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Filed on 21-01-2021
at 11:30 am/pm
Registrar
SUPREME COURT OF GHANA

IN THE SUPERIOR COURT OF JUDICATURE
IN THE SUPREME COURT OF JUSTICE
ACCRA – A.D. 2020

WRIT NO. J1/5/2021

ARTICLE 64 OF THE 1992 CONSTITUTION AND SUPREME COURT RULES, 1996
(C.I. 16) (AS AMENDED BY C.I. 74 AND C.I. 99)

AMENDED PRESIDENTIAL ELECTION PETITION
PURSUANT TO LEAVE GRANTED BY THIS COURT ON 14TH JANUARY 2021
PRESIDENTIAL ELECTION HELD ON 7TH DECEMBER 2020.

JOHN DRAMANI MAHAMA
No. 33 Chain Homes
Airport Valley Drive
Accra

PETITIONER

AND

1. ELECTORAL COMMISSION
National Headquarters
6th Avenue
Ridge – Accra

1ST RESPONDENT

2. NANA ADDO DANKWA AKUFO-ADDO
House No. 02 Onyaa Crescent
Nima - Accra

2ND RESPONDENT

MOTION ON NOTICE FOR STAY OF PROCEEDINGS

PLEASE TAKE NOTICE that this Honourable Court shall be moved by counsel for and on behalf of Petitioner/Applicant/Applicant herein (Applicant) praying the Court for an order staying the proceedings pending before this Court pending the hearing and determination of the review application filed by Applicant on 20th January, 2021 upon the grounds stated in the accompanying

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affidavit; and for such other order(s) as to this Honourable Court may deem meet.

COURT TO BE MOVED on **TUESDAY** the **26th** day of January, 2021 at 9 o'clock in the forenoon or so soon thereafter as Counsel for the Applicant may be heard.

DATED IN ACCRA THIS 20TH DAY OF JANUARY 2021.



TONY LITHUR

SOLICITOR FOR PETITIONER/APPLICANT/APPLICANT

SOLICITOR'S LIC. NO. eGAR 00278/21

LAW FIRM REG. NO. ePP00047/21

LITHUR BREW & COMPANY
No. 110B 1ST KADE CLOSE,
KANDA ESTATES
P. O. BOX CT 3865 CANTONMENTS ACCRA
TEL: 0302208104/05

THE REGISTRAR
SUPREME COURT
ACCRA

AND COPY EACH FOR SERVICE ON THE ABOVE-NAMED RESPONDENTS OR THEIR SOLICITORS:

1. JUSTIN AMENUVOR, AMENUVOR & ASSOCIATES, NO. 8 NII ODARTEY OSRO STREET, KUKU HILL (FRONTLINE CAPITAL ADVISORS BUILDING), OSU, ACCRA
2. AKOTO AMPAW, AKUFO-ADDO, PREMPEH & CO., 67 KOJO THOMPSON ROAD, ADABRAKA, ACCRA.

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AFFIDAVIT IN SUPPORT OF APPLICATION FOR STAY OF PROCEEDINGS

I, **JOHN DRAMANI MAHAMA**, of House No. 33 Chain Homes, Airport Valley Drive, Accra, make oath and say as follows:

1. I am the Petitioner and Applicant herein. The facts in this affidavit, unless otherwise stated, are within my personal knowledge, information or belief.


2. At the hearing of this application, I shall seek leave of this Honourable Court, through my counsel, to refer to all processes filed in this case, as if same were reproduced here *in extenso* and sworn to by me on oath.
3. On 18th January 2021, I caused to be filed on my behalf, an application for leave to serve interrogatories on the 1st Respondent/Respondent/Respondent (1st Respondent). The application is attached hereto and marked as **Exhibit "STAY 1"**. The 1st Respondent opposed the application and same is attached as **Exhibit "STAY 2"**.
4. On 19th January 2021, this Honourable Court gave a Ruling dismissing my application for leave to serve interrogatories on the 1st Respondent. A certified true copy of the Ruling is attached hereto and marked **Exhibit "STAY 3"**.
5. On 20th January 2021, I filed an Application for Review of the said Ruling. A return date of 28th January 2021 was provided for the hearing of the application **Exhibit "STAY 4"**.
6. I am advised by Counsel and believe that the Application for Review is based on certain fundamental errors of law that the Court made in its Ruling, leading to a miscarriage of justice. At the hearing of this application, Counsel will crave the indulgence of the Court to refer to the Statement of Case in support of the Application for Review, particularly to show that there are indeed serious matters of law that are to be determined in this review application, and I am likely to succeed, as the Ruling of the Court is manifestly in error.
7. In the meantime, certain Orders in respect of issues for trial and steps for the hearing of my Petition have been made by the Court on 20th January 2021, including Orders that we file our Witness Statements by noon, 21st January 2021, and for the hearing of the Petition to start on Tuesday 26th January 2021. Attached hereto is a certified true copy of the said Orders marked **Exhibit "STAY 5"**.
8. I have been advised by Counsel and believe that:
 - a. Discovery processes, such as interrogatories, are normal pre-trial processes to limit the scope of a trial, and the review application will seek to recognize the right to have recourse to them;

- b. In this particular case, the use of the mechanism of interrogatories will ensure a speedier trial;
 - c. The denial to us of leave to serve interrogatories is a serious miscarriage of justice which we expect to have remedied in the Review; and
 - d. For the hearing of the Petition to proceed before the Review is heard would cause irreparable harm to the conduct of our case, since I would have been denied the benefit of normal pre-trial processes.
9. My Counsel has also served a Request to Admit Facts on 1st Respondent and has not yet received a response to that. The Request to Admit Facts is necessary for the finalization of our Witness Statements. Yet the Orders made by the Court on 20th January 2021 require us to file Witness Statements by noon on 21st January 2021.
10. All the above constitute exceptional circumstances on the basis of which we respectfully seek Orders of the Court staying the proceedings in this case until the determination of the Application for Review.
11. Not to stay proceedings would create the unfortunate impression that the review application has been pre-determined.
12. No prejudice will be caused to the Respondents by the grant of such leave.
13. **WHEREFORE** I swear to this affidavit.

SWORN IN ACCRA THIS 21st
DAY OF JANUARY, 2021]


DEPONENT

BEFORE ME


COMMISSIONER FOR OATHS
FELIX AKAKPO LAWYER
COMMISSIONER FOR OATHS
P.O. BOX TN 1933
TEATE NUNGUA ESTATES, ALOA