

GJZ

IN THE SUPERIOR COURT OF JUDICATURE,

IN THE HIGH COURT OF JUSTICE,

GENERAL JURISDICTION,

ACCRA - A.D. 2023.

27/7/23
at 8:54 am/pm
Registration
HIGH COURT
ACCRA

SUIT NO: GJ/0901/2023

BETWEEN

KEN OFORI-ATTA

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

... PLAINTIFF.

AND

BLESSED GODSBRAIN SMART

(A.K.A CAPTAIN SMART)

... 1ST DEFENDANTS.

MEDIA GENERAL GHANA LIMITED

BOTH OF 12TH KANDA AVENUE
JOHN HAMMOND STREET
ACCRA

... 2ND DEFENDANTS.

**DEFENDANTS' STATEMENT OF DEFENCE TO THE PLAINTIFF'S
AMENDED WRIT OF SUMMONS AND STATEMENT OF CLAIM**

ORDER 11 RULE 4 OF C.I. 47.

1. Save as herein expressly admitted the Defendants deny each and every pleading in the Plaintiff's amended statement of claim as if same have been denied herein in extenso and in seriatim.
2. Save that Plaintiff is known to Defendants as a Ghanaian and the minister in charge of finance, paragraph 1 of the Plaintiff's statement of claim is denied.
3. Defendants' state in further answer to paragraph 1 of the Plaintiff's statement of claim that the Defendants are not privy to Plaintiff's family relationship to know if he is a family man or otherwise.
4. Save that the 1st Defendant is a TV and Road presenter on "Maakye" morning talk show on Onua TV and Onua FM, paragraph 2 of the Plaintiff's statement of claim is denied.

5. Defendants then say in further answer to paragraph 2 of the Plaintiff's statement of claim that the show described as the "Maakye" show is a show on which issues of national relevance and public importance are discussed.
6. Save that the 2nd Defendant is a limited liability company incorporated under laws of Ghana with business interest in broadcast media and entertainment, with the said Onua TV and Onua FM being entities under the 2nd Defendant's business set up.
7. The defendants then state that no media set up or entity under 2nd Defendant's operations are employed in defaming or infringing on the rights of others, the defendants always keeping up to standardise practice within the defendants' industry.
8. Paragraphs 4 to 11 of the Plaintiff's amended statement of claim is denied.
9. Defendants state in answer to paragraph 4 of the Plaintiff's amended statement of claim that the Maakye show is a localised show within the Greater Accra Region with no worldwide circulation or reach.
10. Defendants state in answer to paragraph 5 and 6 of the Plaintiff's amended statement of claim that the 1st Defendant made no such statement of and concerning the Plaintiff and that the 1st Defendant's statement on the Maakye show has clearly been misstated and misconstrued by the Plaintiff.
11. Defendants further state in answer to paragraphs 5 and 6 of the Plaintiff's amended statement of claim that granted even that the 1st Defendant made any such statement of and concerning Plaintiff[which is not the case] the said statement related to issues of public interest and opinion, and for which reason same cannot be diminishing of the Plaintiff within the minds of right thinking members of society.
12. In answer to paragraph 7 of the Plaintiff's statement of claim, the defendants state that the meaning stated in paragraphs 7(a), 7(b) and 7(c) cannot in the slightest or faintest way be the natural or ordinary meaning of the words stated in paragraph 5 of the Plaintiff's amended statement of claim.

13. The Defendants repeat Paragraph 12 above and further state that the words pleaded in paragraph 7 of the Plaintiff's amended statement of claim is self-conceived, and unilaterally imposed meaning without an objective inference from the words pleaded in paragraph 5 of the Plaintiff's amended statement of claim.

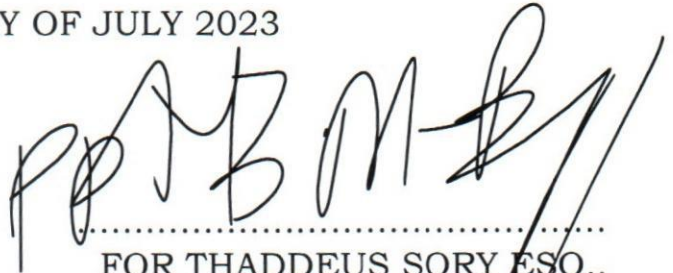
14. In answer to paragraph 8 of the Plaintiff's amended statement of claim, the Defendants state that the Plaintiff has not in any way been injured by Defendants, nor has he been brought into public scandal, ridicule, distress, embarrassment by the Defendants.

15. In further answer to paragraph 8 of the Plaintiff's statement of claim, the Defendants state that the Plaintiff has not suffered any damage from any action or inaction of the Defendants and in any case the Plaintiff has failed to set out the nature of damage suffered in order for same to be adequately responded to by Defendants, rendering the said pleading incompetent in law.

16. In answer to paragraph 10(a) to 10(f) of the Plaintiff's statement of claim, the defendants state that the Plaintiff's basis for exemplary or aggravated damages are misplaced due to the following:
 - a. The 1st Defendant did not make the said statements pleaded in paragraph 5 of the Plaintiff's statement of claim.
 - b. The 1st Defendant is not a member of the government apparatus to be deemed with knowledge of government funds and spendings save for matters within the public knowledge which the 1st Defendant is by law permitted to make fair comments thereof.
 - c. Based on paragraphs 16(a) and (b) above, the Plaintiff's pleadings in paragraph 10 (a) to (c) of the amended statement of claim are indeed misplaced and untrue.
 - d. In response to paragraph 10(d), the 2nd defendant states that it has not in any way encouraged and/or permitted the use of its platform or resources to be employed in unjustifiably defaming anyone including the Plaintiff.
 - e. The said pleadings in paragraph 10(e) of the Plaintiff's amended statement of claim is indeed baseless and false, Defendants receives no profit or gain from Plaintiff and/or from making false statements of Plaintiff.

- f. In response to paragraph 10(f), the 1st Defendant made no defamatory statement of and concerning Plaintiff and neither has Plaintiff communicated to Defendants on any statements made to require a retraction or an apology.
17. In answer to paragraph 11 of the Plaintiff's amended statement of claim the Defendants' state that no defamatory words have been published of Plaintiff and would be published of Plaintiff and in any case should any such statement be inadvertently made, the Defendants would without any hesitation make an unqualified apology to the Plaintiff.
18. The defendants then say that the Plaintiff is not entitled to the reliefs endorsed on the Plaintiff's amended writ of summons and statement of claim and prays this Court to dismiss this suit.

DATED AT SORY@LAW THIS 20TH DAY OF JULY 2023



.....
FOR THADDEUS SORY ESQ.,
SOLICITOR FOR DEFENDANTS.
LICENCE NO. uWR00138/23.
CHAMBER REG. NO: ePP00593/22.
TIN No. OF CHAMBERS C0001356860.
BUS. PARTNER No. OF CHAMBERS 3000022181.

THE REGISTRAR,
HIGH COURT,
(GENERAL JURISDICTION),
ACCRA.

SORY @ LAW
H/No. 4, 2ND CLOSE
BOUNDARY ROAD EXTENSION
NEAR UBA BANK
EAST LEGON, ACCRA
TEL: 0303 - 941489

AND FOR SERVICE ON THE ABOVE-NAMED PLAINTIFF OR HIS SOLICITOR BRIGHT OKYERE-ADJEKUM ESQ, OF ADJEKUM & CO PRUC 5TH FLOOR LEFT WING PYRAMID HOUSE RING ROAD CENTRAL ACCRA.

SORY@LAW