

Court of King's Bench of Alberta

Citation: Lawal v SEOL Energy Inc, 2025 ABKB 342

Date: 20250606
Docket: 2501 02180
Registry: Calgary

Between:

Yusau Lawal and Safurat Lawal

Plaintiffs

- and -

SEOL Energy Inc, Samson Effiong, and John Jerry Kalu

Defendants

**Endorsement
of the
Associate Chief Justice
D.B. Nixon**

[1] On May 13, 2025, I received a letter dated April 28, 2025 from The Republic Law. That law firm is counsel for the Defendants, SEOL Energy Inc, Samson Effiong, and John Jerry Kalu. In its correspondence, The Republic Law asked the Court to review the Plaintiffs' Amended Statement of Claim filed February 26, 2025 (the "Statement of Claim") under Civil Practice Note 7 ("CPN7").

[2] CPN7 sets out summary procedures, using Rule 3.68 of the *Alberta Rules of Court*, Alta Reg 124/2010, for an assessment of a "claim, defence, action, application, or proceeding that appears on its face to be frivolous, vexatious, or otherwise an abuse of process." Amongst other things, counsel for the Defendants asserts that the Statement of Claim seeks similar relief as that

sought in the Amended Originating Application filed by the Applicants, consisting of the Plaintiffs as well as Olufemi Jaiyesimi and Olufemi Jaiyesimi Professional Corporation, in an action consolidated as Action No. 2401 16858 (the “Originating Application”).

[3] I have reviewed the Statement of Claim. Based on my review of the facts and analysis of the law, I find the Statement of Claim is not, on its face, frivolous, vexatious, or an abuse of process. Although the Statement of Claim relates to the same period of alleged events as particularized in the Originating Application, the causes of action and the parties are different. There is also no indication that the pleadings represent an abuse of process.

[4] The Originating Application relates to alleged oppression or wrongdoing under corporate statute, the Alberta *Business Corporations Act*, RSA 2000, c B-9 and/or the *Canada Business Corporations Act*, RSC 1985, c C-44. Accordingly, the Applicants seek Court relief pursuant to statute. In contrast, the Statement of Claim is premised on alleged breach of contract. The Plaintiffs seek repayment of funds, as well as oppression remedies, damages for harm and inconvenience, and relief under the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3. As result, the Statement of Claim is not duplicative of the Originating Application and CPN7 does not apply.

[5] To be clear, this Endorsement does not prevent the Defendants or Respondents from applying under the *Alberta Rules of Court* for remedies for alleged issues or deficiencies in the Statement of Claim or the Originating Application, respectively.

Dated at Calgary, Alberta this 6th day of June, 2025.

D.B. Nixon
A.C.J.C.K.B.A.

Appearances:

Ugo Ukpabi – by Written Submission
The Republic Law
for the Defendants, SEOL Energy Inc, Samson Effiong, and John Jerry Kalu

Yusau Lawal and Safurat Lawal – No Appearance
Plaintiffs