

FORM 1
GENERAL FORM OF WRIT OF SUMMONS
ORDER 2 RULE 2(5)

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY ABUJA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

SUIT NO: CV/3964/24.

BETWEEN:

MR. JUDE OBIORA EZEObI

CLAIMANT

AND

1. KUBWA EXPRESS
2. FELIX CHUKWUMA ASHIMOLE

DEFENDANTS

TO:

1. KUBWA EXPRESS of:
info@kubwaexpress.com; Mobile Phone number: +234 803 391 6133
2. MR. FELIX CHUKWUMA ASHIMOLE of:
Suite A29, Abraham Plaza, Utako, Abuja

You are hereby commanded that within fourteen days after the service of this writ on you, inclusive of the day of such service. You do cause an appearance to be entered for you in an action at the suit of Claimant and take notice that in default the claimant may proceed, and judgment may be given in your absence.

TAKE FURTHER NOTICE that parties shall maintain status quo.

Dated this Day of 2024

Registrar

MEMORANDUM TO BE SUBSCRIBED ON THE WRIT.

NB:

This writ is to be served within three calendar months from the date of issuance, or if renewed, within three calendar months from the date of the last renewal, including the day of such date and not afterwards.

The defendants may enter appearance personally or by legal practitioner either by handling in the appropriate forms, duly completed, at the Registry of the High Court of the Federal Capital Territory, Abuja in which the action is brought or by registered post to the registry.


Endorsements to be made on the writ before issue:

The Claimant's claim against the defendants is as follows:

- a. *The Sum of One Billion Naira as damages against the Defendants, jointly and severally for libel by publication.*
- b. *A Perpetual Injunction restraining the Defendants, their, servants, privies, howsoever called, from further publication of such false and injurious statements or similar false and injurious statements on any platform whatsoever and to any third persons whatsoever;*
- c. *An Apology to the Claimant and published on the 2nd Defendant as well as two other publications circulating widely worldwide both online and terrestrially;*
- d. *Such further or other Orders as the Honourable Court may deem fit to make in the peculiar aggravated circumstances of this case.*

This writ was issued by BJ Awe Esq. FIMC, FERP, FIPMA, CMC, ACIS, CIPMA, CTA, CCA, whose address for service is Suite 001, 4th Floor, Kojo Motors House, Mabushi (by VIO Office) FCT, Abuja, Legal Practitioner for the within-named Claimant

DATED THE 6TH DAY OF SEPTEMBER 2024


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BJ Awe Esq. FIMC, FERP, FIPMA, CMC, MCarb., ACIS, CIPMA, CTA, CCA
Claimant's Counsel
Messrs. Litigation Associates
Suite 001, 4th Floor
Kojo Motors House, Mabushi, FCT, Abuja

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DEFENDANTS

STATEMENT OF CLAIM

1. The Claimant is a Legal Practitioner of nearly two decades post-call years and of good standing at the Nigerian Bar.
2. The Claimant is a hardworking, diligent Legal practitioner who comes from a family of highly reputable legal practitioners, as a matter of fact, his late father, the Late Chief Theodore Ezeobi was a Senior Advocate of Nigeria (SAN) who distinguished himself in Legal Practice and society in General, while his four other siblings, are all also Legal Practitioners and his only brother has been elevated to the rank of Senior Advocate of Nigeria.
3. The Claimant practices Law in the Federal Capital Territory where he has so distinguished himself that he has earned several awards, been nominated to various Bar committees. He last served as a Member of the Bar Committee on the Judiciary and has represented the Court of Appeal in Litigation.
4. The Claimant is also the Class president of his Law School Class, that is the Nigeria Law School, Kano Campus, Class of November 2007.
5. All the above duties and positions held by the Claimant put him directly in the public eye and any negative publication about him, as done by the Defendants immediately put his reputation and character in issue.
6. The 1st Defendant is an online news platform which is quite popular and circulates widely on the internet with access to all and sundry all over the world.

7. The 2nd Defendant is a Legal Practitioner and publisher of the 1st Defendant. The 2nd Defendant actually published or caused to be published the statement, subject matter of this suit.
8. Sometime on or about the **21st day of August 2024**, the Claimant was sitting in his office making final preparations for attendance at the Nigerian Bar Association Conference 2024 when suddenly calls and text messages started to flood his mobile telephone.
9. The aforesaid calls and messages were from friends and associates both within and outside Nigeria, and referred the Claimant to a link which the Claimant proceeded to open and saw alarming statements published by the Defendants referring to the Claimant in words that clearly meant that the Claimant had conducted himself in a fraudulent manner.
10. That the first call received by the Claimant was from a friend and colleague, one Mr. Allen Okpor Oyenike, a professional colleague who had called to express shock and disappointment at the Claimant for according to said friend and colleague, "stooping so low", and immediately cut off the call without waiting for an explanation.
11. This call was followed shortly thereafter by another colleague, Mr. Paschal Nnaji who expressed shock and confusion at the implications of such terrible statements which he had seen in various WhatsApp platforms that he belonged to.
12. Another acquaintance of the Claimant, a non-lawyer, one Chief Uche Okereke also reached out to the Claimant to verify the truth or otherwise of the Publication which he described as scandalous and advised the Claimant to take steps to resolve whatever issues had caused the publication given the far-reaching negative implications of such words on the character of the Claimant.
13. The Claimant was also contacted by yet other persons like Mr. Arinze Mark Agbim who lives overseas, but who had also read the publication and understood same to mean that the Claimant was a dishonest person. This particularly alarmed the Claimant as it confirmed how swiftly and broadly the false and injurious publication of the Defendants had spread.

14. A senior colleague, Mr. Shofola Osho who resides in the Federal Capital Territory, Abuja also called to express his alarm at the brazenness of the publication in issue, and was honest enough to express that since the 2nd Defendant was a well-known legal practitioner, it definitely appeared to him that the words published had elements of truth as a legal practitioner would not so carelessly publish such injurious words against a senior legal practitioner unless they were true.

15. When the Claimant accessed the publication of the Defendants, the Claimant was confronted with the following alarming words made in reference to him:

"The family of Ulonna Inyama, the Registrar of Wigwe University, who passed away in Abuja, in July has advised her friends and associates against dealing with one Mr. Jude Obiora Ezeobi ...

The family is shocked and scandalized that Mr. Ezeobi and his "Committee of Friends" has formed a condolence WhatsApp Group aimed at soliciting support from unsuspecting sympathizers towards Ulonna's burial"

16. That worse still, at about 6pm that same 21st of August 2024, Professor. Chidi Anslem Odinkalu, a very highly revered senior legal practitioner who was also the former Director General of the National Human Rights Commission was so convinced of the truth of the publication that he also shared the publication on his 'X' (formerly twitter) handle (a personal online information page) having thousands of followers who read the revered professor's various communications avidly, further accelerating the spread of the false statements aforesaid. A screen-grab of the statement posted on Professor Odinkalu's X handle shall be relied upon at trial.

17. That the words quoted verbatim above were also published by the Defendants, particularly the 2nd Defendant on a WhatsApp forum where distinguished legal practitioners numbering well over 500 gather, and which the Claimant is also a member of, with the malicious intent to further and more directly bring the name and reputation of the Claimant to opprobrium.

18. That the words quoted verbatim above, which were published by the Defendants in reference to the Claimant are false, maliciously and mischievously published with the intent of bringing the character of the Claimant to injury and disrepute. A copy of the publication shall be relied upon at trial.

19. That when the Claimant saw the publication, the Claimant immediately published a counter-statement on the aforesaid WhatsApp Group known as The Law Centre, and also reached out to the 2nd Defendant, who is also a legal practitioner to protest the false and injurious publication and demand that same be taken down. The Defendants' publication on the aforesaid Law Centre forum as well as the Claimant's counter-statement shall be relied upon at trial.
20. The Claimant explained to the Defendant that it was very inappropriate for the 2nd Defendant as a Legal Practitioner and contrary to the ethical requirement of journalism to publish any material which portray any person in bad light as true and correct without first verifying the truth of the material and giving the person or entity to be affected by such publication an opportunity to either deny or explain himself.
21. The 2nd Defendant was however very arrogant and absolutely unwilling to retract the statement he had published/caused to be published in the 1st Defendant and the aforesaid Law Centre. As a matter of fact, the 2nd Defendant arrogantly claimed to have information against the Claimant with which, as he put it, he would 'bury' the Claimant. Messages showing the conversation between the Claimant and the 2nd Defendant shall be relied upon at trial.
22. Concerned about the attitude of the 2nd Defendant even in the face of being confronted with the absolute falsity of his publication and the attendant injury to the Claimant's reputation by same, the Claimant filed a petition with the Nigeria Police. The Petition shall be relied upon at trial.
23. The Claimant avers that the false publication by the Defendants to which the Defendants also attached the Claimant's image to emphasize the party to whom the publication refers have caused the Claimant great distress and embarrassment and lowered the estimation of the Claimant in the eyes of the general public, as the words in their ordinary meaning portray the Claimant as a heartless and dishonest man seeking to profit from the bereavement of his late ex-wife.
24. The acts of the Defendant have also caused the Claimant significant financial loss, as the Claimant has been put to the expense of publishing counter-statements on national newspapers to salvage the injury to his reputation.

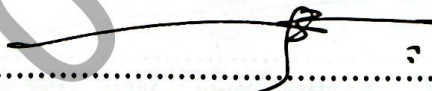
25. The Claimant avers that at no time whatsoever did he set up any Condolence WhatsApp Group, whatsoever and has never solicited for support in any form, from sympathizers or any party howsoever called, towards the burial of the Late Ulonna Inyama.

26. As a matter of fact, on the 30th of August 2024, the Defendants published a retraction and apology wherein they categorically admitted that the Claimant had never solicited for nor caused any person to solicit for funds towards the burial of Ulonna Inyama nor for any other purposes whatsoever. This retraction and apology is hereby pleaded and shall be relied upon at the trial of this suit.

27. Whereof the Claimant claims from the Defendants as follows:

- a. *The Sum of One Billion Naira as damages against the Defendants, jointly and severally for libel by publication.*
- b. *A Perpetual Injunction restraining the Defendants, their, servants, privies, howsoever called, from further publication of such false and injurious statements or similar false and injurious statements on any platform whatsoever and to any third persons whatsoever;*
- c. *An Apology to the Claimant and published on the 2nd Defendant as well as two other publications circulating widely worldwide both online and terrestrially;*
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DATED THE 6TH DAY OF SEPTEMBER 2024


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