

HIGH COURT OF OGUN STATE  
(CIVIL PROCEDURE) RULES  
FORM 1  
General Form of Writ of Summons  
(O.3, r.3)

SUIT NO: MR/493/2019

IN THE HIGH COURT OF OGUN STATE  
IN THE ABEOKUTA JUDICIAL DIVISION  
HOLDEN AT ABEOKUTA

BETWEEN:

CHIEF OLUSEGUN OSOBA

AND

SENATOR FEMI OKUROUNMU

CLAIMANT

DEFENDANT

TO: SENATOR FEMI OKUROUNMU OF NO 3, SENATOR FEMI OKURONMU CLOSE,  
OLOKE JUNCTION, OFF IBARA GRA ABEOKUTA, OGUN STATE

You are hereby commanded that within seven days after the service of this writ on you, inclusive of the day of such service, you cause an appearance to be entered for you in an action at the suit of **Chief Olusegun Osoba of 1, Ataba Close, Ibara GRA, Abeokuta, Ogun State** and take notice that in default of your so doing the claimant may proceed therein, and judgment may be given in your absence.

Dated this 10 day of NOV, 2019

MR. E.O. FATADE REGISTRAR

MEMORANDUM TO BE SUBSCRIBED ON THE WRIT

N.B.:

This writ is to be served within six calendar months from the date thereof, or, if renewed, within three calendar months from the date of the last renewal, including the day of such date, and not afterwards.

The defendant may enter appearance personally or by a legal practitioner either by handing in the appropriate forms, duly completed, at the Registry of the High Court of the Judicial Division in which the action is brought or by sending them to the Registry by registered post.

Indorsements to be made on the writ before issue thereof-

The claimant claims against the defendant as follows:

- i. A sum of **Three Billion Naira (N3,000,000,000)** on the footing of aggravated and exemplary damages for the libellous and malicious publications made by the defendant against the claimant in the **Daily Independent Newspaper** and **Saturday Sun Newspaper**, respectively published on **Thursday, 11<sup>th</sup> July** and **20<sup>th</sup> July 2019**, particularly the words published and disseminated against the Claimant by the defendant appearing on:

**Pages 13-15** of the **Daily Independent Newspaper** of **July 11, 2019**, where the defendant caused to be published, circulated and disseminated concerning and in relation to the Claimant as follows:

*"Those who know Osoba know that he has always been a double-faced politician. On one face, he will want people to see him as a progressive, on the other face, he is working with the security forces. Osoba has always been an agent of the security forces.*

*He has one leg in the military and the other leg in the progressives camp. If you have never been told that, I am telling you now. So, when he narrated what he went through in his book, of course, for anybody who is a double agent, such person will get into trouble.*

*So, he got into trouble in the early stage of the annulment of June 12 because he has been a close collaborator with (Ibrahim) Babangida who annulled the election. It was Babangida that*

sponsored Osoba's governorship in Ogun state in 1992.

So, we all know that Osoba was a double agent. While being a close associate of Babangida, he was now pretending to be supporting MKO Abiola. That was what got him into trouble with the military.

Initially, when Abiola's election was annulled and everybody thought it will be a short struggle for Abiola to reclaim his mandate, Osoba pretended to be with us in that struggle so that he can also benefit if Abiola eventually becomes President.

That pretense of being with us is what got him into trouble and he got detained. In fact, people like Gani Fawehinmi had to go and fight for him in court. But as soon as he realised that the struggle will not be a brief one and the military are not prepared to handover to Abiola, he abandoned the struggle.

When the late Sani Abacha formed his five political parties, we in Afenifere decided that we will not participate in any of the five parties. Osoba was present when we took that decision but as soon as we left the place, he decamped and took his followers and they all went and joined Abacha's transition.

So, Osoba participated fully in Abacha's transition in all the elections conducted from ward to local government level, Osoba's men participated. So, he was not part of the NADECO struggle.

Osoba is a liar and traitor. He tells lie and wants to distort history because he knows he has betrayed Nigerians, he has betrayed the progressives cause and the Yoruba people. I believe that anybody who participated in Abacha's transition betrayed Abiola It is as simple as that. So for a traitor, he is

*just trying to justify his treacherous actions and throw blames on other people. Osoba is a traitor."*

AND

On **pages 38 – 40** in the **Saturday Sun Newspaper** of **20 July, 2019**, where Defendant also published and disseminated against the claimant, the following words:

*"But some people later started demanding that we should have primaries to pick candidates, that is, Afenifere leaders should hold elections to decide candidates to be picked.*

*Some of those who were at the front of these agitations include Segun Osoba, former governor of Ogun State, and some of these agitators including Osoba took active part in Abacha's transition programme. Osoba was in Democratic Party of Nigeria, DPN, one of the five political parties that adopted Abacha to transmute himself to life president of Nigeria before Abacha suddenly died.*

*I'm setting this record straight because I read how Osoba was distorting the origin of Afenifere crisis in SATURDAY SUN newspaper, and how he was blaming Afenifere leaders and elders. Osoba was not an original Afenifere member. He was not initially part of the NADECO struggle. After June 12 annulment by the military and sack of the Interim National Government, ING headed by Ernest Shonekan when everybody thought that Abacha would hand over to Abiola, Osoba identified with the June 12 struggle. He was even arrested for a while.*

*But as soon as Abacha bared his fangs, and everybody realized that pro-June 12 elements were for a long struggle, Osoba and others ran*

*away, abandoning NADECO. By then, we had decided and taken the decision that no NADECO and Afenifere member would take part in Abacha's transition programme.*

*Osoba was one of those who disobeyed Afenifere leaders. He went and participated in Abacha's transition programme and became a member of DPN. It was not until Abacha died that Osoba returned with his supporters to re-join Afenifere.*

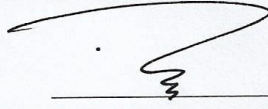
*All what I'm saying are facts that can be verified, and this is what I expect journalists to do. Journalists should do more of investigative journalism, if they do, they won't be taking what Osoba has been telling them hook, line and sinker.*

*At the time Osoba wanted to come back and rejoin Afenifere, I was then the Ogun State Chairman of Afenifere, and we resisted him. We didn't want to have him back because he took part in Abacha's transition programme. We even wrote a letter to the then Afenifere leader, late Pa Abraham Adesanya expressing our resolve not to take Osoba back."*

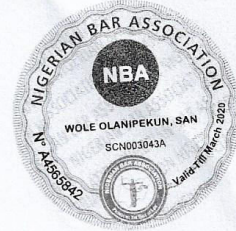
- ii. **AN ORDER** directing the defendant to make and render an unequivocal retraction of the said malicious publications afore-quoted on the front pages on seven (7) consecutive editions of both the **Saturday Sun Newspaper** and **Daily Independent Newspaper**.
- iii. **AN ORDER** directing the defendant to render and tender an unreserved apology to the claimant for the said malicious and libellous publications.
- iv. **AN ORDER** of perpetual injunction restraining the defendant, either by himself, servants, privies, agents or acting through any person or

persons howsoever or through any means or channels whatsoever from publishing or further publishing, disseminating or further disseminating, granting newspaper interviews or further granting any interviews howsoever in furtherance of his continuous uttering, disseminating or causing to be disseminated, libellous publications against the claimant.

Dated this day 8<sup>th</sup> day of November, 2019.



Chief Wole Olanipekun, OFR, SAN



This writ was issued by Chief Wole Olanipekun, OFR, SAN, of Wole Olanipekun & Co., God's Grace House, 5 Maple Close, Osborne Foreshore 2, Ikoyi, Lagos, (whose address for service within jurisdiction is Adebayo Ayodele & Co. 1, Janet Osunbunmi Avenue Oluwo Village Road, Off Moshood Abiola way, Abeokuta, Ogun State), for the said claimant.

Indorsement to be made on copy of writ of forthwith after service.

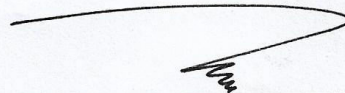
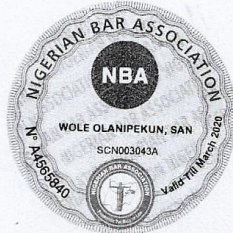
This writ was served by me at .....  
..... on the defendant (here insert mode of service) on  
the \_\_\_\_ day of \_\_\_\_\_ 2019.

Indorsed the \_\_\_\_ day of \_\_\_\_\_ 2019.

Signed \_\_\_\_\_

Address \_\_\_\_\_

Dated this 8<sup>th</sup> day of November, 2019.



✓ Chief Wole Olanipekun, OFR, SAN  
Bode Olanipekun, SAN  
Faith Adarighofua  
Temitope Adesina  
Bebor Tabai

**Olajide Salami  
Nwukabu A. Abama  
James Adesulu**

**Claimant's Counsel  
Wole Olanipekun & Co.**  
God's Grace House  
5 Maple Close,  
Osborne Foreshore Estate 2,  
Ikoyi, Lagos  
+2348089521444,  
08095425455  
Email:  
[info@woleolanipekun.com](mailto:info@woleolanipekun.com)  
[bode@woleolanipekun.com](mailto:bode@woleolanipekun.com)  
[m](http://m)

**ADDRESS WITHIN  
JURISDICTION:**

c/o:  
**Adebayo A. Ayodele Esq.  
Adebayo Ayodele & Co.  
1, Janet Osunbunmi  
Avenue  
Oluwo Village Road,  
Off Moshood Abiola way  
Abeokuta, Ogun State**

**FOR SERVICE ON:**

**The Defendant  
Senator Femi Okurounmu**  
No 3, Senator Femi Okurounmu Close,  
Oloke Junction,  
Off Ibara GRA,  
Abeokuta,  
Ogun State

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CHIEF OLUSEGUN OSOBA

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CLAIMANT

AND

SENATOR FEMI OKUROUNMU

----

DEFENDANT

STATEMENT OF CLAIM

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1. The claimant is an elder statesman who is well respected within and outside Nigeria.
2. The claimant is also the holder of very distinguished and respected Chieftaincy titles in Yorubaland, including but not limited to **the AKINROGUN of Egbaland, the Aremo of Ijebuland and the Araba of Yewa.**
3. The claimant started his illustrious career as a journalist with the defunct **Daily Times of Nigeria** and ended up being a **Publisher, Editor, General Manager and Managing Director** of different national publications in Nigeria.
4. The claimant has held, amongst others, the following positions in several national dailies:
  - i. **Deputy Editor of the *Sunday Times*, from 1971 - 1972.**
  - ii. **Deputy Editor of the *Daily Times of Nigeria*, from August 1975 – November 1975.**
  - iii. **General Manager of the *Nigerian Herald*, from 1975 - 1978.**
  - iv. **Managing Director of the *Daily Times of Nigeria*, from 1984 - 1989.**



- v. **General Manager of the Sketch Group of Newspapers, from 1979 – 1983.**
5. The claimant was a member of the Constituent Assembly in **1988**.
6. In the course of his illustrious career in journalism, the claimant, at various times attended, amongst others the following institutions:
  - i. **The University of Lagos.**
  - ii. **The Commonwealth Press Union, Bouverie House, Fleet Street, London, UK.**
  - iii. **The Indiana University, School of Journalism, Bloomington, Indiana, USA.**
  - iv. **The Thompson Foundation School for Journalism, Cardiff, Wales.**
  - v. **Harvard University, Cambridge, Massachusetts, USA.**
7. Between **1992 and 1993**, Claimant was elected as the **Governor of Ogun State** on the platform of the **Social Democratic Party (SDP)**.
8. Between **1999 – 2003**, Claimant was also elected as the **Governor of Ogun State** on the platform of the **Alliance for Democracy (AD)**.
9. As the Governor of Ogun State between **1999 - 2003**, Claimant doubled as the leader of the **Alliance for Democracy (AD)** in Ogun State, and under his leadership, Defendant was sponsored by the same Alliance for Democracy, contested and won election to the Senate of the Federal Republic of Nigeria, where he served as Senator representing Ogun Central Constituency between **1999 – 2003**.
10. Claimant is also the holder of the national honour – **Commander of the Order of the Niger (CON)**.
11. Presently, Claimant is a founding, leading and respected member of the **All Progressives Congress (APC)**.

12. As between the claimant and the defendant, Claimant avers that to the best of his knowledge, there was no dispute over any subject or matter prior to **Thursday, 11<sup>th</sup> July, 2019**.
13. On **Thursday, 11<sup>th</sup> July, 2019**, an interview granted to the **Daily Independent Newspaper** was published at **pages 13 – 15** thereof, where the defendant wickedly and maliciously stated, caused to be published, circulated and disseminated, concerning and in relation to the claimant, the following words:

*“Those who know Osoba know that he has always been a double-faced politician. On one face, he will want people to see him as a progressive, on the other face, he is working with the security forces. Osoba has always been an agent of the security forces.*

*He has one leg in the military and the other leg in the progressives camp. If you have never been told that, I am telling you now. So, when he narrated what he went through in his book, of course, for anybody who is a double agent, such person will get into trouble.*

*So, he got into trouble in the early stage of the annulment of June 12 because he has been a close collaborator with (Ibrahim) Babangida who annulled the election. It was Babangida that sponsored Osoba’s governorship in Ogun state in 1992.*

*So, we all know that Osoba was a double agent. While being a close associate of Babangida, he was now pretending to be supporting MKO Abiola. That was what got him into trouble with the military.*

*Initially, when Abiola’s election was annulled and everybody thought it will be a short struggle for Abiola to reclaim his mandate, Osoba pretended to be with us in that struggle so that he can also benefit if Abiola eventually becomes President.*

*That pretense of being with us is what got him into trouble and he got detained. In fact, people like Gani Fawehinmi had to go and fight for him in court. But as soon as he realised that the struggle will not be a brief one and the military are not prepared to handover to Abiola, he abandoned the struggle.*

*When the late Sani Abacha formed his five political parties, we in Afenifere decided that we will not participate in any of the five parties. Osoba was present when we took that decision but as soon as we left the place, he decamped and took his followers and they all went and joined Abacha's transition.*

*So, Osoba participated fully in Abacha's transition in all the elections conducted from ward to local government level, Osoba's men participated. So, he was not part of the NADECO struggle.*

*Osoba is a liar and traitor. He tells lie and wants to distort history because he knows he has betrayed Nigerians, he has betrayed the progressives cause and the Yoruba people. I believe that anybody who participated in Abacha's transition betrayed Abiola" It is as simple as that. So for a traitor, he is just trying to justify his treacherous actions and throw blames on other people. Osoba is a traitor."*

14. Also, on **20<sup>th</sup> July, 2019**, another interview granted by the defendant, in his ceaseless bid to tarnish and malign the image and reputation of the claimant, was published on **pages 38 – 40** of the **Saturday Sun Newspaper**, wherein the following wicked, malicious and libellous words and allegations were made against the claimant by the defendant:

*"But some people later started demanding that we should have primaries to pick candidates, that is, Afenifere leaders should hold elections to decide candidates to be picked.*

*Some of those who were at the front of these agitations include Segun Osoba, former governor of Ogun State, and some of these agitators including Osoba took active part in Abacha's transition programme. Osoba was in Democratic Party of Nigeria, DPN, one of the five political parties that adopted Abacha to transmute himself to life president of Nigeria before Abacha suddenly died.*

*I'm setting this record straight because I read how Osoba was distorting the origin of Afenifere crisis in SATURDAY SUN newspaper, and how he was blaming Afenifere leaders and elders. Osoba was not an original Afenifere member. He was not initially part of the NADECO struggle. After June 12 annulment by the military and sack of the Interim National Government, ING headed by Ernest Shonekan when everybody thought that Abacha would hand over to Abiola, Osoba identified with the June 12 struggle. He was even arrested for a while.*

*But as soon as Abacha bared his fangs, and everybody realized that pro-June 12 elements were for a long struggle, Osoba and others ran away, abandoning NADECO. By then, we had decided and taken the decision that no NADECO and Afenifere member would take part in Abacha's transition programme.*

*Osoba was one of those who disobeyed Afenifere leaders. He went and participated in Abacha's transition programme and became a member of DPN. It was not until Abacha died that Osoba returned with his supporters to re-join Afenifere.*

*All what I'm saying are facts that can be verified, and this is what I expect journalists to do. Journalists should do more of investigative journalism, if they do, they won't be taking what Osoba has been telling them hook, line and sinker.*

*At the time Osoba wanted to come back and rejoin Afenifere, I was then the Ogun State Chairman of*

*Afenifere, and we resisted him. We didn't want to have him back because he took part in Abacha's transition programme. We even wrote a letter to the then Afenifere leader, late Pa Abraham Adesanya expressing our resolve not to take Osoba back."*

15. Amongst others, Defendant wickedly presented Claimant to the entire world in the said publications as a **"double-faced politician"**, one who has **"one leg in the military and the other leg in the progressive camp"**; **"has been a close collaborator with the former military Head of State, General Ibrahim Babangida, who annulled the presidential election of 1993"**; **"a double agent"**; **"a protégé and errand boy of Ibrahim Babangida"**; **"a liar and a traitor"**; one who **"tells lies and wants to distort history"**; **"a betrayer of Nigerians"**; **"a traitor who is only trying to justify his treacherous actions"**; etc.
16. Apart from the innuendos contained in the wicked and malicious words and publications made and published by the defendant against the claimant, in their ordinary and natural meanings, the words mean(s):
  - i. **Liar** - a person who tells lies.
  - ii. **Traitor** - a person who betrays someone or something, such as a friend, cause, or principle.
  - iii. **Double-faced** - tending to say one thing and do another; deceitful.
  - iv. **Collaborator** - A collaborator is someone who helps an enemy who is occupying their country.
  - v. **Betrayer** - a person who says one thing and does another. double-crosser, double-dealer, traitor, two-timer. beguiler, cheater, deceiver, trickster, slicker, cheat - someone who leads you to believe something that is not true. Judas - someone who betrays under the guise of friendship.

vi. **Treachery and/treacherous actions - betrayal of trust/ cannot be trusted because they are not loyal and secretly intend to harm you.**

17. Claimant avers that by the said publications, and the very heavy, wicked, far-reaching and malicious words employed by the defendant against the claimant therein, Defendant meant and was understood to say or mean that:

- i. **The claimant is a pretender, and anarchist.**
- ii. **The claimant is a saboteur, a subversive element and a rabble rouser.**
- iii. **The claimant is an enemy of the nation, particularly of democracy and good governance.**

18. Further, and/or in the alternative, the said publications and their content, meant and were understood to mean that:

- i. **Claimant is a reactionary pretending to be a progressive;**
- ii. **Claimant is a slippery personality who cannot and should not be trusted by any person;**
- iii. **As a common liar, Claimant deserves no respect by any person at all;**
- iv. **As a traitor, Claimant should not be accommodated within the clime or congregation of decent people;**
- v. **As a treacherous person, Claimant should be treated like a leper;**
- vi. **As someone who collaborated with the military to annul the presidential election of 1993, Claimant should be treated like a common criminal;**

vii. By stating that "Osoba is a traitor", Defendant means and wanted everyone who read his malicious publications to take his words as the gospel truth; and

viii. The claimant is a fraudster.

19. Defendant knew and had every reason to know that the said words employed by him against the claimant were/are untrue, unfair and unjust, but still went ahead to maliciously publish same in order to cause incalculable damage to the claimant's character and reputation, and present him to the public as a villain.

#### **PARTICULARS**

i. Both Claimant and Defendant are Yoruba elders in particular, and national elders, generally.

ii. Both Claimant and Defendant are from Ogun State of Nigeria.

iii. Arising from (i) and (ii), supra, Defendant has unrestricted access to the claimant in order to ask any question or seek clarification regarding any issue or grudge being nursed against the claimant by the defendant.

iv. The defendant exceeded all bounds of decency and went loose in the far-reaching negative words he used/employed against the claimant.

v. Elders in Yorubaland, in particular, and Africa, generally, do not talk like the defendant did, especially in respect of a fellow elder.

20. Claimant states further that the defendant's action was actuated by malice, hatred and spite.

#### PARTICULARS

- i) Claimant states, again, that a Yoruba elder, in particular, and an African elder, generally, does not carelessly talk the way the defendant did, but is always courteous and restrained in his or her comments, especially when such comments were/are reduced into writing, and more particularly, when such comments were made to journalists for the purpose of publication.
- ii) Both the Daily Independent Newspaper and the Saturday Sun Newspaper have wide coverage both within and outside Nigeria, and each of them has online publications and editions which travel and are circulated globally.
- iii) By a letter dated 23<sup>rd</sup> July, 2019, Claimant's solicitors, acting on the instruction of the claimant, wrote the defendant in respect of the said publications, demanding a retraction of same and an apology, amongst others.
- iv) The said letter was sent to the defendant through courier service and same was actually delivered to the defendant.
- v) The defendant has, till date, neither acknowledged receipt of the letter nor shown any sign of remorse.
- vi) Defendant is enjoying, bathing and basking in the negative publicity blitz and embarrassment which his said publications have caused the claimant.
- vii) Defendant threw all caution to the wind in granting the interviews leading to the said publications, and making the far-reaching negative and wicked comments against the claimant.
- viii) Claimant pleads and will rely on the maxim *res ipsa loquitur*.



21. By reason of the foregoing, Defendant has smeared and damaged the claimant's character, grievously injured his reputation, deflated his human currency and bruised his ego, leaving him in stress and distress.
22. Further to the foregoing, Claimant has suffered humiliation, embarrassment, vilification, denigration, disparagement, sanctions, unjust criticisms, enquiries and inquiries, across the divide, from old and young, as well as from within and outside the country – calling to question his hard-earned reputation over the years, whether as a journalist or as a publisher or as a politician or as a former governor or as an administrator or even as a parent.
23. Immediately after the publications went viral and global, Claimant has received and still continues to receive telephone calls, text messages, letters, mails, etc, from friends, associates, allies, etc, drawing his attention to the said publications and asking questions about his antecedents, as well as what steps he has taken about the damaging publications.
24. Unless restrained by the order of this Honourable Court, the defendant will continue to publish or cause to be published and disseminated, the said or similar publications in form of interviews, both to journalists and others, against the claimant and/or his person.
25. Upon the premises afore-pleaded, Claimant avers that he is entitled to exemplary and aggravated damages, as well as injunctive and other reliefs against the defendant.
26. At the trial of this action, the claimant shall found on all the documents relating to and connected with the facts pleaded herein, including but not limited to the **Daily Independent** and the **Saturday Sun** newspapers of **11<sup>th</sup> July and 20<sup>th</sup> July, 2019**, respectively, letters from **Samuel O. Durojaye, Hon. Tajudeen Olanrewaju Egunjobi, and Chief Sunday Sowunmi** dated **22<sup>nd</sup> July, 23<sup>rd</sup> July, and 24<sup>th</sup> July, 2019**, respectively, as well as the text

messages letters, mails, etc., he has received from friends, relations, allies, partners, etc, in relations to the publications.

27. **WHEREOF** the claimant claims against the defendant as follows:

- i. A sum of **Three Billion Naira (N3,000,000,000)** on the footing of aggravated and exemplary damages for the libellous and malicious publications made by the Defendant against the Claimant in the **Daily Independent Newspaper** and **Saturday Sun Newspaper**, respectively published on **Thursday, 11<sup>th</sup> July** and **20<sup>th</sup> July 2019**, particularly the words published and disseminated against the Claimant by the defendant appearing on:

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*But as soon as Abacha bared his fangs, and everybody realized that pro-June 12 elements were for a long struggle, Osoba and others ran away, abandoning NADECO. By then, we had decided and taken the decision that no NADECO and Afenifere member would take part in Abacha's transition programme.*

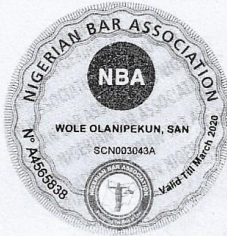
*Osoba was one of those who disobeyed Afenifere leaders. He went and participated in Abacha's transition programme and became a member of DPN. It was not until Abacha died that Osoba returned with his supporters to re-join Afenifere.*

*All what I'm saying are facts that can be verified, and this is what I expect journalists to do. Journalists should do more of investigative journalism, if they do, they won't be taking what Osoba has been telling them hook, line and sinker.*

*At the time Osoba wanted to come back and rejoin Afenifere, I was then the Ogun State Chairman of Afenifere, and we resisted him. We didn't want to have him back because he took part in Abacha's transition programme. We even wrote a letter to the then Afenifere leader, late Pa Abraham Adesanya expressing our resolve not to take Osoba back."*

- ii. **AN ORDER** directing the defendant to make and render an unequivocal retraction of the said malicious publications afore-quoted on the front pages on seven (7) consecutive editions of both the **Saturday Sun Newspaper** and **Daily Independent Newspaper**.
- iii. **AN ORDER** directing the defendant to render and tender an unreserved apology to the claimant for the said malicious and libellous publications.
- iv. **AN ORDER** of perpetual injunction restraining the defendant, either by himself, servant, privies, agents or acting through any person or persons howsoever or through any means or channels whatsoever from publishing or further publishing, disseminating or further disseminating, granting newspaper interviews or further granting any interviews howsoever in furtherance of his continuous uttering, disseminating or causing to be disseminated, libellous publications against the claimant.

Dated this 8<sup>th</sup> day of **November, 2019**



✓ **Chief Wole Olanipekun, OFR, SAN.**  
**Bode Olanipekun, SAN**  
**Faith Adarighofua**  
**Temitope Adesina**

**Bebor Tabai  
Olajide Salami  
Nwukabu A. Abama  
James Adesulu**

Claimant's Counsel  
**Wole Olanipekun & Co.**  
God's Grace House  
5 Maple Close  
Osborne II Estate, Lagos.  
Email:  
[info@woleolanipekun.com](mailto:info@woleolanipekun.com)  
[bode@woleolanipekun.com](mailto:bode@woleolanipekun.com),  
[olajide.s@woleolanipekun.com](mailto:olajide.s@woleolanipekun.com),  
[james.a@woleolanipekun.com](mailto:james.a@woleolanipekun.com)  
Tel: 01-90358641 |  
08095424522 | 08060749219

**ADDRESS WITHIN JURISDICTION:**

c/o:  
**Adebayo A. Ayodele Esq.  
Adebayo Ayodele & Co.  
1, Janet Osunbunmi Avenue  
Oluwo Village Road,  
Off Moshood Abiola way  
Abeokuta, Ogun State**

**FOR SERVICE ON:**

The Defendant  
**Senator Femi Okurounmu**  
No 3, Senator Femi Okurounmu Close,  
Oloke Junction,  
Off Ibara, GRA  
Abeokuta - Ogun State.