

ORIGINATING APPLICATION in respect of allegations against a Legal Practitioner.

Number BB/LPDC/1443/2024

IN THE MATTER OF THE LEGAL PRACTITIONERS ACT 2004

1. JOHN AIKPOKPO-MARTINS
2. FUNMI ADEOGUN

} APPLICANTS

(For themselves and on behalf of the members of the Nigerian Bar Association Section on Public Interest and Development Law (NBA-SPIDEL))

AND

YAKUBU CHONOKO MAIKYAU, SAN

} RESPONDENT

We, John Aikpokpo - Martins and Funmi Adeogun, legal practitioners and the chairman and secretary respectively of the Nigerian Bar Association, Section on Public Interest and Development Law do apply on behalf of themselves and members of the Nigerian Bar Association Section on Public Interest and Development Law that **Yakubu Chonoko Maikyau, SAN** presently of NBA House, Central Area, Abuja be required to answer to the allegations contained in the Statement/Affidavit which accompanies this Application and that such Order be made as the Committee shall think right.

Dated this 14th day of Aug, 2024

SIGNED by:

John Aikpokpo-Martins Esq.
NO. 106, Airport Road,
by Moms Civic Centre,
Warri.
08023063841
E-mail: omisessy@yahoo.com



Funmi Adeogun
c/o., NO. 106, Airport Road,



by Moms Civic Centre,
Warri.

Address for service on;
The Respondent;
C/O NBA House,
Plot 1101, Cadastral Zone,
Central Business District,
Abuja.
08033114171

FORM OF NOTICE to accompany Statement of Evidence
FORM OF ORIGINATING APPLICATION in respect of allegations against a
Legal Practitioner

Number RR/LPDC/1443/2024

IN THE MATTER OF THE LEGAL PRACTITIONERS ACT 2004

1. **JOHN AIKPOKPO-MARTINS** } **APPLICANTS**
2. **FUNMI ADEOGUN**

(For themselves and on behalf of the members
of the Nigerian Bar Association Section on Public
Interest and Development Law (NBA-SPIDEL))

AND

YAKUBU CHONOKO MAIKYAU, SAN } **RESPONDENT**

TAKE NOTICE that the Applicants propose to rely upon the
Statement(s)/Affidavit of Facts and accompanying documents on oath listed
below, copies of which are served herewith.

If you wish any person who has made one of these statements to be required to
attend the hearing as a witness you must, not less than 9 days before the date
set down for the hearing of the application, notify me and the Secretary to the
Committee to that effect. In the event of your failure to do so, the Committee
may accept the Statement/Affidavit in question in evidence without more.

LIST

Date of Statement

**Name of Person who made
the Statement/Affidavit**

1. 14th, August, 2024

John Aikpokpo Martins Esq.

Dated this 14th August, 2024




John Aikpokpo-Martins Esq.
(for & on behalf of the Applicants)
NO. 106, Airport Road,

by Moms Civic Centre,
Warri.

08023063841

E-mail: omisessy@yahoo.com

 August, 2024.

The Chairman,
Legal Practitioners' Disciplinary Committee
No. 31 Lake Chad Crescent
Maitama, Abuja.

Dear Sir,

PETITION AGAINST YAKUBU CHONOKO MAIKYAU, SAN, A NIGERIAN LAWYER DULY CALLED TO THE NIGERIAN BAR WITH HIS NAME ON THE ROLL OF LAWYERS KEPT IN THE SUPREME COURT FOR THE VIOLATION OF THE EXTANT RULES OF PROFESSIONAL CONDUCT FOR LEGAL PRACTITIONERS PARTICULARLY RULE 1 AND 30 OF THE SAID RULES BY DISOBEYING VALID COURT ORDERS AND DISRESPECTING THE PRINCIPLES OF LIS PENDENS IN PENDING CASES.

The 1st Applicant's name is **John Aikpokpo-Martins Esq.** He is a legal practitioner. He is *the immediate past 1st Vice President of the Nigerian Bar Association and the duly elected chairman of the Nigerian Bar Association Section on Public Interest and Development Law (NBA-SPIDEL).*

The 2nd Applicant's name is **Funmi Adeogun. She** is a legal practitioner. She is *a past vice chairman of the Nigerian Bar Association and the duly elected secretary of the Nigerian Bar Association Section on Public Interest and Development Law (NBA-SPIDEL).*

We make this petition on behalf of ourselves and the members of the Nigerian Bar Association Section on Public Interest and Development Law (hereinafter simply referred to as SPIDEL) and on their behest and firm authority.

STATEMENT OF FACTS

Yakubu Chonoko Maikyau, SAN., against whom this petition is written, is a legal practitioner duly called to the Nigerian Bar with his name on the roll of lawyers kept at the Supreme Court. He is a senior advocate and the current President of the Nigerian Bar Association (hereinafter simply referred to as the NBA) and is therefore expected to exhibit and maintain a very high standard of conduct, professionalism, respect for the integrity of court and the judicial process when discharging his duties and responsibilities to the Nigeria Bar Association, the legal profession and members of the general public.

The Nigerian Bar Association Section on Public Interest and Development Law (NBA-SPIDEL) is one of the three sections of the Nigerian Bar Association (NBA). The mandate of NBA-SPIDEL is to promote the rule of law, defend the rights of the people, and intervene in matters of public interest that affect the Nigerian people.

The NBA-SPIDEL is mandated to ensure that the actions of government and its agencies conform with the rule of law. The NBA-SPIDEL aims to promote development, advance human rights, and safeguard the public interest.

On its part, the NBA is the leading civil society organization in Nigeria. The motto of the NBA is "promoting the rule of law." The NBA relies on NBA-SPIDEL to discharge its public interest mandate in particular.

Mr. Yakubu Chonoko Maikyau, SAN (hereinafter simply referred to as the Respondent) the subject of this petition, being a legal practitioner, a Senior Advocate of Nigeria, and the current President of the Nigerian Bar Association (NBA) is reasonably expected to be guided by respect for the rule of law. Mr. Yakubu Chonoko Maikyau, SAN is expected to exhibit and maintain a very high standard of conduct, professionalism, and respect for the integrity of Nigeria's courts and the judicial process.

The Respondent has by his actions while discharging his duties as the President of the NBA and also as a legal practitioner has brought the profession into ridicule and has infringed on the provision of the Rules of Professional Conduct and we hereby petition the very esteem body to investigate the Respondent and if found wanting to discipline him as this body may find appropriate.

GROUND OF THE PETITION.

1. That the Respondent does not promote or uphold the rule of law nor is he guided by the rule of law or respect for laws, rules, due process and procedures in the discharge of his duties as the President of the Nigerian Bar Association. He has not promoted the cause of justice, maintain a high standard of professional conduct and has engaged in conducts unbecoming of a legal practitioner.
2. That the Respondent is a serial violator of court orders and the settled legal principle of *lis pendens*.
3. That the Respondent on the 29th day of February, 2024 willfully disobeyed an order of a Delta State High Court not to tamper with the subject matter of a pending application for injunction in **Suit No. HOR/13/2024: ECHEHO GODFREY vs YAKUBU MAIKYAU, SAN & 2 ORS.**

4. That the Respondent unlawfully caused Ten Million Naira (N10,000,000) to be withdrawn from the account of SPIDEL while **Suit NO. EHC/40/2024: JOHN AIKPOKPO-MARTINS v YAKUBU MAIKYAU & 2 ORS** and **Suit No. W/128/2024: JOHN AIKPOKPO-MARTINS V BEN OJI & ANOR** were pending at the Delta State High Court. Whereas, the account being the property of SPIDEL forms part of the subject matter in the pending said cases.
5. That on 9th July, 2024, the **Delta State High Court in Suit No. W/128/2024: John Aikpokpo-Martins v Ben Oji & Anor** granted an order postponing the "NBA-SPIDEL 2024 Annual Conference" indefinitely and restrained the NBA (of which the Respondent is the President and the controlling mind), their appointees, staff, agents, privies, or anyone taking authority or instructions from him and the NBA with regard to the organizing and holding of any such conference on the 18th of July, 2024 pending the hearing of the Motion on Notice for interlocutory injunction. The motion for interlocutory injunction was adjourned to the 16th and 30th of July, 2024 for hearing.
6. That the Respondent was served with Form 48 (Notice of consequences of disobedience of the order of court) and the said Order of the Honourable Court as the President of the NBA, the 2nd defendant in the case.
7. That on the 16th July, 2024, Mr. Ama Etuwewe, SAN, on the instructions of Mr. Yakubu Maikyau, SAN, represented the Nigerian Bar Association in the proceedings. The Delta State High Court confirmed - with the consent of the parties and their counsel - that the aforementioned order of court made on the 9th of July, 2024 was still in force. Effectively, NBA's attempt to arrest the interim order failed, as the court restated in unmistakable terms that its interim order of 9th July, 2024 was still in force until the next adjourned date of 30th July 2024.
8. That by virtue of the filing of processes on behalf of the NBA and their legal representation by Mr. Ama Etuwewe, SAN in court on 16th July, 2024, the Respondent being President of the Nigerian Bar Association, the 2nd defendant in the said suit, became fully seised of the said order of the Delta State High Court restraining the NBA from holding or organizing the purported NBA-SPIDEL Annual Conference.
9. That notwithstanding the said order of the Delta State High Court postponing the so-called annual conference and restraining the NBA from holding the conference, the Respondent proceeded to host and organize the said event on the 18th of July, 2024, to the shock of all legal practitioners and members of the public.
10. That consequent to the above, FORM 49 which is an application to commit the Respondent to prison for disobedience of court order was filed

and also supported by affidavit of facts. An application for committal to prison of the Respondent and others was also filed and currently pending before the Delta State High Court, Warri in Suit No. W/128/2024: John Aikpokpo-Martins, v Ben Oji & the NBA.

11. That Yakubu C. Maikyau, on the 28th day of July, 2024 personally deposed on oath to an affidavit, which said affidavit is attached in support of the motion for recusal and transfer of Suit No. W/128/2024: John Aikpokpo-Martins v Ben Oji & Anor. In the said affidavit, the Respondent admitted that he was informed by his counsel, Ama Etuwewe, SAN and Ben Oji of the proceedings of the 16th of July, 2024 and the subsisting Order of Court restraining the NBA and himself from proceeding with the SPIDEL 2024 Annual Conference on the 18th day of July, 2024.
12. That the Respondent admitted by the said affidavit sworn on oath that he had knowledge of the order of the Delta State High Court. Still he, proceeded to hold a so-called SPIDEL 2024 Annual Conference on the 18th of July, 2024 in total disobedience and disregard for the said order of the Delta State High Court.
13. Consequent upon the show of shame, sheer arrogance, bravado and disdain for the rule of law, contemptuous disrespect for the orders of courts, and disregard for the rules of professional conduct, the Executive Committee of SPIDEL resolutely resolved to refer this matter to this most distinguished Body for necessary action and in furtherance of the mandate of NBA-SPIDEL. Accompanying this petition are copies of my affidavit of fact with exhibits annexed in support of the petition.

PRAYER

We respectfully urge the Legal Practitioners; Disciplinary Committee to immediately commence the disciplinary process and prosecute **Yakubu Chonoko Maikyau, SAN** for the violation of the provisions of the Rules of Professional Conduct to with:

1. For failure and refusal to uphold and observe the rule of law, promote and foster the cause of justice, maintain a high standard of professional conduct, and for engaging in conducts unbecoming of a legal practitioner.
2. For conducting himself in a manner that obstructed and adversely affected the administration of justice in Suit No. HOR/13/2024 and Suit No. W/128/2024.

We hopefully look forward to your quick consideration of this Petition.

Yours respectfully,



John Aikpokpo - Martins Esq.
08023063841
E-mail: omisessy@yahoo.com



Funmi Adeogun
c/o., NO. 106, Airport Road,
by Moms Civic Centre,
Warri.

Address for service on the Respondent;
NBA House, Plot 1101, Cadastral Zone
Central Business District,
Abuja

IN THE FEDERAL HIGH COURT OF NIGERIA

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ABUJA

**AFFIDAVIT OF FACTS IN RE: THE PETITION AGAINST YAKUBU CHONOKO
MAIKYAU, SAN.**

I, John Aikpokpo-Martins, male, Christian, Nigerian, Legal Practitioner of No. 106, Airport Road, Warri, Delta State, do hereby make oath and state as follows:

1. That I am the immediate past 1st Vice President of the Nigerian Bar Association (hereinafter referred to simply as the **NBA**) and the Chairman Nigerian Bar Association Section on Public Interest and Development Law and I have the consent, authority, concurrence and directive of the members of Executive Committee and the General Meeting of the Nigerian Bar Association Section on Public Interest and Development Law (hereinafter simply referred to as **SPIDEL**) and the 2nd Applicant to petition the Respondent on to the very distinguished Legal Practitioners' Disciplinary Committee (hereinafter simply referred to as **the LPDC**) for acts bordering on professional misconduct; acts unbecoming of a legal practitioner and/or for infamous conduct..
2. That I am conversant with the facts of this matter and has the authority of the 2nd Applicant to deposed to this affidavit.
3. That MR. Yakubu Chonoko Maikyau, SAN (hereinafter simply referred to as the Respondent) is not a promoter nor does he uphold the rule of law. He is not guided by the rule of law or respect for laws, rules, due process and procedures as a legal practitioner.
4. That the Respondent is a serial violator of court orders and has no respect for the settled legal principle of lis pendens.
5. That the Respondent unlawfully caused Ten Million Naira (N10,000,000) to be withdrawn from the account of SPIDEL while **Suit NO. EHC/40/2024: JOHN AIKPOKPO-MARTINS v YAKUBU MAIKYAU & 2 ORS** and **Suit No. W/128/2024: JOHN AIKPOKPO-MARTINS V BEN OJI & ANOR** were pending at the Delta State High Court.
6. That sometimes in February 2024, the Respondent acting as the President of the Nigerian Bar Association and contrary to the provisions of the NBA Constitution, purportedly suspended the activities of NBA-SPIDEL in a

brazen attempt to scuttle the public interest cases instituted by the duly elected NBA-SPIDEL Governing Executive Committee.

7. That one Godfrey Echeho, a concerned NBA-SPIDEL member, instituted **Suit No. HOR/13/2024: Echeho Godfrey v Yakubu Maikyau, SAN & 2 Ors** before the Delta State High Court, sitting at Orerokpe to determine the legality or otherwise of the said suspension above-referred to.
8. That the Honourable court in the course of hearing the said case, on the 22nd February, 2024 made an order for the Respondent and the NBA to show cause why the application of the claimant to restrain him and the NBA from suspending and/or dissolving the leadership of NBA-SPIDEL at the NBA National Executive Council (NBA-NEC) meeting to be held in Jos, Plateau State, Nigeria should not be granted. **Attached herewith is a copy of the certified true copy of the order of the Delta State High Court, Orerokpe marked as exhibit "SPIDEL 1".**
9. That the said Writ of Summons, Statement of Claim, accompanying processes, Motion for Interim Injunction, the order of the court to show cause, among others were served on the Respondent herein and the Nigerian Bar Association BEFORE the National Executive Meeting of the NBA (NBA-NEC) was held on 29th February, 2024 in Jos, Plateau State of Nigeria.
10. That in the course of the said NEC meeting in Jos on 29th February, 2024, the NBA General Secretary, Mr. Adesina Adegbite informed NBA-NEC of the service on the Association of the processes in the said Suit No. HOR/13/2024, including the said order of court to show cause why an interim order should not be granted.
11. That Mr. Adesina Adegbite further cautioned the Respondent not to proceed with the discussion on the issue as the matter was subjudice and there is a pending interlocutory motion and order to show cause. Sadly, the Respondent (who was presiding) shouted Mr. Adesina Adegbite down.
12. The NBA General Secretary, Mr. Adesina Adegbite also informed the Respondent of a NOTICE OF MOTION FOR RECUSAL filed before NBA-NEC concerning the dispute between the Respondent and SPIDE. The processes sought to refer the dispute to a mediation committee and for Mr. Yakubu Chonoko Maikyau, SAN to recuse himself from presiding over the said issue at the meeting being an interested party to the dispute.
13. In spite of the above facts, the Respondent totally disregarded the pending processes and the admonition of the General Secretary. He proceeded not only to preside over the NBA-NEC meeting but actively supervised the purported dissolution of the elected Executive Committee of SPIDEL in total violation of the NBA Constitution as well as the fair hearing (nemo iudex in

casua sua) principles. **Attached herewith is a copy of the Notice of Motion marked as "SPIDEL 2.**

14. That Mr. Yakubu Chonoko Maikyau, SAN on the 19th day of July, 2024 illegally caused Ten Million Naira (N10,000,000) to be withdrawn from the account of SPIDEL while **Suit NO. EHC/40/2024: JOHN AIKPOKPO-MARTINS v YAKUBU MAIKYAU & 2 ORS** and **Suit No. W/128/2024: JOHN AIKPOKPO-MARTINS V BEN OJI & ANOR** were pending at the Delta State High Court.
15. That on 9th July, 2024, the **Delta State High Court in Suit No. W/128/2024: John Aikpokpo-Martins v Ben Oji & Anor** granted an order postponing the "NBA-SPIDEL 2024 Annual Conference" indefinitely and restrained the NBA (of which the Respondent is the President and the controlling mind), their appointees, staff, agents, privies, or anyone taking authority or instructions from him and the NBA with regard to the organizing and holding of any such conference on the 18th of July, 2024 pending the hearing of the Motion on Notice for interlocutory injunction. The motion for interlocutory injunction was adjourned to the 16th and 30th of July, 2024 for the hearing of the said interlocutory injunction. **Attached herewith and marked as "exhibit SPIDEL 3" is a copy of the certified true copy of the order of court made on the 9th of July, 2024.**
16. That the Respondent was served with Form 48 (Notice of consequences of disobedience of the order of court) and the said Order of the Honourable Court as the President of the NBA, the 2nd defendant in the case.
17. That on the 16th July, 2024, Mr. Ama Etuwewe, SAN, on the instructions of the Respondent, represented the Nigerian Bar Association in the proceedings. The Delta State High Court confirmed - with the consent of the parties and their counsel - that the aforementioned order of court made on the 9th of July, 2024 was still in force. Effectively, NBA's attempt to arrest the interim order failed, as the court restated in unmistakable terms that its interim order of 9th July, 2024 was still in force until the next adjourned date of 30th July 2024. **Attached herewith and marked as "exhibit SPIDEL 4" is a copy of the certified true copy of the order of court made on the 16th of July, 2024.**
18. That by virtue of the filing of processes on behalf of the NBA and their legal representation by Mr. Ama Etuwewe, SAN in court on 16th July, 2024, the Respondent being the President of the Nigerian Bar Association, the 2nd defendant in the said suit, became fully seised of the said order of the Delta State High Court restraining the NBA from holding or organizing the purported NBA-SPIDEL Annual Conference on the 18th day of July, 2024.


19. That notwithstanding the said order of the Delta State High Court postponing the so-called annual conference and restraining the NBA from holding the conference, the Respondent in conjunction with Sir Steve Adehi, SAN, Yakubu Philemon, SAN and Ben Oji, Esq. proceeded to host and organize the said event on the 18th of July, 2024, to the shock of all legal practitioners and members of the public.
20. That consequent to the above, FORM 49 which is an application to commit the Respondent to prison for disobedience of court order was filed and served on the Respondent. An affidavit of facts and an application for committal to prison of the Respondent was also filed and served on the Respondent's counsel. **Attached herewith and collectively marked as "exhibit SPIDEL 5" are copies of the certified true copies of the affidavit of facts and the application in the committal proceedings**
21. That the Respondent on the 28th day of July, 2024 personally deposed on oath to an affidavit, which said affidavit is attached in support of the motion for recusal and transfer of Suit No. W/128/2024: John Aikpokpo-Martins v Ben Oji & Anor filed by the NBA in the said suit. In the said affidavit, the Respondent admitted that he was informed by his counsel, Ama Etuwewe, SAN and Ben Oji of the proceedings of the 16th of July, 2024 and the subsisting Order of Court restraining the NBA and himself from proceeding with the SPIDEL 2024 Annual Conference on the 18th day of July, 2024. **Attached herewith and marked as "exhibit SPIDEL 6" is a copy of the certified true copy of the said motion with the affidavit attached.**
22. That the Respondent in spite of admitting having knowledge of the order of the Delta State High Court, Warri made on the 9th of July, 2024, proceeded to hold the so-called SPIDEL 2024 Annual Conference on the 18th of July, 2024 in total disobedience and disregard for the said order of the Delta State High Court.
23. That in the light of the above facts, we hereby call on the distinguished body to immediately commence disciplinary process and prosecute the Respondent, Yakubu Chonoko Maikyau, SAN for the violation of the provisions of the Rules of Professional Conduct.
24. That we shall during the hearing subpoena for the NBA official video recordings of the NBA-NEC Meeting held in Jos, 2024 and that of the so-called NBA-SPIDEL Conference held on the 18th of July, 2024 in the NBA House, Abuja in proof of this petition should the Respondent dispute the facts deposed to herein.

25. That I make this affidavit in good faith conscientiously believing same to be true and correct and in accordance with the Oaths Act of the Federal Republic of Nigeria.


DEPONENT

Sworn to at the Registry of the Federal High Court, Abuja this 14th day of August, 2024.

BEFORE ME:
COMMISSIONER FOR OATHS
FEDERAL HIGH COURT
ABUJA
COMMISSIONER FOR OATHS

FEDERAL HIGH COURT
ABUJA
14 AUG 2024
PAID 
Sign:.....

2510 95185225

IN THE HIGH COURT OF JUSTICE: DELTA STATE OF NIGERIA
IN THE WARRI JUDICIAL DIVISION
HOLDEN AT WARRI



SUIT NO: W/128/2024

BETWEEN

JOHN AIKPOKPO-MARTINS

(For himself and on behalf of the members of the Executive Committee of the Nigerian Bar Association Section on Public Interest and Development Law except any one that may be opposed to it.)

CLAIMANT/RESPONDENT

AND

1. BEN OJI

(For himself and on behalf of the members of the purported Caretake Committee of the Nigerian Bar Association Section on Public Interest and Development Law)

2. THE INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION

DEFENDANTS/APPLICANTS'

Certified True Copy

Henry E. Chioke
Deputy Director of Courts

Date:

AFFIDAVIT IN SUPPORT OF MOTION

I, Yakubu C. MAIKYAU, OON, SAN, Legal Practitioner, Adult, Male, Christian and Nigerian Citizen of PLOT 1101, Muhammadu Buhari Way, Central Business District, ABUJA, do make oath and state as follows; that:

1. I am President of the Nigerian Bar Association (NBA) the 2nd Defendant/Applicant in this Suit, by virtue of which I am conversant with the facts deposed to in this affidavit.

2. I have the authority of the 1st and 2nd Defendants/Applicants to depose to this affidavit.

3. I know as a fact that after hearing the Respondent's motion *ex parte*, this Honourable Court, granted an interim injunction against the

the Defendants' Counsel narrated all the efforts he personally made to resolve issues when a similar case was filed by the Claimant at High Court Effurun but whilst waiting to confirm a date for a "settlement" meeting, the Respondent proceeded with his case and got it adjourned for judgment.

- d. The Claimant in response to paragraph (10) above, confirmed the narrative of the Defendants' Counsel, and with the consent of the trial Court, proceeded to give, a history of his actions as NBA-SPIDEL Chairman and what he considered as the reason for his falling out with the NBA President. He further made allusions and cast aspersions on the person of the President of the Nigerian Bar Association.
- e. The learned trial judge further encouraged the Claimant to ventilate and the Claimant told so many stories, mostly extraneous and highly prejudicial to the Defendants, particularly the 2nd Defendant as well as the NBA President.
- f. In a rather shocking turn of events, the learned trial judge descended into the arena and implied that the NBA President was trying to cause a rift between the Respondent, the 1st Applicant and the learned Counsel to the Applicants being that the Respondent, the 1st Applicant and the learned Counsel to the Applicants, are all from the Warri Branch of the NBA.
- g. The learned trial judge went further to opine that the Defendants' Counsel Ama Etuwewe, SAN should have declined the brief of representing the Applicants since he was from the same branch of the NBA as the Claimant/Respondent.
- h. The learned trial judge made condescending comments about the person of the President of the 2nd Applicant, Yakubu C. MAIKYAU, OON, SAN, questioning his qualification to lead the 2nd Applicant aside being from Northern Nigeria.
- i. The Defendants' Counsel submitted that the order of interim injunction ought to have lapsed as there was no application by

the Claimant for its extension and that in light of the Notice of Appeal and Motion for Stay of execution, as well as the Notice of Preliminary Objection contesting the jurisdiction of the trial court to entertain the matter, it behooves on the court not to take any step in the matter.

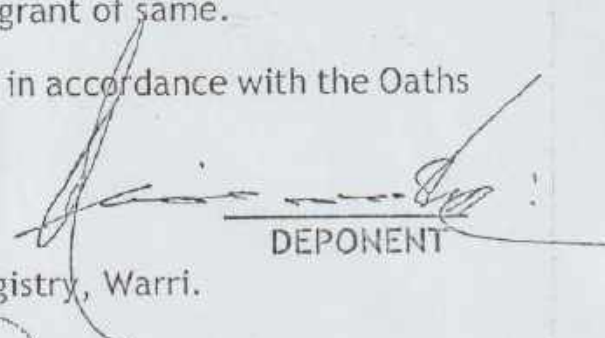
j. In response to the Defendants' Counsel's submission in paragraph (i) above, the learned trial judge opined that he would extend the life span of the order of interim injunction since he allowed 1st Defendant to be heard in the ex-parte application, then the order was actually interlocutory and that since the motion for stay was not ripe for hearing, it would not be taken into consideration. This is despite the fact that the 2nd Defendant was neither served with hearing notice nor heard on before the grant of the said interim injunction which the learned trial judge has now converted to an interlocutory injunction.

k. The learned judge then proceeded to plead with the Claimant whether he would allow the interim order to be lifted for the purpose of allowing the SPIDEL Conference to proceed as scheduled and when the Claimant refused, the learned judge then adjourned the matter to 30th July 2024 for hearing with a caveat that the interim order granted subsist till 30th July 2024.

8. That despite filing the notice of appeal and a motion to stay the enforcement of the order of interim injunction, the counter affidavit in opposition to the motion on notice for interlocutory injunction, as well as a notice of preliminary objection challenging the jurisdiction of the trial court to entertain and determine the instant suit, both the trial court and the Respondent have gone ahead to take steps in the substantive matter including but not limited to the commencement of contempt proceedings against the 1st Appellant, Steve Adehi, SAN as the Chairman of the Caretaker Committee of SPIDEL, the Publicity Secretary of the NBA and the President of the NBA, which enforcement proceedings is slated for the 30th of July 2024.

Henry E. Akole
Deputy Director of Courts
Date:

9. I know as a fact that the Honourable trial court judge is biased against me and the 1st Applicant.
10. I know that the Applicants cannot get justice before this Honourable Court.
11. I know as a fact that the Applicants right to fair hearing cannot be protected and guaranteed by this Honourable Court.
12. The Applicants have totally lost faith in the ability of this Honourable Court to do justice in this matter.
13. I know as a fact that the best and Honourable thing for this Honourable Court to do, is to recuse itself from this matter and return the case file to the Honourable the Chief Judge of Delta State for reassignment to another judge for hearing and determination.
14. It will be in the interest of justice to grant this application and the Respondent will not be prejudiced by the grant of same.
15. I depose to this affidavit in good faith and in accordance with the Oaths Act.



 DEPONENT

Sworn to at the High Court of Delta State Registry, Warri.
 this.....29th.....day of July, 2024.

Certified True Copy

Henry E. Chotie

Deputy Director of Courts

Date:28.....

BEFORE ME

COMMISSIONER FOR OATHS