

**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA AT NAIROBI  
MILIMANI COMMERCIAL COURT & TAX DIVISION  
IN THE MATTER OF CIVIL SUIT NO. HCCC 1822 OF 2000 AND  
HCCC 343 OF 2002**

**BETWEEN**

**ORION EAST AFRICA LIMITED ..... PLAINTIFF**

**VERSUS**

**TETU COFFEE GROWERS CO-OPERATIVE  
SOCIETY LIMITED (IN LIQUIDATION) ..... DEFENDANTS**

**MUGAMA FARMERS CO-OPERATIVE  
UNION LIMITED ..... DEFENDANTS**

**AND GARNISHEE BANK  
THE CO-OPERATIVE BANK OF KENYA LIMITED ..... GARNISHEE**

**CERTIFICATE OF URGENCY**

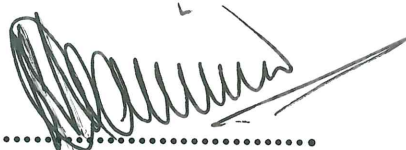
**IN THE MATTER OF CONTRAVENTION OF FUNDAMENTAL RIGHTS UNDER  
ARTICLE 10, 21, 23, AND 57 OF THE CONSTITUTION OF KENYA 2010.  
CAP. 21 of the Civil procedure Act; Order 140 Rule 1, Order 50 Rule 1  
of the CPR, Order 9 of (CPR); Order 21 Rule 58 of the CPA; Order 22  
Rule 40-46 AND SECTION 67 OF THE WITCHCRAFT ACT AND ALL  
ENABLING PROVISIONS OF THE LAW**

**I, RUO MAINA an intercessor/interlocutor for the Applicant  
herein, do hereby certify that this Application in Review of  
Petition is extremely urgent and should be heard forthwith.**

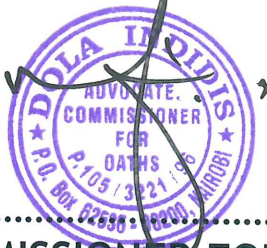
**THAT under article 10, 21, 33, and 57 of the constitution of  
Kenya 2010 which obligates the state to take measures to ensure  
Senior Citizens participation in personal development and  
accord them dignity, respect, protection and this Honorable  
Court is therefore obligated to provide care and reasonable  
assistance to Senior citizens.**

DATED at NAIROBI by the said  
RUO MAINA

This .....<sup>23<sup>rd</sup></sup>... day of .....<sup>August</sup>.....2024

  
.....  
DEPONENT

BEFORE ME:



.....  
COMMISSIONER FOR OATHS

**DRAWN & FILED BY:**

RUO MAINA - SENIOR CITIZEN  
GREEN EARTH TRUST  
GROUND FLOOR WAKULIMA HOUSE  
NAIROBI.  
ruoderock@gmail.com  
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**TO BE SERVED UPON: -**

SENIOR COUNSEL  
MR. JOHN MORRIS OHAGA  
TRIPLE OK LAW  
ACK GARDENS HOUSE 1<sup>ST</sup> NGONG AVENUE  
OFF BISHOP ROAD  
NAIROBI.

CHIEF JUSTICE AND PRESIDENT  
OF THE SUPREME COURT OF KENYA  
SUPREME COURT BUILDING  
NAIROBI.

THE PRESIDING JUDGE  
COMMERCIAL & TAX DIVISION  
MILIMANI COMMERCIAL COURTS  
NAIROBI.

GOVERNOR  
CENTRAL BANK OF KENYA  
HAILE SELASSIE AVENUE  
NAIROBI.

COMMISSIONER OF CO-OPERATIVES  
MINISTRY OF CO-OPERATIVES & SME  
NSSF BUILDING  
NAIROBI.

CHIEF EXECUTIVE OFFICER  
CAPITAL MARKETS AUTHORITY  
EMBARKMENT PLAZA  
NAIROBI.

---

REPUBLIC OF KENYA  
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ORION EAST AFRICA LIMITED ..... PLAINTIFF

VERSUS

MUGAMA FARMERS CO-OPERATIVE  
UNION LIMITED..... DEFENDANTS

TETU FARMERS CO-OPERATIVE  
SOCIETY LIMITED (IN LIQUIDATION) .....DEFENDANTS

THE COOPERATIVE BANK  
OF KENYA LIMITED..... GARNISHEE BANK

NOTICE OF MOTION IN REVIEW OF PETITION

IN THE MATTERS OF CONTRAVENTION OF FUNDAMENTAL  
RIGHTS UNDER ARTICLES 10, 21, 22, 23 AND 57 OF THE  
CONSTITUTION OF KENYA 2010, CAP. 21 OF THE CIVIL  
PROCEDURE ACT. AND SECTION 67 OF THE WITCHCRAFT ACT  
AND ALL ENABLING PROVISIONS OF THE LAW.

LET ALL PARTIES CONCERNED attend court before the  
honorable judge in chamber or through virtual online platform  
on the ..... day of ..... 2024 at 9:00 O'clock in  
the forenoon or as soon as thereafter for hearing of an  
application for **ORDERS THAT:-**

1. THAT this pleading was gleaned from our candid meeting  
of 22<sup>nd</sup> August, 2024 with the Hon. Justice Alfred Mabeya  
the Presiding judge of the Milimani Commercial and Tax  
Division who was temporarily acting in the place of the

Principle Judge Hon. Justice Erick Ogola. The Judge genuinely wanted to know why eminent Advocates like Joseph Mugo Kamau as he was then known, now the Honorable Justice Mugo Kamau of the Nyamira High Court, Senior Counsel John Morris Ohaga now turned nemesis, Senior Counsel Frederick Ngatia and Advocate Ng'ang'a Mbugua had abandoned acting for us and I explained to him that the Garnishee Bank the Co-operative Bank of Kenya and its CEO and Groups Managing Director Dr. Gideon Maina Muriuki, MBS, EBS, CBS had introduced diabolical influences like corruption, black magic, witchcraft and sorcery in court and that the courts were now under oppressive influences of satanism but the establishment was in total denial and that the virtual online swearing to tell the truth in court had systematically banished the use of the traditional Christian Bible in our courts hence nobody including the Judges was telling the whole truth anymore which fact had mongrelized the truth, a serious indictment of our jurisprudence where nobody is made to account for lying anymore.

2. **THAT** at the end of the meeting, we all seemed to agree that the Garnishee Bank had variously admitted to holding in its custody the contentious 34,816,200 stock shares belonging to Orion East Africa Limited and the Garnishee Bank ought to stop their shenanigans and abide by the established rules of this honorable court on dealing with issues on Garnishee Absolute Decrees. The courts should also stop peddling fear by criminalizing innocent legitimate litigants.
  3. **THAT** this Application for a Review of the Ex-parte Orders irregularly issued on 23<sup>rd</sup> July, 2024 given on 15<sup>th</sup> August, 2024 by Justice Josephine Wayua Mong'are ironically after dispensing with the same matters in her judgment delivered on 13<sup>th</sup> May, 2024, be certified urgent and fit to
-

be heard forthwith and be granted ex-parte and in a priority to any other matter herein:-

4. **THAT** the honorable court be pleased to review, rescind and re-examine the law and facts appertaining to this matters and to pronounce a new Judgment by vacating the EX-PARTE ORDERS dated 23<sup>rd</sup> May, 2024 irregularly obtained by the Garnishee Bank the Co-operative Bank of Kenya and its CEO and Groups Managing Director Dr. Gideon Maina Muriuki MBS, EBS, CBS without status or *locus standi* In the matters concerning HCCC 1822 of 2000 and HCCC 343 of 2002.
  5. **THAT** the Garnishee Bank has over many years methodically trampled upon the rights of the Decree Holder by undermining the execution process through time wasting frivolous Applications in this honorable court without the Rights, mandate or legal capacity to bring such action or appear in this honorable court and that the stay of execution orders granted by this Honorable Court are illegal, without basis and highly controverted as there are no matters currently before court respecting the legal doctrine of established universal principles of *fanctus officio*; the said Decree Orders having been given on 14<sup>th</sup> February, 2001 and the other on 4<sup>th</sup> December, 2001 over two decades ago without eliciting any challenge or appeal by the Decreed Debtors. The options available to a Garnishee Bank served with Garnishee Absolute orders is simply to verify the stock holders particulars and then comply with the orders of this honorable court by supporting the execution process.
  6. **THAT** under Order 22 Rule 27(3) of the CPR, if a Decree holder has not executed a decree for attachment at the end of six months from the date of attachment, the attachment of the said stock shares ceases. That the Attachment in Execution was served upon the Garnishee Bank on 24<sup>th</sup> June, 2024 and will automatically cease on
-

24<sup>th</sup> December, 2024; if the execution process is delayed. The Garnishee Bank should not be assisted to benefit from its own mischief.

7. **THAT** the Honorable Court do Order the Garnishee Bank to timeously submit its final submissions on its application to enable us prepare our rebuttal to the issues raised in good time seeing as the Judge in conduct of this matters has voluntarily recused herself from further hearing the matters of HCCC 1822 of 2000 and 343 of 2003 which she has surrendered to the RRI Judges.
  8. **THAT** we urge this Honorable Court to deter by admonishing the Garnishee Bank and Its CEO and Chief Executive Dr. Gideon Maina Muriuki MBS, EBS, CBS from relentlessly undermining this honorable court in which they have been frustrating the execution process beyond eroding the Decree Orders of this honorable court.
  9. **THAT** the Garnishee Bank and its CEO and Managing Director are not debtors or financial intermediaries to the Decree Holder and they have ***NO LOCUS STADI*** in the matters before court. The Ex-parte orders obtained from this honorable court on 23<sup>rd</sup> July, 2024 are illegal and lack status or basis, therefore rendering them sterile, null and void ***ab initio as*** having been obtained through deceit without status, capacities or rights to bring an action in the matters of HCCC 1822 of 2000 and HCCC 343 of 2002 before this honorable court.
  10. **THAT** regrettably the short notice set for mention of this matters on 27<sup>th</sup> August, 2024 coincide with the case management process at the Appeals Court over the same matters on the same date not to belabor on the fact that the purpose of the Mention before the Deputy Registrar appears hazy even ulterior.
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11. **THAT THE SYNDICATE MENTALITY EXHIBITED IN COURT THAT EXPLOITS VULNERABILITIES IN FAVOR OF A SACRED GARNISHEE BANK & ITS CEO & GROUP'S MANAGING DIRECTOR HAVE CONSPIRED TO GNAW AT OUR CONFIDENCE IN HER COURT IRREPARABLY.**
12. **THAT** we were repeatedly besieged and made to feel unexpected in Judge Josephine Wayua Mong'are's court where our presence in court was constantly questioned. Her condescending attitude towards our Applications which were never heard; was constantly sneered. She wore a mean hostile mien and acted as both judge and prosecutor bearing outrageously divisive, condescending, threatening, cruel to a point of affecting our dignity and self-esteem. The idea was to incessantly keep the matters in court to drain our health and resources and to keep us permanently harassed while holding useless paper decree orders.
13. **THAT** you may be tempted to think that it was our fault for appearing or finding ourselves before her court, she has systematically undermined our emotions and affected our faith in her court. She appears in court unprepared not having done her homework or read our submissions under what we later learnt was an enchantment by Senior Counsel John Morris Ohaga with whom she appeared to agree and fraternize with on every contentious issues even those normally considered absurd or juvenile.
14. **THAT** on 16<sup>th</sup> May, 2024 the Hon. Lady Justice Josephine Wayua Wambua Mong'are delivered the following judgment: -

**“Therefore, I am not persuaded that the consolidation of the two suits HCCC 1822 of 2000 and HCCC 343 of 2002 would serve the intended purpose. For these same reasons, it is my considered view that it would be prejudicial to consolidate the two suits.**

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15. THAT her final disposition on the same matters was as follows: -

“The upshot is that the Decree Holder’s application dated 29<sup>th</sup> June, 2023 is dismissed for want of merit with costs to the Defendants”.

16. THAT the absurdity of the above judgment is that we were never heard at all on this Application of 24<sup>th</sup> June, 2023 and we also doubt that she read or even understood the issues in contention. The Defendants were also unrepresented in the matters before her which means that she made a mockery of her own court by referring to the **Garnishee Bank as the Defendants** without caring to establish status of the parties before her. Her sole purpose was to dismiss the matters at whatever expedient reason that may come.

17. THAT this is what Senior Counsel John Morris Ohaga said about the Consolidation as captured verbatim in the transcribed report of 3<sup>rd</sup> October, 2023 before the Presiding Judge Hon. Justice Alfred Mabeya:-

Ohaga: ‘My Lord, let me assist you, there is NO application for consolidation before this court. The Application for Consolidation is made in the application in which the two matters are cited together. So he has already of his own motion, consolidated the matters and then post his consolidation, sought an order for consolidation. So it would be futile to be looking for an Application for Consolidation’.

18. THAT on 22<sup>nd</sup> November, 2023, The Hon. Justice Alfred Mabeya having been defeated by the complexities of the matters recused himself from further hearing the case and appointed Hon. Lady Justice Josephine Wayua Mong’are to continue but with strict instructions to dismiss the matters at whatever reason may come. The reasons the Presiding Judge provided for his recusal were scanty and

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unconvincing, citing a letter from the Chief Justice and President of the Supreme Court of Kenya circulated around the world besmirching his character and associating him with corruption on a grand scale. We paid for a print copy of the transcribed recusal statement but it appears to have been plucked from the court records without a trace,

19. THAT in another strange twist, on her own motion *suo moto*, Lady Justice Justice Wayua Mong'are recalled the files she had just made a final determination upon on 13<sup>th</sup> June, 2024 and in a purported interest of justice, she issued further orders contradicting her earlier judgment on the same issues i.e.:-

“These Directions apply to both HCCC 1822 of 2000 and HCCC 343 of 2002”. Essentially, the import of the above directions is that she had just consolidated the two files that she had earlier dismissed for lack of merit on account of an attempt to ostensibly consolidate the same files.

20. THAT in another farcical Order for Directions where she conveniently avoids to mention our 187 pages application under certificate of urgency dated 5<sup>th</sup> August, 2024, she falsely states rather injudiciously that there were directions issued by this honorable court to the ‘Parties’ on 30<sup>th</sup> July, 2024 yet knowing this to be untrue as there was no Coram and parties did not attend court on 30<sup>th</sup> July, 2024 which means that the court did not take off on that particular day and the Garnishee Bank was in attendance without leave of court or status in the matters of HCCC1822 of 2000 and HCCC 343 of 2002.
  21. THAT we are at a loss to appreciate the purpose of appearing before the (RRI) considering that the matters of HCCC 1822 of 2000 and HCCC 343 of 2002 are *fanctus officio* without any challenge or appeal pending in the
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courts records whilst the Garnishee Bank chose to appear against our application of 29<sup>th</sup> June, 2023 through a purported Preliminary Objection (PPO) an esoteric nondescript legislation not found in the Civil Procedure Act. a bizarre innovation intended to defeat the ends of Justice.

22. **THAT** it is the finding of the Deputy Registrar Hon. Elizabeth Chepkoech Tanui that the court has already issued Prohibitory Orders for 25,589,200 stock shares and another 9,278,200 stock shares totaling 34,816,200 stock shares currently being held by the Garnishee Bank the Co-operative Bank of Kenya Limited and its CEO and Groups Managing Director Dr. Gideon Maina Muriuki EBS, MBS, CBS and that the retained earnings, accrued Dividends, Splits and Swaps have over many years derived over Kshs.590 Billion and continues to attract contractual compounded interest at 3% per month until full settlement notwithstanding the delays and procrastination by the courts which appears complicit.
  23. **THAT** the Garnishee bank the Co-operative Bank of Kenya Limited and its CEO and Group Managing Director know and understand too well that they do not possess any options open to sue Orion East Africa Limited. The Notice of Motion dated 17<sup>th</sup> July, 2024 and obtained irregularly on an ex-parte basis from Judge Josephine Wayua Monga're whom without first establishing status or *Locus standi* of the Applicant in the matters in contention are invalid *ab initio* for want of legal rights and capacity to appear on behalf of the Defendants without instructions in the matters of HCCC 1822 of 2000 and HCCC 343 of 2002.
  24. **THAT** the interim ex-parte Orders dated 23<sup>rd</sup> July, 2024 in terms of prayer 3, 4, 6, & 7 were granted in an irregular manner as the so called Applicant the Co-operative Bank of Kenya Limited and its CEO and Groups managing Director
-

Dr. Gideon Maina Muriuki MBS, EBS, CBS lacked status or *locus standi* to file the application without leave of court or status to penetrate the matters of HCCC 1822 of 2000 and HCCC 343 of 2002 which were *fanctus officio*.

25. **THAT** there were NO directions given on 30<sup>th</sup> July, 2024 in both HCCC 1822 of 2000 and HCCC 343 of 2002 as there was NO Coram in Court on that day 30<sup>th</sup> July, 2024. In our earlier complain letter Ref: GET/008/005/HCK/2023 dated 21<sup>st</sup> December, 2023, we had shown how the Deputy Registrar Elizabeth Chepkoech was involved in a shameless court assisted perjury in favor of the Garnishee Bank's Advocate fronted by SC John Morris Ohaga the Managing Partner in the law firm of Triple OK Law which bears the sign of Tubal-Cain as its trading logos on court documents; the anti-thesis of Jesus Christ.
  26. **THAT** allow me to say something about Mr. Gideon Maina Muriuki our nemesis as he was previously known. He came from the village for the first time in the 80s armed with a raw ambition and determined to accumulate wealth at whatever cost. He joined the University of Nairobi for a degree in Mathematics. He has no known qualifications in Banking or Financial Management. All his doctoral accolades and decorations i.e. MBS, EBS, CBS, CEO, MD etc. were acquired through financial inducements, bribery and corruption; he is also a habitual court order violator deserving a deterrent prison life.
  27. **THAT** it is the Ruling of the Precedence setting Garnishee Absolute Ruling by the Hon. Justice Alfred Mabeya on 12<sup>th</sup> May, 2023 that :-  
“It may well be that time has come, whereby public Officers who negligently subject public bodies to unwarranted losses should personally be held liable for such losses”.
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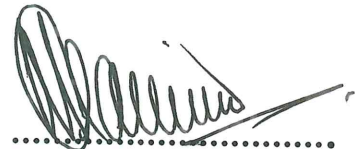
28. THAT it is our considered view that the Decrees and Orders of attachment for 34,816,200 stock shares belonging to Orion East Africa Limited are valid and enforceable and this honorable court has remained cognizant of the above facts and validated the said court orders on 19<sup>th</sup> October, 2023 for the process of execution to proceed in the normal manner and what is remaining now is the recovery of 34,816,200 stock shares stuck in the Garnishee Bank which should be retrieved immediately in a procedural manner and deposited in this Honorable Court for our collection.

29. THAT what is deponed herein above is true and within my knowledge save wherein stated and sources clearly identified.

30. THAT the costs of this suit be provided in the course.

DATED at NAIROBI by the said  
RUO MAINA

This 23<sup>rd</sup> day of August 2024



DEPONENT

BEFORE ME:



.....  
COMMISSIONER FOR OATHS  
DRAWN & FILED BY:

RUO MAINA - SENIOR CITIZEN  
GREEN EARTH TRUST  
GROUND FLOOR WAKULIMA HOUSE  
NAIROBI.

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**TO BE SERVED UPON: -**

SENIOR COUNSEL  
MR. JOHN MORRIS OHAGA  
TRIPLE OK LAW  
ACK GARDENS HOUSE 1<sup>ST</sup> NGONG AVENUE  
OFF BISHOP ROAD  
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SOCIETY LIMITED (IN LIQUIDATION) .....DEFENDANTS**

**THE COOPERATIVE BANK  
OF KENYA LIMITED..... GARNISHEE BANK**

**SUPPORTING AFFIDAVIT**

**IN THE MATTERS OF CONTRAVENTION OF FUNDAMENTAL  
RIGHTS UNDER ARTICLES 10, 21, 22, 23 AND 57 OF THE  
CONSTITUTION OF KENYA 2010, CAP. 21 OF THE CIVIL  
PROCEDURE ACT. AND SECTION 67 OF THE WITCHCRAFT ACT  
AND ALL ENABLING PROVISIONS OF THE LAW.**

**I RUO MAINA** a resident of Kenya and of care of Green Earth Trust, Wakulima House on the ground floor, solemnly make oath and state as follows:-

- 1. THAT** I am the Intercessor / Interlocutor for the Applicant herein, Aware of the matters in issue and hence competent to swear this Affidavit.
  - 2. THAT** I swear this Affidavit in good faith in support of the application herein and have perused the Application herein
-

and confirm that the facts stated therein are true and correct.

3. **THAT** I hereby reaffirm and solemnly repeat the facts and averments stated and included in the Application, including each of the paragraphs individually as well as cumulatively and further solemnly state that the facts therein are true and to my own knowledge, information and belief.
  4. **THAT** the Application be certified as urgent and fit to be heard forthwith, and be granted ex-parte and in a priority to any other matter herein.
  5. **THAT** this pleading was gleaned from our candid meeting of 22<sup>nd</sup> August, 2024 with the Hon. Justice Alfred Mabeya the Presiding judge of the Milimani Commercial and Tax Division who was temporarily acting in the place of the Principle Judge Hon. Justice Erick Ogola. The Judge genuinely wanted to know why eminent Advocates like Joseph Mugo Kamau as he was then known, now the Honorable Justice Mugo Kamau of the Nyamira High Court, Senior Counsel John Morris Ohaga now turned nemesis, Senior Counsel Frederick Ngatia and Advocate Ng'ang'a Mbugua had abandoned acting for us and I explained to him that the Garnishee Bank the Co-operative Bank of Kenya and its CEO and Groups Managing Director Dr. Gideon Maina Muriuki, MBS, EBS, CBS had introduced diabolical influences like corruption, black magic, witchcraft and sorcery in court and that the courts were now under oppressive influences of satanism but the establishment was in total denial and that the virtual online swearing to tell the truth in court had systematically banished the use of the traditional Christian Bible in our courts hence nobody including the Judges was telling the whole truth anymore which fact had mongrelized the truth, a serious indictment of our jurisprudence where nobody is made to account for lying anymore.
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6. **THAT** at the end of the meeting, we all seemed to agree that the Garnishee Bank had variously admitted to holding in its custody the contentious 34,816,200 stock shares belonging to Orion East Africa Limited and the Garnishee Bank ought to stop their shenanigans and abide by the established rules of this honorable court on dealing with issues on Garnishee Absolute Decrees. The courts should also stop peddling fear by criminalizing innocent legitimate litigants.
  7. **THAT** this Application for a Review of the Ex-parte Orders irregularly issued on 23<sup>rd</sup> July, 2024 given on 15<sup>th</sup> August, 2024 by Justice Josephine Wayua Mong'are ironically after dispensing with the same matters in her judgment delivered on 13<sup>th</sup> May, 2024, be certified urgent and fit to be heard forthwith and be granted ex-parte and in a priority to any other matter herein:-
  8. **THAT** the honorable court be pleased to review, rescind and re-examine the law and facts appertaining to this matters and to pronounce a new Judgment by vacating the EX-PARTE ORDERS dated 23<sup>rd</sup> May, 2024 irregularly obtained by the Garnishee Bank the Co-operative Bank of Kenya and its CEO and Groups Managing Director Dr. Gideon Maina Muriuki MBS, EBS, CBS without status or *locus standi* In the matters concerning HCCC 1822 of 2000 and HCCC 343 of 2002.
  9. **THAT** the Garnishee Bank has over many years methodically trampled upon the rights of the Decree Holder by undermining the execution process through time wasting frivolous Applications in this honorable court without the Rights, mandate or legal capacity to bring such action or appear in this honorable court and that the stay of execution orders granted by this Honorable Court are illegal, without basis and highly controverted as there are no matters currently before court respecting the legal
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doctrine of established universal principles of *fanctus officio*; the said Decree Orders having been given on 14<sup>th</sup> February, 2001 and the other on 4<sup>th</sup> December, 2001 over two decades ago without eliciting any challenge or appeal by the Decreed Debtors. The options available to a Garnishee Bank served with Garnishee Absolute orders is simply to verify the stock holders particulars and then comply with the orders of this honorable court by supporting the execution process.

10. **THAT** under Order 22 Rule 27(3) of the CPR, if a Decree holder has not executed a decree for attachment at the end of six months from the date of attachment, the attachment of the said stock shares ceases. That the Attachment in Execution was served upon the Garnishee Bank on 24<sup>th</sup> June, 2024 and will automatically cease on 24<sup>th</sup> December, 2024; if the execution process is delayed. The Garnishee Bank should not be assisted to benefit from its own mischief.
  11. **THAT** the Honorable Court do Order the Garnishee Bank to timeously submit its final submissions on its application to enable us prepare our rebuttal to the issues raised in good time seeing as the Judge in conduct of this matters has voluntarily recused herself from further hearing the matters of HCCC 1822 of 2000 and 343 of 2003 which she has surrendered to the RRI Judges.
  12. **THAT** we urge this Honorable Court to deter by admonishing the Garnishee Bank and Its CEO and Chief Executive Dr. Gideon Maina Muriuki MBS, EBS, CBS from relentlessly undermining this honorable court in which they have been frustrating the execution process beyond eroding the Decree Orders of this honorable court.
  13. **THAT** the Garnishee Bank and its CEO and Managing Director are not debtors or financial intermediaries to the
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Decree Holder and they have ***NO LOCUS STADI*** in the matters before court. The Ex-parte orders obtained from this honorable court on 23<sup>rd</sup> July, 2024 are illegal and lack status or basis, therefore rendering them sterile, null and void ***ab initio as*** having been obtained through deceit without status, capacities or rights to bring an action in the matters of HCCC 1822 of 2000 and HCCC 343 of 2002 before this honorable court.

14. **THAT** regrettably the short notice set for mention of this matters on 27<sup>th</sup> August, 2024 coincide with the case management process at the Appeals Court over the same matters on the same date not to belabor on the fact that the purpose of the Mention before the Deputy Registrar appears hazy even ulterior.
  15. **THAT THE SYNDICATE MENTALITY EXHIBITED IN COURT THAT EXPLOITS VULNERABILITIES IN FAVOR OF A SACRED GARNISHEE BANK & ITS CEO & GROUP'S MANAGING DIRECTOR HAVE CONSPIRED TO GNAW AT OUR CONFIDENCE IN HER COURT IRREPARABLY.**
  16. **THAT** we were repeatedly besieged and made to feel unexpected in Judge Josephine Wayua Mong'are's court where our presence in court was constantly questioned. Her condescending attitude towards our Applications which were never heard; was constantly sneered. She wore a mean hostile mien and acted as both judge and prosecutor bearing outrageously divisive, condescending, threatening, cruel to a point of affecting our dignity and self-esteem. The idea was to incessantly keep the matters in court to drain our health and resources and to keep us permanently harassed while holding useless paper decree orders.
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faith in her court. She appears in court unprepared not having done her homework or read our submissions under what we later learnt was an enchantment by Senior Counsel John Morris Ohaga with whom she appeared to agree and fraternize with on every contentious issues even those normally considered absurd or juvenile.

18. **THAT** on 16<sup>th</sup> May, 2024 the Hon. Lady Justice Josephine Wayua Wambua Mong'are delivered the following judgment: -

“Therefore, I am not persuaded that the consolidation of the two suits HCCC 1822 of 2000 and HCCC 343 of 2002 would serve the intended purpose. For these same reasons, it is my considered view that it would be prejudicial to consolidate the two suits.

19. **THAT** her final disposition on the same matters was as follows: -

“The upshot is that the Decree Holder’s application dated 29<sup>th</sup> June, 2023 is dismissed for want of merit with costs to the Defendants”.

20. **THAT** the absurdity of the above judgment is that we were never heard at all on this Application of 24<sup>th</sup> June, 2023 and we also doubt that she read or even understood the issues in contention. The Defendants were also unrepresented in the matters before her which means that she made a mockery of her own court by referring to the **Garnishee Bank as the Defendants** without caring to establish status of the parties before her. Her sole purpose was to dismiss the matters at whatever expedient reason that may come.

21. **THAT** this is what Senior Counsel John Morris Ohaga said about the Consolidation as captured verbatim in the transcribed report of 3<sup>rd</sup> October, 2023 before the Presiding Judge Hon. Justice Alfred Mabeya:-
-

Ohaga: 'My Lord, let me assist you, there is NO application for consolidation before this court. The Application for Consolidation is made in the application in which the two matters are cited together. So he has already of his own motion, consolidated the matters and then post his consolidation, sought an order for consolidation. So it would be futile to be looking for an Application for Consolidation'.

22. THAT on 22<sup>nd</sup> November, 2023, The Hon. Justice Alfred Mabeya having been defeated by the complexities of the matters recused himself from further hearing the case and appointed Hon. Lady Justice Josephine Wayua Mong'are to continue but with strict instructions to dismiss the matters at whatever reason may come. The reasons the Presiding Judge provided for his recusal were scanty and unconvincing, citing a letter from the Chief Justice and President of the Supreme Court of Kenya circulated around the world besmirching his character and associating him with corruption on a grand scale. We paid for a print copy of the transcribed recusal statement but it appears to have been plucked from the court records without a trace,
23. THAT in another strange twist, on her own motion *suo moto*, Lady Justice Justice Wayua Mong'are recalled the files she had just made a final determination upon on 13<sup>th</sup> June, 2024 and in a purported interest of justice, she issued further orders contradicting her earlier judgment on the same issues i.e.:-

“These Directions apply to both HCCC 1822 of 2000 and HCCC 343 of 2002”. Essentially, the import of the above directions is that she had just consolidated the two files that she had earlier dismissed for lack of merit on account of an attempt to ostensibly consolidate the same files.

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24. **THAT** in another farcical Order for Directions where she conveniently avoids to mention our 187 pages application under certificate of urgency dated 5<sup>th</sup> August, 2024, she falsely states rather injudiciously that there were directions issued by this honorable court to the ‘Parties’ on 30<sup>th</sup> July, 2024 yet knowing this to be untrue as there was no Coram and parties did not attend court on 30<sup>th</sup> July, 2024 which means that the court did not take off on that particular day and the Garnishee Bank was in attendance without leave of court or status in the matters of HCCC1822 of 2000 and HCCC 343 of 2002.
  25. **THAT** we are at a loss to appreciate the purpose of appearing before the (RRI) considering that the matters of HCCC 1822 of 2000 and HCCC 343 of 2002 are *fanctus officio* without any challenge or appeal pending in the courts records whilst the Garnishee Bank chose to appear against our application of 29<sup>th</sup> June, 2023 through a purported Preliminary Objection (PPO) an esoteric nondescript legislation not found in the Civil Procedure Act. a bizarre innovation intended to defeat the ends of Justice.
  26. **THAT** it is the finding of the Deputy Registrar Hon. Elizabeth Chepkoech Tanui that the court has already issued Prohibitory Orders for 25,589,200 stock shares and another 9,278,200 stock shares totaling 34,816,200 stock shares currently being held by the Garnishee Bank the Co-operative Bank of Kenya Limited and its CEO and Groups Managing Director Dr. Gideon Maina Muriuki EBS, MBS, CBS and that the retained earnings, accrued Dividends, Splits and Swaps have over many years derived over Kshs.590 Billion and continues to attract contractual compounded interest at 3% per month until full settlement notwithstanding the delays and procrastination by the courts which appears complicit.
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27. **THAT** the Garnishee bank the Co-operative Bank of Kenya Limited and its CEO and Group Managing Director know and understand too well that they do not possess any options open to sue Orion East Africa Limited. The Notice of Motion dated 17<sup>th</sup> July, 2024 and obtained irregularly on an ex-parte basis from Judge Josephine Wayua Monga're whom without first establishing status or *Locus standi* of the Applicant in the matters in contention are invalid *ab initio* for want of legal rights and capacity to appear on behalf of the Defendants without instructions in the matters of HCCC 1822 of 2000 and HCCC 343 of 2002.
  28. **THAT** the interim ex-parte Orders dated 23<sup>rd</sup> July, 2024 in terms of prayer 3, 4, 6, & 7 were granted in an irregular manner as the so called Applicant the Co-operative Bank of Kenya Limited and its CEO and Groups managing Director Dr. Gideon Maina Muriuki MBS, EBS, CBS lacked status or *locus standi to* file the application without leave of court or status to penetrate the matters of HCCC 1822 of 2000 and HCCC 343 of 2002 which were *fanctus officio*.
  29. **THAT** there were NO directions given on 30<sup>th</sup> July, 2024 in both HCCC 1822 of 2000 and HCCC 343 of 2002 as there was NO Coram in Court on that day 30<sup>th</sup> July, 2024. In our earlier complain letter Ref: GET/008/005/HCK/2023 dated 21<sup>st</sup> December, 2023, we had shown how the Deputy Registrar Elizabeth Chepkoech was involved in a shameless court assisted perjury in favor of the Garnishee Bank's Advocate fronted by SC John Morris Ohaga the Managing Partner in the law firm of Triple OK Law which bears the sign of Tubal-Cain as its trading logos on court documents; the anti-thesis of Jesus Christ.
  30. **THAT** allow me to say something about Mr. Gideon Maina Muriuki our nemesis as he was previously known. He came from the village for the first time in the 80s armed with a raw ambition and determined to accumulate wealth at whatever cost. He joined the University of Nairobi for a
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degree in Mathematics. He has no known qualifications in Banking or Financial Management. All his doctoral accolades and decorations i.e. MBS, EBS, CBS, CEO, MD etc. were acquired through financial inducements, bribery and corruption; he is also a habitual court order violator deserving a deterrent prison life.

31. **THAT** it is the Ruling of the Precedence setting Garnishee Absolute Ruling by the Hon. Justice Alfred Mabeya on 12<sup>th</sup> May, 2023 that :-

“It may well be that time has come, whereby public Officers who negligently subject public bodies to unwarranted losses should personally be held liable for such losses”.

32. **THAT** it is our considered view that the Decrees and Orders of attachment for 34,816,200 stock shares belonging to Orion East Africa Limited are valid and enforceable and this honorable court has remained cognizant of the above facts and validated the said court orders on 19<sup>th</sup> October, 2023 for the process of execution to proceed in the normal manner and what is remaining now is the recovery of 34,816,200 stock shares stuck in the Garnishee Bank which should be retrieved immediately in a procedural manner and deposited in this Honorable Court for our collection.

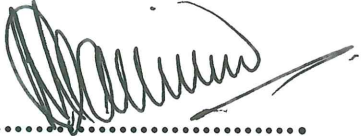
33. **THAT** what is deponed herein above is true and within my knowledge save wherein stated and sources clearly identified.

34. **THAT** the costs of this suit be provided in the course.



DATED at NAIROBI by the said  
RUO MAINA

This .....<sup>23<sup>rd</sup></sup> day of .....<sup>August</sup>.....2024

  
.....  
DEPONENT

BEFORE ME:



.....  
COMMISSIONER FOR OATHS

**DRAWN & FILED BY:**

RUO MAINA - SENIOR CITIZEN  
GREEN EARTH TRUST  
GROUND FLOOR WAKULIMA HOUSE  
NAIROBI.

ruoderock@gmail.com  
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**TO BE SERVED UPON: -**

SENIOR COUNSEL  
MR. JOHN MORRIS OHAGA  
TRIPLE OK LAW  
ACK GARDENS HOUSE 1<sup>ST</sup> NGONG AVENUE  
OFF BISHOP ROAD  
NAIROBI.

CHIEF JUSTICE AND PRESIDENT  
OF THE SUPREME COURT OF KENYA  
SUPREME COURT BUILDING  
NAIROBI.

THE PRESIDING JUDGE  
COMMERCIAL & TAX DIVISION  
MILIMANI COMMERCIAL COURTS  
NAIROBI.

GOVERNOR  
CENTRAL BANK OF KENYA  
HAILE SELASSIE AVENUE  
NAIROBI.

COMMISSIONER OF CO-OPERATIVES  
MINISTRY OF CO-OPERATIVES & SME  
NSSF BUILDING  
NAIROBI.

CHIEF EXECUTIVE OFFICER  
CAPITAL MARKETS AUTHORITY  
EMBARKMENT PLAZA  
NAIROBI.

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REF: GET/ORION/DR/CO-OPBANK/05082024

5<sup>TH</sup> AUGUST, 2024

OFFICE OF THE PRINCIPLE JUDGE  
OF THE HIGH COURT OF KENYA  
MILIMANI LAW COURTS  
3<sup>RD</sup> FLOOR CHAMBER 224  
NAIROBI.

DEPUTY REGISTRAR  
COMMERCIAL & TAX DIVISION  
MILIMANI LAW COURTS  
NAIROBI.

Dear Sir, Madam (s).

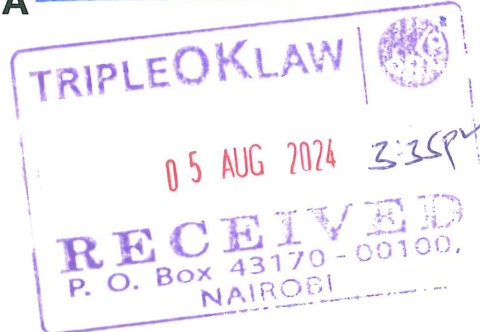
RE: HCCC NO. 1822 OF 2000 & HCCC NO.343 OF 2002  
FRUSTRATIONS ON ATTACHMENT IN EXECUTION OF  
34,816,200 STOCK SHARES IN THE CO-OPERATIVE BANK OF  
KENYA UNDER ORDER 22 RULE 41 OF THE CPA.

We are writing to confirm that we have already commenced with the Attachment In Execution Process against the Garnishee Bank the Co-operative Bank of Kenya Limited and its Subsidiary Kingdom Security Limited through their Groups' CEO and Managing Director Dr. Gideon Maina Muriuki MBS, EBS, CBS.

However, we are sad to say that our efforts are encountering stiff resistance by the CEO & Managing Director of the Garnishee Bank Dr. Gideon Maina Muriuki MBS, EBS, CBS a known habitual violator of court orders who has in the past been heard bragging



Green Earth



07 AUG 2024

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to anyone who cares to listen that he will only release the aforementioned shares belonging to Orion East Africa Limited over his dead body.

In a letter dated 31<sup>st</sup> December, 2013 authored by Dr. Gideon Maina Muriuki MBS, EBS, CBS writing in his official capacity as CEO and Managing Director at paragraph 6, he candidly advised the Applicant as follows:-

As pertains to your subsequent email dated 31<sup>st</sup> December, 2013, we once again reiterate that:-

“The Garnishee Order does not provide for transfer of shares to you. If such an action is desired. It is within your right to pursue the following action:-

- a) Mutually review with Mugama Farmers Co-operative Union Limited for a legally sustainable transfer process on an agreed number of shares.
- b) Seek further legal redress’.

We chose option (b) and have since move court and obtained the attached orders of Execution for both HCCC 1822 of 2000 and HCCC 343 of 2003 as advised by the Chief Executive of the Garnishee Bank.

The Garnishee Bank is therefore estopped from reneging on its own recommendations and should be compelled to submit the CD’s stock share certificates to this honorable court for our collection.

Dr. Gideon Maina Muriuki MBS, EBS, CBS is corrupt, inept and unqualified to manage the Co-operative Bank of Kenya and its’ subsidiaries and has consistently inducted using financial inducements the following officers of the court to thwart the Execution Process in any manner possible and with a clear agenda of sabotage which is adversely interfering with the cases causing a convoluted mandate and a conflicted legal status in the matter of HCCC 1822 of 2000 and 343 of 2002:

Hon. Justice Alfred Mabeya the Presiding Judge of the Commercial and Tax Division of Milimani Court Recused himself from the matters on corruption allegations but continues to give court directions to Lady Justice Josephine Wambua Wayua Mong'are instead of ensuring that all court Garnishee proceedings under his jurisdiction are properly supervised lawfully and in an orderly manner. He craves to confer an unfair advantage to the Garnishee Bank. For example, on 3<sup>rd</sup> October, 2023 during a virtual court session, he asked a rhetorical leading question to the Advocate of the Garnishee Bank Senior Counsel John Morris Ohaga which we immediately understood it to be a blank cheque," is there anything at all to be set aside Senior Counsel?". To which the Senior Counsel John Morris Ohaga is heard verbatim responding to the Judge to the effect that, "there is nothing capable of being stayed your honor"! Ironically, the same Senior Counsel irregularly sneaked into court like a common criminal on an ex-parte application and the same court gave him ex-parte orders without leave of court or the court establishing his status on whether he was properly before court as the paid agent of the Garnishee Bank, a Defendant or Applicant in the said matters. This appears to be his consistent *modus operandi which he uses in obtaining ex-parte orders*. We cite an occurrence; in a propensity disposition before the late Master Mason Lord Justice J.B Havelock a Druid on the night of 1<sup>st</sup> February, 2014 where he appeared on the Square at night and obtained unfair dismissal orders in the matter of HCCC 1822 of 2000 without the usual doctrinal coram non-judice and without jurisdiction which amounts to a contempt and misuse of court process which invariably erodes public confidence in courts thus undermining the administration of justice.

Lady Justice Josephine Wayua Mong'are will be glad to know that she has repeatedly without a cause using esoteric knowledge which has not been provided or adduced in court and has repeatedly threatened to find the Applicant without restraint in contempt of court with intentions of crushing our

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resolve, ridiculing and embarrassing a senior citizen and later acting rogue by dispensing with the matters of our Application dated 29<sup>th</sup> June, 2023 on 13<sup>th</sup> July, 2024 without carefully analyzing the evidence by dismissing ostensibly for lack of merit and now irregularly recalls the same file without notifying the Applicant and without any consideration she continues to issue harmful injudicious ex-parte Orders to the Garnishee Bank and its Managing Director who are both strangers to the contention before her while knowing that the matters are under appeal in another jurisdiction of a superior court, thus, abusing her own powers of review ostensibly she claims to have recalled the matters in the interest of justice.

Senior Counsel John Morris Ohaga an adherent of Tubal-Cain or Satan Worship irregularly Penetrates the Matters of HCCC 1822 of 2000 and HCCC 343 of 2002 and irregularly obtains ex-parte Orders without swearing in with the Christian Book of the Bible to tell the truth, or obtain leave or determination of court with a false legal status of **APPLICANT** which defines a specific character and relationship to the law instead of using his wholly created status by law of **ADVOCATES FOR THE GARNISHEE BANK** and misusing his senior Counsel status that lets him abuse the legal safety net to misadvise the courts with many privileges. We understand the importance of Status in court, it is very important in law but has been abused by the Senior Counsel with impunity and consequences on Rights, Duties, Benefits, Freedoms, Concessions, Capacities, Incapacities and Immunities. For example, on 1<sup>st</sup> February, 2014, Senior Counsel John Morris Ohaga appeared in a Masonic Lodge swearing on JAHBULON his god, on the square and obtained dismissal ex-parte orders in HCCC 1822 of 2000 which were injurious to the Applicant before the late Master Mason J.B. Havelock a druid in the Antient Order of Tubal-Cain an Artificer the Anti-thesis of the Christian God of the Bible Jesus Christ.

The Notice to show cause dated 24<sup>th</sup> May 2017 which was seeking the arrest and committal to civil jail of the Garnishee's

Managing Director was defeated because the senior counsel in connivance with the Garnishee Bank compromised our Advocates Ng'ang'a Mbugua with financial inducements so that he may accept and not question the false narrative being peddled by the Garnishee Bank that Justice Tom Mbaluto had discharged or absolved the Garnishee Bank from the proceedings which was not true and is estopped in making such a false argument.

Regarding the issue of the matter of HCCC 1822 of 2000 being declared **Re-judicata** by both lady Justice Maureen Odero and her sister Lady Justice Olga Sewe; You are mistaken to think that the rulings were made in favor of the Garnishee Bank, this is a wrong interpretation of the facts and law on the two Rulings which were in our opinion, clearly ruled in our favor. You need to apply for leave to establish status first to enable you to properly challenge the options available to a Garnishee Bank in the matters then ask the court to write out the proper interpretation of the said Rulings which the court will gladly confirm in favor of the Applicant.

Senior Counsel Evans Gaturu is a stale joke acting without any status or instructions from his former client Mugama Farmers Co-operative Union Limited the Judgment Debtor in the matter of HCCC 343 of 2002 has lopsidedly penetrated the matters without leave of court and presented forgeries of false documents in court illogically claiming that it is irrefutable proof that his former client fully satisfied the Decree ostensibly after making a payment of a measly Kshs.17,040,222.05. Mr. Evans Gaturu apparently hates SC Fredrick Ngatia intensely and doesn't need us to tell him that he is deliberately perjuring the Court whe he submits false documents. Think about it, the purported payment was ostensibly made against an outstanding debt of Kshs.590 Billon which has been growing at a compounded interest of 3% per month until full settlement. Just do the maths and show how his client was able to satisfy the decree.

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Advocate Samuel Kibugi swears falsely that the Garnishee Bank was absolved from the Garnishee proceedings on 9<sup>th</sup> November, 2000 by the Honorable Justice Tom Mbaluto as he was then known without adducing any shred of evidence or providing the particular Motion or Coram of that particular Application by the Garnishee Bank. Advocate Samuel Kibugi further admits that he is aware that there exists court Orders regarding 34,816,200 stock shares in the Bank but conveniently argues that the Decree Orders be dismissed without saying how the same stock shares held by the Garnishee Bank were utilized or vaporized if at all; Advocate Samuel Kibugi further admits in his pleadings in court that he is aware that on 15<sup>th</sup> February, 2018 the Hon. Justice F. Gikonyo granted Prohibitory Orders for 25,587,287 and Dividends for Kshs.38,477,415.60; even if our previous Advocates demanded for a down payment of Kshs.17,040,222.05 which is denied; in the absence of irrefutable evidential proof of the actual transactions showing the actual money trail and account numbers credited or debited and source of funds; there is a huge outstanding unsatisfied balance of Kshs.590 Billion on account plus accrued interest at the contracted compound interest rate of 3% per month from the date the amount became due and payable, meaning that the suit remains unsettled to date due to non-payment. The Garnishee Bank has also failed to disclose its apparent patronizing role/status or how it got involved in a third party transacts that never happened/existed. Ordinarily the transaction should not concern the Garnishee Bank unless they were the architects of the whole scheme of theft of Kshs.17,040,200.05 of investors' money.

We are not aware of Civil Applications in the appeals court, as non has ever been served upon us by anyone in the Court of Appeal No. NAL 172, NAI133, 157 or 158 Between The Garnishee Bank and Orion East Africa Limited or by any other parties and we doubt that such cases exist at all as we have never been involved or signed any defense or attested to any witness statements or signed any consents or at all.



The vexatious purported Report on Incidence involving a customer Ruo Maina Being verbally abusive towards bank staff at annex reception ostensibly on 8<sup>th</sup> July 2024 is a third party tirade full of lies without any basis, This is absolute nonsense based on office gossip hearsay that we shall not dignify with a response for now until the writer signs the document and owns up to those lies and attests to appear in court for cross examination.

Advocate Kennedy Kaunda Abuga now the Corporate Director at the Central Bank of Kenya (CBK) declines to co-operate or testify in court on what he knows about the Matter of HCCC 1822 of 2000. He refuses to help in unraveling the truth hiding the fact that he was the legal officer of the Co-operative Bank of Kenya on duty in court on that day of 4<sup>th</sup> December, 2001 before Hon. Justice Osiemo when the Consent Order was entered and agreed upon as a court document between the Garnishee Bank the Co-operative Bank of Kenya Limited, Tetu Farmers Co-operative Society Limited (In Liquidation) and the Decree Holder Orion East Africa Limited. To buttress this point, Mr. Kennedy Kaunda Abuga under oath voluntarily deposited a letter dated 15<sup>th</sup> October, 2001 confirming to the Court on what the Garnishee Banks' Bylaws had to say about the transfer of shares between parties in the Co-operative movement. That Letter of 15<sup>th</sup> December, 2001 authored by Advocate Kennedy Kaunda Abuga is annexed in the bundle presented by the Garnishee Bank and the Applicants bundle of documents. Despite his position as a senior officer of this honorable court and being personally versed with the actual *caveat* forbidding the transfer or trade in the said shares, he has adamantly refused to appear before this court to make that vital disclosure on the *caveat* and loss of stock shares in the Garnishee Bank including the consent order issued by this honorable court in his presence on behalf of the Garnishee Bank. Mr. Kenneth Kaunda Abuga has the institutional memory on the matter of HCCC 1822 of 2000 by dint of the fact that Dr. Gideon Maina Muriuki MBS, EBS, CBS was a junior line manager with another bank when this

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matters were being canvassed in this honorable court and his refusal to help this honorable court to finally rest this matter of 25 years without respite is in bad faith by a state officer paid by tax payers like Orion East Africa Limited.

Advocate Ng'ang'a Mbugua is a pompous young lawyer with an arrogant reputation and a penchant for rapacious greed for money and has been prevailed through corrupt inducement of Kshs.9.1 million by the Garnishee Bank and its CEO and Managing Director to withdraw from all instructions on this matters and to detain and nix the return of our case files on HCCC 1822 of 2000 with the aim of defeating the ends of justice through creation of a paucity of documents to support our case. He has instituted a case before this honorable court No. E611 of 2023 where he is falsely claiming that he has purportedly advanced a loan of Kshs.9.1 to Orion East Africa Limited and is now viciously demanding to be paid with interest at 18.2 million in 5 months, intending to pile undue pressure on the Applicant.

Deputy Registrar Elizabeth Chepkoech Tanui is a judicial officer at Milimani Commercial and Tax Division in the rank of Senior Resident Magistrate (SRM) a key cog in the matters of HCCC 1822 of 2000 and HCCC 343 of 2002. On 7<sup>th</sup> November, 2023, she received distressed strict injudicious instructions from the Presiding Judge Albert Mabeya to frustrate and find a way of dismissing or aborting the Execution Proceedings of 7<sup>th</sup> November, 2023.

When the matter of both HCCC 1822 of 2000 and HCCC 343 of 2002 was called, the law firm of Triple OK Law was unrepresented having deliberately absented itself despite proper service of the NTSC and strict penal notice being issued by the Presiding Judge spelling the consequences for failure to attend court for the set Execution Proceedings.

Elizabeth Chepkoech Tanui found herself in a hard place after being asked to perform an illegal activity of forging court

documents, circumvention and perjury by her boss but in a knee jack reaction without putting any thoughts to the consequences of her actions, she muted the Applicant midstream during the Execution Hearing, blocking the Applicant from the courts eCitizen Virtual online Portal as a first attempt to defeat the ends of justice. The following morning and in a strange twist of events, The Applicant received summons through an SMS notification to urgently attend court on 8<sup>th</sup> November, 2023 for a purported un-scheduled hearing. On 8<sup>th</sup> November, 2023; we arrived in court early and headed to the registry on the 2<sup>nd</sup> floor of the Milimani Law Courts; we noticed that our two cases were not listed in the cause list of that day however, we were asked to log in to the court online platform using the customer care computers on the ground floor. The Deputy Registrar Hon. Elizabeth Tanui immediately acknowledged our online presence and that of the Advocates for the Garnishee Bank who had raised the **Purported Preliminary Objection (PPO)** on 8<sup>th</sup> November, 2023 but backdating it to 2<sup>nd</sup> August, 2023 with the intended action of frustrating the Execution Process with the help and assistance of the Deputy Registrar who continued to inform us unconvincingly that the Senior Counsel Mr. John Morris Ohaga had presented a **Purported Preliminary Objection (PPO)** to the Execution Proceeding and according to the Deputy Registrar the PPO was strangely back dated to 2<sup>nd</sup> August, 2023 which curiously is a date earlier than the date of 19<sup>th</sup> October, 2023 when the **Execution Orders** were given by the Presiding Judge Albert Mabeya. We understood that the idea was to create maximum turbidity to cloud the truth then use that confusion to dismiss the Orders.

On 9<sup>th</sup> November, 2023 she again summoned the Applicants on her own motion and without explaining how Judge Albert Mabeya had seized off himself the matters again after issuing Orders of Execution on 9<sup>th</sup> October, 2023 she gave Judicial Directions to the effect that: - on 3<sup>rd</sup> October, 2023, the Hon. Judge Alfred Mabeya gave the following order...that the application for consolidation be availed to court. That

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Application together with the one dated 29<sup>th</sup> June, 2024 be heard on 14<sup>th</sup> November, 2023. On 14<sup>th</sup> November, 2024 we turned up early in court for the scheduled hearing but the Judge Alfred Mabeya conveniently absented himself from court claiming poor health and shortly thereafter he recused himself from further hearing the matters of HCCC 1822 Of 2000 and HCCC 343 of 2002 claiming without conviction or a shred of evidence that his name had been besmirched irreparably in international offices over serious allegations of corruption.

In her Judicial directions dated 9<sup>th</sup> November, 2023; the Deputy Registrar Elizabeth Chepkoech Tanui found and Ruled that the upshot of the above is that the **Execution Proceedings** herein are held in- **abeyance** to await the determination of the application dated 29<sup>th</sup> June, 2023.

On 13<sup>th</sup> June , 2024, Judge Josephine Wayua Wambua Mongare took charge of the matters of HCCC 1822 of 2000 and HCCC 343 of 2002 on que from Judge Alfred Mabeya the Presiding Judge of the Commercial and Tax Division who without hearing the matters unequivocally dismissed the application dated 29<sup>th</sup> June, 2024 for Lack of Merit; it is on that basis of Dismissal ostensibly without a Merit that gave raise for us to embark on the solemn exercise of obtaining from this honorable court the Attachment in Execution Orders dated 24<sup>th</sup> June, 2024 prohibiting and Restraining the Garnishee Bank and its Groups CEO and Managing Director from making any transfer or making any such payments of the Decreed stock shares (34,816,200) until you are further advised by this honorable court accordingly.

We are planning on instituting criminal charges and counter claim on the above officers of the court for gross neglect of duty seeing as their conduct has created failure and unreasonable risk of harm to the execution of 34,816,200 stock shares in the Co-operative Bank of Kenya Limited and its subsidiaries worth

Kshs.590 Billion according to the findings contained in court documents of this honorable court.

We should therefore be most grateful if you can assist us in the execution process by compelling the Garnishee Bank and its CEO and Managing Director Dr. Gideon Maina Muriuki MBS, EBS, CBS to immediately deliver the CD's certificates bearing 34,816,200 stock shares in the name of Orion East Africa Limited in Fulfillment of the Decree Orders properly issued by this honorable court dated 24<sup>th</sup> June, 2024.

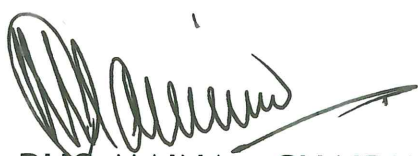
Furthermore, we pray that this honorable court do issue a stern disciplinary warning to the Garnishee Bank and its CEO & Managing Director Dr. Gideon Maina Muriuki MBS, EBS, CBS from further interfering with the execution process and to deter him to desist from compromising officers of this honorable court and to deter him from relentlessly frustrating and making a mockery of the Authority of this honorable court in the execution process which he has undermined relentlessly for 25 odd years and, seeing as the Garnish Bank is not a debtor to the Decree Holder and has ***NO LOCUS STANDI*** in the matters before court and ought to know that they cannot therefore legally claim, challenge or object to the Executing Orders issued by this honorable court having obtained ex-parte orders irregularly and noting that this honorable court has been magnanimous in allowing and accommodating the Garnishee Bank and its' CEO & Group Managing Director Dr. Gideon Maina Muriuki to canvas and ventilate their cases in proper Garnishee Proceedings specifically convened by this honorable court in the past.

We have annexed hereto for your perusal a letter from the President of the Court of Appeal confirming that indeed the matters will soon be allocated time for hearing against the bad Judgment of Hon. Lady Justice Josephine Wambua Wayua whom we have accused of gross ineptitude and erring in her Judgments.

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Whilst the appeals for HCCC 1822 of 2000 and HCCC 343 of 2002 are queued in the Appeals Court diary for hearing, we wish to suggest that the listed matters be put in arrest until we complete with the execution process and fully canvass the matters of E390/2024 currently before a superior court.

Yours faithfully,



RUO MAINA - CHAIRMAN  
INTERCESSOR/INTERLOCUTOR FOR  
ORION EAST AFRICA LIMITED

C.C.:

HON. CHIEF JUSTICE OF KENYA & PRESIDENT  
OF THE SUPREME COURT OF KENYA  
SUPREME COURT BUILDING  
NAIROBI.

PRESIDENT  
THE COURT OF APPEAL, KENYA  
SUPREME COURT BUILDING  
NAIROBI.

OFFICE OF THE PRINCIPAL JUDGE  
OF THE HIGH COURT  
MILIMANI LAW COURTS  
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3<sup>RD</sup> NGONG, AVENUE OFF BISHOPS ROAD  
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DIRECTOR  
BANKING FRAUD INVESTIGATION UNIT (BFIU)  
DIRECTORATE OF CRIMINAL INVESTIGATIONS  
EXTELCOMS HOUSE  
HAILE SELASSIE AVENUE  
NAIROBI.

CHIEF EXECUTIVE OFFICER  
CAPITAL MARKETS AUTHORITY  
EMBARKMENT PLAZA  
NAIROBI.

COMMISSIONER OF CO-OPERATIVES  
MINISTRY OF CO-OPERATIVES & SME DEVELOPMENT  
NSSF BUILDING  
NAIROBI.