IN THE HIGH COURT OF SIERRA LEONE

COMMERCIAL AND ADMIRALTY DIVISION

FAST TRACK COMMERCIAL COURT

OFF WALLACE JOHNSON STREET-GOVERNMENT WHARF

FTCC 077/15

BETWEEN

LIDON BVC -PLAINTIFFS

AND

GOLDEN CENTURY -DEFENDANTS

DIMITRY PORTNOV

LORA GOLDEN WINGS (SL) LTD

ROCSCOLANA LTD

STYLE RESEARCH LTD

REPRESENTATION:

YADA WILLIAMS & ASSOCIATES SOLICITORS FOR THE PLAINTIFFS

MOHAMED P. FOFANAH ESQ. SOLICITORS FOR THE 2nd 3rd and 4th DEFENDANTS

BEFORE THE HON. MR. JUSTICE SENGU M. KOROMA J. RULING

DELIVERED ON THE 8TH APRIL, 2016

1. The Plaintiffs/Applicants filed a Notice of Motion dated the 16th March, 2016 seeking certain reliefs as a result of the Order of this Court dated 4th March, 2016.

2. Before Counsel for the Applicants could move his Motion, Counsel for the 3rd, 4th and 5th Respondents raised a preliminary objection in the following words "our preliminary objection is premised on the fact that there is a Ruling or Order of this Court disqualifying the Firm of Yada Williams and Associates from acting as Solicitors and Counsel for the Plaintiffs/Applicants in this action". The present application is thus a direct violation or contravention of the said Order and is by virtue of Order 51 Rule 1 sub rule 2 (a) (i) and Rule 5 of the High Court Rules, 2007 in contempt of the said Order of Court."

3. Counsel for the Applicants in his reply submitted that the Ruling of this Court dated 4th March, 2016 impugned the conduct of Counsel and Solicitors for the Applicants and so apart from the interest of the client, Solicitors of the firm of Yada Williams and Associates have a vested a more paramount interest in the present application. Counsel for the Applicant further argued that the present application was not against Lora Golden Wings and its interests. He concluded that the situation would have been different had the Respondents instituted a separate action against the firm of Yada Williams and Associates.

4. Counsel for the Applicants did not argue the allegation of contempt raised by the Counsel for the 2nd, 3rd and 4th Respondents as it would not apply in this case.

5. Counsel for the 2nd, 3rd and 5th Respondents in reply, submitted that the parties to the action have not changed and the firm is not a party.

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6. On the issue of procedure, Counsel for the 2nd, 3rd and 4th Respondents submitted that the Applicants have already submitted to the jurisdiction thereby waiving their rights, if any.

7. Before delving into the merits of the preliminary objection, I would want to comment that from the objection raised and the response thereto, Counsel on both sides seem to have completely misunderstood the Ruling dated 4th March, 2016. That Ruling related to issues of administration of justice-that is, the supervisory powers of the Court over litigation and not misconduct of Solicitors. The Legal Practitioners Code of Conduct does not apply. In a similar vein, the disqualification relates to the matter FTCC 077/15 No 108 and the 3rd Defendant therein. To that extent, it is my view that the Ruling was not made per in curiam. I shall however treat this issue in detail at the hearing of the substantive application.

8. The present application is for the purpose of granting leave to appeal, amongst others to the Court of Appeal from a Ruling disqualifying the solicitors for the Applicants herein from acting as Solicitors and Counsel. It is in no way in pursuing the claims made in the statement of claim filed in this matter. The said Solicitors and Counsel have not been denied a right of audience in this Court nor indeed in any other Court. They have not instituted a fresh action against Lora Golden Wings after the Order of this Court dated the 4th March, 2016. What they are trying to do here is to seek leave to appeal against an Order disqualifying them from acting for and on behalf of their clients. I believe it is their right to make the application, without prejudice to the merits of same.

9. I disagree with Counsel for the 2nd, 3rd and 4th Respondents that the Applicants by filing this application are in contempt. Pursuit of a legal remedy as a result of

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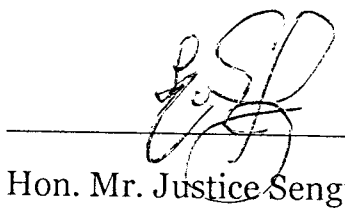
the existence of a legal right does not amount to contempt. Contempt of Court is based not on any exaggerated notion of the dignity of individuals be they Judges, witnesses or others but on the duty of preventing any attempt to interfere with the administration of justice- See ATTORNEY-GENERAL –V-TIMES NEWSPAPER LTD (1991) 2 WLR. 994 (HOUSE OF LORDS). This word has been much misused by most Counsel either as a way of wining the Court to their side or perhaps even ridiculing the Bench. Words such as "contempt", "disobey", "disrespect" have been used so extravagantly that I am tempted to conclude that they are actually directed at the Bench by Counsel making the allegation and not the other way round.

10. I would at this point warn all Counsel using this Court that the next time these serious words are used frivolously; the alleging Counsel himself will be cited for contempt.

11. Based on the foregoing, the preliminary objection is hereby overruled. Counsel for the Applicant may move their application.



Hon. Mr. Justice Sengu Koroma J.

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