Reply

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ABUJA

SUIT NO:

BETWEEN:

DANIEL NDUBUISI JOHNSON ..... CLAIMANT

AND

1. BERKSHIRE INVESTMENT COMPANY LIMITED

2. NATHANIEL JOSHUA OGWUCHE ..... DEFENDANTS

DEFENDANTS' FURTHER COUNTER-AFFIDAVIT TO THE CLAIMANT'S FURTHER AND BETTER AFFIDAVIT

I, Akubo Peter, Male, Christian, Nigerian Citizen, of No. 9 Kampala Street, Wuse II, FCT-Abuja, do hereby make oath and state as follows:

1. That I am the Personal Assistant to the Managing Director of the 1st Defendant and by virtue of my position, I am intimately acquainted with the facts and circumstances surrounding this quintessential commercial transaction.

2. That I have the full authority and mandate of the Defendants to depose to this Further Counter-Affidavit.

3. That I have meticulously perused the Claimant's "Further and Better Affidavit" dated 16th March, 2026 consisting of 39 paragraphs, and I state that the same is a tissue of falsehoods, a product of creative imagination, and a desperate attempt to mislead this Honourable Court.

4. That I categorically deny the depositions contained in paragraphs 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,

17/4/2026

30, 31, 32, 33, 34, 35, 36, and 37 of the Claimant's Further and Better Affidavit and put the Claimant to the strictest proof thereof.

5. That contrary to the erroneous assertions of the Claimant, the 1st Defendant is a distinct legal entity, a body corporate duly incorporated under the Companies and Allied Matters Act (CAMA).

6. That the records of the 1st Defendant, including its shareholding structure and directorship, are matters of public record maintained by the Corporate Affairs Commission (CAC) and are available for the whole world to see.

7. That the 2nd Defendant, Nathaniel Joshua Ogwuche, is neither a Director, a Shareholder, nor a "Mind and Will" of the 1st Defendant, and his joinder in this suit is a classic case of misjoinder of parties.

8. That attached herewith and marked as "EXHIBIT 1" is a Certified True Copy of the CAC Status Report of the 1st Defendant, which clearly identifies the authentic Directors of the Company, amongst whom the 2nd Defendant's name is conspicuously absent.

9. That at no time material to this transaction did the 2nd Defendant represent himself to the Claimant or any other person as the Managing Director or an authorized agent of the 1st Defendant.

10. That the 2nd Defendant and his wife never executed any contract, deed, or instrument on behalf of the 1st Defendant, as they lack the requisite vires and capacity to bind the company.

11. That I reiterate my earlier deposition that the 1st Defendant completes the execution of its documents by the affixing of the Common Seal of the Company, and no document purportedly prepared by the Claimant bears such seal or the signatures of authorizcd directors.

12. That the 2nd Defendant's involvement was merely a matter of convenience—receiving documents for onward transmission to the Managing Director—and cannot by any stretch of legal imagination be construed as an act of agency or directorship.

13. That the Claimant was never retained, either expressly or impliedly, by the 1st Defendant; his purported services were unsolicited, uncontracted, and entirely at the behest of a third party (the Vendor).

14. That the 1st Defendant had its own legal counsel who prepared the requisite agreements, and the Claimant was expressly informed of this through communications between the 2nd Defendant and the Vendor.

15. That there is no privity of contract between the Claimant and the Defendants to justify this frivolous claim for professional fees

16. That the depositions in the Claimant's Further and Better Affidavit have further exacerbated the contentious nature of this suit, creating a "host of disputes" on questions of fact.

17. That these disputed facts, ranging from the identity of the person who gave instructions to the alleged execution of documents cannot be resolved by way of Originating Summons without the benefit of cross-examination and oral evidence.

18. That this suit remains an egregious abuse of the process of this Honourable Court, being speculative, vexatious, and designed to extract unmerited funds from the Defendants.

19. That I depose to this Affidavit in good faith, conscientiously believing the contents to be true and correct in accordance with the Oaths Act.

DEPONENT

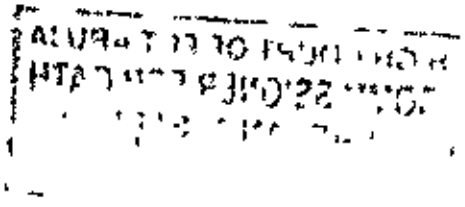
SWORN to at the Registry of the High Court of the FCT, Abuja.

This ...1st..... day of April..... 2026.

BEFORE ME:

HIGH COURT OF FCT ABUJA
COMMISSIONER FOR OATH
HASSAN A. SADIQ
1/4/26

COMMISSIONER FOR OATHS



FOR SERVICE ON THE CLAIMANT

Daniel Ndubuisi Johnson Esq.

Erugo's Attorneys and Consultants

Plot 724 Zone B Apo Resettlement, Abuja

+234 9026366921

Exhibit A

Report generated on 09:39 Wednesday, 25 March 2026

CORPORATE AFFAIRS COMMISSION

Status Report

COMPANY DETAILS

Company Name	BERKSHIRE INVESTMENT COMPANY LIMITED
Registration Number	309932
Date of Registration	Mar 25, 1997
Company Type	PRIVATE COMPANY LIMITED BY SHARES
Company Address	PLOT 8A FEMI ELSIE PEARCE STREET VICTORIA ISLAND, ABUJA , FCT STATE
Previous Address	11,KAYODEABRAHAMSTR.VICTORIAISLAND,LAGOS,LAGOS
Post Code	NIL
Head Office Address	NIL
Email	NIL
Principal Business Activity	NIL
Status	ACTIVE
Due Date of Accounts	Made up to Due by
Total Ordinary Shares	100,000 (*ONE HUNDRED THOUSAND*)
Total Share Capital	100,000 (*ONE HUNDRED THOUSAND*)

Corporate Affairs Commission
Certified Extracts
Hussaini Ishaq Magaji SAN
Registrar General
Mar 25, 2026

SHARE DETAILS

S/N	CLASS OF SHARE	NOMINAL VALUE OF EACH ISSUED SHARE	TOTAL NUMBER OF ISSUED SHARES	AGGREGATE NOMINAL VALUE *(Number of shares issued multiplied by nominal value)*
1	ORDINARY	1	100,000	100,000

DIRECTOR'S DETAILS

1.	**ROLE TYPE**	DIRECTOR
	SURNAME	ALIMI
	FIRSTNAME	SINA
	OTHER NAME	NIL
	EMAIL	NIL
	SERVICE ADDRESS	8A, ELSIE FEMI PEARCE STR., V/ISLAND, LAGOS STATE
	RESIDENTIAL ADDRESS	NIL
	NATIONALITY	NIGERIAN
	GENDER	MALE
	DATE OF BIRTH	NIL
	DATE OF APPOINTMENT	NIL
	STATUS	ACTIVE
2.	**ROLE TYPE**	DIRECTOR
	SURNAME	ISUNOYA
	FIRSTNAME	DOMINIC
	OTHER NAME	NIL
	EMAIL	NIL

Corporate Affairs Commission
Certified Extract
Hussaini Ishaq Magaji SAN
Registrar General
May 20, 2020

SERVICE ADDRESS	8A, ELSIE FEMI PEARCE STR., V/ISLAND, LAGOS STATE
RESIDENTIAL ADDRESS	NIL
NATIONALITY	NIGERIAN
GENDER	MALE
DATE OF BIRTH	NIL
DATE OF APPOINTMENT	NIL
STATUS	ACTIVE

3.

ROLE TYPE	DIRECTOR
SURNAME	OSHIAFI
FIRSTNAME	CHRIS
OTHER NAME	NIL
EMAIL	NIL
SERVICE ADDRESS	8A, ELSIE FEMI PEARCE ST., V/ISLAND, LAGOS STATE
RESIDENTIAL ADDRESS	NIL
NATIONALITY	NIGERIAN
GENDER	MALE
DATE OF BIRTH	NIL
DATE OF APPOINTMENT	NIL
STATUS	ACTIVE

SECRETARY'S DETAILS

1.

ROLE TYPE	SECRETARY

Corporate Affairs Commission
Certified Extracts
Hussaini Ishaq Magaji SAN
Registrar-General
MAY 25, 2020

	SURNAME	LAWCRAFT SOLICITORS AND ADVOCATES
	FIRSTNAME	LAWCRAFT
	OTHER NAME	NIL
	EMAIL	NIL
	PHONE NUMBER	NIL
	SERVICE ADDRESS	4 AKANBI DANMOLE STREET, OFF RIBADU ROAD, IKOYI LAGOS,
	RESIDENTIAL ADDRESS	NIL
	NATIONALITY	NIGERIA
	GENDER	NIL
	DATE OF BIRTH	NIL
	DATE OF APPOINTMENT	NIL
	STATUS	
2.	ROLE TYPE	SECRETARY
	SURNAME	LAWCRAFT SOLICITORS
	FIRSTNAME	& ADVOCATES
	OTHER NAME	NIL
	EMAIL	NIL
	PHONE NUMBER	NIL
	SERVICE ADDRESS	4, AKANBI DANMOLE STREET, OFF RIBADU ROAD, IKOYI, LAGOS STATE
	RESIDENTIAL ADDRESS	NIL
	NATIONALITY	NIGERIAN
	GENDER	MALE

Corporate Affairs Commission

Certified Extract

Hussaini Ishaq Magaji FAN

Registrar General

May 28th 2020

DATE OF BIRTH	NIL
DATE OF APPOINTMENT	NIL
STATUS	ACTIVE

SHAREHOLDERS

1.

ROLE TYPE	SHAREHOLDER
SURNAME	KEYNES PRIVATE EQUITY
FIRSTNAME	LIMITED
OTHER NAME	NIL
EMAIL	NIL
PHONE NUMBER	NIL
SERVICE ADDRESS	8A, ELSIE FEMI PEARCE ST, V/ISLAND, LAGOS STATE
NATIONALITY	NIGERIAN
GENDER	MALE
DATE OF BIRTH	NIL
STATUS	ACTIVE
TYPE OF SHARE	ORDINARY
TOTAL NUMBER OF SHARES	99,000

2.

ROLE TYPE	SHAREHOLDER
SURNAME	SCM INVESTMENT MAN
FIRSTNAME	LTD
OTHER NAME	NIL
EMAIL	NIL

Corporate Affairs Commission
Certified Extracts
Hussaini Ishaq Magaji SAN
Registrar General
MAY 28, 2020

PHONE NUMBER	NIL
SERVICE ADDRESS	8A, ELSIE FEMI PEARCE ST, V/ISLAND, LAGOS STATE
NATIONALITY	NIGERIAN
GENDER	MALE
DATE OF BIRTH	NIL
STATUS	ACTIVE
TYPE OF SHARE	ORDINARY
TOTAL NUMBER OF SHARES	1

PERSONS WITH SIGNIFICANT CONTROL

1.

ROLE TYPE	PERSON WITH SIGNIFICANT CONTROL
SURNAME	KEYNES PRIVATE EQUITY
FIRSTNAME	LIMITED
OTHER NAME	NIL
EMAIL	
GENDER	MALE
DATE OF BIRTH	
DATE OF BECOMING PSC	19 June 2023
SERVICE ADDRESS	8A, ELSIE FEMI PEARCE ST, V/ISLAND, LAGOS STATE
RESIDENTIAL ADDRESS	NIL
TAX IDENTIFICATION NUMBER	NIL
DESIGNATION	NIL

Corporate Affairs Commission
Certified Extracts
Hussaini Ishaq Magaji SAN
Registrar General
May 25, 2023

TAX RESIDENCY	NIL
IS PSC A POLITICALLY EXPOSED PERSON (PEP)?	NO
DOES THE PSC HAVE ANY AFFILIATION?	NO
STATUS	INACTIVE
DATE OF CESSATION	NIL
Does the PSC directly hold at least 5% of the shares or interest in a company or limited liability partnership?	NO [0%]
Does the PSC indirectly hold at least 5% of the shares or interest in a company or limited liability partnership? - 0	NO [0%]
Does the PSC directly hold at least 5% of the voting rights in a company or limited liability partnership?	NO [0%]
Does the PSC indirectly hold at least 5% of the voting rights in a company or limited liability partnership?	NO [0%]
Does the PSC hold the right to appoint or remove a majority of the directors or partners in a company or limited liability partnership?	NO
Does the PSC otherwise have the right to exercise or is actually exercising significant influence or control over a company or limited liability partnership?	NO

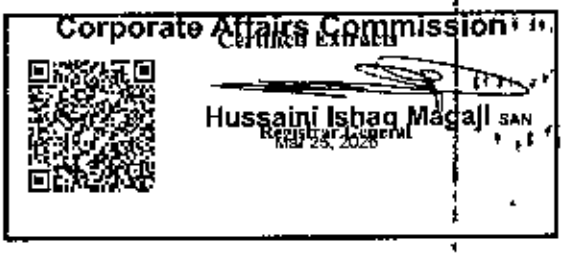
2.	**ROLE TYPE**	PERSON WITH SIGNIFICANT CONTROL
	SURNAME	KEYNES PRIVATE EQUITY
	FIRSTNAME	LIMITED
	OTHER NAME	NIL
	EMAIL	
	GENDER	MALE

Corporate Affairs Commission
Certified Extracts
Hussaini Ishaq Magaji SAN
Registrar General
Mar 25, 2026

DATE OF BIRTH	
DATE OF BECOMING PSC	19 June 2023
SERVICE ADDRESS	8A, ELSIE FEMI PEARCE ST, V/ISLAND, LAGOS STATE
RESIDENTIAL ADDRESS	NIL
TAX IDENTIFICATION NUMBER	NIL
DESIGNATION	NIL
TAX RESIDENCY	NIL
IS PSC A POLITICALLY EXPOSED PERSON (PEP)?	NO
DOES THE PSC HAVE ANY AFFILIATION?	NO
STATUS	ACTIVE
DATE OF CESSATION	NIL
Does the PSC directly hold at least 5% of the shares or interest in a company or limited liability partnership?	NO [0%]
Does the PSC indirectly hold at least 5% of the shares or interest in a company or limited liability partnership? - 0	NO [0%]
Does the PSC directly hold at least 5% of the voting rights in a company or limited liability partnership?	NO [0%]
Does the PSC indirectly hold at least 5% of the voting rights in a company or limited liability partnership?	NO [0%]
Does the PSC hold the right to appoint or remove a majority of the directors or partners in a company or limited liability partnership?	NO
Does the PSC otherwise have the right to exercise or is actually exercising significant influence or control over a company or limited liability partnership?	NO

Corporate Affairs Commission
Certified Extracts
Hussaini Ishaq Magaji SAN
Registrar General
MAY 23, 2023

This is true extract of the company information as at 25 March 2026, based on information submitted to the Commission by the company



This is the Document Mark as

Exhibit..... in

Paragraph.....of the

Affidavit of.....Sworn

To on the.....Day of

.....20.....

BEFORE ME

.....

COMMISSIONER FOR OATHS