

EMMA



AMENDED WRIT OF SUMMONS FILED PURSUANT TO ORDER 16 RULE 1 OF CI 47

(Order 2 rule 3(1))

WRIT ISSUED FROM Accra, s.l.g. 2023 SUIT No. GJ/0901/2023

IN THE HIGH COURT OF JUSTICE

.....GENERAL JURISDICTION, ACCRA.....

BETWEEN KEN OFORI - ATTA

40 NDABANINGI SITHOLE ROAD
GPS ADDRESS GL - 027 - 9451
LABONE, ACCRA.

Plaintiff *

AND

1. BLESSED GODSBRAIN SMART (A.K.A. CAPTAIN SMART)

2. MEDIA GENERAL GHANA LIMITED

BOTH OF 12TH KANDA AVENUE
JOHN HAMMOND STREET
ACCRA.

Defendants

(PLAINTIFF TO DIRECT SERVICE)

To

AN ACTION having been commenced against you by the issue of this writ by the abovenamed Plaintiff.
KEN OFORI - ATTA.

YOU ARE HEREBY COMMANDED that within EIGHT DAYS after service of this writ on you inclusive of the day of service you do cause an appearance to be entered for you.

1. BLESSED GODSBRAIN SMART (A.K.A. CAPTAIN SMART) 2. MEDIA GENERAL GHANA LIMITED

AND TAKE NOTICE that in default of your so doing, judgment may be given in your absence without further notice to you.

Dated this 5th day of

June

2023

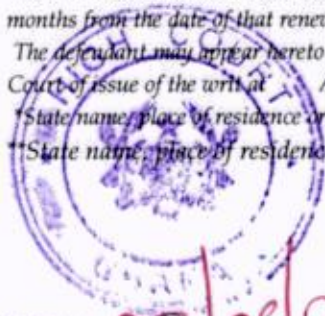
Chief Justice of Ghana

NB: This writ is to be served within twelve calendar months from the date of issue unless, it is renewed within six calendar months from the date of that renewal.

The defendant may appear hereto by filing a notice of appearance either personally or by a lawyer at Form 5 at the Registry of the Court of issue of the writ at A defendant appearing personally may, if he desire give notice of appearance by post.

*State name, place of residence or business address of plaintiff if known (not P.O. Box number).

**State name, place of residence or business address of defendant (not P.O. Box number).



FORM 1

SEATED 05/06/2023
[Signature]
HIGH COURT OF JUSTICE
ACCRA

STATEMENT OF CLAIM

Plaintiff claims jointly and severally against the Defendants as follows:

- a. A Declaration that the words uttered by the 1st Defendant and particularized below are Defamatory of the Plaintiff.

"Are you aware that Ken Ofori - Atta has taken his 10% of the IMF money ? "

.....

"Every loan we take he takes 10% "

- b. Recovery of the sum of Ten Million Ghana Cedis (GH¢10,000,000.00) as General Damages including Aggravated and/or Exemplary Damages for Defamation for the libel uttered by Defendants.
- c. An apology for and retraction of the words complained of and particularized supra.
- d. Perpetual injunction restraining the Defendants whether by themselves, their servants, agents or assigns from repeating similar or other defamatory words against the Plaintiff.
- e. Costs.

ADJEKUM & CO PRUC
P. O. BOX CT 1887, CANTONMENTS, ACCRA
5TH FLOOR, LEFT WING PYRAMID HOUSE
RING ROAD CENTRAL, ACCRA
TEL: 0244653179/0207960263/0302229584

This writ was issued by **BRIGHT OKYERE-ADJEKUM ESQ**
ADJEKUM AND COMPANY PRUC
whose address for service is **5TH FLOOR, PYRAMID HOUSE**
RING ROAD CENTRAL, ACCRA

Agent for

Address Number and date of lawyer's current licence. eGAR 00568/23 DATED 17TH NOVEMBER, 2022

Lawyer for the plaintiff

who resides in ACCRA,

.....

Indorsement to be made within 3 days after service

This writ was served by me at

on the defendant

on the day of

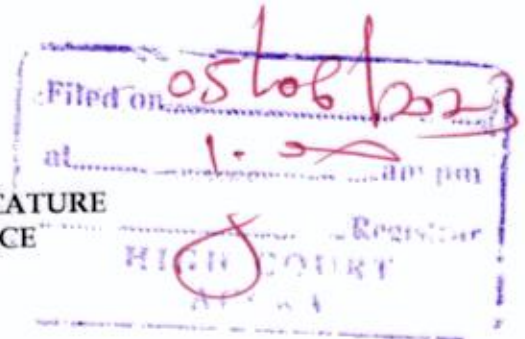
endorsed the day of

Signed.....

Address.....

NOTE: If the plaintiff's claim is for a liquidated demand only, further proceedings will be stayed if within the time limited for appearance the defendant pays the amount claimed to the plaintiff, his lawyer or his agent or into court as provided for in Order 2 rule 3(2).

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION
ACCRA - A.D. 2023



SUIT NO.GJ/0901/2023

KEN OFORI - ATTA)
40 NDABANINGI SITHOLE ROAD)
GPS ADDRESS GL - 027 - 9451)
LABONE, ACCRA.)

PLAINTIFF

VRS

1. BLESSED GODSBRAIN SMART)
(A.K.A. CAPTAIN SMART))

2. MEDIA GENERAL GHANA LIMITED)
BOTH OF 12TH KANDA AVENUE)
JOHN HAMMOND STREET)
ACCRA.)
(PLAINTIFF TO DIRECT SERVICE))

DEFENDANTS

AMENDED STATEMENT OF CLAIM FILED PURSUANT TO ORDER 16 RULE 3
OF CI 47

1. Plaintiff is a Ghanaian, a family man and among others the Minister of Finance and Economic Planning of the Republic of Ghana.
2. 1st Defendant holds himself out as a TV and Radio Presenter and at all material times was the host of a programme entitled "*Maakye with Captain Smart*", a programme carried on Onua TV and Onua FM.
3. The 2nd Defendant is a limited liability company incorporated under the laws of Ghana engaged in the media and entertainment business and operates various media houses including the said Onua TV and Onua FM. 2nd Defendant is the employer of the 1st Defendant and is duty bound to ensure that the platform and resources it provides to 1st Defendant are not used to defame and/or infringe the rights and liberties of others.
4. Defendants' said programme is also given world wide circulation via the internet through Facebook and Youtube.

5. On 22/05/2023 during the course of the said *"Maakye with Captain Smart"* programme, 1st Defendant broadcast and published on Onua TV, Onua FM and via the internet the following words defamatory of the Plaintiff;

"Are you aware that Ken Ofori - Atta has taken his 10% of the IMF money ? "

.....

"Every loan we take he takes 10% ".

6. The above statements are not only palpably false, absolutely fabricated but were also deliberately calculated to disparage the Plaintiff. Those words are malicious and were clearly further intended to convey and would be understood to convey meanings that diminish the Plaintiff in the minds of right thinking members of society.
7. The said words set out supra in their natural and ordinary meaning meant and were understood to mean inter alia ;
- a. *That Plaintiff is corrupt,*
 - b. *That Plaintiff has diverted public funds and*
 - c. *That Plaintiff has abused his office.*
8. By reason of the foregoing Plaintiff has been greatly injured in his credit, character and reputation, and has been brought into public scandal, ridicule, distress and embarrassment and has thereby suffered damage.
9. By letter dated 29/05/2023, Plaintiff per Solicitors demanded an apology and retraction of the defamatory statements but Defendants have failed and/or refused to do so.
10. Plaintiff will rely on the following matters in support of a claim for aggravated and/or exemplary damages.

Particulars

- a. *1st Defendant knew or ought to have known that the IMF funds and Loans contracted by the Government of Ghana are public funds and thus fully credited to the Government's accounts at the Bank of Ghana and no portion thereof can be diverted by any person.*

- b. *1st Defendant had absolutely no basis whatsoever for his defamatory statements.*
- c. *1st Defendant was absolutely reckless by his defamatory statements as he showed no scintilla of evidence to support the defamatory statements.*
- d. *2nd Defendant has by its actions and inactions looked on, permitted and /or encouraged 1st Defendant by the use of its platform and resources to unjustifiably defame the Plaintiff.*
- e. *Defendants' motivation was only to increase their listenership and viewership at Plaintiff's expense.*
- f. *Notwithstanding the fact that Plaintiff has made it clear to Defendants that the statements are false, the Defendants have not offered the Plaintiff any apology or retraction. It is to be inferred that Defendants have failed to do so because they are indifferent to the truth and are simply reckless and malicious.*

11. Plaintiff contends that unless restrained by the Court, Defendants will not retract and apologize for the defamatory words and will continue to publish or cause to be published same or similar defamatory words concerning the Plaintiff.

Wherefore Plaintiff Claims jointly and severally against the Defendants as per the Writ of Summons.

DATED AT ADJEKUM AND COMPANY PRUC, 5TH FLOOR, PYRAMID HOUSE, RING ROAD CENTRAL, ACCRA THIS 5TH DAY OF JUNE, 2023.

ADJEKUM & CO PRUC
P. O. BOX CT 887, CANTONMENTS, ACCRA
5TH FLOOR, LEFT WING PYRAMID HOUSE
RING ROAD CENTRAL, ACCRA
TEL: 0244855138 / 0207080285 / 0202229584
SOLICITOR FOR PLAINTIFF
BRIGHT OKYERE-ADJEKUM
LICENCE NO. eGAR 00568/23
TIN. P000565552
CHAMBER'S REG. NO. ePP00497/22
CHAMBER'S BP NO. 3000068190

THE REGISTRAR
HIGH COURT
GENERAL JURISDICTION
ACCRA.

AND TO THE ABOVE NAMED DEFENDANTS.