**FORM I APPENDIX 6**

**WRIT OF SUMMONS**

**(0.3 r.4)**

**IN THE FEDERAL HIGH COURT**

**IN THE ABEOKUTA JUDICIAL DIVISION**

SUIT NO.

***BETWEEN***

MR. OLADAPO VINCENT KOLAWOLE - PLAINTIFF

***AND***

1. MR. DIPO ABOLUDE
2. THE PERMANENT SECRETARY, FEDERAL MINISTRY OF FINANCE
3. THE ATTORNEY GENERAL OF FEDERATION
4. THE PERMANENT SECRETARY, MINISTRY OF WORKS
5. THE ACCOUNTANT GENERAL OF THE FEDERATION
6. THE DIRECTOR-GENERAL DEBT MANAGEMENT

OFFICE

7. THE GOVERNOR OF THE CENTRAL BANK OF NIGERIA

8. THE DIRECTOR, HOME FINANCE DEPARTMENT, FEDERAL

MINISTRY OF FINANCE

9. THE CHAIRMAN, ECONOMIC AND FINANCIAL

DEFENDANTS

CRIME COMMISSION

10. THE EXECUTIVE GOVERNOR OF EKITI STATE

11. SECRETARY TO THE GOVERNMENT OF EKITI STATE

12. THE HON. COMMISSIONER FOR FINANCE,

EKITI STATE

13. THE ACCOUNTANT-GENERAL OF EKITI STATE

14. THE ATTORNEY-GENERAL OF EKITI STATE

15. THE PERMANENT SECRETARY,

EKITI STATE MINISTRY OF FINANCE

16.DR. SAMUEL OMOTOSO

17. MR. LERE OLAYINKA

To: THE DEFENDANTS:

**(1) The 1st defendant,** 48, Oloko Street, Off Akeredolu Road, Olambe, Akute, Ogun State. **(2)The 2nd defendant**Federal Ministry of Finance, Ahmadu Bello Way, Central Business District, Abuja, FCT. **(3)The 3rd defendant,** Federal Ministry of Justice, Shehu Shagari Way, Central District, Maitama, Abuja, FCT. **(4) The 4th defendant,** Ministry of Power Works & Housing, Mabuchi, Abuja, FCT. **(5) The 5th defendant,** 5, Zaria Street, Treasury House, Ladoke Akintola Baulevard, Garki, Abuja, FCT. **(6) The 6th defendant** NDIC Building (1st Floor), Plot 447/448 Constitution Avenue, CBD, Garki Abuja, Nigeria. **(7) The 7th defendant,** Plot 33, Abubakar Tafawa Balewa Way, Central Business District, Cadastral Zone, Abuja, FCT, Nigeria. **(8) The 8th defendant,** Federal Ministry of Finance, Ahmadu Bello Way, Central Business District, Abuja, FCT. **(9) The 9th defendant,** No. 5, Fomella Street, Off Adetokunbo Ademola Crescent, Wuse II, Abuja, Nigeria. **(10) The 10th defendant,** The Governor’s Office, Ado-Ekiti, Ekiti State. **(11) The 11th defendant** Governor’s Office, Ado-Ekiti, Ekiti State. **(12) The 12th defendant,** Ministry of Finance, Ado-Ekiti, Ekiti State **(13) The 13th defendant,** State Treasury Office, Ministry of Finance, Ado-Ekiti, Ekiti State **(14) The 14th defendant,** Ministry of Justice, Ado-Ekiti, Ekiti State. **(15) The 15th defendant,** Permanent Secretary Office, Ministry of Finance, Ado-Ekiti, Ekiti State **(16) The 16th defendant,** Ekiti State House of Assembly, Ado-Ekiti, Ekiti State. **(17) The 17th defendant,** Broadcasting Service of Ekiti State, Ado-Ekiti, Ekiti State.

You are hereby commanded that within thirty days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in an action at the suit of **Mr. Vincent Oladapo Kolawole** and take notice that in default of your so doing the Plaintiff may proceed therein, and judgment may be given in your absence.

Dated this………………day of………………………. 2018

………………………………………….

Registrar

**Memorandum to be subscribed on the writ**

**NB:** This writ is to be served within twelve (12) calendar months from the date thereof, or if renewed, within six 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 Legal Practitioner either by handing in the appropriate forms, duly completed, at the Registry of the Federal High Court of the Judicial Division in which the action is brought or by sending them to the Registry by registered post.

The Plaintiff’s claim is for:

1. A DECLARATION that the sum of all funds received by the 10th – 15th defendants for and on behalf of Ekiti State Government from the Federation Account contained in the financial statements of 2013 were properly and duly accrued for and due to Ekiti State Government as at the tenure of Dr. Kayode Fayemi in which the Plaintiff was the Commissioner for Finance.
2. A DECLARATION that the sum of N17,724538,594:94 represented by the sum of N10,839,493,135:63 being reimbursement due on construction of Ado-Iworoko-Ifaki road construction and N4,012,384,082:60 being refund on Paris Club ($25,886,851,080:83) and amount due on ecological projects of N2,858,851,080:83 were all monies due to the Ekiti State Government as at 30th June, 2014 and during the tenor of Governor Kayode Fayemi as expressly stated in the audited account of the State by the Ekiti State Auditor-General;
3. A DECLARATION that the total indebtedness of Ekiti State Government to banks and financial institutions as contained in the financial statement published by the Auditor General of Ekiti State was N27,418,166,077:17 as at 15th October, 2014.
4. A DECLARATION that there was no loan obtained by the Government of Dr. Kayode Fayemiin which the plaintiff was the Commissioner for Finance between 16th October, 2010 and 15th October, 2014 whose tenor was beyond 7years including the N25bn bond.
5. An ORDER of the Honourable court, directing and mandating the 6th defendant to ascertain the debt profile of Ekiti State, between October 16, 2010 and October 15, 2014 being the tenure of Dr. Kayode Fayemi and between 16th October, 2014 – 15th October, 2018 being the tenure of Mr. Ayodele Fayose.
6. AN ORDER of the Honourable Court restraining the 2nd to 9th defendants, their servants, agents and/or privies, from releasing, giving or in whatsoever manner make available to the government of Ekiti State, through the 10th – 15th defendants, their servants, agents and/or privies and under the Governor of Ekiti State, Mr. Peter Ayodele Fayose, the following funds:
7. The sum of N10,839,493,135.63 being reimbursement due from the Federal government to Ekiti State on the construction of Ado-Iworoko-Ifaki Road.
8. The sum of N4,012,384,082.60 being refund of Paris Club (125,886,851,080.83).
9. The sum of N2,858,851,080.83 being an amount due on Ecological Projects, pending the 6th defendant’s ascertainment, publication, making available to the plaintiff, the debt profile of Ekiti State, between 16th October, 2010 – 15th October, 2014, being Dr. Kayode Fayemi’s regime and between 16 October, 2014 – 15th October, 2018, being Mr. Ayodele Fayose’s regime and until the payment of all arrears of salaries, pensions and entitlements of all serving and retired civil servants and public servants, particularly that of the plaintiff, until the plaintiff is totally paid.
10. AN ORDER of the Honourable Court, restraining the 2nd to 9th defendants whether by themselves, servants, agents or privies from guarantying standing as surety, confidant, issuing bonds to or in whatsoever manner standing in any position to guaranty or stand-in or on behalf of the 10th defendant or any of its officials or Ekiti State thereby enabling her to get a loan or bond wherein the 2nd – 9th defendants will assure the lender to the 10th – 15th Defendants or Ekiti State that such borrowing shall be paid or offset from the expected re-imbursement from the Federal Government of Nigeria, from the funds owed, Ekiti State government during the period 16th October, 2010 to 15th October 2014.
11. The sum of ten billion naira in damages against the 10th – 15th defendants being officials, servants and agents of Ekiti State government for the slander committed against the Plaintiff, when they made slanderous and disparaging words against the Plaintiff on television, radio and public fora, to the effect that the Plaintiff and Dr. Kayode Fayemi plunged Ekiti State into debt to the tune of N85b and the indebtedness will not be liquidated until 2036.
12. The sum of ten billion naira being general damages for the libel committed against the plaintiff by the 10th – 15th defendants, when they defamed the plaintiff by publishing the following words concerning the Plaintiff “………………….”
13. The sum of………………………………… being special damages against the 10th – 17th defendants, being unpaid and outstanding salary of the plaintiff and EXCO allowances.

PARTICULARS OF SPECIAL DAMAGES

1. Unpaid and outstanding salary of …………………… and ………… months, at ……………. Per month, equals N………………..
2. Outstanding EXCO allowance for ………. Months, equals …..
3. Total special damages = N……………………
4. AN ORDER of the Honourable Court mandating the Economic and Financial Crimes Commission – 9th defendant, to investigate the circumstances for the diversion and breach of the appropriation laws of Ekiti State through the cancellation of the original contract i.e. Ikere-Iju-Ondo Boundary Dualisation without first ensuring that all laws and process of Ekiti State Government is strictly adhered to.
5. AN ORDER directing the Federal Ministry of Power Works & Housing – the 4th defendant, to investigate the road contract relating to Ikere-Iju-Ondo Boundary Road, cancellation and breach of the appropriation laws of Ekiti State and stop further payments or reimbursement that is due on the Ikere Township Dualisation or Ikere-Iju-Ondo Boundary Dualisation, a contract validly awarded to China Railway 3 (CR3) to cover Ikere – Iju Ondo State Boundary Dualisation.
6. AN ORDER directing that any further disbursement of bailout funds, Paris Club, Grants or other reimbursement due to Ekiti State being Federal Government pallatives shall be disbursed directly through a committee of EFCC, Accountant General of the Federation, Federal Ministry of Finance, Accountant General of Ekiti State, Auditor General of Ekiti State and Auditor General for Local Government of Ekiti State to avert further diversion or misappropriation of such funds by Government of Ekiti State particularly the 10th to 12th defendants being good gesture of the Federal Government of Nigeria under the leadership of President Buhari.
7. The sum of one hundred million naira (N100,000,000.00) has general damages against the 1st defendant.
8. A perpetual injunction restraining the 1st, 10th – 15th defendants from further acts of slander and/or libel against the person of the plaintiff.
9. Cost of this action in the sum of twenty million naira (N20,000,000.00)

The Writ was issued by **Isaac Obrutu Esq., ……………… of Isaac Obrutu& Co, Legal Practitioners, whose address for service is 568, Ikorodu Road, Ketu, Lagos State, Nigeria, 08033039231, E-mail:** [**isaac.obrutu@yahoo.com**](mailto:isaac.obrutu@yahoo.com)**,** Legal Practitioners for the Plaintiff, who resides at ……….

The Writ was served by me at the above address on the \_\_\_\_\_\_ defendant by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on the \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_ Endorsed the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_\_.

**……………………………..………………**

**(Signed)**

**…………………………………….**

**(Address)**

Dated the …………….day of ………………… 2018.

**Isaac Obrutu Esq.**

**Isaac Obrutu& Co.**

**Claimant’s Solicitors**

**568, Ikorodu Road,**

**Ketu, Lagos.**

**08033039231**

**E-mail:** [**isaac.obrutu@yahoo.com**](mailto:isaac.obrutu@yahoo.com)

**IN THE FEDERAL HIGH COURT OF NIGERIA**

**IN THE ABEOKUTA JUDICIAL DIVISION**

**HOLDEN AT ABEOKUTA**

SUIT NO.

***BETWEEN***

MR. OLADAPO VINCENT KOLAWOLE - PLAINTIFF

***AND***

1. MR. DIPO ABOLUDE
2. THE PERMANENT SECRETARY, FEDERAL MINISTRY OF FINANCE
3. THE ATTORNEY GENERAL OF FEDERATION
4. THE PERMANENT SECRETARY, MINISTRY OF WORKS
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15. THE PERMANENT SECRETARY,

EKITI STATE MINISTRY OF FINANCE

16.DR. SAMUEL OMOTOSO

17. MR. LERE OLAYINKA

**STATEMENT OF CLAIM**

1. The Plaintiff is a Chartered Account who has practiced extensively and has been in public service at various times including being the Honourable Commissioner for finance, Ekiti State between 2010 and 2014 serving meritoriously.
2. The 1st defendant is gainfully employed and resides at 48, Fatai Oloko Street, Off Akeredolu Road, Olambe, Akute, Ogun State.
3. The 2nddefendant is the Permanent Secretary, Federal Ministry of Finance and is responsible for policy formulation, answerable and reports to the Federal Minister of Finance.
4. The 3rddefendant is the Chief Law Officer of Nigeria.
5. The 4th defendant is the Permanent Secretary, Ministry of Works and is responsible for policy formulation in all issues relating to road construction for the ministry, answerable and reports to the Federal Minister of Power, Works and Housing.
6. The 5th defendant is the person saddled with keeping of the accounts of Federal government finances.
7. The 6th defendant is responsible for keeping records of all debts owed by all tiers of government in Nigeria
8. The 7th defendant is the banker to the Federal Republic of Nigeria and is responsible for formalizing policies and regulation for the financial sectors of the economy of Nigeria.
9. The 8th defendant is responsible for the issuance of warrants and release of funds to State governments.
10. The 9th defendant is the head of the commission saddled with the task of checking economic and financial crimes in Nigeria.
11. The 10th defendant is the Executive Governor and the head of Executive Council ofEkiti State.
12. The 11th defendant is the Secretary to the Ekiti State government.
13. The 12th defendant is the Commissioner responsible for and heads the finance ministry, which authority sees to the income and expenditure of Ekiti State.
14. The 13th defendant is responsible for keeping the accounts of Ekiti State.
15. The 14th defendant is the Chief Law Officer, Ekiti State.
16. The 15th defendant is the Permanent Secretary, Ekiti State Ministry of finance who is responsible for the day to day running of the ministry.
17. The 16th defendant is a member of Ekiti State House of Assembly, representing Oye Constituency I and he is one of the most vocal and active persons propagating falsehood against the plaintiff over radio, television, news media and social media, thereby committing slander and libel against the plaintiff, repeatedly.
18. The 17th defendant is the Special Assistant to the Governor of Ekiti State on News Media and the Acting Director General of Broadcasting Service of Ekiti Stateas well as the 10th – 16th defendants, has been propagating falsehood against the plaintiff over radio, television, news media and social media, thereby committing slander and libel against the plaintiff, repeatedly.
19. Sometime in 2016, the plaintiff came back home, only to see that the 1stdefendant who has enough space to park his car in his premises and who lives in another street, parked his car directly in front of the Plaintiff’s gate,blocking the gate of the Plaintiff almost totally and when the Plaintiff sent for him to remove his car, he said there is no fuel in the car and that the Plaintiff should fill the tank of his car if he want the car removed, saying ‘afterall, you have not spent all the money you stole in Ekiti State’ in the full glare of the Plaintiff’s family members, neighbors and passersby.
20. That just about few weeks ago, without being provoked, the 1st defendant threatened to beat the plaintiff up, if the plaintiff utter any word saying ‘I regret living close to a thief like you. Governor AyodeleFayose cannot be wrong when he said you stole and put Ekiti State in debt’.
21. The plaintiff thereafter lodged a complaint at Nigeria Police Station, Ajuwon Division, Ogun State against the 1st defendant.
22. That the 1st defendant knows that all the allegations are false and is just out to destroy the hard earned reputation of the plaintiff as a result of envy.
23. That the Plaintiff have been seriously maligned, disgraced, insulted, disparaged, humiliated, downgraded, abused and scorned, so much so that no one in the plaintiff’s neighborhood has any regard for him including members of the Community Development Association, to which the plaintiff belong, thereby suffering untold shame, hardship and unprecedented humiliation.
24. The Plaintiff aver that in the course of his tenure as the Commissioner for Finance, Ekiti State, between 2010 and 2014, there was no mismanagement of the finances of the Government of Ekiti State.
25. That all government revenue and expenditure, including loans secured to finance Capital Projects, were administered in line with the approval of the Executive Council of the Government of Ekiti State, the Ekiti State House of Assembly and the Ekiti State Bureau of Public Procurement. All relevant laws and statutes were complied with, including Capital Expenditure Approvals and were done with the concurrence of the Ekiti State Ministry of Budget and Economic Planning and other relevant Ministerial Tenders.
26. That the 10th to 17thdefendants, accused the Government of Dr. KayodeFayemi, whom the Plaintiff served as the Commissioner for Finance, between 2010 to 2014 in print and electronic media, radio and television of:
    1. Illegal withdrawal of N852.9m being funds belonging to Ekiti State Government by the government of Dr. John OlukayodeFayemi on October 8, 2014, from the EKSG Capital Project Account in Access Bank and loss of N4,000,000,000.00 (Four Billion Naira) at a rate of N1,000,000,000.00 (One Billion Naira) yearly, which allegedly led to the suspension of Ekiti State SUBEB from the UBEC programme.
    2. Committed financial misappropriation thereby plunging Ekiti State to huge indebtedness of N85BN that will be fully repaid in year 2036;
    3. Misappropriation of N25bn borrowed from the capital market with nothing to show for it.
27. That the Plaintiff initially thought the accusations were mere political propaganda which he decided to ignore.
28. That upon continuously inciting the public against the government of Dr. KayodeFayemi, which the Plaintiff served meritoriously, the Plaintiffcame across a junk and libelious publication by the Government of Mr. Peter AyodeleFayose “Titled *Debt Profile of Ekiti State as at today by Dr. KayodeFayemi Administration as at 15th October 2014”.*
29. The 10th – 17th defendants consistently made unfounded and unsubstantiated allegations against the government of Dr. KayodeFayemi and the Plaintiff, for the purpose of ridiculing and injuring his reputation and that the government which the Plaintiff served, plungedEkiti State into a huge debt that would not expire until year 2036.
30. That the disparaging comments on radio, television,printand electronic media & News Media were for the purpose of inciting the general public and people of Ekiti State in general against Dr. KayodeFayemi and all members of his cabinet including the Plaintiff.
31. That as a result of the incitement on print, radio, television, electronic media and news media by 10th defendant, Acting Director-General, Broadcasting Service of Ekiti State, Mr. LereOlayinka and Dr. Samuel Omotosho, a Member of Ekiti State House of Assembly representing Oye Constituent 1, and several petitions to EFCC and ICPC by an Organisation called Save Ekiti State Coalition, Government of Ekiti State through the Secretary to the Government ofEkiti State Mrs. Sarah Alade, the Plaintiff has been a subject of public assault, humiliation and ridicule at public functions / fora and loss of affection by friendsbusiness partners and family members some individuals who relied on the lies and unfounded accusations orchestrated by unfounded allegations.
32. That as the Honourable State Commissioner for Finance, the Plaintiff, in keeping with the principle of continuity in governance, several commitments and financial obligations relating to expenditure and capital projects, made by the administration of AsiwajuSegun Oni before the assumption of office by Dr. John OlukayodeFayemi, were duly honoured during the latter’s administration in line with the Appropriation Law of the Ekiti State House of Assembly.
33. The Plaintiffaver that the administration of Dr. John OlukayodeFayemihonoured all Capital Expenditure obligations relating to Roads and Social Services, particularly Hospitals, such as the Oba Adejugbe Specialist Hospital, as well as the renovation of all General Hospitals across the 16 Local Government Areas of the state, in line with the then subsisting Appropriation Law i.e. budgetary provisions approved by the Ekiti State House of Assembly.
34. The Plaintiff further aver that the administration of Dr. John OlukayodeFayemi did not commit illegal withdrawal of N852.9m being funds belonging to Ekiti State Government by the government of Dr. John OlukayodeFayemi on October 8, 2014, from the EkitiState Government Capital Project Account in Access Bank
35. The administration of Dr. John OlukayodeFayemi or any of his political appointees and particularly the Plaintiff, while in government or out of government did nothing that led to the loss of N4,000,000,000.00 (Four Billion Naira) at a rate of N1,000,000,000.00 (One Billion Naira) yearly, which allegedly led to the suspension of Ekiti State SUBEB from the UBEC programme.
36. That the administration of Dr. John OlukayodeFayemi did not commit financial misappropriation thereby plunging Ekiti State to huge indebtedness of N85BN that will be fully repaid in year 2036;
37. That the administration of Dr. John OlukayodeFayemi, which the Plaintiff was the Commissioner of Finance did not misappropriateN25bn borrowed from the capital market with nothing to show for it.
38. The Plaintiff shall rely on the following documents:
39. AUDITED AND PUBLISHED FINANCIAL STATEMENTS OF EKITI STATE GOVERNMENT OF NIGERIA AS AT 31ST DECEMBER, 2013;
40. STATEMENT OF ACCOUNTS FOR THE N25BN PROCEEDS FROM THE CAPITAL MARKET
41. That contrary to the claim that the Government of Dr. KayodeFayemi plunged Ekiti State into a debt of N85bn as alleged by the 10th – 17thdefendants, the total indebtedness of Ekiti State Government as per the Annual Financial Statements of Ekiti State Government by the Office of the Auditor-General of Ekiti State as at December 31, 2013 and June 30th 2014 was N27.4bn.
42. That out of the N27.4bn debt owed by Ekiti State Government to banks, financial institutions and multilateral institutions, the sum of N17,724538,594:94 was due to Ekiti State Government during the tenure of Governor KayodeFayemiand that this amount in the audited account of the State by the Ekiti State Auditor General are represented by the sum of N10,839,493,135:63 being reimbursement due on construction of Ado-Iworoko-Ifaki road construction and N4,012,384,082:60 being refund on Paris Club ($25,886,851,080:83) and amount due on ecological projects of N2,858,851,080:83
43. That the 10th – 17th defendants have continued to mislead the general public and especially citizens of Ekiti State about the correct financial position of the state by not disclosing the sum of N17,724538,594:94 credit, inherited from the government of Dr. KayodeFayemi as stated in the financial statement and the sum of N1bn credit standing in the Millennium Development GoalsAccount of the Ekiti State Government.
44. That specifically, the Plaintiff aver that the Federal Government of Nigeria, recently made tranches of refund on Paris Loan to Ekiti State government and that the refund of $25,886,851,080:83 was paid by the office of Accountant-General of the Federation to the Government of Ekiti State without the 10th – 17th defendants, disclosing to the public that this amount was accrued and in the financial statement and was due to the Government of Dr. KayodeFayemi as at December 31, 2013
45. The Federal Government of Nigeria, recently made payment in excess of N2bn, through the office of Accountant-General of the Federation to the Government of Ekiti State, without the 10th – 17th defendants, disclosing to the public that this amount of N2,858,851,080:83 accrued for and in the financial statement and was due to the Government of Dr. KayodeFayemi as at December 31, 2013;
46. That the plaintiff aver, that the federal government of Nigeria kept on approving and dishing out all sorts of funds to Ekiti State government, without exercising any supervisory role, in the spending of such funds, which ordinarily are not the legitimate rights of the 10th – 17th defendants to earn, therefore the 2nd – 9th defendants have failed to justify the continuous disbursement of funds to the Ekiti State government.
47. That the failure of the Federal Government of Nigeria through the in-action of 2nd – 9th defendants as stated in paragraph 44 above, has brought untold hardship to the citizens of Ekiti State, more especially retired and serving civil and public servants of Ekiti State and more particularly the plaintiff.
48. That the Government of Ekiti State under the 10th defendant, has refused to publiclyacknowledge receipts of these funds from the Federal Government such as Budget Support, Ecological Funds, Paris Club Refund but rather continue to portray the Government of Dr. KayodeFayemiand the Plaintiff in bad light to the general public and has also failed to acknowledge various supports of the Federal Government.
49. That the Government of Ekiti State under the leadership of the 10th defendant, has written to the Federal Government of Nigeria, through the President and the Honourable Minister of Works, seeking the reimbursement of expenses incurred on Ado-Ifaki-Iworoko Road by the Government of Dr. KayodeFayemi between 2010 – 2014 and that the Federal Government of Nigeria has approved through the National Economic Council, several reimbursement on road construction by State Governments on behalf of the Federal Government, presented to it for which a certain sum in excess of N11bn has already been approved for Ekiti State Government.
50. The unfounded accusations and humiliations from some members of the general public (as former Commissioner for Finance in the Government of Dr. KayodeFayemi) that the Plaintiff assisted in plunging the State into huge indebtedness that will only be fully repaid in 2036 is a serious embarrassment and a dent on the Plaintiff’s person and hard earned integrity.
51. The Plaintiff shall rely on the following during the trial of this action:
52. The Compact Disk containing the 10th, 16th and 17thdefendant’s disparaging comments on Radio and Television.
53. The transcript in English and Yoruba of the Compact Disk containing the 10th, 16th and 17thdefendantstelevision appearance.
54. That the Plaintiff has suffered too much embarrassment and humiliation that it has become necessary to correct the misrepresentation and misleading information on the finances of Ekiti State Government under Dr. KayodeFayemi,which also touches on the Plaintiff and also to mitigate the public odium, humiliation and embarrassment that the Plaintiffis going through.
55. That the Government of Ekiti State headed by the 10th defendant has approached the Federal Government and obtained Bailout in two tranches of N9.6bn and N10bn for the purpose of settling all outstanding salaries and arrears of entitlements of public servants in Ekiti State in line with the Federal Government Agenda of President MohammaduBuhari.
56. That the first tranche of N9.6bn included outstanding allowances of public servants and political appointees that served the Government of Ekiti State between 16th October, 2010 and 15th October, 2014 which the Plaintiff is one of the Public Officers, has been paid to the 10th defendant.
57. The Plaintiff shall rely on the Schedule of Approval of Payment of Severance Gratuity included in the computation request made by the Government of Ekiti State to the Federal Government alongside the outstanding salaries and allowances due to civil servants, Teachers, Local Government workers, and other political appointees in Ekiti State.
58. The 10th – 17thdefendants have refused to pay all outstanding salaries and allowances from the funds received from the Federal Government to the beneficiaries but deceived the Federal Government and all its agencies such as Central Bank of Nigeria – 7th defendant, Federal Ministry of Finance – 2nddefendant, EFCC – 9th defendants, that the beneficiaries have been paid.
59. That the 10th – 17th defendants also obtained the second tranche of N10bn for the purpose of payment of outstanding salaries but the 10th defendant refused to pay the beneficiaries as directed by the Federal Government under its Bailout Programme for States for settlement of salaries and allowances.
60. That to the Plaintiff’s embarrassment and humiliation, the defendants further published the Plaintiff’s name in the newspapers as indebted to Ekiti State Government when in actual fact the Plaintiff’s severance gratuity of N2,663,343, salaries of September and October, 2014 and outstanding EXCO allowances remained unpaid till date.
61. The Plaintiff shall rely on Tribune Newspapers of 26th November, 2014 and 23rd October, 2015 at page 50 and 5 respectively.
62. That the Ekiti State Government headed by the 10th defendant included this amount due to the Plaintiff and several others in its request to the Federal Government in the Bailout programme and was duly paid by theFederal Government.
63. That the Plaintiff aver that the bailout received by the 10th – 17th defendants from the Federal Government was not properly accounted for and delivered to the respective beneficiaries but diverted for other purposes that the funds were not meant for.
64. That as a result of diversion of several monies received from the Federal Government under the Bailout Programme, it is imperativethat the Federal Government and all its agencies stop further disbursement of Bailout or any such proceeds to Ekiti State Government until proper account is given for all the proceeds of Bailout or any such money so received and until all the intended beneficiaries and the Plaintiff are paid.
65. That the 2nd to 7th defendants should stop further disbursement of funds due to Ekiti State Government on Paris Club Refunds, Budget Support Programme of the Federal Government and Reimbursement on Roads construction and specifically all reimbursement due to Ekiti State Government on Construction and dualisation Ado-Iworoko-Ifaki Road and contained in the financial Statement of Ekiti State Government as at 31st December, 2013 and 30th June, 2014 being funds due to the Government of Ekiti State from the Federation Account under the Government of Dr. KayodeFayemi.
66. The Plaintiff aver that he was recently embarrassed, accused and there are insinuations that his Office as State Commissioner for Finance was responsible for non-release of funds for construction of roads in Ikere – Ekiti under the Government of Dr. KayodeFayemi between 2010- 2014.
67. Further, the Plaintiff aver that apart from several internal roads construction in Ikere Local Government under the Five (5) Kilometer Roads per Local Government , there is a contract between the Government of Ekiti State and China Railway No 3 Engineering Group Co., Ltd. specifically for the Construction and Dualization of Ikere – Iju,Ondo State Boundary Road for a contract sum of about N4,000,000,000.00 (Four Billion Naira) for the purpose of ensuring that there is a dual access road between Ikere-Ekiti up to the boundary of Ondo State.
68. That the sum of 30% mobilization fee was paid by the Ekiti State Government under Dr. Kayode Fayemito CR3 and the contractor immediately mobilized to the site.
69. That contract award was approved by the Ekiti State Tenders Board, Ekiti State Executive Council and in compliance with the Ekiti State Appropriate Law 2014, during Dr. Kayode Fayemi’s regime.
70. That necessary documentations were carried out by relevant government agencies at the State level, State Tenders Board, Bureau of Public Procurement, Ministry of Budget and Physical Planning and Ministry of Finance & Economic Development and Accountant General and State Treasury Office to ensure that the payment of 30% Mobilisation was done.
71. That the Plaintiff aver that upon assumption of office by Governor AyodeleFayose, despite all the money that was paid with the observance of all due processes by the government of Ekiti State, the contractor was diverted away from the Ikere-Iju,Ondo State Boundary dualization without appropriate enabling legislation of Ekiti State House of Assembly to the construction of some other roads within the township of Afao-Ekiti and Ado-Ekiti.
72. The diversion and cancellation of Ikere Road – IjuOndo State Dualisation is a breach of the Appropriation Law of Ekiti State and smacks of Executive recklessness by the Governor without the appropriate steps taken before such cancellation.
73. That the subsequent re-award of the contract to less than 5Kilometre Township road dualisation within Ikere-Ekiti to Kopek Limited, has shortchanged the citizens of Ekiti State and the entire Ikere-Ekiti indigenes, while the diversion of the original contract to the township of Afao-Ekiti, the home town of the Governor AyodeleFayoseis an act of corruption and a breach of Code of Conduct and Oath Office and conflict of interest.
74. That the 10th – 17th defendants are in the habit of libelious and slanderous acts against every known public official, both serving and retired particularly the plaintiff and President of the Federal Republic of Nigeria, President MuhhamaduBuhari, former President OlusegunObasanjo, Dr. Kayode Fayemi and every perceived enemy with a view to gaining unwarranted popularity.
75. WHEREOF THE PLAINTIFF CLAIM AS FOLLOWS:
76. A DECLARATION thatthe sum of all funds received by the 10th – 17th defendantsfor and on behalf of Ekiti State Government from the Federation Account contained in the financial statements of 2013 were properly and duly accrued for and due to Ekiti State Government as at the tenure of Dr. KayodeFayemi in which the Plaintiff was the Commissioner for Finance.
77. A DECLARATION that the sum of N17,724538,594:94 represented by the sum of N10,839,493,135:63 being reimbursement due on construction of Ado-Iworoko-Ifaki road construction and N4,012,384,082:60 being refund on Paris Club ($25,886,851,080:83) and amount due on ecological projects of N2,858,851,080:83 were all monies due to the Ekiti State Government as at 30th June, 2014 and during the tenor of Governor KayodeFayemi as expressly stated in the audited account of the State by the Ekiti State Auditor-General;
78. A DECLARATION that the total indebtedness of Ekiti State Government to banks and financial institutions as contained in the financial statement published by the Auditor General of Ekiti State was N27,418,166,077:17 as at 15th October, 2014.
79. A DECLARATION that there was no loan obtained by the Government of Dr. KayodeFayemiin which the plaintiff was the Commissioner for Finance between 16th October, 2010 and 15th October, 2014 whose tenor was beyond 7years including the N25bn bond.
80. An ORDER of the Honourable court, directing and mandating the 6th defendant to ascertain the debt profile of Ekiti State, between October 16, 2010 and October 15, 2014 being the tenure of Dr. KayodeFayemi and between 16th October, 2014 – 15th October, 2018 being the tenure of Mr. AyodeleFayose.
81. AN ORDER of the honourable court restraining the 2nd to 9thdefendants, their servants, agents and/or privies, from releasing, giving or in whatsoever manner make available to the government of Ekiti State, through the 10th – 17th defendants, their servants, agents and/or privies and under the Governor of Ekiti State, Mr. Peter AyodeleFayose, the following funds:
82. The sum of N10,839,493,135.63 being reimbursement due from the Federal government to Ekiti State on the construction of Ado-Iworoko-Ifaki Road.
83. The sum of N4,012,384,082.60 being refund of Paris Club (125,886,851,080.83).
84. The sum of N2,858,851,080.83 being an amount due on Ecological Projects, pending the 6th defendant’s ascertainment, publication, making available to the plaintiff, the debt profile of Ekiti State, between 16th October, 2010 – 15th October, 2014, being Dr. KayodeFayemi’s regime and between 16 October, 2014 – 15th October, 2018, being Mr. AyodeleFayose’s regime and until the payment of all arrears of salaries, pensions and entitlements of all serving and retired civil servants and public servants, particularly that of the plaintiff,until the plaintiff is totally paid.
85. AN ORDER of the Honourable Court, restraining the 2nd to 9th defendants whether by themselves, servants, agents or privies from guarantying standing as surety, confidant, issuing bonds to or in whatsoever manner standing in any position to guaranty or stand-in or on behalf of the 10thdefendant or any of its officials or Ekiti State thereby enabling her to get a loan or bond wherein the 2nd– 9th defendants will assure the lender to the 10th – 17th Defendants or Ekiti State that such borrowing shall be paid or offset from the expected re-imbursement from the Federal Government of Nigeria, from the funds owed, Ekiti State government during the period 16th October, 2010 to 15th October 2014.
86. The sum of ten billion naira in general damages against the 10th – 17th defendants being officials, servants and agents of Ekiti State government for the slander committed against the Plaintiff, when they made slanderous and disparaging words against the Plaintiff on television, radio and public fora, to the effect that the Plaintiff and Dr. KayodeFayemi plunged Ekiti State into debt to the tune of N85b and the indebtedness will not be liquidated until 2036.
87. The sum of ten billion naira being general damages for the libel committed against the plaintiff by the 10th – 17th defendants, when they defamed the plaintiff by publishing the following words concerning the Plaintiff “………………….”
88. The sum of………………………………… being special damages against the 10th – 17th defendants, being unpaid and outstanding salary of the plaintiff and EXCO allowances.

PARTICULARS OF SPECIAL DAMAGES

1. Unpaid and outstanding salary of …………………… and ………… months, at ……………. Per month, equals N………………..
2. Outstanding EXCO allowance for ………. Months, equals …..
3. Total special damages = N……………………
4. AN ORDER of the Honourable Court mandating the Economic and Financial Crimes Commission – 9thdefendant, to investigate the circumstances for the diversion and breach of the appropriation laws of Ekiti State through the cancellation of the original contract i.e. Ikere-Iju-Ondo Boundary Dualisationwithout first ensuring that all laws and process of Ekiti State Government is strictly adhered to.
5. AN ORDER directing the Federal Ministry of Works – the 4th defendant,to investigate theroad contract relating to Ikere-Iju-Ondo Boundary Road, cancellation and breach of the appropriation laws of Ekiti State and stop further payments or reimbursement that is due on the Ikere Township Dualisation or Ikere-Iju-Ondo Boundary Dualisation, a contract validly awarded to China Railway 3 (CR3) to cover Ikere – IjuOndo State Boundary Dualisation.
6. AN ORDER directing that any further disbursement of bailout funds, Paris Club, Grants or other reimbursement due to Ekiti State being Federal Government palliatives shall be disbursed directly through a committee of EFCC, Accountant General of the Federation, Federal Ministry of Finance, Accountant General of Ekiti State, Auditor General of Ekiti State and Auditor General for Local Government of Ekiti State to avert further diversion or misappropriation of such funds by Government of Ekiti State particularly the 10th to 12thdefendants being good gesture of the Federal Government of Nigeria under the leadership of President Buhari.
7. The sum of one hundred million naira (N100,000,000.00) has general damages against the 1st defendant.
8. A perpetual injunction restraining the 1st, 10th – 17th defendants from further acts of slander and/or libel against the person of the plaintiff.
9. Cost of this action in the sum of twenty million naira (N20,000,000.00)

Dated the …………….day of ………………… 2017.

**Isaac Obrutu Esq.**

**Isaac Obrutu& Co.**

**Claimant’s Solicitors**

**568, Ikorodu Road,**

**Ketu, Lagos.**

**08033039231**

**E-mail:** [**Isaac.obrutu@yahoo.com**](mailto:Isaac.obrutu@yahoo.com)

**FOR SERVICE ON:**

1. **The 1st defendant**

48, Oloko Street,

Off Akeredolu Road,

Olambe, Akute,

Ogun State.

1. **The 2nd defendant**

Federal Ministry of Finance,

Ahmadu Bello Way,

Central Business District,

Abuja, FCT.

1. **The 3rd defendant**

Federal Ministry of Justice,

Shehu Shagari Way,

Central District, Maitama,

Abuja, FCT.

1. **The 4th defendant**

Ministry of Power Works & Housing,

Mabuchi, Abuja, FCT.

1. **The 5th defendant**

5, Zaria Street, Treasury House,

Ladoke Akintola Baulevard,

Garki, Abuja, FCT.

1. **The 6th defendant**

NDIC Building (1st Floor),

Plot 447/448 Constitution Avenue,

CBD, Garki Abuja, Nigeria.

1. **The 7th defendant**

Plot 33, Abubakar Tafawa Balewa Way

Central Business District,

Cadastral Zone,

Abuja, FCT, Nigeria.

1. **The 8th defendant**

Federal Ministry of Finance,

Ahmadu Bello Way,

Central Business District,

Abuja, FCT.

1. **The 9th defendant**

No. 5, Fomella Street,

Off Adetokunbo Ademola Crescent,

Wuse II, Abuja, Nigeria.

1. **The 10th defendant**

The Governor’s Office,

Ado-Ekiti, Ekiti State.

1. **The 11th defendant**

Governor’s Office,

Ado-Ekiti, Ekiti State.

1. **The 12th defendant**

Ministry of Finance,

Ado-Ekiti, Ekiti State

1. **The 13th defendant**

State Treasury Office,

Ministry of Finance,

Ado-Ekiti, Ekiti State

1. **The 14th defendant**

Ministry of Justice,

Ado-Ekiti, Ekiti State.

1. **The 15th defendant**

Permanent Secretary Office,

Ministry of Finance,

Ado-Ekiti, Ekiti State

1. **The 16th defendant**

Ekiti State House of Assembly,

Ado-Ekiti, Ekiti State.

1. **The 17th defendant**

Broadcasting Service of Ekiti State,

Ado-Ekiti, Ekiti State

**IN THE FEDERAL HIGH COURT OF NIGERIA**

**IN THE ABEOKUTA JUDICIAL DIVISION**

**HOLDEN AT ABEOKUTA**

SUIT NO.

***BETWEEN***

MR. OLADAPO VINCENT KOLAWOLE - PLAINTIFF

***AND***

1. MR. DIPO ABOLUDE
2. THE PERMANENT SECRETARY, FEDERAL MINISTRY OF FINANCE
3. THE ATTORNEY GENERAL OF FEDERATION
4. THE PERMANENT SECRETARY, MINISTRY OF WORKS
5. THE ACCOUNTANT GENERAL OF THE FEDERATION
6. THE DIRECTOR-GENERAL DEBT MANAGEMENT

OFFICE

7. THE GOVERNOR OF THE CENTRAL BANK OF NIGERIA

8. THE DIRECTOR, HOME FINANCE DEPARTMENT, FEDERAL

MINISTRY OF FINANCE

9. THE CHAIRMAN, ECONOMIC AND FINANCIAL

DEFENDANTS

CRIME COMMISSION

10. THE EXECUTIVE GOVERNOR OF EKITI STATE

11. SECRETARY TO THE GOVERNMENT OF EKITI STATE

12. THE HON. COMMISSIONER FOR FINANCE,

EKITI STATE

13. THE ACCOUNTANT-GENERAL OF EKITI STATE

14. THE ATTORNEY-GENERAL OF EKITI STATE

15. THE PERMANENT SECRETARY,

EKITI STATE MINISTRY OF FINANCE

16.DR. SAMUEL OMOTOSO

17. MR. LERE OLAYINKA

**LIST OF WITNESSES TO BE CALLED BY THE PLAINTIFF**

1. Mr. Oladapo Vincent Kolawole
2. Mr. Anthony Adediran Adeniyi
3. Mr. Chris Adeniyi
4. Oluwadamilare James Abiodun

Dated the \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_ 2018.

**Isaac Obrutu Esq.**

**Isaac Obrutu & Co.**

**Claimant’s Solicitors**

**568, Ikorodu Road,**

**Ketu, Lagos.**

**08033039231**

**E-mail: isaac.obrutu@yahoo.com**

**FOR SERVICE ON:**

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1. **The 2nd defendant**

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Abuja, FCT.

1. **The 3rd defendant**

Federal Ministry of Justice,

Shehu Shagari Way,

Central District, Maitama,

Abuja, FCT.

1. **The 4th defendant**

Ministry of Power Works & Housing,

Mabuchi, Abuja, FCT.

1. **The 5th defendant**

5, Zaria Street, Treasury House,

Ladoke Akintola Baulevard,

Garki, Abuja, FCT.

1. **The 6th defendant**

NDIC Building (1st Floor),

Plot 447/448 Constitution Avenue,

CBD, Garki Abuja, Nigeria.

1. **The 7th defendant**

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Central Business District,

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Abuja, FCT, Nigeria.

1. **The 8th defendant**

Federal Ministry of Finance,

Ahmadu Bello Way,

Central Business District,Abuja, FCT.

1. **The 9th defendant**

No. 5, Fomella Street,

Off Adetokunbo Ademola Crescent,

Wuse II, Abuja, Nigeria.

1. **The 10th defendant**

The Governor’s Office,

Ado-Ekiti, Ekiti State.

1. **The 11th defendant**

Governor’s Office,

Ado-Ekiti, Ekiti State.

1. **The 12th defendant**

Ministry of Finance,

Ado-Ekiti, Ekiti State

1. **The 13th defendant**

State Treasury Office,

Ministry of Finance,

Ado-Ekiti, Ekiti State

1. **The 14th defendant**

Ministry of Justice,

Ado-Ekiti, Ekiti State.

1. **The 15th defendant**

Permanent Secretary Office,

Ministry of Finance,

Ado-Ekiti, Ekiti State

1. **The 16th defendant**

Ekiti State House of Assembly,

Ado-Ekiti, Ekiti State.

1. **The 17th defendant**

Broadcasting Service of Ekiti State,

Ado-Ekiti, Ekiti State

**IN THE FEDERAL HIGH COURT OF NIGERIA**

**IN THE ABEOKUTA JUDICIAL DIVISION**

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SUIT NO.

***BETWEEN***

MR. OLADAPO VINCENT KOLAWOLE - PLAINTIFF

***AND***

1. MR. DIPO ABOLUDE
2. THE PERMANENT SECRETARY, MINISTER OF FINANCE
3. THE PERMANENT SECRETARY, MINISTRY OF WORKS
4. THE ATTORNEY GENERAL OF FEDERATION
5. THE ACCOUNTANT GENERAL OF THE FEDERATION
6. THE DIRECTOR-GENERAL DEBT MANAGEMENT

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7. THE GOVERNOR OF THE CENTRAL BANK OF NIGERIA

8. THE DIRECTOR, HOME FINANCE DEPARTMENT, FEDERAL

MINISTRY OF FINANCE

9. THE CHAIRMAN, ECONOMIC AND FINANCIAL

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CRIME COMMISSION

10. THE EXECUTIVE GOVERNOR OF EKITI STATE

11. SECRETARY TO THE GOVERNMENT OF EKITI STATE

12. THE HON. COMMISSIONER FOR FINANCE,

EKITI STATE

13. THE ACCOUNTANT-GENERAL OF EKITI STATE

14. THE ATTORNEY-GENERAL OF EKITI STATE

15. THE PERMANENT SECRETARY,

EKITI STATE MINISTRY OF FINANCE

16.DR. SAMUEL OMOTOSO

17. MR. LERE OLAYINKA

**EVIDENCE ON OATH OF OLADAPO VINCENT KOLAWOLE**

I, OLADAPO VINCENT KOLAWOLE, Male, Nigerian, Chartered Accountant, residing at 23, GbengaAlao Crescent, Off Akeredolu Road, Olambe, Akute, Ogun State do hereby make Oath and state as follows:

1. That I am the Plaintiff and Deponent herein and all facts deposed to by me are within my personal knowledge unless otherwise stated.
2. That I am a Chartered Account, who has practiced extensively and has been in public service at various times, including being the Honourable Commissioner for finance, Ekiti State, between 2010 to 2014 serving meritoriously.
3. That the 1st defendant is gainfully employed and resides at 48, Fatai Oloko Street, Off Akeredolu Road, Olambe, Akute, Ogun State.
4. That the 2nddefendant is the Permanent Secretary, Federal Ministry of Finance and is responsible for policy formulation, answerable and reports to the Federal Minister of Finance.
5. That the 3rddefendant is the Chief Law Officer of Nigeria.
6. That the 4th defendant is the Permanent Secretary, Ministry of Works and is responsible for policy formulation in all issues relating to road construction for the ministry, answerable and reports to the Federal Minister of Power, Works and Housing.
7. That the 5th defendant is the person saddled with keeping of the accounts of Federal government finances.
8. That the 6th defendant is responsible for keeping records of all debts owed by all tiers of government in Nigeria
9. That the 7th defendant is the banker to the Federal Republic of Nigeria and is responsible for formalizing policies and regulation for the financial sectors of the economy of Nigeria.
10. That the 8th defendant is responsible for the issuance of warrants and release of funds to State governments.
11. That the 9th defendant is the head of the commission saddled with the task of checking economic and financial crimes in Nigeria.
12. That the 10th defendant is the Executive Governor and the head of Executive Council of Ekiti State.
13. That the 11th defendant is the Secretary to the Ekiti State government.
14. That the 12th defendant is the Commissioner responsible for and heads the finance ministry, which authority sees to the income and expenditure of Ekiti State.
15. That the 13th defendant is responsible for keeping the accounts of Ekiti State.
16. That the 14th defendant is the Chief Law Officer, Ekiti State.
17. That the 15th defendant is the Permanent Secretary, Ekiti State Ministry of finance who is responsible for the day to day running of the ministry.
18. That the 16th defendant is a member of Ekiti State House of Assembly, representing Oye Constituency I and he is one of the most vocal and active persons propagating falsehood against me over radio, television, news media and social media, thereby committing slander and libel against the plaintiff, repeatedly.
19. That the 17th defendant is the Special Assistant to the Governor of Ekiti State on News Media and the Acting Director General of Broadcasting Service of Ekiti State and as well as the 10th – 16th defendants, has been propagating falsehood against me over radio, television, news media and social media, thereby committing slander and libel against the plaintiff, repeatedly.
20. That sometime in 2016, I came back home, only to see that the 1st defendant who has enough space to park his car in his premises and who lives in another street, parked his car directly in front of the my gate, blocking my gate almost totally and when the I sent for him to remove his car, he said there is no fuel in the car and that I should fill the tank of his car if I want the car removed, saying ‘afterall, you have not spent all the money you stole in Ekiti State’ in the full glare of my family members, neighbours and passersby.
21. That just about few weeks ago, without being provoked, the 1st defendant threatened to beat me up, if I utter any word saying ‘I regret living close to a thief like you. Governor Ayodele Fayose cannot be wrong when he said you stole and put Ekiti State in debt’.
22. That I thereafter lodged a complaint at Nigeria Police Station, Ajuwon Division, Ogun State against the 1st defendant.
23. That the 1st defendant knows that all the allegations are false and is just out to destroy the hard earned reputation of the plaintiff as a result of envy.
24. That I have been seriously maligned, disgraced, insulted, disparaged, humiliated, downgraded, abused and scorned, so much so that no one in my neighbourhood has any regard for me including members of the Community Development Association, to which I belong, thereby suffering untold shame, hardship and unprecedented humiliation.
25. That in the course of my tenure as the Commissioner for Finance, Ekiti State, between December 14, 2010 and October 15, 2014, there was no mismanagement of the finances of the Government of Ekiti State.
26. That all government revenue and expenditure, including loans secured to finance Capital Projects, were administered in line with the approval of the Executive Council of the Government of Ekiti State, the Ekiti State House of Assembly and the Ekiti State Bureau of Public Procurement. All relevant laws and statutes were complied with including Capital Expenditure Approvals, and were done with the concurrence of the Ekiti State Ministry of Budget and Economic Planning and other relevant Ministerial Tenders.
27. That the 10th, 11th, 12th, 13th, 14th 15th, 16th and 17thdefendants, accused the Government of Dr. KayodeFayemi whom I served as the Commissioner for Finance between December 4, 2010 to October 15, 2014 in print and electronic media, radio and television of:
28. Illegal withdrawal of N852.9m being funds belonging to Ekiti State Government by the government of Dr. John OlukayodeFayemi on October 8, 2014, from the EKSG Capital Project Account in Access Bank and lost of N4,000,000,000.00 (Four Billion Naira) at a rate of N1,000,000,000.00 (One Billion Naira) yearly, which allegedly led to its suspension of Ekiti State SUBEB from the UBEC programme.
29. Committed financial misappropriation thereby plunging Ekiti State to huge indebtedness of N85Billion that will be fully repaid only in year 2036;
30. Misappropriation of N25billionborrowed from the capital market with nothing to show for it.
31. That I initially thought the accusations were mere political propaganda which I decided to ignore.
32. That upon continuously inciting the public against the government of Dr. KayodeFayemi that I served meritoriously, I came across a junk and libelious publication by the Government of Mr. Peter AyodeleFayose “Titled *Debt Profile of Ekiti State as at today by Dr. KayodeFayemi Administration as at 15th October 2014”.*
33. The 10th – 15th defendants consistently made unfounded and unsubstantiated allegations against the government of Dr. KayodeFayemi and I, for the purpose of ridiculing and injuring my reputation and that of the government which I served, that we plunged Ekiti State into a huge debt that would not expire until year 2036.
34. That the disparaging comments on radio, television,print and electronic media & News Media were for the purpose of inciting the general public and people of Ekiti State in general against Dr. KayodeFayemi and all members of his cabinet including myself, with the attendant consequence of not being able to move freely in Ekiti State and around my friends, business associates and family members.
35. That as a result of the incitement on print, radio, television, electronic media and news media by 10th defendant, Acting Director-General, Broadcasting Service of Ekiti State, Mr. LereOlayinka and Dr. Samuel Omotosho, Member of Ekiti State House of Assembly representing Oye Constituent 1, and several petitions to EFCC and ICPC by an Organisation called Save Ekiti State Coalition, Government of Ekiti State through the Secretary to the Government of Ekiti State Mrs. Sarah Alade, I have been a subject of public assault, humiliation and ridicule at public functions / for a and loss of affection by friends, family members and business partners and some individuals who relied on the lies and unfounded accusations orchestrated by the unfounded allegations.
36. That as the Honourable State Commissioner for Finance, I, in keeping with the principle of continuity in governance, several commitments and financial obligations relating to expenditure and capital projects, made by the administration of AsiwajuSegun Oni, before the assumption of office by Dr. John OlukayodeFayemi, were duly honoured during the latter’s administration in line with the Appropriation Law of the Ekiti State House of Assembly.
37. That the administration of Dr. John OlukayodeFayemihonoured all Capital Expenditure obligations relating to Roads and Social Services, particularly Hospitals, such as the Oba Adejugbe Specialist Hospital, as well as the renovation of all General Hospitals across the 16 Local Government Areas of the state, in line with the then subsisting Appropriation Law i.e. budgetary provision approved by the Ekiti State House of Assembly, which I also followed, in the course of my duties.
38. That the administration of Dr. John OlukayodeFayemi did not commit illegal withdrawal of N852.9m being funds belonging to Ekiti State Government by the government of Dr. John OlukayodeFayemi on October 8, 2014, from the Ekiti State Government Capital Project Account in Access Bank
39. That the administration of Dr. John Olukayode Fayemi or any of his political appointees and particularly myself, while in government or out of government did nothing that led to the loss of N4,000,000,000.00 (Four Billion Naira) at a rate of N1,000,000,000.00 (One Billion Naira) yearly, which allegedly led to the suspension of Ekiti State SUBEB from the UBEC programme.
40. That the administration of Dr. John OlukayodeFayemi did not commit financial misappropriation thereby plunging Ekiti State to huge indebtedness of N85BN that will be fully repaid in year 2036;
41. That the administration of Dr. John OlukayodeFayemin which I was the Commissioner of Finance, did not misappropriate N25bn borrowed from the capital market with nothing to show for it.
42. That I shall rely on the following documents:
43. AUDITED AND PUBLISHED FINANCIAL STATEMENTS OF EKITI STATE GOVERNMENT OF NIGERIA AS AT 31ST DECEMBER, 2013;
44. STATEMENT OF ACCOUNTS FOR THE N25BN PROCEEDS FROM THE CAPITAL MARKET
45. That contrary to the claim that the Government of Dr. KayodeFayemi plunged Ekiti State into a debt of N85bn as alleged by the 10th – 17thdefendants, the total indebtedness of Ekiti State Government as per the Annual Financial Statements of Ekiti State Government by the Office of the Auditor-General of Ekiti State as at December 31, 2013 and June 30th 2014 was N27.4bn
46. That out of the N27.4bn debt owed by Ekiti State Government to banks, financial institutions and multilateral institutions, the sum of N17,724,538,594:94 was due to Ekiti State Government during the tenure of Governor KayodeFayemiand that this amount which is in the audited account of the State by the Ekiti State Auditor-General are represented by the sum of N10,839,493,135:63 being reimbursement due on construction of Ado-Iworoko-Ifaki road construction and N4,012,384,082:60 being refund on Paris Club ($25,886,851,080:83) and amount due on ecological projects of N2,858,851,080:83
47. That the 10th – 17th defendants have continued to mislead the general public and especially citizens of Ekiti State about the correct financial position of the state by not disclosing the sum of N17,724538,594:94 credit inherited from the government of Dr. KayodeFayemi as stated in the financial statement and the sum of N1billion credit standing in the Millennium Development Goals Account of the Ekiti State Government.
48. That specifically, the Federal Government of Nigeria, recently made tranches of refund on Paris Loan to Ekiti State government and that the refund of $25,886,851,080:83 was paid by the office of Accountant General of the Federation to the Government, without the 10th – 17th defendants, disclosing to the public that this amount was accrued and in the financial statement and was due to the Government of Dr. KayodeFayemi as at December 31, 2013.
49. The Federal Government of Nigeria, recently made payment in excess of N2bn, through the office of Accountant-General of the Federation to the Government of Ekiti State, without the 14th – 17th defendants, disclosing to the public that this amount of N2,858,851,080:83 accrued for and in the financial statement and was due to the Government of Dr. KayodeFayemi as at December 31, 2013;
50. That the plaintiff aver, that the federal government of Nigeria kept on approving and dishing out all sorts of funds to Ekiti State government, without exercising any supervisory role, in the spending of such funds, which ordinarily are not the legitimate rights of the 10th – 17th defendants to earn, therefore the 2nd – 9th defendants have failed to justify the continuous disbursement of funds to the Ekiti State government.
51. That the failure of the Federal Government of Nigeria through the in-action of 2nd – 9th defendants as stated in paragraph 45 above, has brought untold hardship to the citizens of Ekiti State, more especially retired and serving civil and public servants of Ekiti State and more particularly the plaintiff.
52. That the Government of Ekiti State under the 10th defendant, has refused to publiclyacknowledge receipts of these funds from the Federal Government such as Budget Support, Ecological Funds, Paris Club Refund but rather continue to portray the Government of Dr. KayodeFayemi and I, in bad light to the general public and has also failed to acknowledge various support of the Federal Government.
53. That the Government of Ekiti State under the leadership of the 10th defendant, has written to the Federal Government of Nigeria, through the President and the Honourable Minister of Works, seeking the reimbursement of expenses incurred on Ado-Ifaki-Iworoko Road by the Government of Dr. KayodeFayemi between 2010 – 2014 and that the Federal Government of Nigeria has approved through the National Economic Council,several reimbursement on road construction by State Governments on behalf of the Federal Government, presented to it for which a certain sum in excess of N11bn has already been approved for Ekiti State Government.
54. The unfounded accusations and humiliations from some members of the general public (as former Commissioner for Finance in the Government of Dr. KayodeFayemi) that I assisted in plunging the State into huge indebtedness that will only be fully repaid in 2036 is a serious embarrassment and a dent on my person and hard earned integrity.
55. That I shall rely on the following during the trial of this action:
56. The Compact Discs containing the 10th,16th and 17thdefendant’s disparaging comments and slander on Radio and Television.
57. The transcript in English and Yoruba of the Compact Disk containing the 10th, 16th and 17thdefendant’s television appearance and slander.
58. That I have suffered too much embarrassment and humiliation that it has become necessary to correct the misrepresentation and misleading information on the finances of Ekiti State Government under Dr. KayodeFayemi which also touches on meand also to mitigate the public odium, humiliation and embarrassment that I am going through.
59. That the Government of Ekiti State headed by the 10th defendant has approached the Federal Government and obtained Bailout in two tranches of N9.6bn and N10bn for the purpose of settling all outstanding salaries and arrears of entilements of public servants in Ekiti State in line with the Federal Government Agenda of President MohammaduBuhari.
60. That the first tranche of N9.6bn included outstanding allowances of public servants and political appointees that served the Government of Ekiti State between 16th October, 2010 and 15th October, 2014 which I am one of the Public Officers.
61. That I shall rely on the Schedule of Approval of Payment of Severance Gratuity included in the computation request made by the Government of Ekiti State to the Federal Government alongside the outstanding salaries and allowances due to Civil Servants, Teachers, Local Government Workers, and other political appointees in Ekiti State.
62. The 10th – 15thdefendants have refused to pay all outstanding salaries and allowances from the funds received from the Federal Government to the beneficiaries but deceived the Federal Government and all its agencies such as Central Bank of Nigeria,Federal Ministry of Finance, The ICPC and EFCC, that the beneficiaries have been paid.
63. That the 10th – 17th defendants also obtained the second tranche of N10bn for the purpose of payment of outstanding salaries but the 10th defendant refused to pay the beneficiaries as directed by the Federal Government under its Bailout Programme for States for settlement of salaries and allowances.
64. That to the Plaintiff’s embarrassment and humiliation, the defendants further published the Plaintiff’s name in the newspapers as indebted to Ekiti State Government when in actual fact the Plaintiff’s severance gratuity of N2,663,343, salaries of September and October, 2014 and outstanding EXCO allowances, remained unpaid till date.
65. The Plaintiff shall rely on Tribune Newspapers of 26th November, 2014 and 23rd October, 2015 at page 50 and 5 respectively.
66. That the Ekiti State Government headed by the 10th defendant included this amount due to meand several others in its request to the Federal Government in the Bailout programme and was duly paid by theFederal Government.
67. That I was the Commissioner for Finance in the year 2010 and 2014 in Ekiti State.
68. That the bailout received by the 10th – 17th defendants from the Federal Government was not properly accounted for and delivered to the respective beneficiaries but diverted for other purposes that the funds were not meant for.
69. That as a result of diversion of several monies received from the Federal Government under the Bailout Programme, it is imperative that the Federal Government and all its agencies stop further disbursement of Bailout or any such proceeds to Ekiti State Government until proper account is given for all the proceeds of Bailout or any such money so received and until all the intended beneficiaries and I are paid.
70. That unless the 2nd, 4th, 5th, 6th and 7thdefendants stop further disbursement of funds due to Ekiti State Government on Paris Club Refunds, Budget Support Programme of the Federal Government and Reimbursement on Roads construction and specifically all reimbursement due to Ekiti State Government on Construction and dualisation Ado-Iworoko-Ifaki Road and contained in the financial Statement of Ekiti State Government as at 31st December, 2013 and 30th June, 2014 being funds due to the Government of Ekiti State from the Federation Account under the Government of Dr. KayodeFayemi, the 10th - 17th defendants will squander the funds and will not be used for the purpose of which the funds are meant.
71. That I was recently embarrassed, accused and there are insinuations that my Office as State Commissioner for Finance was responsible for non-release of funds for construction of roads in Ikere – Ekiti under the Government of Dr. KayodeFayemi between 2010- 2014.
72. That apart from several internal roads construction in the township and roads constructed jointly between the Ekiti State Government and the Ikere Local Government under the Five (5) Kilometer Roads per Local Government , there is a contract between the Government of Ekiti State and China Railway 3 Engineering Group Company Limited (CR3) specifically for the Construction and Dualization of Ikere – Iju, Ondo State Boundary Road for a contract sum of about N4,000,000,000.00 for the purpose of ensuring that there is a dual access road between Ikere up to the boundary of Ondo State.
73. That the 30% mobilization was paid by the Ekiti State Government to CR3 and the contractor immediately mobilized to the site under Dr. Kayode Fayemi’s regime.
74. That contract award was approved by the Ekiti State Tenders Board, Ekiti State Executive Council and in compliance with the Ekiti State Appropriate Law, 2014 under Dr. Kayode Fayemi’s regime.
75. That necessary documentations were carried out by relevant government agencies at the State level, State Tenders Board, Bureau of Public Procurement, Ministry of Budget and Physical Planning and Ministry of Finance & Economic Development and Accountant General and State Treasury Office to ensure that the payment of 30% Mobilisation was done
76. That the Plaintiff aver that upon assumption of office by Governor AyodeleFayose, despite all the money that was paid with the observance of all due processes by the government of Ekiti State, the contractor was diverted away from the Ikere-Iju, Ondo State Boundary dualization without appropriate enabling legislation of Ekiti State House of Assembly to the construction of some other roads within the township of Afao-Ekiti and Ado-Ekiti.
77. That the diversion and cancellation of Ikere Road – IjuOndo State Dualisation is a breach of the Appropriation Law of Ekiti State and smacks of Executive recklessness by the Governor without the appropriate steps taken before such cancellation.
78. That the subsequent re-award of the contract to less than 5Kilometre Township road dualisation within Ikere-Ekiti to Kopek Limited, has shortchanged the citizens of Ekiti State and the entire Ikere-Ekiti indigenes, while the diversion of the original contract to the township of Afao-Ekiti, the home town of the Governor AyodeleFayoseis an act of corruption and a breach of Code of Conduct and Oath Office and conflict of interest.
79. That the 10th defendant is in the habit of libelious and slanderous act against every known public official both serving and retired, particularly President of the Federal Republic of Nigeria, President Muhammadu Buhari, former President Olusegun Obansajo, Dr. Kayode Fayemi, myself and every perceived enemy with a view to gaining unwarranted popularity.
80. That the 11th – 17th defendants just like their master Mr. Ayodele Fayose – Governor of Ekiti State, has persistently maligned, slandered and libeled the plaintiff severally, in order to remain relevant and in the good books of their master, Mr. Ayodele Fayose, even when they know all their allegations against me are false to their knowledge.
81. WHEREOF THE PLAINTIFF CLAIM AS FOLLOWS:
82. A DECLARATION that the sum of all funds received by the 10th – 17th defendants for and on behalf of Ekiti State Government from the Federation Account contained in the financial statements of 2013 were properly and duly accrued for and due to Ekiti State Government as at the tenure of Dr. KayodeFayemi in which the Plaintiff was the Commissioner for Finance.
83. A DECLARATION that the sum of N17,724538,594:94 represented by the sum of N10,839,493,135:63 being reimbursement due on construction of Ado-Iworoko-Ifaki road construction and N4,012,384,082:60 being refund on Paris Club ($25,886,851,080:83) and amount due on ecological projects of N2,858,851,080:83 were all monies due to the Ekiti State Government as at 30th June, 2014 and during the tenor of Governor KayodeFayemi as expressly stated in the audited account of the State by the Ekiti State Auditor-General;
84. A DECLARATION that the total indebtedness of Ekiti State Government to banks and financial institutions as contained in the financial statement published by the Auditor General of Ekiti State was N27,418,166,077:17 as at 15th October, 2014.
85. A DECLARATION that there was no loan obtained by the Government of Dr. KayodeFayemi in which the plaintiff was the Commissioner for Finance between 16th October, 2010 and 15th October, 2014 whose tenor was beyond 7years including the N25bn bond.
86. An ORDER of the Honourable court, directing and mandating the 6th defendant to ascertain the debt profile of Ekiti State, between October 16, 2010 and October 15, 2014 being the tenure of Dr. KayodeFayemi and between 16th October, 2014 – 15th October, 2018 being the tenure of Mr. AyodeleFayose.
87. AN ORDER of the honourable court restraining the 2nd to 9th defendants, their servants, agents and/or privies, from releasing, giving or in whatsoever manner make available to the government of Ekiti State, through the 10th – 17th defendants, their servants, agents and/or privies and under the Governor of Ekiti State, Mr. Peter AyodeleFayose, the following funds:
88. The sum of N10,839,493,135.63 being reimbursement due from the Federal government to Ekiti State on the construction of Ado-Iworoko-Ifaki Road.
89. The sum of N4,012,384,082.60 being refund of Paris Club (125,886,851,080.83).
90. The sum of N2,858,851,080.83 being an amount due on Ecological Projects, pending the 6th defendant’s ascertainment, publication, making available to the plaintiff, the debt profile of Ekiti State, between 16th October, 2010 – 15th October, 2014, being Dr. KayodeFayemi’s regime and between 16 October, 2014 – 15th October, 2018, being Mr. AyodeleFayose’s regime and until the payment of all arrears of salaries, pensions and entitlements of all serving and retired civil servants and public servants, particularly that of the plaintiff, until the plaintiff is totally paid.
91. AN ORDER of the Honourable Court, restraining the 2nd to 9th defendants whether by themselves, servants, agents or privies from guarantying standing as surety, confidant, issuing bonds to or in whatsoever manner standing in any position to guaranty or stand-in or on behalf of the 10thdefendant or any of its officials or Ekiti State thereby enabling her to get a loan or bond wherein the 2nd – 9th defendants will assure the lender to the 10th – 15th Defendants or Ekiti State that such borrowing shall be paid or offset from the expected re-imbursement from the Federal Government of Nigeria, from the funds owed, Ekiti State government during the period 16th October, 2010 to 15th October 2014.
92. The sum of ten billion naira in damages against the 10th – 17th defendants being officials, servants and agents of Ekiti State government for the slander committed against the Plaintiff, when they made slanderous and disparaging words against the Plaintiff on television, radio and public fora, to the effect that the Plaintiff and Dr. KayodeFayemi plunged Ekiti State into debt to the tune of N85b and the indebtedness will not be liquidated until 2036.
93. The sum of ten billion naira being general damages for the libel committed against the plaintiff by the 10th – 17th defendants, when they defamed the plaintiff by publishing the following words concerning the Plaintiff “………………….”
94. The sum of………………………………… being special damages against the 10th – 17th defendants, being unpaid and outstanding salary of the plaintiff and EXCO allowances.

PARTICULARS OF SPECIAL DAMAGES

1. Unpaid and outstanding salary of …………………… and ………… months, at ……………. Per month, equals N………………..
2. Outstanding EXCO allowance for ………. Months, equals …..
3. Total special damages = N……………………
4. AN ORDER of the Honourable Court mandating the Economic and Financial Crimes Commission – 9thdefendant, to investigate the circumstances for the diversion and breach of the appropriation laws of Ekiti State through the cancellation of the original contract i.e. Ikere-Iju-Ondo Boundary Dualisation without first ensuring that all laws and process of Ekiti State Government is strictly adhered to.
5. AN ORDER directing the Federal Ministry of Power Works & Housing – the 4th defendant, to investigate the road contract relating to Ikere-Iju-Ondo Boundary Road, cancellation and breach of the appropriation laws of Ekiti State and stop further payments or reimbursement that is due on the Ikere Township Dualisation or Ikere-Iju-Ondo Boundary Dualisation, a contract validly awarded to China Railway 3 (CR3) to cover Ikere – IjuOndo State Boundary Dualisation.
6. AN ORDER directing that any further disbursement of bailout funds, Paris Club, Grants or other reimbursement due to Ekiti State being Federal Government pallatives shall be disbursed directly through a committee of EFCC, Accountant General of the Federation, Federal Ministry of Finance, Accountant General of Ekiti State, Auditor General of Ekiti State and Auditor General for Local Government of Ekiti State to avert further diversion or misappropriation of such funds by Government of Ekiti State particularly the 10th to 12th defendants being good gesture of the Federal Government of Nigeria under the leadership of President Buhari.
7. The sum of one hundred million naira (N100,000,000.00) has general damages against the 1st defendant.
8. A perpetual injunction restraining the 1st, 10th – 17th defendants from further acts of slander and/or libel against the person of the plaintiff.
9. Cost of this action in the sum of twenty million naira (N20,000,000.00)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DEPONENT**

Sworn to at the Federal High Court Registry,

Abeokuta, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_ 2018

**BEFORE ME**

**COMMISSIONER FOR OATH**

**IN THE FEDERAL HIGH COURT OF NIGERIA**

**IN THE ABEOKUTA JUDICIAL DIVISION**

**HOLDEN AT ABEOKUTA**

SUIT NO.

***BETWEEN***

MR. OLADAPO VINCENT KOLAWOLE - PLAINTIFF

***AND***

1. MR. DIPO ABOLUDE
2. THE PERMANENT SECRETARY, FEDERAL MINISTRY OF FINANCE
3. THE ATTORNEY GENERAL OF FEDERATION
4. THE PERMANENT SECRETARY, MINISTRY OF WORKS
5. THE ACCOUNTANT GENERAL OF THE FEDERATION
6. THE DIRECTOR-GENERAL DEBT MANAGEMENT

OFFICE

7. THE GOVERNOR OF THE CENTRAL BANK OF NIGERIA

8. THE DIRECTOR, HOME FINANCE DEPARTMENT, FEDERAL

MINISTRY OF FINANCE

9. THE CHAIRMAN, ECONOMIC AND FINANCIAL

DEFENDANTS

CRIME COMMISSION

10. THE EXECUTIVE GOVERNOR OF EKITI STATE

11. SECRETARY TO THE GOVERNMENT OF EKITI STATE

12. THE HON. COMMISSIONER FOR FINANCE,

EKITI STATE

13. THE ACCOUNTANT-GENERAL OF EKITI STATE

14. THE ATTORNEY-GENERAL OF EKITI STATE

15. THE PERMANENT SECRETARY,

EKITI STATE MINISTRY OF FINANCE

16.DR. SAMUEL OMOTOSO

17. MR. LERE OLAYINKA

**DEPOSITION ON OATH OF ANTHONY ADEDIRAN ADENIYI**

I, ANTHONY ADEDIRAN ADENIYI, Male, Nigerian, Chartered Accountant, of 6, Latona Street, Off Adesan Road, Mowe, Ogun State, do hereby make Oath and state as follows:

1. That I am the deponent herein and all facts deposed to by me, are within my own personal knowledge except otherwise stated.
2. That I am the Managing Consultant of Darl Tony & Associates (Financial & Management Consultants) and I have known the plaintiff for over seven years now, as a professional colleague and have worked for my firm as a consultant severally and with distinction.
3. That as a result of the trust I have in his professional competence, integrity and his character, I have had cause to entrust him with accounting and taxation among other tasks and he has not disappointed me at any time.
4. That in the past few months, I have not been comfortable having to entrust the plaintiff with any of my consultancy tasks.
5. That in both print and electronic media, I have cause to hear, see and read about the plaintiff’s dishonesty, indebtedness, embezzlement, incompetence arising from his engagement as the commissioner of Finance in Ekiti State between 2010-2014.
6. That also through the Office of the Secretary to the State Government of Ekiti State, the plaintiff’s name was published in the Tribune Newspaper of 26th November, 2014 particularly at page 50 thereof, as being indebted to the state government of Ekiti State in a fraudulent way, which publication I read and was seriously baffled that the plaintiff can be in that position.
7. That in the Nigerian Tribune Newspaper of Friday, 23rd October, 2015 particularly at page 5 thereof, the plaintiff’s name was published vide Office of the State Accountant-General Ekiti State as being indebted to Ekiti State government in such a fraudulent manner, which I also read and totally disappointed with the plaintiff.
8. That over the Ekiti State owned radio and television, I also heard Governor of Ekiti State, Mr. AyodeleFayoseinform the general public, how the administration of Dr. KayodeFayemi and the Plaintiff plunged Ekiti State into huge debts through fraudulent means.
9. That I am not convinced by the response from the claimant so far, hence I have been careful in any dealings with the claimant, as I do not have that level of trust I used to have for him.
10. That I have my doubt about his integrity, sincerity and competence.
11. That I swear to this affidavit in good faith and in accordance with Oaths Act.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DEPONENT**

Sworn to at the Federal High Registry,

Abeokuta, this \_\_\_\_ day of \_\_\_\_\_\_ 2018

**BEFORE ME**

**COMMISSIONER FOR OATHS**

**IN THE FEDERAL HIGH COURT OF NIGERIA**

**IN THE ABEOKUTA JUDICIAL DIVISION**

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***AND***

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3. THE ATTORNEY GENERAL OF FEDERATION
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EKITI STATE

13. THE ACCOUNTANT-GENERAL OF EKITI STATE

14. THE ATTORNEY-GENERAL OF EKITI STATE

15. THE PERMANENT SECRETARY,

EKITI STATE MINISTRY OF FINANCE

16.DR. SAMUEL OMOTOSO

17. MR. LERE OLAYINKA

**DEPOSITION ON OATH OF CHRIS ADENIYI**

I, CHRIS ADENIYI, Male, Nigerian, Chartered Accountant, of 32, Oshodi Road, Oshodi, Lagos State, do hereby make Oath and state as follows:

1. That I am the deponent herein and all facts deposed to by me, are within my own personal knowledge except otherwise stated.
2. That I am the president of Integrity Leadership Organization, a non-governmental organization and I have known the plaintiff for over ten years now, as a professional colleague and a member of Integrity Leadership Organization and has been very transparent.
3. That as a result of the trust I have in his competence, integrity and his character, I have had cause to entrust him with tasks regarding the betterment of the organization and he has not disappointed me at any time.
4. That in the past few months, I have not been comfortable having to entrust the plaintiff with any tasks regarding our organization of my consultancy tasks.
5. That in both print and electronic media, I have cause to hear, see and read about the plaintiff’s dishonesty, indebtedness, embezzlement, incompetence arising from his engagement as the Commissioner of Finance in Ekiti State between 2010-2014.
6. That also through the Office of the Secretary to the State Government of Ekiti State, the plaintiff’s name was published in the Tribune Newspaper of 26th November, 2014 particularly at page 50 thereof, as being indebted to the state government of Ekiti State in a fraudulent way, which publication I read and was seriously baffled that the plaintiff can be in that position.
7. That in the Nigerian Tribune Newspaper of Friday, 23rd October, 2015 particularly at page 5 thereof, the plaintiff’s name was published vide Office of the State Accountant-General Ekiti State as being indebted to Ekiti State government in such a fraudulent manner, which I also read and totally disappointed with the plaintiff.
8. That in some of my engagements in Ekiti State, I had cause to watch Ekiti State Television programme Ejiire and meet your governor in which various allegations were made against the regime of Dr. Kayode Fayemi and the plaintiff to my surprise.
9. That I am not convinced by the response from the claimant so far, hence I have been careful in any dealings with the claimant, as I do not have that level of trust I used to have for him.
10. That I have my doubt about his integrity, sincerity and competence.
11. That as a result of the allegations against the plaintiff, our NGO i.e. Integrity Leadership Organization, has suspended the plaintiff, pending when he purges himself of all the allegations of fraud against him by Ekiti State government.
12. That our organization took this step, because the Integrity Leadership Organization, profess integrity in all dealings and therefore expect all our members to be above board at all times, but which allegations against the plaintiff, we cannot vouch for, for now, hence his suspension.
13. That I swear to this affidavit in good faith and in accordance with Oaths Act.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DEPONENT**

Sworn to at the Federal High Registry,

Abeokuta, this \_\_\_\_ day of \_\_\_\_\_\_ 2018

**BEFORE ME**

**COMMISSIONER FOR OATHS**

**IN THE FEDERAL HIGH COURT OF NIGERIA**

**IN THE ABEOKUTA JUDICIAL DIVISION**

**HOLDEN AT ABEOKUTA**

SUIT NO.

***BETWEEN***

MR. OLADAPOVINCENT KOLAWOLE - PLAINTIFF

***AND***

1. MR. DIPO ABOLUDE
2. THE PERMANENT SECRETARY, FEDERAL MINISTRY OF FINANCE
3. THE ATTORNEY GENERAL OF FEDERATION
4. THE PERMANENT SECRETARY, MINISTRY OF WORKS
5. THE ACCOUNTANT GENERAL OF THE FEDERATION
6. THE DIRECTOR-GENERAL DEBT MANAGEMENT

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EKITI STATE

13. THE ACCOUNTANT-GENERAL OF EKITI STATE

14. THE ATTORNEY-GENERAL OF EKITI STATE

15. THE PERMANENT SECRETARY,

EKITI STATE MINISTRY OF FINANCE

16.DR. SAMUEL OMOTOSO

17. MR. LERE OLAYINKA

**DEPOSITION ON OATH OF JAMES ABIODUN OLUWADARE**

I, JAMES ABIODUN OLUWADARE, Male, Nigerian, Business Man, of 3, Sajiyna Compound, Ijemu Street, Iloro-Ekiti, Ekiti State, do hereby make Oath and state as follows:

1. That I am the deponent herein and all facts deposed to by me, are within my own personal knowledge except otherwise stated.
2. That I am a family member and a cousin of the plaintiff.
3. That I have had cause in the past few years and months to doubt the integrity of the plaintiff for which our family is known as a result of several allegations by Ekiti State government officials, notably, the 10th – 17th defendants, and more particularly the governor of Ekiti State, Mr. Ayodele Fayose, Mr. Lere Olayinka and Samuel Omotosho.
4. That in both print and electronic media, I have cause to hear, see and read about the plaintiff’s dishonesty, indebtedness, embezzlement, incompetence arising from his engagement as the Commissioner of Finance in Ekiti State between 2010-2014.
5. That also through the Office of the Secretary to the State Government of Ekiti State, the plaintiff’s name was published in the Tribune Newspaper of 26th November, 2014 particularly at page 50 thereof, as being indebted to the state government of Ekiti State in a fraudulent way, which publication I read and was seriously baffled that the plaintiff can be in that position.
6. That in the Nigerian Tribune Newspaper of Friday, 23rd October, 2015 particularly at page 5 thereof, the plaintiff’s name was published vide Office of the State Accountant-General Ekiti State as being indebted to Ekiti State government in such a fraudulent manner, which I also read and totally disappointed with the plaintiff.
7. That over the Ekiti State owned radio and television, I also heard Governor of Ekiti State, Mr. AyodeleFayoseinform the general public, how the administration of Dr. KayodeFayemi and the Plaintiff plunged Ekiti State into huge debts through fraudulent means.
8. That our family have had cause to sit severally on the damage done to the family by the allegations made by Ekiti State government and his officials that is the 10th – 17th defendants against the plaintiff as a result of which he has been asked to clear his name, otherwise no one should have anything to do with him.
9. That I have stopped to visit him whenever he comes to our home town i.e. Iloro-Ekiti, Ekiti State for fear of being sanctioned by the family.
10. That I find it most embarrassing to be associated with him, the only saving grace for now, for me is that we do not bear the same surname, hence, my friends do not know how close to me, he is.
11. That for now, he is not allowed to make any contribution to the family either in cash or kind.
12. That I swear to this affidavit in good faith and in accordance with Oaths Act.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DEPONENT**

Sworn to at the Federal High Registry,

Abeokuta, this \_\_\_\_ day of \_\_\_\_\_\_ 2018

**BEFORE ME**

**COMMISSIONER FOR OATHS**

**IN THE FEDERAL HIGH COURT OF NIGERIA**

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MR. OLADAPO VINCENT KOLAWOLE - PLAINTIFF

***AND***

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2. THE PERMANENT SECRETARY, FEDERAL MINISTRY OF FINANCE
3. THE ATTORNEY GENERAL OF FEDERATION
4. THE PERMANENT SECRETARY, MINISTRY OF WORKS
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EKITI STATE

13. THE ACCOUNTANT-GENERAL OF EKITI STATE

14. THE ATTORNEY-GENERAL OF EKITI STATE

15. THE PERMANENT SECRETARY,

EKITI STATE MINISTRY OF FINANCE

16.DR. SAMUEL OMOTOSO

17. MR. LERE OLAYINKA

**LIST OF DOCUMENTS TO BE RELIED ON BY THE PLAINTIFF**

1. Letter of Re-appointment of OladapoKolawole
2. Compact Disc of the programme, Ejiire, aired on \_\_\_\_\_\_\_\_\_\_\_\_ and its English/Yoruba transcription.
3. Compact Disc of the programme, meet your governor aired on \_\_\_\_\_\_\_\_\_\_ and its English/Yoruba transcription.
4. Compact Disc of the programme, meet your governor aired on \_\_\_\_\_\_\_\_\_\_\_ and its English/Yoruba transcription.
5. Access Bank Statement of Account of SUBEC and UBEC.
6. Financial Statement of Ekiti State 2013 as at June, 2014.
7. Statement of account for the 25billion naira proceeds from Capital Market.
8. Payment for CR3, Ikere-Ekiti.
9. Schedule of Approval of payment of severance gratuity as at 31st October, 2014.
10. Certified True Copy of Nigeria Tribune Newspaper Publication of Wednesday, 26th November, 2014 particularly at page 50 thereof.
11. Certified True Copy of Nigeria Tribune Newspaper Publication of Friday, 23rd October, 2015 particularly at page 5 thereof.

Dated the \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_ 2018.

**Isaac Obrutu Esq.**

**Isaac Obrutu & Co.**

**Claimant’s Solicitors**

**568, Ikorodu Road,**

**Ketu, Lagos.**

**08033039231**

**E-mail: isaac.obrutu@yahoo.com**

**FOR SERVICE ON:**

1. **The 1st defendant**

48, Oloko Street,

Off Akeredolu Road,

Olambe, Akute,

Ogun State.

1. **The 2nd defendant**

Federal Ministry of Finance,

Ahmadu Bello Way,

Central Business District,

Abuja, FCT.

1. **The 3rd defendant**

Federal Ministry of Justice,

Shehu Shagari Way,

Central District, Maitama,

Abuja, FCT.

1. **The 4th defendant**

Ministry of Power Works & Housing,

Mabuchi, Abuja, FCT.

1. **The 5th defendant**

5, Zaria Street, Treasury House,

Ladoke Akintola Baulevard,

Garki, Abuja, FCT.

1. **The 6th defendant**

NDIC Building (1st Floor),

Plot 447/448 Constitution Avenue,

CBD, Garki Abuja, Nigeria.

1. **The 7th defendant**

Plot 33, Abubakar Tafawa Balewa Way

Central Business District,

Cadastral Zone,

Abuja, FCT, Nigeria.

1. **The 8th defendant**

Federal Ministry of Finance,

Ahmadu Bello Way,

Central Business District,

Abuja, FCT.

1. **The 9th defendant**

No. 5, Fomella Street,

Off Adetokunbo Ademola Crescent,

Wuse II,Abuja,Nigeria.

1. **The 10th defendant**

The Governor’s Office,

Ado-Ekiti, Ekiti State.

1. **The 11th defendant**

Governor’s Office,

Ado-Ekiti, Ekiti State.

1. **The 12th defendant**

Ministry of Finance,

Ado-Ekiti, Ekiti State

1. **The 13th defendant**

State Treasury Office,

Ministry of Finance,

Ado-Ekiti, Ekiti State

1. **The 14th defendant**

Ministry of Justice,

Ado-Ekiti, Ekiti State.

1. **The 15th defendant**

Permanent Secretary Office,

Ministry of Finance,

Ado-Ekiti, Ekiti State

1. **The 16th defendant**

Ekiti State House of Assembly,

Ado-Ekiti, Ekiti State.

1. **The 17th defendant**

Broadcasting Service of Ekiti State,

Ado-Ekiti, Ekiti State