

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**CIVIL CASE NO. 59 OF 2018**

FANISI CAPITAL LIMITED.....1<sup>ST</sup> PLAINTIFF  
HALTONS LIMITED.....2<sup>ND</sup> PLAINTIFF  
AYISI MAKATIANI.....3<sup>RD</sup> PLAINTIFF  
MARY GITHIACA.....4<sup>TH</sup> PLAINTIFF

VERSUS

LOUIS SOMONI MACHOGU.....DEFENDANT

**IN COURT ON 22<sup>ND</sup> MARCH 2018**  
**BEFORE HON. MR. JUSTICE G. V. ODUNGA**

**ORDER**

**APPLICATION FOR ORDERS:**

1. **THAT** this application be certified as urgent.
2. **THAT** Service of this application be dispensed with and the same be heard ex-parte in the first instance.
3. **THAT** the court be pleased to issue a temporary injunction restraining the defendant from discussing, debating, commenting on, condoning or moderating public debate on the articles titled "**Ph.D THESIS: OPEN RESIGNATION LETTER AS A DIRECTOR OF (P.E. CHOCKED GEM) HALTONS LIMITED,**" and "**HOW TO SPOT AN ILLEGAL OR FAKE PHARMACY OUT TO POISON YOU AND YOUR LOVED ONES FOR SAKE OF MONEY,**" on the website, [www.linkedin.com](http://www.linkedin.com), or any other social or mainstream media forum, publicly commenting on the business of the plaintiffs, pending the hearing and determination of this application and of the suit.
4. **THAT** the court be pleased to issue a mandatory injunction, compelling the defendant to immediately retract the said articles, and all comments thereof, to pull down the offending postings relating to the plaintiffs or any of them and to issue a public apology to the Plaintiffs in as prominent manner as the articles themselves, pending the hearing and determination of this suit.
5. **THAT** the costs of this application be provided for.
6. **THAT** the Honourable Court be pleased to make such further or other orders as it may deem just and expedient in the circumstances of this case.

**UPON READING** the Application dated 22<sup>nd</sup> March, 2018 and presented to this Court on the same day by Counsel for the Plaintiffs/Applicants brought under the Judicature Act Cap 8, The High Court (Practice and Procedure Rules (Part 1 rule 3) and all other enabling rules, Order 40 rules 2, 3 and 4, Order 51 Rule 1 of the Civil Procedure Rules, Section 3A of the Civil Procedure Act, and all enabling provisions of the Law **AND UPON READING** the Supporting Affidavit of **AYISI MAKATIANI** sworn on 22<sup>nd</sup> March 2018 together with the annexures thereto **AND UPON HEARING** Counsel for the Plaintiffs ex-parte;

**IT IS HEREBY ORDERED:**

1. **THAT** this application be and is hereby certified as urgent and admitted for hearing during this vacation.
2. **THAT** the same merit being heard exparte in the first instance and so directed.
3. **THAT** a temporary injunction be and is hereby granted restraining the defendant from discussing, debating, commenting on, condoning or moderating public debate on the articles titled "**Ph.D THESIS: OPEN RESIGNATION LETTER AS A DIRECTOR OF (P.E. CHOCKED GEM) HALTONS LIMITED,**" and "**HOW TO SPOT AN ILLEGAL OR FAKE PHARMACY OUT TO POISON YOU AND YOUR LOVED ONES FOR SAKE OF MONEY,**" on the website, [www.linkedin.com](http://www.linkedin.com), or any other social or mainstream media forum, publicly commenting on the business of the plaintiffs, pending inter-partes hearing on 4<sup>th</sup> April 2018.

**GIVEN** under my Hand and the Seal of this Honourable Court at Nairobi this 22<sup>nd</sup> day of **March, 2018.**

**ISSUED** at Nairobi this ..... 23<sup>rd</sup> ..... day of ..... March ..... 2018.

I CERTIFY THIS IS A TRUE  
COPY OF THE ORIGINAL  
DATED: 23/3/18  
.....  
DEPUTY REGISTRAR  
HIGH COURT OF KENYA  
NAIROBI

  
  
**DEPUTY REGISTRAR**  
**HIGH COURT OF KENYA, NAIROBI**

**PENAL NOTICE**

**TAKE NOTICE** that any party served with this Order and disobeys the same shall be guilty of contempt of Court and liable to imprisonment for a term not exceeding (6) months or both fine and imprisonment.