

# Calabar Carnival Case: Court Admonishes Cross River State, Awards Cost to COSON

April 10, 2017 | by Bob Aroture

A Federal High Court judge, Justice I.E. Ekwo sitting in Calabar, on Thursday, March 16, 2017, reportedly admonished the Cross River State Carnival Commission, the Governor of Cross River State, and the Attorney-General of the state for their conduct in the copyright infringement action brought against the Calabar Carnival Commission and the Cross River State Government by Copyright Society of Nigeria (COSON).

Justice Ekwo, according to the report, expressed displeasure at the repeated absence of the defendants and their lawyers in court despite Hearing Notices served on them by officers of the court.

During the proceedings on Wednesday, March 15, the defendants and their lawyers were absent. As a result, the Judge ordered that a new Hearing Notice be served on the defendants the same day, requesting their appearance in court on March 16.

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*On the fresh adjourned date, Mr Justin Ige of Creative Legal, leading three other lawyers: Mrs Obaseopuwhoi Etiowo, Kyrian E. Omang and Victoria E. Ene-Okon informed the court that the Plaintiff was ready to begin trial as all the Plaintiff witnesses were in court. It was then that one Tony Effiong, an Assistant Director in the Cross River State Ministry of Justice announced appearance for the defendants. He informed the court that he was not prepared to proceed with trial as he did not have the case file. He pleaded for another adjournment so that he could retrieve the case file from the private lawyers who were handling the case on behalf of the Cross River State Government and ready himself for trial*

*Justice I.E. Ekwo expressed profound displeasure with the behavior of the state government and its officers and their extreme lack of diligence in defending the matter. He said that he would have gone ahead with trial but that he looked at the claim which is substantial and thought that every opportunity should be given to the defendants to ensure that the matter is decided on the merits. The judge said that he had taken notice of the efforts made by the COSON officers and lawyers who are resident in Lagos*

*to appear in Calabar regularly but he was not inclined to proceed with trial as it is not his style to let a litigant to walk away with a Pyrrhic victory.*

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Justice Ekwo awarded cost in the sum of N100,000 to COSON and adjourned trial to May 24-26, 2017. In court for COSON were the Chairman, Chief Tony Okoroji and Board member, Ras Kimono.

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