

IN THE FEDERAL HIGH COURT OF NIGERIA  
IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ABUJA

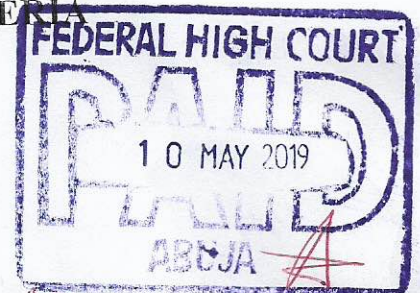
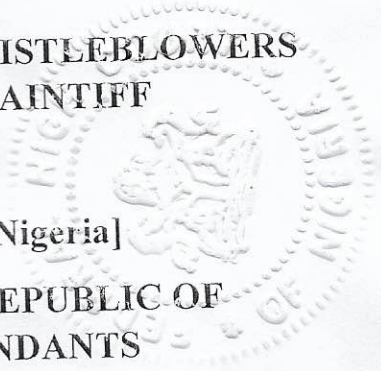
*FHC/ABI/CS/505/2019*  
SUIT NO.....

BETWEEN

INCORPORATED TRUSTEES OF GEORGE UBOH WHISTLEBLOWERS NETWORK  
PLAINTIFF

AND

1. GODWIN EMEFIELE [Governor, Central Bank of Nigeria]
  2. THE SENATE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA
  3. THE SENATE, FEDERAL REPUBLIC OF NIGERIA
  4. THE PRESIDENT FEDERAL REPUBLIC OF NIGERIA
- DEFENDANTS



ORIGINATING SUMMONS

LET;

1. GODWIN EMEFIELE [Governor, Central Bank of Nigeria] of Central Bank of Nigeria, Central Business District, Abuja
2. THE SENATE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA of the Office of the Senate President, Senate Wing, National Assembly Complex, Three Arm Zone, Abuja
3. THE SENATE, FEDERAL REPUBLIC OF NIGERIA of the Senate Wing, National Assembly Complex, Three Arm Zone, Abuja
4. THE PRESIDENT FEDERAL REPUBLIC OF NIGERIA of Office of the President, Federal Republic of Nigeria, Aso Rock Villa, Three Arm Zone, Abuja.

*1702 999 35808*

ORIGINATING SUMMONS: *Incorporated Trustees of George Uboh Whistleblowers Network vs. Godwin Emefiele & 3 Ors*

**Within (30) days** of the service of this originating summons on you, inclusive of the day of such service, cause appearance to be entered for you to this summons which is issued upon the application of the above-named plaintiff for the determination of the following questions of law;

1. Whether upon a combined reading and holistic interpretation of *Section 4 of the amended 1999 Constitution of the Federal Republic of Nigeria* and *Section 8 of the Central Bank of Nigeria Act, 2007* the Senate of the Federal Republic of Nigeria can validly exercise its confirmational powers in regard to the re-appointment of the 1<sup>st</sup> Defendant by the 4<sup>th</sup> Defendant as the Governor of the Central Bank of Nigeria when the issues agitated before this Court in *SUIT NO.: FHC/ABJ/CS/419/2019* regarding the stewardship of the 1<sup>st</sup> Defendant are yet to be disposed of?

Against the background of the answer that may be given to the above question of law, the plaintiff claims the following reliefs from this Honourable Court against the Defendant:

1. **A DECLARATION** of this Honourable Court that upon a combined reading and holistic interpretation of *Section 4 of the amended 1999 Constitution of the Federal Republic of Nigeria* and *Section 8 of the Central Bank of Nigeria Act, 2007* the Senate of the Federal Republic of Nigeria cannot validly exercise its confirmational powers in regard to the re-appointment of the 1<sup>st</sup> Defendant by the 4<sup>th</sup> Defendant as the Governor of the Central Bank of Nigeria when the issues agitated before this Court in *SUIT NO.: FHC/ABJ/CS/419/2019* regarding the stewardship of the 1<sup>st</sup> Defendant are yet to be disposed of by this Honourable Court.
2. **AN ORDER** of this Honourable Court putting in abeyance and or suspending the effect of the proceedings of the 3<sup>rd</sup> Defendant of Thursday, 9<sup>th</sup> May, 2019 to the extent that the said proceedings relate to the letter from the 4<sup>th</sup> Defendant, read by the 2<sup>nd</sup> Defendant requesting that the 3<sup>rd</sup> Defendant confirm the 1<sup>st</sup> Defendant as the Governor of the Central Bank of Nigeria.

3. **AN ORDER** of this Honourable Court barring the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants from taking any step to screen and or confirm the appointment of the 1<sup>st</sup> Defendant as the Governor of the Central Bank of Nigeria pending the final determination and disposal of the issues agitated before this Honourable Court in *SUIT NO.: FHC/ABJ/CS/419/2019* regarding the stewardship of the 1<sup>st</sup> Defendant.
4. **ANY OTHER ORDER OR ORDERS** as this Honourable Court might deem fit to make in the entire circumstances of this case.

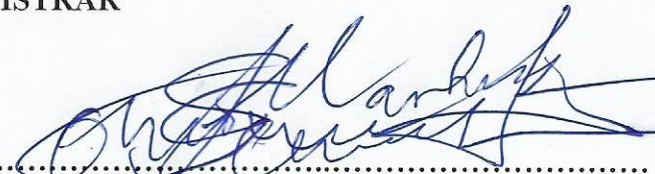
DATED IN ABUJA THIS 10<sup>th</sup> DAY OF May 2019

This Summons was taken out by **MARTINS ONYEDIKA OKOYE** Esq. of **JOHNMARY C. JIDEOBI & CO** of **PLOT 761, MABUSHI DISTRICT, Federal Capital Territory, Abuja.**

The defendant may appear in person hereto by entering appearance personally or a by a Legal Practitioner either by handing in the appropriate Forms, duly completed, at the Federal High Court Registry, Abuja or by sending them to that Office by post.

**NOTE:** If the defendants do not enter appearance within the time and at the place above-mentioned, such orders will be made and proceedings may be taken as the Judge may think just and expedient.

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REGISTRAR



.....  
**JOHNMARY CHUKWUKASI JIDEOBI, Esq.**

✓ **MARTINS ONYEDIKA OKOYE, Esq.**

(Plaintiff's Counsel)

For: **JOHNMARY C. JIDEOBI & CO**

PLOT 761 Mabushi District,

F.C.T. Abuja.

3

**ORIGINATING SUMMONS: *Incorporated Trustees of George Uboh Whistleblowers Network vs. Godwin Emefiele & 3 Ors***

Phone: 08131131942

E-mail: [goldstandardattorneys@gmail.com](mailto:goldstandardattorneys@gmail.com)

**FOR SERVICE ON:**

1. **GODWIN EMEFIELE [Governor, Central Bank of Nigeria]** of Central Bank of Nigeria, Central Business District, Abuja
2. **THE SENATE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA** of the Office of the Senate President, Senate Wing, National Assembly Complex, Three Arm Zone, Abuja
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IN THE FEDERAL HIGH COURT OF NIGERIA  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT ABUJA

SUIT NO.....

BETWEEN

INCORPORATED TRUSTEES OF GEORGE UBOH  
WHISTLEBLOWERS NETWORK PLAINTIFF

AND

1. GODWIN EMEFIELE [Governor, Central Bank of Nigeria]
  2. THE SENATE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA
  3. THE SENATE, FEDERAL REPUBLIC OF NIGERIA
  4. THE PRESIDENT FEDERAL REPUBLIC OF NIGERIA
- DEFENDANTS

AFFIDAVIT OF FACTS IN SUPPORT OF THE ORIGINATING SUMMONS

I, Martin Onyedika Okoye, Male, Christian, Adult, Nigeria Citizen of Plot 761, Mabushi District Abuja, do hereby make oath and state as follows:

1. I am a one of the Legal Practitioners in the law office of *Johnmary C. Jideobi & Co* acting for the Plaintiff in this matter and I have the consent of both my employer and that of the Plaintiff to depose to this affidavit.
2. The Plaintiff herein run the affairs of George Uboh Whistleblowers Network [GUWN], a Non-Governmental Organisation [NGO] and Civil Society Organisation interested in the way and manner Federal Government funds are being expended at the Ministries, Departments and Agencies [MDAs] pursuant to the Fiscal Responsibility Act, 2007 in the interest of the public and maximization of transparency and accountability in the management of public revenue by public officials.
3. The Plaintiff was set up to expose corruption, fight for victims of all forms of unjust treatments, fight for whistleblowers suffering

- oppression and adverse treatments, address matters of public interests and spearhead efforts in securing public justice, among others.
4. The Chairman of the Plaintiff, Dr. GEORGE UBOH, is the foremost whistleblower and anti-corruption crusader in Nigeria. In that capacity, he blew the whistle against the Economic and Financial Crimes Commission [EFCC], starting from the year 2013, for failing to remit over One Trillion Naira to the Federal Government of Nigeria which led in part to the sack of its former Chairman in 2015.
  5. On the 1<sup>st</sup> April, 2019, I was informed by DR. GEORGE UBOH, in our chambers, around 3.00pm and I verily believe him of the following facts:
    - (a) That through some credible whistleblowers within the Central Bank of Nigeria and beyond, he got information of how the 1<sup>st</sup> Defendant in collusion with the Nigerian National Petroleum Corporation [NNPC] oversaw and approved of the pilfering and diversion state funds to the humongous tune of *Two Billion, Five Hundred and Sixty-Four Million United States Dollars [\$2, 564, 000, 000]*.
    - (b) The said credible whistleblowers within and outside of the Central Bank of Nigeria furnished him with three (3) set of documents setting out in details how the Defendant cornered the collective patrimony of the nation to the fright-some tune of *Two Billion, Five Hundred and Sixty-Four Million United States Dollars [\$2, 564, 000, 000]*.
    - (c) That based on this shocking discovery, the Plaintiff [after a painstaking studies and intimate analysis of the documents made available to it by the credible whistleblowers within the Central Bank of Nigeria], resolved to engage the Defendant headlong on the weighty nature of the graft levied against him.
    - (d) In consequence, on the 2<sup>nd</sup> and 3<sup>rd</sup> of April, 2019, the Plaintiff wrote a letter to the Defendant titled: "*REQUEST TO REMIT OVER \$2, 564, 000, 000 FEDERAL GOVERNMENT FUNDS MISSING UNDER YOUR WATCH TO TSA*" Now shown to me and marked as "*Exhibit GUWN 1 & Exhibit GUWN 2*" are the acknowledgment copies of the said letters written to the Defendant by the Plaintiff.

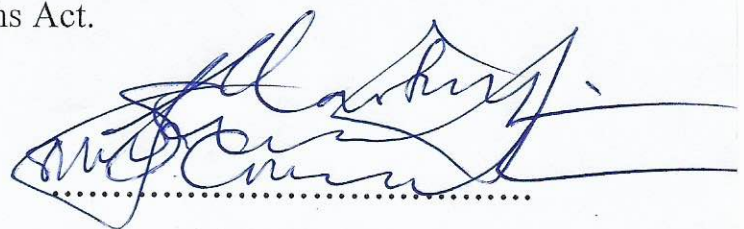
- (e) That in 2017, the Central Bank of Nigeria (CBN) confirmed to have sold forex to Bureau De Change (BDCs) at four (4) different locations across the Federation, namely Lagos, Kano, Abuja and Awka. The Apex Bank further confirmed that a total sum of *Four Billion, One Hundred and Fifty Nine Million, Nine Hundred and Sixteen Thousand United States Dollars [\$4, 159, 916, 000.00]* were sold to the BDCs in 2017.
- (f) That despite the Apex Bank selling forex to the BDCs at the rates of *₦360.00 to ₦381.00 per Dollar* in 2017, it never declared more than *₦304-₦305 per Dollar*. This occasioned a huge loss of over ₦232 Billion Naira (which is an equivalent of \$760 Million) to the Federal Government's Treasury from the forex sales of BDCs alone representing exchange gains which should have been disclosed to the Federation Accounts Allocation Committee [FAAC]
- (g) That the documents showing what the Central Bank of Nigeria sold to the BDCs are hereby attached and marked as "*Exhibit GUWN 3, Exhibit GUWN 4, Exhibit GUWN 5 and Exhibit GUWN 6* respectively. Now equally shown to me and marked as "*Exhibit GUWN 7i –GUWN 7xii*" are Federation Accounts Components Statements prepared by the Central Bank of Nigeria for January, 2017.
- (h) That all the Exchange Gains declared by the CBN to FAAC resulted from comparing its pre-determined official rate of *₦304/305 per Dollar* with the budgeted rate of *₦197 per Dollar*.
- (i) That the Central Bank of Nigeria [through the Defendant] concealed all the Exchange Gains which ought to have accrued from comparing the market rate at which the CBN sold Dollar to Banks and BDCs and its pre-determined rate of *₦304-305 per Dollar*.
- (j) That instead of declaring accrued Exchange Gains, the CBN decided to draw funds from Excess Crude Account to mitigate the effect of the undeclared Exchange Gains.
6. On the 1<sup>st</sup> April, 2019, I was informed by DR. GEORGE UBOH, in our chambers, around 3.00pm and I verily believe him of the following facts:



- (a) That Crude Oil Revenue generated in December 2015 for sharing in January 2016 was **\$186, 327, 246.02** but the Central Bank of Nigeria [spearheaded by the Defendant] colluded with the Nigerian National Petroleum Corporation [NNPC] to divert **\$24,263, 008.56** through Bank for International Settlement.
- (b) That ever since the CBN [headed by the Defendant] created *Weekly Softi Transfer Account 700623395*, under the name of "CBN FGN RECEIPT AND FUNDING ACCOUNT", under-remittance of revenue to Federation Account for FAAC distribution has been made easy for the duo.
- (c) While the CBN [headed by the Defendant] confirmed transfer of Crude Oil Revenue of **\$186, 327, 246.02** as receipt in December, 2015, curiously however, it declared Crude Oil Revenue of **\$162, 064, 27.46 to FAAC**. Now shown to me and marked as "**Exhibit GUWN 8**" is CBN's **SUMMARY OF OIL AND GAS, PPT, ROYALTY, TAXES AND OTHER RECEIPTS** for December, 2015, prepared by International Funds, Banking and Payments System Department of the CBN. Equally shown to me and marked as "**Exhibit GUWN 9**" is a copy of the CBN's *Weekly Sweep Softi Account 700623395* maintained with JP MORGAN CHASE BANK.
- (d) In January, 2016, NNPC issued an instruction to the CBN [headed by the Defendant] to transfer **\$162, 064, 237.46** to CBN/JV Cash Call *Account 001-1-658-366* with JP Morgan and Debit CBN/NNPC Crude Oil Revenue *Domiciliary Account No. 400941775*. Now shown to me and marked as "**Exhibit Instruction I**" is a copy of the said instruction issued to the CBN by the NNPC.
- (e) That a closer scrutiny of "**Exhibit GUWN 8**" and "**Exhibit GUWN 9**" clearly shows that while revenue from Gas may have been correctly stated, that of Crude Oil was understated to the tune of **Twenty Four Million United States Dollars [\$24, 000, 000.00]**.
- (f) That the instruction of the NNPC directing the CBN to remit **\$162, 064, 237.46** instead of the **\$186, 327, 246.02** it generated clearly reveals the collusion of the Defendant with the NNPC to rip the Treasury of the Federal Government and the FAAC of **\$24, 263, 008.56**. Now shown to me and marked as "**Exhibit SUIT I**" is the SEALED copy of the Originating Summons accompanied by the

entire exhibits earlier referred to in *SUIT NO.: FHC/ABJ/CS/419/2019* regarding the stewardship of the 1<sup>st</sup> Defendant.

7. I know as a fact that the Defendant is privileged to be occupying a high-profile public office with corresponding high demand of public trust in discharge of the duties of that exalted office.
8. I know as fact that the manner in which the Defendant diverted public wealth in active connivance with the NNPC stinks to the high heavens of unprecedented corruption that is most unbecoming of the holder of the office the Defendant currently occupies or any other public office of trust throughout the Federal Republic of Nigeria.
9. I know as a fact that all the sleaze detailed in this affidavit as indulged in by the Defendant constitutes a corrosive drag on the mandatory fiscal provisions of the Constitution which the Defendant cannot derogate from under whatever pretext.
10. I know as a fact that on Thursday, the 9<sup>th</sup> day of May, 2019, the 2<sup>nd</sup> Defendant read on the floor of the 3<sup>rd</sup> Defendant a letter written by the 4<sup>th</sup> Defendant requesting that the Senate of the Federal Republic of Nigeria confirm the nomination of the 1<sup>st</sup> Defendant as the Governor of the Central Bank of Nigeria.
11. I know that the weighty and grave allegations of financial malfeasance levied against the 1<sup>st</sup> Defendant is such that confirmation of his reappointment would put the institution of the Central Bank of Nigeria and the entire economy of the nation at a grave risk in the event this Honourable Court is allowed the time to conduct a plenary hearing into *SUIT NO.: FHC/ABJ/CS/419/2019* regarding the stewardship of the 1<sup>st</sup> Defendant.
12. I know that this is a deserving case for this Honourable Court to urgently intervene and put in abeyance the activities of the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants regarding the reappointment of the 1<sup>st</sup> Defendant by the 4<sup>th</sup> Defendant as the Governor of the Central Bank of Nigeria.
13. I make these depositions conscientiously, believing same to be true and correct in accordance with the Oaths Act.



DEPONENT

**SWORN TO AT THE FEDERAL HIGH COURT REGISTRY, ABUJA**

This 10<sup>th</sup> Day of May ..... 2019.

**BEFORE ME**

**COMMISSIONER FOR OATHS  
FEDERAL HIGH COURT  
ABUJA**

.....  
**COMMISSIONER FOR OATHS**

IN THE FEDERAL HIGH COURT OF NIGERIA

IN THE ABUJA JUDICIAL DIVISION

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- DEFENDANTS

WRITTEN ADDRESS IN SUPPORT OF THE ORIGINATING  
SUMMONS

**0.00: INTRODUCTION:**

This is the written address of the Plaintiff in support of the Originating Summons in line with the dictates of the Rules of this Honourable Court. We seek to most humbly adopt and rely on the written address already filed in *SUIT NO.: FHC/ABJ/CS/419/2019* regarding the stewardship of the 1<sup>st</sup> Defendant as alluded to and incorporated at paragraph 11 of the affidavit in support of the instant Originating Summons.

**1.00: ISSUE FOR DETERMINATION:**

The sole issue that crystallised for the resolution of this Honourable Court as being determinative of this suit is set down below:

1. Whether upon a combined reading and holistic interpretation of *Section 4 of the amended 1999 Constitution of the Federal Republic of Nigeria*

WRITTEN ADDRESS IN SUPPORT OF THE ORIGINATING SUMMONS IN *Incorporated Trustees of George Uboh Whistleblowers Network vs. Godwin Emeziele & 3 Ors*

and *Section 8 of the Central Bank of Nigeria Act, 2007* the Senate of the Federal Republic of Nigeria can validly exercise its confirmational powers in regard to the re-appointment of the 1<sup>st</sup> Defendant by the 4<sup>th</sup> Defendant as the Governor of the Central Bank of Nigeria when the issues agitated before this Court in *SUIT NO.: FHC/ABJ/CS/419/2019* regarding the stewardship of the 1<sup>st</sup> Defendant are yet to be disposed of?

**2.00: LEGAL ARGUMENT CANVASED:**

**2.01:** We rely on the doctrine of *lis pendis*.

**2.02:** In *IDAKWO (RTD) V. IBRAHIM & ANOR. (2011) LPELR-8936(CA)* the Court [Per OBANDE OGBUINYA, J.C.A.] most graciously explained the meaning, boundaries and applications of this all-important doctrine in this lucid language:

*"For the avoidance of doubt, the doctrine of lis pendens or pendent lite nihil innovetur, meaning, during a litigation nothing new should be introduced, is intended to prevent foisting fait accompli on a court with respect to a matter before it. On the premise of this hallowed and ageless principle, any act perpetrated or transaction, such as alienation of landed property, carried out during the pendency of any proceeding regarding the subject - matter or res in that matter will be visited with nullity or nullification by the courts. In the case of Akinkugbe V. E.H. (Nig) Ltd. (2008) 12 NWLR (Pt.1098) 375 at 397, Aderemi, JSC, confirmed that: "Judicial authorities abound that it has always been a doctrine common to all courts and the doctrine rests upon the foundation that it would plainly be impossible that any action or suit or even motion or application could be brought to a successful end if alienation pendente lit were permitted to prevail. This, in a nutshell, is a practical explanation of the doctrine of 'lis pendens' - which doctrine prevents the effective transfer of rights in any property, as in the instant case, which is the subject - matter of an action pending in court during the pendency in court of the action or application." Also, see Obi V. INEC (2007) 11 NWLR (Pt.1046) 565; Amaechi V. INEC (2008) 5 NWLR (Pt.1080) 227."*

**2.03:** The Court in *ADEWUYI & ORS. v. ODUKWE (2000) LPELR-6875(CA)* has this to teach:

*The case of Bellamy v. Sabine (1857) 26 L.J. (Ns) Equity Reports 797 at page 803, where it was held: It is ... a doctrine Common to the courts of*

*both law and equity and rest ... upon this foundation that it would be plainly impossible that any action or suit could be brought to a successful termination if alienation pendente lite were permitted to prevail. See Adaran Ogundiani v. O.A.L. Araba and Barclays Bank Nig. Ltd. (1978) 6 and 7 SC p. 55 at pp. 78 to 79*

**3.00:** In the instant case, at paragraph 11 of the affidavit in support of the instant Originating Summons, the Plaintiff has abundantly exhibited a copy of **SUIT NO.: FHC/ABJ/CS/419/2019** regarding the stewardship of the 1<sup>st</sup> Defendant which are yet to be disposed of by this Court. The said suit in its entirety has put a huge question mark on the stewardship of the 1<sup>st</sup> Defendant as the Governor of the Central Bank of Nigeria. More specifically, buoyed by tons of inculpatory documentary evidence, the Plaintiff is alleging that the 1<sup>st</sup> Defendant has most unfortunately defrauded the revenue of the Federal Government of Nigeria to the tune of Two Billion, Five Hundred Million United States Dollars. This humongous sum covers the annual budget of over states in Nigeria. This shows that the amount alleged to have been stolen by the 1<sup>st</sup> Defendant has dashed the hope of lifting over 15 million of ordinary Nigerians out of abject poverty. For a clearer example to make the point in question, we are compelled to reproduce the reliefs sought from the court against the 1<sup>st</sup> Defendant herein in **SUIT NO.: FHC/ABJ/CS/419/2019** which equally seeks to declare the 1<sup>st</sup> Defendant unfit of holding any other public position of trust in Nigeria. The reliefs of the said suit are reproduced hereunder:

1. *A **DECLARATION** of this Honourable Court that upon a true interpretation of Section 80 and 162 of the Amended 1999 Constitution of the Federal Republic of Nigeria, the Code of Conduct for Public Officers in Nigeria, Fiscal Responsibility Act, 2007 and the Central Bank of Nigeria Act vis-à-vis the facts exhibited before this Honourable Court the Defendant is personally liable to refund [to the Treasury Single Account] the total sum of **Seven Hundred and Sixty Million United States Dollars [\$760, 000, 000.00]** being the foreign exchange gain that accrued from the sale of Dollars to Bureau De Change which he failed to declare and remit to the Federation Account in 2017.*
2. *A **DECLARATION** of this Honourable Court that upon a true interpretation of Section 80 and 162 of the Amended 1999 Constitution of the Federal Republic of Nigeria, the Code of Conduct for Public Officers*

in Nigeria, Fiscal Responsibility Act, 2007 and the Central Bank of Nigeria Act vis-à-vis the facts exhibited before this Honourable Court the Defendant is personally liable to refund [to the Treasury Single Account] the total sum of **Twenty-Four Million, Two Hundred and Sixty-Three Thousand United States Dollars [\$24, 263, 008.56 ]** being the amount the defendant conspired with the Nigerian National Petroleum Corporation [NNPC] to divert in 2015 expected to be shared through the Federation Accounts Allocation Committee.

3. A **DECLARATION** of this Honourable Court that upon a true interpretation of Section 80 and 162 of the Amended 1999 Constitution of the Federal Republic of Nigeria, the Code of Conduct for Public Officers in Nigeria, Fiscal Responsibility Act, 2007 and the Central Bank of Nigeria Act vis-à-vis the facts exhibited before this Honourable Court the Defendant is personally liable to refund [to the Treasury Single Account] the total sum of **One Billion, Seven Hundred Million United States Dollars [\$1, 700, 000, 000.00]** which the Defendant connived with the Nigerian National Petroleum Corporation to deprive three tiers of government revenue from crude oil and gas from May, 2015 to June, 2016 through fake accounts.
4. A **DECLARATION** of this Honourable Court that upon a true interpretation of Section 80 and 162 of the Amended 1999 Constitution of the Federal Republic of Nigeria, the Code of Conduct for Public Officers in Nigeria, Fiscal Responsibility Act, 2007 and the Central Bank of Nigeria Act vis-à-vis the facts exhibited before this Honourable Court the Defendant is not fit to occupy any public office of trust in Nigeria
5. **AN ORDER** of this Honourable Court mandating the Defendant to remit **FORTHWITH** the aggregate sum of **Two Billion, Five Hundred and Sixty-Four Million United States Dollars [\$2, 564, 000, 000]** into the Treasury Single Account of the Federation and file affidavit [evidencing receipt of the said remittance] of compliance at the Registry of this Honourable Court within **fourteen (14) days** of the delivery of final judgment in this suit inclusive of the date of the judgment delivery.
6. **AN ORDER** of this Honourable Court perpetually barring the Defendant from seeking and or occupying any public throughout the Federal Republic of Nigeria.

**3.01:** We dare submit that no responsible Legislature would proceed to confirm a man who is facing this nature of allegations yet to be determined by the Court. There is no doubt in our mind that this Honourable Court would be confronted with a *fait accompli* should the Senate proceeds to exercise its confirmational powers and confirm the appointment of the 1<sup>st</sup> Defendant as the Governor of the Central Bank of Nigeria which is a public office of high-trust from which the Plaintiff in *SUIT NO. FHC/ABJ/CS/419/2019* is seeking to bar him. If the said is deserving of success and does finally succeeds, this court will have been confronted with a completed act and state of helplessness. It is to avoid embarking on an action that would be later declared a nullity that we urge the Court to most urgently intervene by ordering the parties to maintain status quo ante bellum pending the final determination and disposal of *SUIT NO. FHC/ABJ/CS/419/2019*.

### **CONCLUSION:**

We have strenuously laboured to make the point that during the pendency of *SUIT NO. FHC/ABJ/CS/419/2019*, none of the 2<sup>nd</sup> and 3<sup>rd</sup> Defendant can take any valid action regarding the confirmation of the 1<sup>st</sup> Defendant by the 4<sup>th</sup> Defendant as the Governor of the Central Bank of Nigeria otherwise such action would amount to a complete nullity on the authorities of *Akinkugbe V. E.H. (Nig) Ltd. (2008) 12 NWLR (Pt.1098) 375 at 397; Obi V. INEC (2007) 11 NWLR (Pt.1046) 565; Amaechi V. INEC (2008) 5 NWLR (Pt.1080) 227*. In view of the foregoing, we most graciously urge My Noble Lord to adjudge the instant suit meritorious and proceed to enter an order granting the reliefs as set out below:

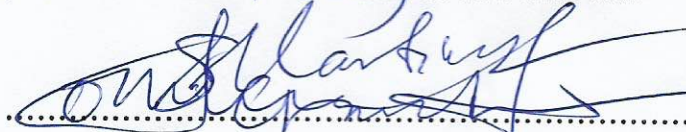
1. **A DECLARATION** of this Honourable Court that upon a combined reading and holistic interpretation of *Section 4 of the amended 1999 Constitution of the Federal Republic of Nigeria* and *Section 8 of the Central Bank of Nigeria Act, 2007* the Senate of the Federal Republic of Nigeria cannot validly exercise its confirmational powers in regard to the re-appointment of the 1<sup>st</sup> Defendant by the 4<sup>th</sup> Defendant as the Governor of the Central Bank of Nigeria when the issues agitated before this Court is *SUIT NO.: FHC/ABJ/CS/419/2019* regarding the stewardship of the 1<sup>st</sup> Defendant are yet to be disposed of by this Honourable Court.



2. **AN ORDER** of this Honourable Court putting in abeyance and or suspending the effect of the proceedings of the 3<sup>rd</sup> Defendant of Thursday, 9<sup>th</sup> May, 2019 to the extent that the said proceedings relate to the letter from the 4<sup>th</sup> Defendant, read by the 2<sup>nd</sup> Defendant requesting that the 3<sup>rd</sup> Defendant confirms the 1<sup>st</sup> Defendant as the Governor of the Central Bank of Nigeria.
3. **AN ORDER** of this Honourable Court barring the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants from taking any step to screen and or confirm the appointment of the 1<sup>st</sup> Defendant as the Governor of the Central Bank of Nigeria pending the final determination and disposal of the issues agitated before this Honourable Court is **SUIT NO.: FHC/ABJ/CS/419/2019** regarding the stewardship of the 1<sup>st</sup> Defendant.
4. **ANY OTHER ORDER OR ORDERS** as this Honourable Court might deem fit to make in the entire circumstances of this case.

We are grateful, Sir for the kind audience of the Honourable Court.

DATED IN ABUJA THIS ...10<sup>th</sup>... DAY OF ...May..... 2019



JOHNMARY CHUKWUKASI JIDEOBI, Esq.

✓ MARTINS ONYEDIKA OKOYE, Esq.  
(Plaintiff's Counsel)

For: JOHNMARY C. JIDEOBI & CO  
PLOT 761 Mabushi District,  
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**FOR SERVICE ON:**

1. **GODWIN EMEFIELE [Governor, Central Bank of Nigeria]** of Central Bank of Nigeria, Central Business District, Abuja
2. **THE SENATE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA** of the Office of the Senate President, Senate Wing, National Assembly Complex, Three Arm Zone, Abuja

3. **THE SENATE, FEDERAL REPUBLIC OF NIGERIA** of the Senate Wing, National Assembly Complex, Three Arm Zone, Abuja
4. **THE PRESIDENT FEDERAL REPUBLIC OF NIGERIA** of Office of the President, Federal Republic of Nigeria, Aso Rock Villa, Three Arm Zone, Abuja.