

Managing Director/CEO
Transmission Company of Nigeria
Plot 14, Zambezi Crescent
Maitama
Abuja
Nigeria

Our ref: GS/00/2021

FAO: Chibueze E. Nnaemeka

3rd March 2021

Dear Sir,

**SUIT NO: FHC/PH/CS/06/2021 – CHIEF NNAMDI JOHN CHARLES EKANI & ANOR. vs.
TRANSMISSION COMPANY OF NIGERIA & ANOR**

We refer to our exchange of emails with respect to the above subject. We thank you for contacting us and are delighted to be able to assist you with this matter.

The purpose of this letter is to set out our understanding of your instructions, our proposed approach to this project and our terms of engagement.

Instructions

As we understand it, the Plaintiffs have taken out a Writ of Summons and other accompanying documents against you and Port Harcourt Electricity Distribution PLC at the Federal High Court, Port Harcourt Judicial Division seeking a declaration that they are entitled to compensation from the Defendants in respect of their land at Ogonokom Community (Ogonokom 1 & 2) in Okpeden, Abua in Abua/Odual Local Government Area of Rivers State of Nigeria which they claim is adversely traversed by the Defendant's electricity transmission lines (formerly National Electric Power Authority's Electricity transmission lines but now inherited by the Defendants) and thereby, rendering the land unsuitable for any development and/or useless for any purpose. As a result, the Plaintiffs are claiming the sum of two billion, eight hundred and sixty five million, one hundred and sixty seven thousand and twenty one Naira forty Kobo (N2,865,167,021.40) as compensation for the loss of value and use of land and other injurious affections from the said transmission line which the Plaintiffs alleged were passed at the above reference land compulsorily .

You have therefore instructed us to assist you with this matter, including reviewing the relevant court documents, preparing and filing your defence in this matter including any preliminary and interlocutory applications and undertake your defence until final determination at the Federal High Court.

Lagos
24B Amedu Tijani Close
Victoria Island
Lagos
Nigeria
Telephone: +234 (0) 1 291 7913
info@goldsmithsllp.com

Abuja
Suite A4, 2nd Floor
Bobae Complex
Micheka Street,
Area 11 Garki, Abuja, Nigeria
Phone: +234 (0) 1291 7913
info@goldsmithsllp.com



Legal Advisory Services

Our approach will be to file a conditional memorandum of appearance together with the statement of defence, a list of witnesses to be called at the trial, written statements on oath of the witnesses, copies of all documents be relied on at the trial and a list of non-documentary exhibits if any.

However, we shall thoroughly review the relevant laws and determine whether or not the Federal High Court is the appropriate venue to litigate this matter. In the event that the answer is no, then before the hearing of the substantive matter, we shall file a preliminary objection challenging the court's jurisdiction to hear the matter. The matter will be struck off against the 1st Defendant assuming the court agrees with our preliminary objection. The matter will proceed to trial if the court dismisses the preliminary objection.

To enable us properly prepare, we shall be grateful if you could please set out by way of an email, your proposed position with respect to this matter. For example, does the electricity transmission line belong to you and if not why not. Please let us also have all evidence you wish to rely on this matter. What other facts do you intend to rely on that will assist us in preparing the defence in this matter.

Firm Representation

Whereas contact will be made by individual members regarding instructions received from you, it is the entire Firm which shall be representing you. We take very seriously our pledge to afford the benefit of every Goldsmiths Lawyer to our Clients. We are able therefore, to provide you with services supported by the facilities, personnel and infrastructure of our Firm.

Time Estimate

Considering covid-19 protocols put in place in most courts around the federation and other circumstances, it is not possible to give a time estimate of the litigation at this stage as we do not know how that would play out. However, we shall diligently continue to prosecute your defence as the matter continues to come up.

Professional Fee

Our professional fee for obtaining your detailed instructions, reviewing the writ of summons, Statement of Claim, list of witness, witness statement on oath and documents to be relied upon, preparing a conditional memorandum of appearance, statement of defence, preliminary objection, if necessary and all accompany documents, corresponding with you and advising you generally on your position is an agreed fee of ₦3,500,000.00 (Three million five hundred thousand Naira only) plus 7.5% VAT.

One half of this amount shall be payable on or before filing of the necessary court processes and the balance is payable upon determination.

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Next Steps

The immediate steps would as follows:

1. Send us a detailed email with your your answer to the Plaintiffs' claims.
2. Scehdule a meeting in order to review your response in 1 above
3. Determine when you were served in order to know if there would be need to file an application for extension of time within which to file statement of defence etc.
4. Obtain the names and necessary particulars of witnesses
5. Recelve and review any documents including licences issued by regulatory agencies etc.
6. Prepare initial documents in readiness for review by TCN

Client Charter

We do hope that the services we shall be providing shall be satisfactory and we would be pleased to hear if you have any comments or suggestions about the services we shall be giving you. We encourage feedback from our clients so that their needs and concerns can be taken into account in our service delivery plans.

At Goldsmiths, it is our aim to meet and exceed our clients' expectations by providing an efficient and professional service on time and on budget. We trust we shall be doing so on these instructions.

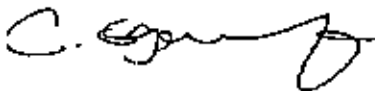
We do however recognize that things sometimes do go wrong. If you are unhappy about any aspect of our service, please ask to speak to Mr. Colin Egemonye, the Engaging Partner, who would be happy to resolve any concerns amicably.

Conclusion

We trust the contents of this letter are helpful, but please do let us know if you require any further information or other assistance.

Thank you again for contacting us.

Yours faithfully,



Colin C. Egemonye
Goldsmiths Solicitors