

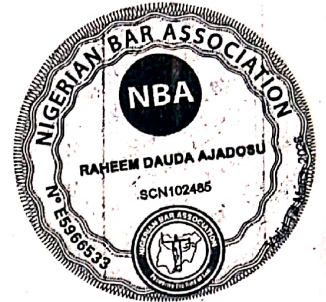
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24th January, 2025



The Chief Judge,
Federal High Court,
Federal High Court Headquarters,
Abuja, FCT

My Lord,

IN RE: FHC/ABJ/CS/1436/2024, OWUDAH ANTHONY ADEIZA AND REGISTERED TRUSTEES OF UNIVERSITY OF ABUJA ALUMNI ASSOCIATION & 2 OTHERS;

APPLICATION FOR WITHDRAWAL OF CASE FILE FROM MY LORD, JUSTICE G. K OLOTU (COURT 2) AND REQUEST FOR IMMEDIATE RE-ASSIGNMENT TO A NEW JUDGE FOR FAIR TRIAL

With deference to Your Lordship, we are Counsel to the 2nd and 3rd Defendants/Applicants in the above named suit (hereinafter referred to as 'Our Clients'). We have the instruction of our clients to humbly apply for withdrawal of the case file pending before His Lordship, Justice G. K Olotu and further request, with humility, that the suit should be assigned to another judge for fair trial and as a matter of urgency.

Grounds upon which our application is brought are as follows:

1. The suit was instituted by the Plaintiff on 27th September, 2024.
2. Our Clients were served with the originating summons on 20th November, 2024. When we were briefed, the Registrar of the Court informed us that the suit had been fixed for hearing on 25th February, 2025. We then asked whether there was a motion ex parte filed by the Plaintiff, the Registrar informed us that there was none.

3. However, on 13th December, 2024, His Lordship, Justice G. K Olotu granted an interim order restraining the Defendants including Our Clients from conducting the national elections of the University of Abuja Alumni Association pending the hearing of motion on notice. The suit was therefore adjourned to 27th December, 2024 for hearing. Attached herewith is a copy of the order marked as **annexure 1**.
4. Our Clients filed their Counter Affidavit against the Plaintiff's originating summons on 20th December, 2024 and the Plaintiff's counsel was served on the same day. In the counter affidavit of Our Clients against the substantive suit, we vehemently challenged the jurisdiction of the Honourable Court. We hereby attach copy of the counter affidavit filed on 20th December 2024 as **annexure 2**.
5. On 24th December, 2024, we filed a motion urging the court to set aside the interim order for want of jurisdiction premised on the fact that the subject matter does not fall within the ambit of s. 251 of the Constitution of the Federal Republic of Nigeria, 1999 as amended being the elections of the Alumni association of the University of Abuja and that none of the parties is the Federal Government of Nigeria or her agency. We hereby attach copy of the motion filed on 24th December, 2024 as **annexure 3**.
6. On 27th December, 2024, in line with the interim order, we were in court, neither the Plaintiff nor his counsel was present, however, the Registrar of the Court informed us that we should maintain the earlier date of 25th February, 2025 for hearing.
7. It is of note that all attempts to serve the Plaintiff's counsel our Motion for setting aside the order was proved abortive as the bailiff informed us that counsel claimed to be too busy to receive the process until on 8th January, 2025 when the counsel called us on phone that he also had a process to serve on us.
8. On the same 8th January, 2025, Plaintiff's counsel served us the Plaintiff's motion for joinder praying the court to join the Corporate Affairs Commission.
9. On Friday, 17th January, 2025, the Court served on us another hearing notice for the matter to now come up 22nd January, 2025.

10. It is curious how a matter adjourned to 25th February, 2025 was brought forward to 22nd January, 2025 without consent of all the parties in the suit.

11. **Proceedings of 22nd January, 2025,**

The following are what transpired in the open court:

a. Counsel to the Plaintiff served us with copies of the following process:

- (i) Plaintiff's further affidavit and reply on points of law to the 2nd and 3rd Defendants' Counter Affidavit and written address filed on 24th December, 2024 in opposition to the Plaintiff/Applicant's Motion on Notice. It was filed on 21st January, 2025.
- (ii) Plaintiff/Respondent's Counter Affidavit and Written Address in opposition to the 2nd and 3rd Defendants/Applicants' Motion on Notice and Written Address filed on the 24th of December, 2024. It was filed on 21st January, 2025.
- (iii) Motion on Notice praying for extension of time within which the Plaintiff may file the above (a) and (b) respectively. This was filed on 21st January, 2025. We hereby attach copy of the motion as **annexure 4.**

12. The first thing we noticed and informed the court was our observation that the suit was listed in the cause list as **FHC/ABJ/CS/1436/2024, OWUDAH ANTHONY ADEIZA AND UNIVERSITY OF ABUJA, We drew the attention of His Lordship to this that name of the Defendants were no listed on the cause list, and the fact that jurisdiction has been made an issue in the suit and listing "University of Abuja" as the Defendant was suspicious.**

13. We also informed the court that we were ready for the business of the day. However, in our response against the attempt by the Plaintiff's counsel to move his motion filed on 21st January, 2025 to regularize his processes, we informed the court that we were just being served with the motion while in court and that we would be willing to respond to the motion for same is incompetent on the face of it.

14. My Lord, Sir, we further informed the court that all our processes entered and that we were ready to go on subject to the overriding convenience of the court particularly on our motion filed on 24th December, 2024 which prayed the court to set aside its interim order for want of jurisdiction which by rule of procedure should take precedence over any other. His Lordship ruled that that would not be possible because the Plaintiff's counsel was not ready.
15. Then, Plaintiff's counsel moved an oral application urging the court to extend the time of interim order granted on 13th December, 2024, which we have filed a motion to set aside since 24th December, 2024 and served the Plaintiff's counsel since 8th January, 2025. However, we vehemently opposed the applicant's oral application.
16. In fact, His Lordship interjected the Plaintiff's counsel's oral application thus:
'the court does not have the powers to extend the interim order and would rather adjourn the matter so as to entertain all the processes before the court'
17. To our chagrin, the court briefly wrote a bench ruling thereafter and ordered as follows:
"this matter is hereby adjourned to 10th February, 2025 for hearing of the substantive suit and all other pending applications. Status quo should be maintained by parties".
18. The ruling by implication has overruled our pending application praying the court to set aside the interim order of 13th December, 2024 for want of jurisdiction despite the fact that the Plaintiff did not have a competent counter affidavit against our application and that the court was not ready for us to move the motion.
19. Our clients received the bench ruling of his Lordship with feeling of excruciating injustice. This made them to develop lack of trust in the impartiality, lack of confidence and faith in the adjudication of the suit before the judge. We are therefore, constrained to urge His Lordship to recuse himself from this matter.
20. Our Humble Prayers:
a. *Ipsa facto*, with highest respect to Your Lordships, we request Your Lordship to withdraw the suit FHC/ABJ/CS/1436/2024,


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OWUDAH ANTHONY ADEIZA AND REGISTERED TRUSTEES OF UNIVERSITY OF ABUJA ALUMNI ASSOCIATION & 2 OTHERS from His Lordship, Hon. Justice G. K. Olotu (Court 2).

- b. We further request that the suit should be assigned to a new judge for fair trial and in the interest of substantial justice.

We are obliged!

Yours faithfully,



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High Chief Dauda Ajadosu, (LLM)

Pp: Dauda Ajadosu & Co.

Cc::

My Lord Justice G. K Olotu

Court 2,

Abuja Judicial Division