of Public Works, and the Liberia Revenue Authority, LRA ("1st respondents") and the Liberia Petroleum Refining Company, LPRC ("2nd respondents").

At the call of the case, the petitions were consolidated and heard. While the Court's Opinion in the consolidated petitions was pending to be delivered, the parties, in accordance, with Rule III, Part II of the Revised Rules of the Supreme Court, instructed their respective counsels to file a voluntary discontinuance in which they withdrew the petitions filed before this Court.

For the purpose of this Judgment Without Opinion and for better clarity on the consensus reached in the agreement of voluntary discontinuance, we quote the entire content of the said agreement as follows:

"Agreement for Voluntary Discontinuance

WHEREAS, there is pending before the Honorable Supreme Court of Liberia undetermined, a petition for writ of prohibition, upon which the alternative writ was issued staying all proceedings and actions to which petition argument was held before the full Bench;

WHEREAS, prior to argument, series of discussions have been held between the co-Petitioner Srimex and the Respondents aimed at amicably resolving the contending issues void of judicial determination;

WHEREAS, both the co-petitioner Srimex and the respondents have realized that it is not in the best interest of either side for the petition for a writ of prohibition to remain at the Supreme Court when the people of Liberia are opting for reconciliation and rapid economic development, and

WHEREAS, both the co-petitioner Srimex and respondents have agreed to do away with any and all actions that would further delay the speedy and logical conclusion of this matter,

NOW THEREFORE, THE PARTIES HEREIN HAVE MUTUALLY AGREED AS FOLLOWS:

1. That the parties agreed that co-petitioner Srimex withdraws with prejudice its petition for the writ of prohibition filed before the Honorable Supreme Court of Liberia,
2. That consistent with reasons hereinabove stated, the parties have agreed to file this Agreement of Voluntary Discontinuance to terminate the Prohibition Proceedings in keeping with Rule III, Part II of the 1999 Revised Rules of the Supreme Court which

provides that "whenever the appellant and appellee, or the petitioner and respondent shall in vacation by themselves, or either counsel, sign and file with the clerk an agreement in writing directing the cause to be withdrawn and specifying the terms on which it is to be withdrawn as to costs, shall pay to the clerk any fees that may be due to him, and the ministerial officers, it shall be the duty of the clerk to enter the case withdrawn upon the approval of the Chief Justice or any Justice of the Court, and to give to either party requesting it a certificate of withdrawal"

3. That upon the approval of this Agreement of Voluntary Discontinuance and the filing of same, the Clerk of the Supreme Court of Liberia upon the order of Court shall proceed to have stricken from the docket of the Supreme Court the Prohibition Proceedings out of which this Agreement for Voluntary Discontinuance grows.

IN WITNESS WHEREOF, WE, CO-PETITIONER SRIMEX AND RESPONDENTS, BY AND THRU THEIR COUNSELS HAVE AFFIXED THEIR SIGNATURES ON THIS INSTRUMENT THIS 23RD DAY OF JULY, A. D. 2018.

FOR THE CO-PETITIONER

CLLR. EMMANUEL JAMES
ONE OF COUNSELS FOR CO-PETITIONER

FOR THE RESPONDENTS

CLLR. J. DAKU MULBAH
SOLICITOR GENERAL, R.L."

The records also show that AMINATA & SONS, INC., by and through Emmanuel Togba, CEO, instructed its counsels, Sannoh & Partners, by and through Counsellor A. Ndubuisi Nwabudike, to discontinue the case. Here is the communication from AMINATA to its counsels:

"July 23, 2018

Sannoh & Partners
Benson Street
Monrovia, Liberia

Attn: Cllr. Nwabudike

Dear Cllr. Nwabudike:

After consultation with the Board of Directors, I hereby authorized you to discontinue the case between AMINATA & Sons, Inc. and the Government of Liberia, accordingly, you are authorized to sign a notice of discontinuance in this matter.

This shall constitute your legal and sufficient authority.

Kind regards.

Very truly yours,
AMINATA & SONS, INC."

Also, Petro Trade Inc., by and through its Chief Coordinating Officer, Abraham Kaydea, by a communication dated July 23, 2018, instructed its counsels, Sannoh & Partners to withdraw the case. Here is the letter from Petro Trade Inc.:

"PT/CCO/S&P/175/23/07/'18

July 23, 2018

Sannoh & Partners
Benson Street
Monrovia, Liberia

Attn: Cllr. Nwabudike

"Dear Cllr. Nwabudike:

After consultation with the Board of Directors, I hereby authorized you to discontinue the case between Petro Trade Inc. and the Government of Liberia, represented by the Ministry of Justice, the Ministry of Finance and Development Planning, the Ministry of Public Works the Liberia Revenue Authority (LRA), and the Liberia Petroleum Refining Company (LPRC) accordingly, you are authorized to sign a notice of discontinuance in this matter.

This shall constitute your Legal and sufficient authority.

Kind regards,

Very truly yours,
PETRO TRADE INC.

Abraham Kaydea
Chief Coordinating Officer"

The counsels for the second petitioners, AMINATA & Petro Trade Inc. also signed an agreement of voluntary discontinuance on behalf of their respective clients, similar to the agreement of voluntary discontinuance signed by first petitioner, SRIMEX, which agreements were subsequently approved by His Honour, Mr. Justice Philip A. Z. Banks, III, in keeping with the Revised Rules of the Supreme Court.

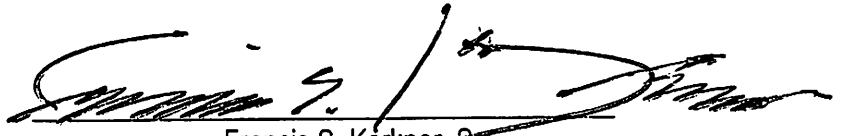
WHEREFORE, and in view of the foregoing, it is hereby

ADJUDGED:

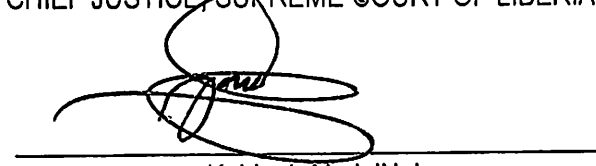
That the Court having perused the Agreement for Voluntary Discontinuance and the records of the case, and being satisfied that the voluntary discontinuance is in conformity with and meets the requirements of the Revised Rules of the Supreme Court and the law, and was done with the consent of the parties as evidenced by the instruments executed by them granting authority to their counsels to effect the discontinuance, this Court hereby grants the submission requesting for voluntary discontinuance. Accordingly, the case is ordered discontinued and dismissed with prejudice to the co-petitioners SRIMEX, AMINATA & Sons and Petro Trading Inc.

The Clerk of this Court is ordered to have the petition for a writ of prohibition filed by the petitioners herein named stricken from the docket of this Court. Costs are ruled against the petitioners. IT IS SO ORDERED.

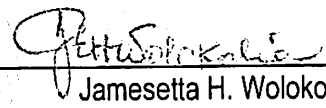
GIVEN UNDER OUR HANDS AND SEAL OF
THE HONOURABLE SUPREME COURT THIS
7th DAY OF AUGUST, A. D. 2018.



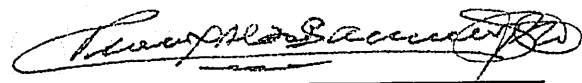
Francis S. Korkpor, Sr.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA



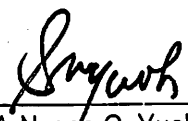
Kabineh M. Ja'Neh
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA



Jamesetta H. Wolokolie
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA



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



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