

COMPANY LITIGATION

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OUTLINE

- PROFILE
- TYPES OF COMPANY LITIGATION
- SOME SELECT PRINCIPLES
- 3 KEY STAGES OF LITIGATION

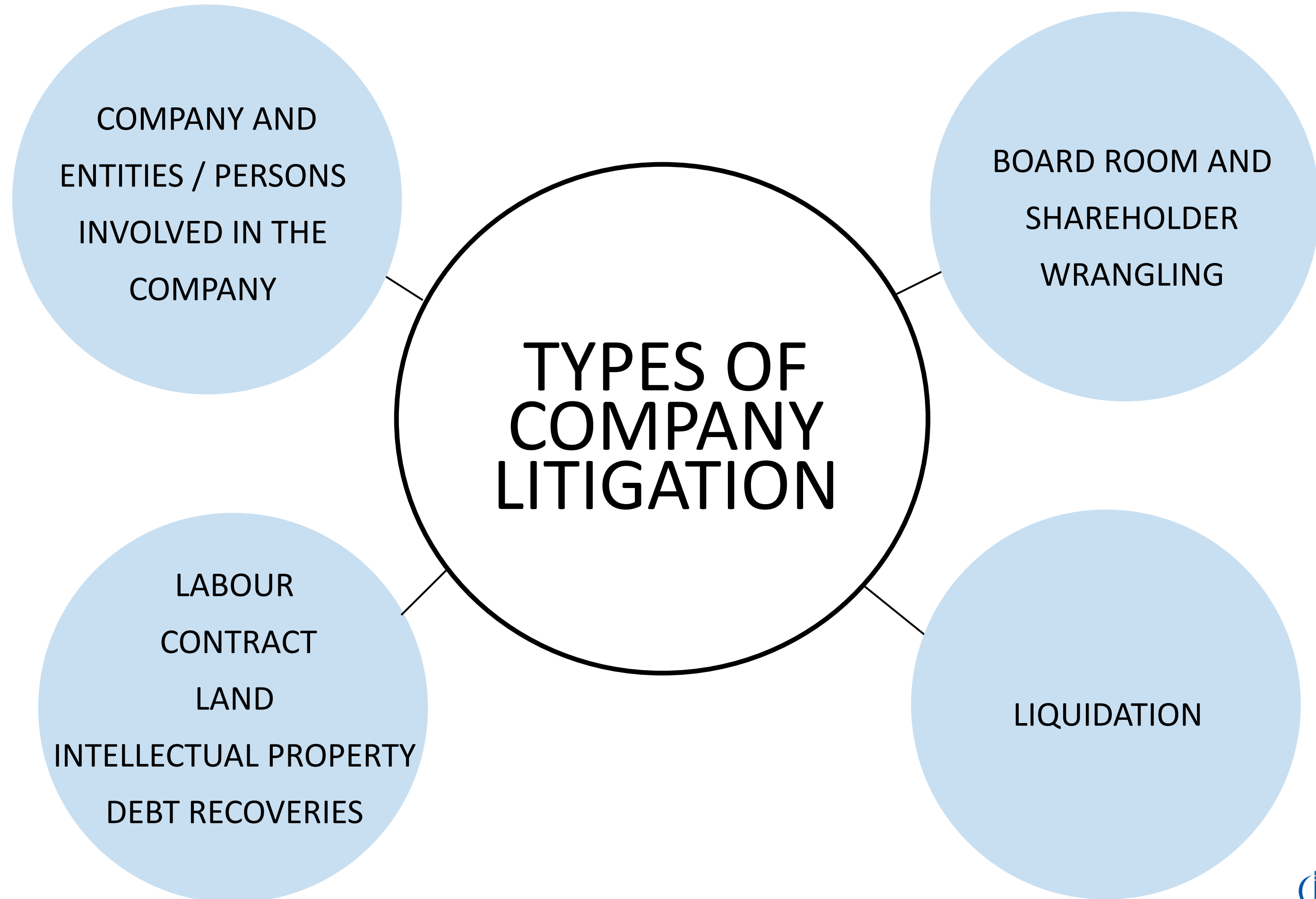


Profile

Nana Yaw Ntrakwah is a Partner at Ntrakwah & Co. and the head of the Litigation, Energy, and Minerals Resources departments.

He is a top-notch litigator with a proven record of success in representing multinational businesses and individuals, locally and internationally.

With over 16 years of experience as a top-notch litigator, Nana Yaw has handled most of the firm's complex company, land, employment, debt recovery, and commercial disputes and has represented top-tier clients in Ghana's highest courts, including the Supreme Court.

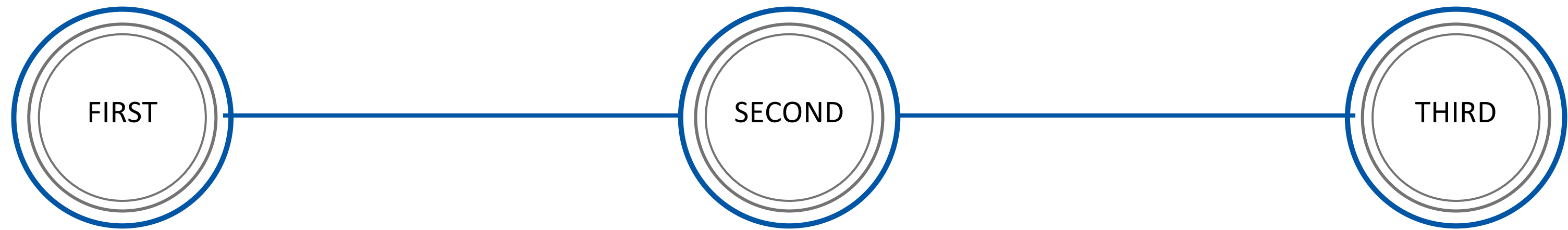




SOME SELECT PRINCIPLES

- 1 On incorporation, the company acquires all the powers of a natural person of full capacity. It can sue and be sued
- 2 The company is the proper plaintiff when a wrong is done to the company, no individual member is allowed to take the place of the company
- 3 Representative action
- 4 Enforcement of directors' liabilities by representative action
- 5 Derivative action

3 KEY STAGES OF LITIGATION



PRE-LITIGATION

LITIGATION

POST-LITIGATION



PRE-LITIGATION

(Preparing for litigation)

What to do?

- Prep for court, research, pleadings, judges, practitioners text
- Check the certificate of incorporation, other statutory requirements
- Conduct searches

Heaven and Earth Estates LTD. v Chief Yakubu Ibrahim & 2 Ors. Suit No. LD/0611/17 Judgment dated 3rd June 2022

- Name of entity
- Ratification S13(1) of Act 179 and law being changed S.11(1) of Act 992-(18mths after incorporation)
- Satellite images

Nale Hambo Creations v NDK Financial Services LTD Suit No. GJ/0781/2023

- Action over property mortgaged to NDK
- Absence of LTD suggests unincorporated entity – S.21 of Act 992
- Capacity challenged
- Suit dismissed

Robert le Hunte v Charles Ofori-Acquah & 3 Ors. Suit No. ACC/01/2015 Ruling dated 12th March, 2015

- Director sued other directors because in his view, the other directors were using their numbers to take decisions detrimental to the shareholder he represents
- Application to strike out pleadings and dismiss suit filed, lack of capacity
- Application granted, suit dismissed



LITIGATION/ HEARING

(Conducting the case)

Tips

- Appearance: cufflink/stud, polka dots
- Advocacy: my name is
- Professional conduct and Etiquette Rules
- What do you want to be known for? Reputation
- Know your stuff

Multi-Concept Limited v La-Nkwantang Madina Municipal Assembly Suit No. H1/173/2021 Judgment dated 16th June 2022

- Land case
- Injunction application
- Objection to capacity:- Plaintiff does not exist, Plaintiff has not re-registered
- Objection overruled
- Appeal also dismissed by Court of Appeal

Richmond Aggrey vs. Investcom Suit No. ACC/3/06

- Role as a junior
- Media

<https://www.modernghana.com/news/175987/aggrey-reveals-undercover-moves.html>



POST-LITIGATION

- Execution: Prevention/Protection
- Take execution processes serious to avoid embarrassment
- Personal satisfaction/Client satisfaction



Let's
Connect!

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