

IN THE HIGH COURT OF IMO STATE OF NIGERIA
IN THE HIGH COURT OF OWERRI JUDICIAL DIVISION
HOLDEN AT OWERRI

SUIT NO: HOW/ 701 /2023

BETWEEN

HIS EXCELLENCY, DR IKEDI OHAKIM

AND

MR. BATOS CHIKEZIE NWADIKE

PLAINTIFF

DEFENDANT

WRIT OF SUMMONS TO:

MR. BATOS CHIKEZIE NWADIKE

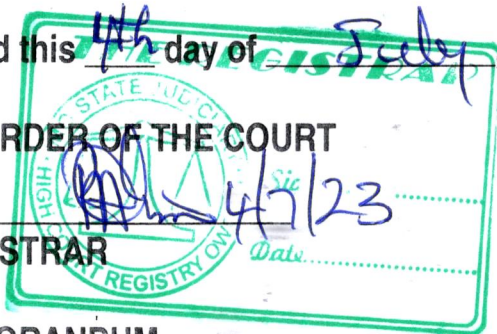
Nwangele Village, Umuorlu Town,
Isu Local Government Area, Imo State:

YOU ARE HEREBY commanded that within forty-two (42) 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 action at this suit of **HIS EXCELLENCY, DR IKEDI OHAKIM of Okohia, Isiala Mbano LGA of Imo State** and take notice that in default of your so doing, the Plaintiff may proceed therein, and judgment may be given in your absence.

Dated this 4th day of July, 2023.

BY ORDER OF THE COURT

REGISTRAR



MEMORANDUM

NB: This Writ is to be served within twelve calendar months from the date thereof, or if renewed within six calendar months from the date of the last renewal, including the each date, and not afterwards.

The Defendant may enter appearance personally or by Legal Practitioner either by handing in the appropriate forms, duly completed, at the **Registry of the High Court of Imo State** in which the action is brought or by sending them to the Registrar by registered post.

INDORSEMENTS

WHEREOF THE PLAINTIFF CLAIMS AGAINST THE DEFENDANT AS FOLLOWS:

I. A DECLARATION of this Honorable Court that Defendant's allegations published in the said viral AUDIO the Defendant published and circulated are slanderous, libelous and defamatory.

II. AN ORDER of this Honorable Court directing the Defendant to retract the allegations made on the said audio through another audio of his own making and voice and publish/circulate same in the stream of same WhatSApp Messenger social media platforms.

III. AN ORDER of this Honorable Court directing the Defendant to write and deliver to the Plaintiff, an unreserved letter of apology. The letter of apology shall be prominently and boldly published full-page in two Nigerian Newspapers of national circulation, namely: Vanguard Newspaper and Sun Newspaper; and two newspapers of local circulation in Imo State, namely: The Announcer Express and Trumpeter.

IV. AN ORDER of Perpetual injunction restraining the Defendant from further and forever uttering and publishing the said slanderous and libelous words about or concerning the Plaintiff.

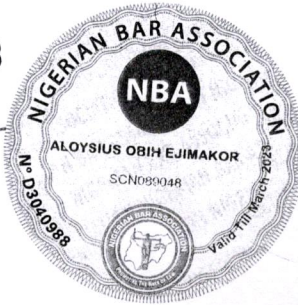
V. AN ORDER of this Honorable Court directing the Defendant to pay to the Plaintiff the sum of N1,000,000,000.00 (One Billion Naira only) being general and exemplary damages.

VI. AN ORDER of this Honorable Court directing the Defendant to pay the cost of this Suit at N20,000,000 (Twenty Million Naira only).

VII. AND SUCH FURTHER ORDER(S) as this Honourable Court may deem fit and expedient to make in the circumstance.

Dated this 4th day of July, 2023

[Handwritten signature]



Aloy O. Ejimakor, Esquire
Patrick AGAZIE, Esq.
Dickson CHUKWU, Esq.
Prince Mandela Umegborogu, Esq.
(Applicant's Counsel)

Adulbert Legal Services
No 3 Prince Obinna Okwara Crescent
Housing Area B, New Owerri
Owerri, Imo State
Phone: 0803 265 1660
Email: aejimakor@gmail.com

(PRACTICING & STAMP/SEAL FEE RECEIPT ATTACHED)

FOR SERVICE ON: THE DEFENDANT:

Nwangele Village, Umuorlu Town, Isu Local Government Area, Imo State.

This Writ was issued by **Aloy O. Ejimakor, Esq.**, Legal Practitioner, whose office address is at **Adulbert Legal Services**, No 3 Prince Obinna Okwara Crescent, Housing Area B, New Owerri Owerri, Imo State.

ENDORSEMENTS AS TO SERVICE

This Writ was served by me at: _____

Defendant (by _____) on

the _____ day of _____, 2023.

Endorsed the _____ day of _____, 2023 at

the Registry, High Court of Imo State.

Signed: _____

Address: _____



SUPREME COURT OF NIGERIA

OFFICE OF THE CHIEF REGISTRAR

Three Arms Complex, Central District, PMB 308, Abuja

Payment Receipt

NATIONAL SECRETARIAT:
NBA House, Plot 1101 Mohammadu
Buhari Way, Central Business District,
Abuja F.C.T. Nigeria

www.nigerianbar.org.ng
info@nigerianbar.org.ng
+234-800-333-1111



Payment date: 21-05-2023

Payment Reference No:

NBABPF-4785255992

This receipt confirms the payment of 2023 Bar Practicing fee, below are the details:

PAYER INFORMATION

Name	EJIMAKOR, ALOYSIUS OBIH
Payee Branch	Abuja
Enrolment No.	SCN089048
Email	joy4dave@yahoo.com
Year of Call	29TH NOV, 2013

PAYMENT DETAILS

PAYMENT DATE	PAYMENT REF.	PAYMENT DESCRIPTION	AMOUNT (NGN)	CHARGES (NGN)	VAT (NGN)	TOTAL (NGN)
21-05-2023	NBABPF-4785255992	Bar Practicing Fee	N17500	0.00	0.00	N17500
TOTAL AMOUNT PAID			N17500	0.00	0.00	N17500
Balance Due						0.00

PAYMENT CHANNEL INFORMATION

TRANSITION	STATUS	PAYMENT TYPE	BILLING METHOD
NBA Portal	successful	individual	flutterwave



Thank you for your payment.

**IN THE HIGH COURT OF IMO STATE OF NIGERIA
IN THE HIGH COURT OF OWERRI JUDICIAL DIVISION
HOLDEN AT OWERRI**

SUIT NO: HOW/ _____ /2023

BETWEEN

HIS EXCELLENCY, DR IKEDI OHAKIM

===== PLAINTIFF

AND

MR. BATOS CHIKEZIE NWADIKE

===== DEFENDANT

STATEMENT OF CLAIM

- 1, The Plaintiff is 66 years old and a native-resident of Okohia in Isiala Mbanu Local Government Area of Imo State.
- 2, The Plaintiff attended the University of Lagos, securing a Bachelor of Science Degree in Business Administration and a master's degree in Management.
- 3, The Plaintiff worked for over 15 years at First Aluminium and then at Tower Groups. He became Executive Director of Alucon in 1997, and later became Chairman of Mekalog Group, an engineering firm supplying the defense, security, construction, fabrication, oil and gas sectors.
- 4, The Plaintiff has been married for 41 years to Her Excellency, Mrs. Chioma Ohakim, Esq and they have five children. 1 and several grandchildren.
- 5, The Plaintiff was appointed Commissioner for Commerce, Industry and Tourism of Imo State from 1992 to 1993.
- 6, The Plaintiff is one of the founding members of the People's Democratic Party (PDP) in Imo State, and he remained a PDP member until November 2006, when he became a member of the Progressive Peoples Alliance (PPA), under which platform he contested, won and was sworn as the Executive Governor of Imo State on May 29, 2007.
- 7, The Plaintiff has four published books to his credit, namely: 1. "The Marketing Imperative for Rural Industrialization" (Africana Educational Publishers); 2. "Pushing

the Limits”; 3. “The Courage to Challenge; and 4. “Challenging New Frontiers” (a collections of speeches).

8, The Plaintiff is a titled Chief, holding 51 Chieftaincy titles, including the Ogbujingidi of Igboland and Otunba Temitope of Yorubaland; and he was the Accord Party candidate in the 2019 Imo State Governorship election.

9, The Plaintiff is a mentor to many across Nigeria, including particularly the thousands of people he has positively impacted their lives through his stellar political and business career, spanning decades.

10, The Defendant is a native-resident of Nwangele Village in Umuorlu Town, Isu Local Government Area, in Imo State.

11, On or about 23rd April, 2023, the Defendant recorded in his own voice an audio which he put in the stream of viral circulation through WhatsApp social media platforms. The audio was widely listened to by many worldwide, particularly in Nigeria and Imo State. The said audio which has been reproduced verbatim and is hereby attached and made part hereof contained the following excerpted libels uttered against the Plaintiff by the Defendant:

“Athan himself met with me at Protea hotel and as we were discussing, he got a call from Ikedi Ohakim from the call he asked Ohakim where is the meeting holding? Ohakim answered him that is holding in his house and he asked him did you know my house? Athan said no, Ohakim told him to ask people to bring him to his house. Sen. Athan asked me to take him to Ohakim house, I did personally and when I got there, I saw Osita Nwaneri, I saw Ilomuanya, I saw Maxwell Duru etc. When I saw these people I was shocked because these people are members of Elder Council of APC, what could bring Sen. Athan to their meeting, being a Labour Party Aspirant, I came with Ajumbe, the Organizing Secretary Labour.

We went back to Protea hotel, there I asked one Austine who's an assistant Organising Secretary of APC what kind of meeting they called this man? And the man told me that they called him this meeting for him not to fight/contest this election with Hope Uzodinma. As Elders Council of APC what is their business with somebody in another party (Labour).

S,o after the Labour Party primary as it went, that was when somebody told me that that day Sen. Athan went to that meeting (at Ohakim house) was the

day he signed an oath, agreement with the Elders Council of APC before Hope released One million dollars to him. Because Sen. Athan has no money in recent time, how did all this money come out from him, he took the money & passed it through the PDP members, I saw the PDP members in the hall who were delegates, and I began to worry why this PDP member is in the Labour Party primaries; not just there but also there as delegates. ...”.

12, In summary, the Defendant made and published the foregoing audio allegations, purporting that the Plaintiff was complicit in and a participant in the conduit used to corruptly channel \$1,000,000 (One Million US Dollars) bribe which was used to corruptly influence the outcome of the Labour Party gubernatorial primary that was conducted in Imo State recently.

13, The Plaintiff avers that the content of the audio portrayed the Plaintiff to the general public in the following light:

- (a). A deceitful person.
- (b). A morally depraved person.
- (c). An irresponsible and corrupt person.
- (d) An anti-democratic person.
- (e). A political operative for hire.
- (f). A person who entices others to engage in anti-democratic practices.

14, The Plaintiff avers that Defendant's utterances as aforesaid were false, malicious, wicked and reckless and they were heard worldwide, including particularly in Nigeria and Imo State where one of the persons who heard the audio is **Mr Emma Chukwu**, who has known the Plaintiff for several years and is resident in Imo State.

15, The Plaintiff avers that the said defamatory utterances by the Defendant were also heard by many of his friends, family, business associates, colleagues, admirers, protégées and well-wishers within Nigeria and abroad.

16, The Plaintiff avers that the publication and circulation of said audio have seriously injured his fine character, credit, reputation and integrity. The Defendant has by his action, brought ye Plaintiff to scandal, contempt, odium, public humiliation and embarrassment for which the Plaintiff is entitled to monetary damages, injunctive relief and apology.

17, The Defendant knew that the allegations contained in the said published audio were false and yet the Defendant willfully caused same to be circulated.

18, The Defendant was motivated by malice and wickedness with the intention to malign, intimidate and undermine the Plaintiff's hard-earned reputation.

19, The Plaintiff avers that the allegations by the Defendant were false, as there is no scintilla of proof that shows that the Plaintiff did any of the acts the Defendant alleged in the said audio.

20, The said allegations have caused negative effects on the Plaintiff's established credible reputation and followership which he has earned over the years from various strata of the private/public sectors both in Nigeria and other parts of the world. The Plaintiff shall lead evidence of his many laurels, achievements, recognition from both private and public institutions and sectors at the hearing of this Suit.

21, The Plaintiff avers that by reason of this false and defamatory allegations the Plaintiff was greatly injured in his credit, character and reputation and he has been brought into public scandal, odium and contempt. The Plaintiff was, in the wake of the published audio, bombarded by telephone calls of several persons from within and outside Nigeria and Imo State, hence the need for this Honourable Court to make a finding on the veracity of Defendant's allegations.

22, WHEREOF THE PLAINTIFF CLAIMS AGAINST THE DEFENDANT AS FOLLOWS:

I. A DECLARATION of this Honorable Court that Defendant's allegations published in the said viral AUDIO the Defendant published and circulated are slanderous, libelous and defamatory.

II. AN ORDER of this Honorable Court directing the Defendant to retract the allegations made on the said audio through another audio of his own making and voice and publish/circulate same in the stream of same WhatsApp Messenger social media platforms.

III. AN ORDER of this Honorable Court directing the Defendant to write and deliver to the Plaintiff, an unreserved letter of apology. The letter of apology shall be prominently and boldly published full-page in two Nigerian Newspapers of national circulation, namely: Vanguard Newspaper and Sun Newspaper; and two newspapers of local circulation in Imo State, namely: The Announcer Express and Trumpeter.

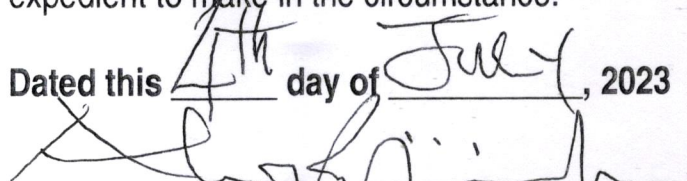
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VI. AN ORDER of this Honorable Court directing the Defendant to pay the cost of this Suit at N20,000,000 (Twenty Million Naira only).

VII. AND SUCH FURTHER ORDER(S) as this Honourable Court may deem fit and expedient to make in the circumstance.

Dated this 4th day of July, 2023


Aloy O. Ejimakor, Esquire
Patrick AGAZIE, Esq.
Dickson CHUKWU, Esq.
Prince Mandela Umegborogu, Esq.
(Applicant's Counsel)

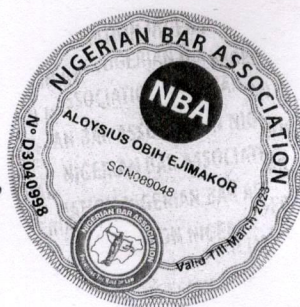
Adulbert Legal Services

No 3 Prince Obinna Okwara Crescent
Housing Area B, New Owerri
Owerri, Imo State

Phone: 0803 265 1660

Email: aejimakor@gmail.com

(PRACTICING & STAMP/SEAL FEE RECEIPT ATTACHED)



FOR SERVICE ON THE DEFENDANT:

Nwangele Village, Umuorlu Town,
Isu Local Government Area, Imo State.



SUPREME COURT OF NIGERIA
OFFICE OF THE CHIEF REGISTRAR
Three Arms Complex, Central District, PMB 308, Abuja

Payment Receipt

NATIONAL SECRETARIAT:
NBA House, Plot 1101 Mohammadu
Buhari Way, Central Business District,
Abuja F.C.T. Nigeria

www.nigerianbar.org.ng
info@nigerianbar.org.ng
+234-800-333-1111



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**IN THE HIGH COURT OF IMO STATE OF NIGERIA
IN THE HIGH COURT OF OWERRI JUDICIAL DIVISION
HOLDEN AT OWERRI**

SUIT NO: HOW/ _____ /2023

BETWEEN

HIS EXCELLENCY, DR IKEDI OHAKIM

AND

MR. BATOS CHIKEZIE NWADIKE

PLAINTIFF

DEFENDANT

PLAINTIFF WRITTEN STATEMENT ON OATH

I, DR IKEDI OHAKIM, adult Male, Christian, Nigerian citizen of Burma Retreat Okohia, Isiala Mbanjo Local Government Area of Imo State, hereby make this oath and state as follows, THAT:

1, I am the Plaintiff in this Suit and by virtue thereof, I am conversant with the facts deposed herein.

2, I was borne on 4th August, 1957 and I am a native-resident of Okohia in Isiala Mbanjo Local Government Area of Imo State.

3, I attended the University of Lagos, securing a Bachelor of Science Degree in Business Administration and a master's degree in Management. I also possess a Doctorate in Management Technology (DMT) Honoris Causa, FUTO and a DBA Honoris Causa, IMSU. Etc.

4, I worked for over 15 years at Tower Aluminium Group and then at First Aluminium Plc. Becoming the National Marketing Manager and Marketing Director. I became the Managing Director of Alucon Building Products Limited in 1997. In 2000 I became a Director of Kaduna Refining and Petrochemical Company Limited. I am currently the Chairman of Mekahog Group, an engineering firm supplying defense, security, construction, fabrication, oil and gas sectors equipment and services. Mekahog Group has been the preferred security equipment contractor for Nigeria Police Force for over 15 years.

5, I have been married for 41 years to Her Excellency, Mrs. Chioma Ohakim, Esq and we have five children and several grandchildren.

6, I was appointed Commissioner for Commerce, Industry and Tourism of Imo State from 1992 to 1993.

7, I am one of the founding members of the People's Democratic Party (PDP) in Nigeria and served in the first Finance Committee of the party in 1998 before contesting for Senate and I remained a PDP member until November 2006, when I became a member of the Progressive Peoples Alliance (PPA), under which platform I contested, won and was sworn-in as the Executive Governor of Imo State on May 29, 2007.

8, I have Four published books to my credit, namely: 1. "The Marketing Imperative for Rural Industrialization" (Africana Educational Publishers); 2. "Pushing the Limits"; 3. "The Courage to Challenge and 4. "Challenging New Frontiers" (a collection of speeches).

9, I am a titled Chief, holding 51 Chieftaincy titles across Nigeria including the Ogbujingidi of Igboland and Otunba Temitope of Yorubaland. I was the Accord Party candidate in the 2019 Imo State Governorship election, within the jurisdiction of this Honorable Court.

10, I am a mentor to many across Imo State, Nigeria and beyond including particularly the thousands of people I have positively impacted their lives throughout my stellar political, business and philanthropic career, spanning decades. I am also a world acclaimed Environmental Crusader and founder/President of Clean and Green Africa Initiative.

11, The Defendant is a native-resident of Nwangele Village, Umuorlu Town in Isu Local Government Area, in Imo State.

12, On or about 23rd April, 2023, the Defendant recorded in his own voice an audio which he put in the stream of viral circulation through WhatsApp social media platforms. The audio was widely listened to by many worldwide, particularly in Nigeria and Imo State. The said audio which has been reproduced verbatim and is hereby attached and made part hereof contained the following excerpted libels uttered against my person by the Defendant:

"Athani himself met with me at Protea hotel and as we were discussing, he got a call from Ikedi Ohakin from the call he asked Ohakin where is the meeting holding? Ohakin answered him that is holding in his house and he asked him did you know my house? Athani said no, Ohakin told him to ask people to bring him to his house. Sen. Athani asked me to

take him to Ohakim house, I did personally and when I got there, I saw Osita Nwaneri, I saw Ilomuanya, I saw Maxwell Duru etc. When I saw these people, I was shocked because these people are members of Elder Council of APC, what could bring Sen. Athan to their meeting, being a Labour Party Aspirant, I came with Ajumbe, the Organizing Secretary Labour. We went back to Protea hotel; there I asked one Austine who's an assistant Organising Secretary of APC what kind of meeting they called this man? And the man told me that they called him this meeting for him not to fight/contest this election with Hope Uzodinma. As Elders Council of APC what is their business with somebody in another party (Labour).

So, after the Labour Party primary as it went, that was when somebody told me that that day Sen. Athan went to that meeting (at Ohakim house) was the day he signed an oath, agreement with the Elders Council of APC before Hope released One million dollars to him. Because Sen. Athan has no money in recent time, how did all this money come out from him, he took the money & passed it through the PDP members, I saw the PDP members in the hall who were delegates, and I began to worry why this PDP member is in the Labour Party primaries; not just there but also there as delegates. ...”.

13, In summary, the Defendant made and published the foregoing allegations, purporting that I was part of the conduit used to channel \$1,000,000 (One Million US Dollars) bribe which was used to corruptly influence the outcome of the Labour Party gubernatorial primary that was conducted in Imo State recently.

14, I state that the content of the audio portrayed me to the general public in the following light:

- (a). A deceitful person.
- (b). A morally depraved person.
- (c). An irresponsible and corrupt person.
- (d). An anti-democratic person.
- (e). A political operative for hire.
- (f). A person who entices others to engage in anti-democratic practices.

15, I hereby state that Defendant's utterances as aforesaid were false, malicious, wicked and reckless and they were heard worldwide, including particularly in Nigeria and Imo State where one of the persons who heard the audio is **Mr. Emma Chukwu**, who has known me for several years and is resident in Imo State.

16, I further state that the said defamatory utterances by the Defendant were also heard by my many friends, family, business associates, colleagues, admirers, protégées and well-wishers within Nigeria and abroad.

17, I state that the publication and audio have seriously injured my character, credit, reputation and integrity. The Defendant has by his action, brought me to scandal, contempt, odium, public humiliation and embarrassment for which I am entitled to monetary damages, injunctive relief and apology.

18, The Defendant knew that the allegations contained in the said published audio were false and yet he willfully caused same to be circulated.

19, The Defendant was motivated by malice and wickedness with the intention to malign, intimidate and undermine my reputation and person.

20, I state that the allegations by the Defendant were false, as there is no scintilla of proof that shows that I did any of the acts he alleged in the said audio.

21, The said allegations have caused negative effects on my established credible reputation and followership which I have earned over the years from various strata of the private/public sectors both in Nigeria and other parts of the world. I shall lead evidence of my many laurels, achievements, recognition from both private and public institutions and sectors at the hearing of the suit.

22, By reason of this false and defamatory allegations I was greatly injured in my credit, character and reputation and I have been brought into public scandal, odium and contempt. I was bombarded by telephone calls of several persons from within and outside Nigeria and Imo State, hence the need for this Honourable Court to make a finding on the veracity of Defendant's allegations.

23, WHEREOF I CLAIM AGAINST THE DEFENDANT AS FOLLOWS:

I. A DECLARATION of this Honorable Court that Defendant's allegations published in the said viral AUDIO the Defendant published and circulated are slanderous, libelous and defamatory.

II. AN ORDER of this Honorable Court directing the Defendant to retract the allegations made on the said audio through another audio of his own making and voice and publish/circulate same in the stream of same WhatSApp Messenger social media platforms.

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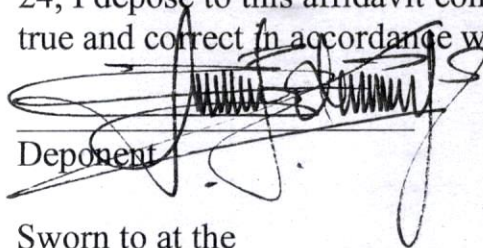
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VI. AN ORDER of this Honorable Court directing the Defendant to pay the cost of this Suit at N20,000,000 (Twenty Million Naira only).

VII. AND SUCH FURTHER ORDER(S) as this Honourable Court may deem fit and expedient to make in the circumstance.

24, I depose to this affidavit conscientiously and in good faith believing same to be true and correct in accordance with the Oaths Act and Affirmation Act, 2004.


Deponent

Sworn to at the
High Court of Imo State, Owerri

This 4th day of July, 2023

BEFORE ME

COMMISSIONER FOR OATHS

**IN THE HIGH COURT OF IMO STATE OF NIGERIA
IN THE HIGH COURT OF OWERRI JUDICIAL DIVISION
HOLDEN AT OWERRI**

SUIT NO: HOW/ _____ /2023

BETWEEN

HIS EXCELLENCY, DR. IKEDI OHAKIM

AND

MR. BATOS CHIKEZIE NWADIKE

} **-PLAINTIFF**

} **-DEFENDANT**

WRITTEN STATEMENT ON OATH OF EMMA CHUKWU, PLAINTIFF'S WITNESS

I, **EMMANUEL CHUKWU**, adult Male, Christian, Nigerian citizen, native of Umuebo Village, Umuezealaowerre Community, Ehime Mbano Local Government Area of Imo State, hereby make this oath and state as follows, THAT:

1, I am a Personal Assistant (PA) for the past 12 (twelve) years to Plaintiff, His Excellency, Dr Ikedi Ohakim, former Governor of Imo State.

2, I have also known the Plaintiff since my infancy.

3, I know that Plaintiff has been married for 41 years to Her Excellency, Mrs. Chioma Ohakim, Esq and they have five (5) children and several grandchildren.

4, I know that Plaintiff was a former Commissioner for Commerce, Industry and Tourism of Imo State from 1992 to 1993.

5, I know that Plaintiff contested, won and was sworn-in as the Executive Governor of Imo State on May 29, 2007 and he remained in office until May 2011.

6, I know that Plaintiff has been a mentor to many across Imo State, Nigeria and beyond, including particularly my humble self and the thousands of people he has positively impacted their lives throughout his stellar political, business and philanthropic career, spanning several decades.

7, I also know the Defendant and can identify him by his appearance, his carriage, his visage and his voice.

8, On or about **23rd April, 2023**, I received an **audio message on my WhatsApp Messenger** that I recognized the voice thereon to be that of the Defendant. The details of the mobile phone to which I received the said audio are as follows:

(a). *Model: Nokia.*

(b). *Model Number: Nokia 4.2.*

(c). *IMEI Number: IMEI 352900105960699.*

(d). *Duration of Use: Since October, 2019.*

9, The said audio which was transcribed and reproduced verbatim to **Compact Disks** from my mobile phone by the Plaintiff's Expert Witness, **Mr. SUNDAY PRINCE EMEKA**, contained the following words uttered against the Plaintiff by the Defendant:

"Athan himself met with me at Protea hotel and as we were discussing, he got a call from Ikedi Ohakim from the call he asked Ohakim where is the meeting holding? Ohakim answered him that is holding in his house and he asked him did you know my house? Athan said no, Ohakim told him to ask people to bring him to his house. Sen. Athan asked me to take him to Ohakim house, I did personally and when I got there, I saw Osita Nwaneri, I saw Ilomuanya, I saw Maxwell Duru etc.

When I saw these people I was shocked because these people are members of Elder Council of APC, what could bring Sen. Athan to their meeting, being a Labour Party Aspirant, I came with Ajumbe, the Organizing Secretary Labour. We went back to Protea hotel, there I asked one Austine who's an assistant Organising Secretary of APC what kind of meeting they called this man? And the man told me that they called him this meeting for him not to fight/contest this election with Hope Uzodinma. As Elders Council of APC what is their business with somebody in another party (Labour).

So, after the Labour Party primary as it went, that was when somebody told me that that day Sen. Athan went to that meeting (at Ohakim house) was the day he signed an oath, agreement with the Elders Council of APC before Hope released One million dollars to him. Because Sen. Athan has no money in recent time, how did all this money come out from him, he took the money & passed it through the PDP members, I saw the PDP members in the hall who were delegates, and I

began to worry why this PDP member is in the Labour Party primaries; not just there but also there as delegates. ...”.

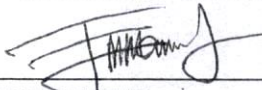
10, To my ordinary understanding, the summary and main point of the words uttered by the Defendant in the published audio are **that the Plaintiff was complicit in, and was also the lead participant in the conduit or arrangement used to corruptly channel \$1,000,000 (One Million US Dollars) bribe** which was used to corruptly influence the outcome of the Labour Party gubernatorial primary that was conducted in Imo State recently.

11, To my mind, the content of the said audio portrayed the Plaintiff to the general public in the following light:

- (a). *A deceitful person.*
- (b). *A morally depraved person.*
- (c). *An irresponsible and corrupt person.*
- (d). *An anti-democratic person.*
- (e). *A political operative for hire.*
- (f). *A person who entices others to engage in anti-democratic practices.*

12, I have discussed these libelous words of the Defendant against the Plaintiff with my circle of friends and acquaintances, especially the many that know and respect the Plaintiff and they insist that unless this Honorable Court holds otherwise, the Plaintiff shall forever remain guilty of the Defendant's assertions in the said audio.

13, Whereof, I depose to this Witness Statement in good faith believing same to be true and in accordance with the Oaths Act in force.



DEPONENT

Sworn to at the Registry of High Court of Imo

State, Owerri, this 4th day of July, 2023

BEFORE ME

COMMISSIONER FOR OATHS
4/7/23

IN THE HIGH COURT OF IMO STATE OF NIGERIA
IN THE HIGH COURT OF OWERRI JUDICIAL DIVISION
HOLDEN AT OWERRI

SUIT NO: HOW/ _____ /2023

BETWEEN

HIS EXCELLENCY, DR IKEDI OHAKIM

AND

MR. BATOS CHIKEZIE NWADIKE

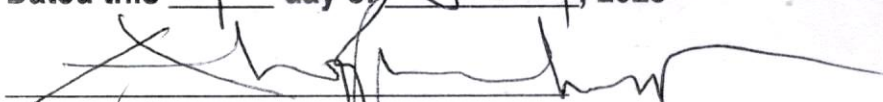
PLAINTIFF

DEFENDANT

PLAINTIFF'S LIST OF WITNESSES

- 1, The Plaintiff, **HIS EXCELLENCY, DR IKEDI OHAKIM.**
- 2, **Mr. EMMANUEL CHUKWU**, Plaintiff's Witness.
- 3, **Mr. SUNDAY PRINCE EMEKA**, Plaintiff's Expert Witness.

Dated this 4th day of July, 2023


Aloy O. Ejimakor, Esquire
Patrick AGAZIE, Esq.
Dickson CHUKWU, Esq.
Prince Mandela Umegborogu, Esq.
(Applicant's Counsel)

Adulbert Legal Services

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Owerri, Imo State

Phone: 0803 265 1660

Email: aejimakor@gmail.com

(PRACTICING & STAMP/SEAL FEE RECEIPT ATTACHED)

FOR SERVICE ON: **THE DEFENDANT:** Nwangele Village, Umuorlu Town,
Isu Local Government Area, Imo State.

IN THE HIGH COURT OF IMO STATE OF NIGERIA
IN THE HIGH COURT OF OWERRI JUDICIAL DIVISION
HOLDEN AT OWERRI

SUIT NO: HOW/ _____ /2023

BETWEEN

HIS EXCELLENCY, DR IKEDI OHAKIM

AND

MR. BATOS CHIKEZIE NWADIKE

PLAINTIFF

DEFENDANT

LIST OF AFFIDAVITS & DOCUMENTS TO BE RELIED UPON AT THE TRIAL

- 1, Affidavit of Plaintiff, **HIS EXCELLENCY, DR IKEDI OHAKIM**.
- 2, Written Statement On Oath of **MR. EMMANUEL CHUKWU**, Plaintiff's Witness.
- 3, PLAINTIFF'S CERTIFICATE AND IDENTIFICATION OF ELECTRONIC EVIDENCE UNDER SECTION 84 OF THE EVIDENCE ACT, 2011 AND PLAINTIFF'S EXPERT WITNESS STATEMENT ON OATH by **Mr. SUNDAY PRINCE EMEKA**, together with the Compact Disk Drive bearing the said electronic evidence, which are together hereby marked as **Plaintiff's Exhibit 1**.

Dated this 4th day of July, 2023


Aloy O. Ejimakor, Esquire

Patrick AGAZIE, Esq.

Dickson CHUKWU, Esq.

Prince Mandela Umeoborogu, Esq.

(Applicant's Counsel)

Adulbert Legal Services

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IN THE HIGH COURT OF IMO STATE OF NIGERIA
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BETWEEN

HIS EXCELLENCY, DR IKEDI OHAKIM

AND

MR. BATOS CHIKEZIE NWADIKE

PLAINTIFF

DEFENDANT

**PLAINTIFF'S CERTIFICATE AND IDENTIFICATION OF ELECTRONIC EVIDENCE
UNDER SECTION 84 OF THE EVIDENCE ACT, 2011 AND PLAINTIFF'S EXPERT
WITNESS STATEMENT ON OATH**

I, **Mr. SUNDAY PRINCE EMEKA**, Male, Adult, Christian, Nigerian citizen and a resident of No 8, Old Road, Nekede, Owerri, Imo State, do make this Oath and state as follows:

1. I hereby declare that the evidence of Certification and Identification of electronically generated evidence I shall give in this case shall be the truth, the whole truth and nothing but the truth.
2. I have several years of practical experience in the use of Computers, both in offline and online and skills in the internet use of various computer applications, including transcription of audio formats from mobile phones to computers and transfer of same to Compact Disks.
3. I am an expert witness in this suit and by virtue of my position, I am familiar with the facts on this case as they relate to the audio recording, I transferred from the mobile phone of **Mr. Emmanuel Chukwu** to Compact Disk Drive, through the facility of my personal laptop computer that has been in use for over 5 (five) years and which is in perfect working condition with no viruses or other defects whatsoever.

4, The details of the said mobile phone belonging to **Mr. Emmanuel Chukwu** from which I transcribed the said audio are as follows:

- a). Model: Nokia.
- (b). Model Number: Nokia 4.2.
- (c). IMEI Number: IMEI 352900105960699.
- (d). Duration of Use: Since October, 2019.

5, The details of the said laptop which I used for the transcribing and transferring to the Compact Disk thereof are as follows:

- (a). Model of laptop: DELL
- (b). Operating System: Windows 10 Enterprise 64bits
- (c). RAM: 6.00 GB
- (e). System Size: 250 GB
- (e). System Size: 64bits OS.

6. In the said audio, I listened to a voice that I was informed by Mr. Emmanuel Chukwu to be the voice of the Defendant herein uttering the following words:

“Athan himself met with me at Protea hotel and as we were discussing, he got a call from Ikedi Ohakim from the call he asked Ohakim where is the meeting holding? Ohakim answered him that is holding in his house and he asked him did you know my house? Athan said no, Ohakim told him to ask people to bring him to his house. Sen. Athan asked me to take him to Ohakim house, I did personally and when I got there, I saw Osita Nwaneri, I saw Ilomuanya, I saw Maxwell Duru etc.

When I saw these people I was shocked because these people are members of Elder Council of APC, what could bring Sen. Athan to their meeting, being a Labour Party Aspirant, I came with Ajumbe, the Organizing Secretary Labour. We went back to Protea hotel, there I asked one Austine who's an assistant Organising Secretary of APC what kind of meeting they called this man? And the man told me that they called him this meeting for him not to fight/contest this election with Hope Uzodinma. As Elders Council of APC what is their business with somebody in another party (Labour).

So, after the Labour Party primary as it went, that was when somebody told me that that day Sen. Athan went to that meeting (at Ohakim house) was the day he signed an oath, agreement with the Elders Council of APC before Hope released One million dollars to him. Because Sen. Athan has no money in recent time, how did all this money come out from him, he took the money & passed it through the PDP members, I saw the PDP members in the hall who were delegates, and I began to worry why this PDP member is in the Labour Party primaries; not just there but also there as delegates. ...”.

7, As at the time I transferred the said audio, the mobile phone of **Mr. Emmanuel Chukwu** was in perfect working condition.

8, After burning the said audio to the compact disk (CD), I played the one on **Mr. Emmanuel Chukwu's** mobile phone and the one on the compact disc drives to compare and I found out that they were 100% percent the same.

9, I depose to this Certificate, Identification and Expert Written State on Oath in good faith believing same to be true and in accordance with the Oaths Act in force.



DEPONENT

Sworn to at the Registry of High Court of Imo

State, Owerri, this 4th day of July, 2023

