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 : CEAINEH D. CLINTON-JOHNSON.............ASSOCIATE JUSTICE
BEFORE HIS HONOR : BOAKAI N. KANNEH...............................ASSOCIATE JUSTICE

The Management of Notre Dame Investment, Ltd. represented by and thru its Chief Executive Officer, Angela List of Monrovia, Liberia .... Petitioner Versus The Ministry of Mines & Energy, Republic of Liberia, represented by and thru its Authorized Officials & Ministry of Justice, R.L., Monrovia, Liberia ....Respondent	PETITION FOR RE-ARGUMENT
GROWING OUT OF THE CASE: The Management of Notre Dame Investment, Ltd. represented by and thru its Chief Executive Officer, Angela List of Monrovia, Liberia ....Appellant Versus The Ministry of Mines & Energy, Republic of Liberia, represented by and thru its Authorized Officials & Ministry of Justice, R.L., Monrovia, Liberia ....Appellee	APPEAL
GROWING OUT OF THE CASE: The Management of Notre Dame Investment, Ltd. represented by and thru its Chief Executive Officer, Angela List of Monrovia, Liberia .... Petitioner Versus The Ministry of Mines & Energy, Republic of Liberia, represented by and thru its Authorized Officials & Ministry of Justice, R.L., Monrovia, Liberia ....Respondent	PETITION FOR JUDICIAL REVIEW

Heard: June 1, 2026 Decided: August 28, 2026

MR. JUSTICE KANNEH DELIVERED THE OPINION OF THE COURT

This matter is before the Court upon a petition for re-argument filed by the Management of Notre Dame Investment, Ltd., petitioner herein, praying this Court to re-docket and re-hear the appeal decided by this Court on February 13, 2026, on grounds that this Court allegedly overlooked material facts and points of law in affirming the judgment of the lower court and the ruling of the administrative hearing officer revoking petitioner's Class "B" Mining License in favor of the respondent, the Ministry of Mines and Energy, Republic of Liberia.

Rule IX, Part 1 of the Revised Rules of the Supreme Court provides that a re-argument may be granted only where some palpable substantial mistake has been made by inadvertently overlooking some fact or point of law which if considered, the Supreme Court would have decided and ruled differently.

The records before us reveal that this Court, in its Opinion of February 13, 2026, affirmed the judgment of the Sixth Judicial Circuit, Civil Law Court, which itself affirmed the ruling of the Ministry of Mines & Energy revoking petitioner's three Class "B" Mining Licenses on grounds that petitioner failed to commence mining activities within the period required by law and further failed to prove payment of annual license fees as mandated under the Minerals and Mining Law of Liberia.

The petitioner, in its nine-count petition for re-argument, alleged that this Court overlooked material evidence and legal principles. We quote the relevant counts substantially as follows:

PETITIONER'S PETITION

1. That Part I Rule IX of the Rules of the Supreme Court, Re-argument, provides that for good cause shown to the court by petition, a re-argument of a case may be allowed only once when a palpable substantial mistake is made by inadvertently overlooking some facts or point of law.
2. That also as to count one (1) above, Petitioner says that the Rules of the Supreme Court, Part I of rule IX thereof, Re-Argument provides for the filing of a Petition for Re-Argument within three (3) days after the rendition of the opinion unless in case of special leave granted by the en banc upon application. Petitioner submits that the Opinion out of which the instant Petition for Re-Argument is being filed was delivered on February 13, A.D. 2026.
3. Petitioner says that Section 1.7 of the Civil Procedure Law provides that "...when the period of time prescribed or allowed is less than ten (10) days, intermediate Sundays and holidays shall be excluded from the computation"

4. Petitioner says that pages 51, 52, 53, 57, 58, 59, 63, 64, and 65 of the Transcribed Records of the appeal out of which this Petition for Re-Argument grew contained documentary evidence – i.e. receipt substantiating that the Petitioner did [pay] the required taxes to the Government of Liberia for the period up to 2024. Also, Petitioner submits that pages 216, 217, 218, 222, 223, 224, 228, 229 and 230 also contain the same tax payment receipts mentioned on pages 51, 52, 53, 57, 58, 59, 63, 64, and 65 of the transcribed records. Notwithstanding, Your Honors inadvertently overlooked the facts stated herein and held that the petitioner failed to pay taxes to the Government of Liberia for the period granted under the licenses; for which Your Honors confirmed the trial court's judgment revoking and/or terminating petitioner's licenses. Petitioner submits and says that this being palpable substantial mistake by inadvertently overlooking the facts and evidence mentioned herein, petitioner submits that re-argument will lie to correct the herein-mentioned palpable substantial mistake by Your Honor by inadvertently overlooking the facts contained herein.
5. Petitioner says further that Your Honors inadvertently overlooked the fact that the receipts submitted by the petitioner were receipts issued by the Liberia Revenue Authority (LRA), which is the institution of government clothed with the authority to issue receipts for funds deposited in the Government of Liberia Revenue Account, and that the Respondent/Ministry who had the right to produce rebuttal witnesses, did not produce a single rebuttal witness to challenge the authenticity of the Liberia Revenue Authority's issued receipt presented by the petitioner. Notwithstanding, Your Honors held that "no such payments were recorded, no receipts were found in the Ministry's Financial System and the appellant failed to rebut this accusation of the appellee with credible evidence such as authentic receipts issued by the appellee to the appellant confirming payment" ...Petitioners say that even if the petitioner had defaulted in making payments, the respondent was required under Section 9.14(c) of the

Mineral & Minig Law (2000) to give the petitioner a default notice and allow time for cure, but the respondent did not do so.

6. Petitioner says that the Trial Judge in his final judgment sustained petitioner's contention that it did carry out mining activities and operations directly incidental to mining activities but experienced some challenges with the NPA and Maritime which delayed its progression – i.e. the extraction of the ore... The respondent not having appeal from the final judgment of the lower court on the issue of force majeure as being the reason why the petitioner did not commence actual extraction of ore could not and should not have been an issue to be passed upon by the Supreme Court in the appeal out of which this instant petition evolved. Petitioner submits that Your Honors inadvertently overlooked the point of law that only issues raised in the Bill of Exceptions can be passed upon by the Supreme Court on appeal.
7. That Section 1.3 (dd) of the Act Adopting a New Mineral and Mining Laws of Liberia, approved on April 3, 2000, provides that "mine when use as a verb shall mean to intentionally extract or win materials and includes any operation directly or indirectly incidental thereto..." Petitioner says that during the trial, petitioner's witness, Ernest S. Meanseah, Sr. when asked what are the mining activities that the company has been carrying out, the witness responded: "mining development activities, the company first conducted the drilling activities on the site. After that, the company also conducted a topography survey that was required to know the land scape. The company also carried on leda survey, the leda survey permit[s] the engineer to be able to do the designing of the port facility. The company also carried out geotechnical drilling which has to do with drilling on shore in the water and also on the site where the processing plant after they have gotten a green light design from the National Port Authority and Mining. These were some of the activities carried out by the company. The company also carried out construction of school facilities...

8. That further to count seven (7) above, petitioner says that counsel for respondent on the cross-examination asked witness Ernest S. Meanseah, Sr. to drill through what he meant by mining development activities and the witness answer[ed]... Petitioner submits that this testimony of Ernest S. Meanseah, Sr. was never rebutted by the respondent.
9. That based upon the laws cited in count seven (7) above and the facts narrated in counts seven (7) and eight (8) above, the petitioner did carry out mining activities as contemplated by Section 1.3 (dd) of the Act Adopting a New Mineral and Mining Laws of 2000. Petitioner submits that Your Honors inadvertently overlooked the law and facts narrated in counts seven (7) and eight (8) above and concluded that the petitioner did not carry out mining activities for which Your Honors confirmed the trial court's judgment in consequence of which the petitioner has filed this petition for re-argument for Your Honors reconsideration of Your Honors' Opinion of February 13, 2026."

The respondent, in their returns, denied the allegations contained in the petition and contended that petitioner merely seeks to re-litigate issues already considered and passed upon by this Court. Respondent further argued that the evidence relied upon by petitioner was fully considered by the Court in its February 13, 2026 Opinion and that the petitioner failed to establish any palpable substantial mistake of fact or law warranting re-argument.

This Court has consistently held that a petition for re-argument is not intended to afford a disappointed litigant another opportunity to reargue the merits of a controversy already fully heard and decided. Rather, the petition lies only where the Court inadvertently overlooked some controlling fact or point of law which, if considered, would have produced a different result. *Kuyette et al v. Sirleaf et al., 30 LLR 507 (1983); Clarke v. Bethune, Supreme Court Opinion, March Term, A.D. 2021.*

Having reviewed the petition, returns, records, and the Opinion sought to be re-argued, and the relevant provisions of the Minerals and Mining Law of Liberia, this Court identifies the following dispositive issues:

1. Whether or not this Court overlooked material evidence and controlling provisions of the Minerals and Mining Law regarding petitioner's alleged payment of annual license fees and taxes? And

2. Whether or not this Court overlooked controlling provisions of the Minerals and Mining Law concerning mining operations, incidental mining activities, and force majeure?

We shall address these issues in the order presented.

As to the first issue, the petitioner contends that this Court overlooked documentary evidence of payment of taxes and annual license fees through receipts issued by the Liberia Revenue Authority. The petitioner further argues that under Section 9.14(c) of the Minerals and Mining Law, the respondents were required to issue a notice of default and allow opportunity to cure prior to revocation.

It is important to note that section 9.14(c) of the Minerals and Mining Law (2000), referenced by the petitioner, is just one (1) of four (4) grounds under which mineral rights may be terminated or revoked by the government. The provision (section 9.14(c)) provides that mineral rights may be terminated by Government "where violation by the Operator of a material provision of this Law or the Regulations, or of the terms of a Mineral Development Agreement, and/or the failure to cure any such material violation within sixty (60) days after notice, or such longer period as the Minister may allow."

While the petitioner argues that absent statutory notice and opportunity to cure, revocation of its licenses was unlawful; the records before us reveal that the revocation proceedings were not predicated solely upon alleged non-payment of annual fees. Rather, the proceedings involved multiple statutory violations including failure to commence and maintain mining operations as required under the Minerals and Mining Law which will be addressed subsequently. The Opinion of *Notre Dame Investment Liberia, Ltd. v. The Ministry of Mines and Energy, Republic of Liberia* as delivered on February 13, 2026 by our distinguished colleague, Mr. Chief Justice

Gbeisay, to which this petition for re-argument emanates, expressly addressed petitioner's receipts and documentary evidence and found that said receipts were unsupported by corresponding records within the Ministry's Financial System, and insufficient to establish petitioner's full statutory compliance. We quote herein pertinent excerpts of the Opinion:

> "...The appellant has argued that it paid the said money; however, no such payments were recorded, no receipts were found in the Ministry's Financial System and the appellant failed to rebut this accusation of the appellee with credible evidence such as authentic receipts issued by the appellee to the appellant confirming payment.
>
> The records show that while the appellant presented evidence of certain payments and reports, it did not sufficiently establish full compliance with all statutory obligations, particularly in light of the Ministry's findings.
>
> The appellant having failed to pay the required annual fees for the licenses it held, was a violation of the law by the appellant and the appellee was right in revoking the said licenses and the appellant's argument of force majeure is untenable and we hold same."

Evidently and contrary to counts 4 & 5 of the petitioner's petition, this Court did not make a palpable substantial mistake by inadvertently overlooking a fact or point of law relating to the petitioner's allegation of payments. This Court still holds that the petitioner presented evidence of certain payments and reports but it did not sufficiently establish full compliance with all statutory obligations, particularly in light of the Ministry's findings that showed that no such payments were recorded, no receipts were found in the Ministry's Financial System to which allegation the petitioner failed to rebut with credible evidence such as authentic receipts issued by the respondent to the petitioner confirming payment. Again, we reaffirm that under our Civil Procedure Law, the burden rests upon the party asserting payment to prove same by a preponderance of the evidence. Civil Procedure Law Rev. Code 1:25.5(2).

While petitioner argues that the receipts originated from the Liberia Revenue Authority, the issue before the Court was not merely whether receipts existed, but whether petitioner established full compliance with its statutory payment obligations attached to the licenses. The hearing officer found that petitioner failed to do so; the trial court affirmed said finding; and this Court previously determined that petitioner failed to rebut the Ministry's findings with competent and credible evidence.

We therefore hold that the petitioner has failed to establish that this Court overlooked any controlling fact or provision of law concerning petitioner's payment obligations under the Minerals and Mining Law (2000).

We now address the second issue concerning the petitioner's alleged mining activities and force majeure. Petitioner contends that the trial judge sustained petitioner's contention that it carried out mining activities directly incidental to mining but experienced operational challenges involving the National Port Authority and Maritime authorities which delayed extraction activities. Petitioner further argues that this Court overlooked Section 1.3(dd) of the Minerals and Mining Law (2000) defining mining activities, and which provides that "Mine" when used as a verb shall mean to intentionally extract or win materials and includes any operation directly or indirectly incidental thereto." The petitioner relies upon this statutory definition together with testimony regarding drilling activities, topographical surveys, geotechnical work, engineering studies, and infrastructure development to argue that it carried out mining operations contemplated by law.

This Court says no.

While Section 1.3(dd) broadly defines mining activities to include operations incidental thereto, said provision cannot be read in isolation. It must be read together with Section 9.14(b) of the Minerals and Mining Law which serves as an additional ground for the revocation of mineral rights, in an instance "...where the Operator shall fail to carry out Exploration in accordance with a proposed Exploration plan, cease Exploration for a period of twelve consecutive months when subject to an Exploration License, cease Mining for a period of twelve (12) consecutive months when subject to a Class "B" Mining License... unless any such failure or cessation is consented to by Government or is caused by force majeure." Furthermore, Section 6.4 of the Minerals and Mining Law (2000) governing Class "B" Mining Licenses provides that holders of such licenses may conduct mining operations subject to statutory operational requirements.

The records reveal that the hearing officer found that the petitioner failed to commence actual extraction and sustain mining operations within the statutory period required under the law. The trial court affirmed said findings, and this Court previously determined that said findings were supported by substantial evidence. The testimony concerning drilling, surveys, engineering studies, and infrastructure preparation was fully considered by this Court in its entirety in the February 13, 2026 Opinion.

Contrary to allegations contained from counts 6 to 9 of the petitioner's petition, this Court determined that such preparatory and incidental activities did not amount to sustained mining operations sufficient to defeat revocation under Section 9.14(b) of the Minerals and Mining Law (2000). Petitioner further contends that governmental impediments involving the National Port Authority and Maritime authorities constituted force majeure excusing non-performance. Section 9.21 of the Minerals and Mining Law (2000) defines force majeure as "Acts of God, accidents, wars, acts of war, invasions, acts of public enemies, hostilities (whether war is declared or not), restrictions on trade or other activities of the Holder imposed by any sovereign nation or state, embargoes, blockades, revolutions, riots, civil commotions, sabotage, strikes and/or other industrial, labor or employer-employee disputes...and any similar cause, provided any such cause was not within the reasonable control of the party claiming suspension and could not have been avoided or overcome by such party through the exercise of due diligence." The Court notes that force majeure under the statute contemplates extraordinary events beyond the reasonable control of the operator. The hearing officer and lower court found that petitioner failed to establish that the alleged operational difficulties involving the National Port Authority and Maritime authorities legally excused petitioner's prolonged failure to commence actual mining operations. Moreover, petitioner itself placed the issue of force majeure squarely before the administrative agency, the trial court, and this Court on appeal. Judicial review of administrative proceedings is limited in scope. Hence, petitioner cannot now contend that this Court was precluded from addressing said issue.

After careful review of the petition, records, statutes, and the Opinion sought to be re-argued, we find that the petitioner merely seeks reconsideration of evidentiary findings and legal conclusions already fully reviewed and determined by this Court.

This is not the office of a petition for re-argument under Rule IX, Part 1 of the Revised Rules of the Supreme Court.

WHEREFORE AND IN VIEW OF THE FOREGOING, the petition for re-argument is hereby denied and 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 over this case and give effect to this Court's Judgment of February 13, 2026. AND IT IS HEREBY SO ORDERED.

When this case was called for hearing, Counsellors J. Johnny Momoh and M. Wilkins Wright appeared for the petitioner. Counsellors Augustine C. Fayiah (Solicitor General, R.L.), Isaac B. Williams, and Eugene Lamie Massaquoi appeared for the respondent.