

REPUBLIC OF LIBERIA)
MONTSERRADO COUNTY) IN THE SIXTH JUDICIAL CIRCUIT CIVIL LAW COURT,
MONTSERRADO COUNTY, SITTING IN ITS MARCH
TERM A. D. 2010

BEFORE HIS HONOR: YUSSIF D. KABA ASSIGNED CIRCUIT JUDGE

Dr. J. Chris Toe of the City of Monrovia,)
Liberia.....PLAINTIFF)
)
)
vs) ACTION OF DAMAGES
) FOR LIBEL
FrontPage Africa Newspaper/FrontPage)
Africa Internet News Organ represented)
by and thru its Managing Editor/Editor-in-Chief)
or authorized representative and Rodney D.)
Sieh and Samwar S. Fallah of Oldest Congo-)
Town, Monrovia, LiberiaDEFENDANT)

PLAINTIFF’S COMPLAINT

Plaintiff in the above entitled cause of action complains against the above named Defendant in the following manner to wit:

1. Plaintiff is a Liberian and private citizen residing in the City of Monrovia, Republic of Liberia and that he is a peace-loving individual who has served his country and humanity well in contributing to the development of his country. Plaintiff says further that he has over the years worked with several national and international agencies, organizations and institutions mainly in and out of Liberia. Before becoming Minister of Agriculture, Plaintiff was President of STRAYER UNIVERSITY where he provided broad vision for the quality and growth of the University as head of said institution. Plaintiff also worked as visiting Associate Professor of Economics and Agricultural Economics at Texas Tech University and Assistant Professor of Economics and Management at the University of Liberia. Plaintiff’s knowledge and leadership roles in the agricultural and educational sectors have afforded him the opportunity of becoming one of the best in his profession.
2. Plaintiff says that Defendant is a corporation registered under the laws of Liberia with its principal place of business in Monrovia, Liberia. Plaintiff says further that Defendant is the publisher of a newspaper of general circulation in Liberia and named and styled “FRONTPAGE AFRICA”.
3. Plaintiff says that the Defendant on Tuesday, January 19, 2010 published on page 4 of its FrontPage Newspaper, Vol. 1 NO. 28 under the caption “PROSECUTION MUST FOLLOW RESIGNATION AND DISMISSALS” that Plaintiff was asked to resign after Investor allegedly reported him to the President. Attached is a copy of the FrontPage Article quoted above marked **Exhibit P/1**. The Article reads as follows:

“IN RECENT MONTHS reports about officials being dismissed or coerced to resign only to resurrect to another sector of government have been rampant. Just last year, Former Agriculture Minister Dr. Chris Toe, was asked to resign after investors from Sithe Global, an international development company engaged in the development, construction, acquisition and operation of electric generation facilities in attractive markets around the world reported an incident to

international partners who prevailed on Sirleaf to rid her government of Toe. Sithe Global has since taken its business to neighboring Ghana. Toe, according to reports is still serving as a consultant for the government”.

4. Plaintiff says further that Defendant with the same malice and intent to tarnish and damage the good name and reputation of Plaintiff, and prior to the publication of the article quoted above, published on its FrontPage Africa Internet News site on November 30, 2009 that Plaintiff stole millions intended for the Liberian people. Attached is a copy of said article marked **Exhibit P/2**. The article under the captioned “CDC DEFEATS UP IN SENATORIAL BY-ELECTION; WHAT TRANSPIRED? WHAT WENT WRONG?” reads as follows:

“Corruption Fight

From the inception of the Unity Party..... Former Agriculture Minister Christopher Toe, Lands, Mines and Energy Minister Eugene Shannon, Education Minister Joseph Kroto and officials of the Ministry of Finance have all been booked by audit for not accounting for millions but no concrete action has been taken against these officials. Toe after diverting millions intended to solve violent strike action at the Guthrie Rubber Plantation in Bomi and Grand Cape Mount counties and money intended to provide help for people affected by Army Worms in Bong and Lofa Counties was asked to resign and is now living in peace after stealing misapplying millions needed by the Liberian people for development”.

5. Plaintiff says that Defendant’s publication was seen and read by millions of people in and out of Liberia. Plaintiff says that the internet is a search engine or tool by which people from all over the world and everyone even in the remotest part of the world have access to. Defendant by publishing such defamatory statement on the internet is telling the whole world that Plaintiff has committed a crime although there is no proof as to the truthfulness of such statements. Plaintiff says further that Defendant’s publication is a deliberate attack on the integrity and moral character of Plaintiff and intended to disgrace, degrade reduce the good character or reputation among his peers and friends and the public or international community at large. Plaintiff being an international figure, says that Defendant’s publication is also intended to induce an evil or unsavory opinion of Plaintiff in the minds of a substantial number of people in the community especially those Plaintiff worked with at home and abroad and that said unprivileged publication was well calculated to injury Plaintiff in his business, trade or profession.

6. Plaintiff says that the Defendant’s publications herein above are libelous on its face and constitute libel per se as it clearly exposes Plaintiff to hatred, contempt, ridicule and obloquy because to say that “Plaintiff after diverting millions of dollars was asked to resign and is now living in peace after stealing and misapplying millions” is tantamount to accusing Plaintiff of committing a crime although Plaintiff was never charged. A statement is classified as defamatory on its face when the meaning or message is obvious on its face; the defamatory is accomplished by the very words spoken and extrinsic facts are not needed to explain. Plaintiff says that the entire publications and statements are false, totally untrue and defamatory as they pertain to Plaintiff and intended to tarnish the good name and reputation that Plaintiff has built for himself over the years as a professional in his profession. The Law provides that words that expressly or implicitly tend to injure one’s personal or professional reputation are considered defamatory per se. (50 Am Jur 26, sections 136 and 137). Statements are defamatory

per se when they constitute a serious charge of incapacity or misconduct in words so obviously and naturally harmful. (Ibid)

7. Plaintiff says that Defendant's publications charge or impute to Plaintiff criminal conduct involving moral turpitude and said publications are considered a libelous imputation and defamatory. Plaintiff says that Defendant states with certainty that Plaintiff diverted millions of dollars and stole millions belonging to the Liberian people which statement is defamatory and libelous per se and even if said statement implies that Plaintiff stole without explicitly accusing Plaintiff of theft is defamatory on its face. Plaintiff says further that the persistent publications of defamatory statements by Defendant show that Defendant with malice and hatred is bent on destroying the reputation and good characteristic of Plaintiff for which he should be held accountable.

8. Plaintiff says that this is not the first publication by Defendant's internet news service and Newspaper about Plaintiff with the aim of destroying his good reputation. That Defendant has been over the years publishing libelous information about Plaintiff and even when he was Minister of Agriculture. Plaintiff says that on June 7, 2007, Rodney D. Sieh published on his FrontPage internet news service under the Caption "Liberia's Corruption Mess: NSA Eying Top Officials in Sirleaf's Govt, Source Says. In this Article Rodney D. Sieh wrote that and I quote".

"The National Security Agency is seriously looking into concert evidence involving financial dealings of some senior officials in the administration of President Ellen Johnson-Sirleaf, an Executive mansion source told Frontpage Thursday. "The focus of the probe is targeted at people that a lot of alarm is being raised on. The NSA is working very hard. But she (President Sirleaf) wants evidence on a lot of the cases that have been cited", the source confided. Asked who the top tier officials subject to probe, the source declined to name names for fear of upsetting the investigation.

FPA has gathered that one name being seriously eyed is Agriculture Minister Dr. Chris Toe. "That is one Minister being closely monitored big time", the source confirmed. It is not clear why the NSA and not the Justice Ministry or General Audit Commission is handling the probe, but it is believed that some senior ministers have been depositing huge sums of monies in foreign bank accounts. During her

Documents (including memos and reports) in the possession of FPA reveals damaging acts of corruption at several ministries and agencies. At the Ministry of Agriculture, Toe reportedly operates with an inverted chain of command. "The directors, personnel, procurement, Finance, Asset Management, Communication, training an General Audit report directly to the Minister. The directors are closely supervised by the Assistant Minister for Administration, who also reports directly to the Minister, especially in connection to finance and the procurement of goods and services, "according to a copy of a report obtained from the Ministry.

Shortchanged at CARI

The sources.....
"The resources of the organ are being manipulated by the Minister"
.....One CARI official informed FPA that "the allowances of CARI staff are sometimes diverted, sometimes to pay some of the newly hired associates of the Minister, who in technical terms are illegal employees since they are not yet on government payroll..... The

report further states that employment of personnel is done by the Minister, generally without interview or scrutiny.....The Minister is also accused of being fond of giving away contracts for the purchase of fuel, repair of equipment, especially computers..... Since then, the Minister reportedly runs the Ministry of Agriculture single-handedly..... Copy of said article is attached and marked **Exhibit P/3**

9. Plaintiff says that further as to Count 8 of this complaint and with wicked, malicious and evil design aimed at tarnishing and defaming the good name and reputation of Plaintiff, Defendant Rodney D. Sieh published on his FrontPage internet news service dated June 5, 2007 under the caption "Ministry of Agriculture – Scrutiny brewing here" in which he alleged that and I quote:

"The Minister of Agriculture has come under scrutiny from the lawmakers and the Liberian people for m of corruption, especially with respect to revenues from fishery and rubber plantation". Copies of the two publications mentioned herein above are attached and marked **Exhibits P/4.**

10. Plaintiff says that as a result of Defendant's publications, his character and reputation have been tarnished and his name has been associated with criminals without any proof. That because Defendant's statements were not privileged as they are published by Defendant with malice, hatred and ill will toward Plaintiff and with the desire to injure Plaintiff, Defendant should be held liable for damages in the amount of US\$2,000,000.00 (Two Million United States Dollars). Plaintiff says in the instant case where the statements published are defamatory per se, injury to reputation is presumed from the bare fact of the publications and therefore damages and malice will be presumed.

11. Plaintiff says further that the defamatory publication by Defendant imputing criminal conduct or offense and lack of integrity on the part of Plaintiff with respect to his occupation and profession, have the potential to tarnish his international image and deprive him of seeking any employment nationally and internationally which could be to Plaintiff's financial and moral detriment.

12. Plaintiff demands damages from Defendant in the sum of Two Million United States Dollars (US\$2,000,000.00) a sum sufficient to restore Plaintiff's respect and dignity both at home and abroad and requests that this Honorable Court finds Defendant liable for Libel against him concerning the libelous and false publications published by Defendant in its newspaper and Internet news organ imputing criminal conduct and unethical conduct to Plaintiff which publications are all untrue but were published to tarnish, defame, and damage Plaintiff's character as a respected and law abiding citizen.

WHEREFORE AND IN VIEW of the foregoing, Plaintiff prays this Honorable Court for judgment against the Defendant in the amount of Two Million United States Dollars (US\$2,000,000.00) and that the Defendant be made to pay all costs and expenses Plaintiff may incur as a result of Defendant's malicious and false publications in these proceedings. Plaintiff also prays this Honorable Court for any and all such and further relief that this Honorable Court would deem legal, just and equitable under the circumstances of this case.

Respectfully submitted
Plaintiff by and thru his counsel,
The International Group of Legal Advocates

and Consultants, 4 Clay Street, Crown Hill
Monrovia, Liberia

EMMANUEL B. JAMES
COUNSELLOR-AT-LAW

ROSEMARIE B. JAMES
COUNSELLOR-AT-LAW

Dated this ____ day of February, A. D. 2010

\$5.00 Revenue Stamps Affixed on the Original