

## Deon Gericke

**From:** Simone Bhana <SBhana@judiciary.org.za>  
**Sent:** Tuesday, 15 September 2020 11:02  
**To:** francis@clubadvocates.co.za; sophie@clubadvocates.co.za; info@gaa.org.za; info@churchsquarebar.co.za; info@nationalbarcouncil.co.za; lssa@lssa.org.za; jhbadmin@law.co.za; jhbbar@law.co.za; ppv@ppv.co.za; ptabar@law.co.za; Pretoria-FA@justice.gov.za; reception@ioftusadv.co.za; StateAttorneyPretoria@justice.gov.za; admin@pabasa.co.za; admin@biaonline.org.za; achauke@npa.gov.za; MoDikgale@justice.gov.za; fazoe@nadel.co.za; gcb@mweb.co.za; nfa.advocates@gmail.com; gautengsocadv@gmail.com; tracy.nothnagel@gcbsa.co.za; ramatics@gmail.com; nicolle@onlinelaw.co.za; MAGDALENE@ipc.org.za; ndwezeni@rstauattorneys.co.za; mbmaliwa@gmail.com; cas@casjordan.co.za; Nadine@fsh.co.za; lidias@savage.co.za; motions@slerouxprok.co.za; rosaha@mweb.co.za; Flavial@legal-aid.co.za; NokuphiwaN@legal-aid.co.za; admin@csadvocates.co.za; u@lekgotlalaw.co.za; henk@puys.co.za; stephan@puys.co.za; karlien@puys.co.za; fergusonr@virtualchambers.co.za; advocatemarema@gmail.com; memorys@nadel.co.za; 'Tamaryn Melville'; adminhc@hcmadike.co.za; update@jaa.org.za; rc@merweproks.co.za; info@freemandube.co.za; siphwiwe@freemandube.co.za; viv@jaa.org.za; advphillipmagagane@gmail.com; thobile@kotioloattorneys.co.za; lebeko.iaw@gmail.com; jt@tarica.co.za; francinahq@gmail.com; makapan.attorneys@gmail.com; 'Nicolette de Witt'; marike@avdw.co.za; 'Etasja van Niekerk'; moven@webmail.co.za; simmphiwem1994@gmail.com  
**Cc:** Cornelius Silaule; Zanele Manyathi; Anna-Marie A. Nieuwoudt; Rhulani R. Ngwenya; Tumelo Ledwaba; Michael Morema; Matsie Mohlala  
**Subject:** FW: Settlement Roll of VAN TONDER AJ 15 September 2020  
**Attachments:** 15 SEPTEMBER 2020 TUESDAY To be published.pdf  
**Importance:** High

Dear All

Kindly find attached the directive of Acting Judge Van Tonder for settlements of 15 September 2020.



*Mrs Simone E Bhana*



**Judge Secretary**  
**High Court of South Africa**  
**Gauteng Division Pretoria**  
Palace of Justice, 2<sup>nd</sup> Floor, Room 25  
c/o Paul Kruger and Mariba Streets, Pretoria, 0002  
Private Bag X67, Pretoria, 0001  
**Tel: 012 314 9049// 012 492 6890**  
**Email: [SBhana@judiciary.org.za](mailto:SBhana@judiciary.org.za)**  
[simone.geldenhuis5@gmail.com](mailto:simone.geldenhuis5@gmail.com)  
**Website: [www.judiciary.org.za](http://www.judiciary.org.za)**  
**Facebook: <https://www.facebook.com/TheSouthAfricanJudiciary>**  
*"The only thing I fear more than change is no change!"*



**ROLL TWO**

**CIVIL TRIAL SETTLEMENT ROLL**

**PRETORIA THIS DAY OF 15 SEPTEMBER 2020**

**IN COURT AT 10:00 BEFORE THE HONOURABLE JUSTICE VAN TONDER AJ**

---

				1) Confirmation email does not relate to this case. 2) Submissions not sufficient: Submissions do not address the loss of earnings/earnings capacity and what was considered nor Occupational Therapist findings etc. Future Medical treatment/prognosis omitted. Injuries recorded as fracture of femur but submissions also refer to left ankle and shoulder. <u>To be removed.</u>	
<b>A</b>	<b>MHLENGI S M</b>	<b>VS</b>	<b>RAF</b>		<b>60885/17</b>
				Two links received. One with file contents and one without.	
<b>B</b>	<b>T M LUHLANGA</b>	<b>VS</b>	<b>RAF</b>	Order granted in respect of link received with file contents.	<b>12345/18</b>

---

C	MATHANI M NTOLO	VS	RAF	To peruse, parties will be advised.	70924/18
D	S J MTHETWA	VS	RAF	Link does not contain any settlement docs. <u>To be removed.</u>	86743/15
E	MALOWANE A NYAREDI	VS	RAF	To peruse, parties will be advised.	53116/17
F	M N MBELE	VS	RAF	To peruse, parties will be advised.	769/2014
G	SALINI M	VS	RAF	JCMC Link does not contain any settlement docs. <u>To be removed.</u>	23795/15
H	M S MOKGOMOLA	VS	RAF	1) Date of accident on draft order incorrect, 1 Feb 2015 2) Counsels full high court fees amounts to att and client fees. <u>Plaintiff to provide amended draft order, order to be granted.</u>	79616/17
I	K D MOTLOLA	VS	RAF	1) Previous order of Neukircher J dated 27 August 2020 relating to matter of Motsoeneng, SA uploaded wherein matter removed due to CaseLines link not populated at all. 2) No settlement documents included in CaseLines link. <u>Matter to be removed.</u>	13645/18
J	F MAKEKE	VS	RAF	To peruse, parties will be advised.	81806/17
K	B V MOTLHANTHI	VS	RAF	1) Practice note not filed. If timeously filed order may be granted.	42825/17

- 1) Link does not contain any documents.

L MAHLATSE F P VS RAF To be removed. 45139/17

- 1) General Damages Accept;  
 2) LoE, retire early at 60 y when no penalty for early retirement. What is impact on LoE Calc. Should it not be deducted in Calc. See Swaiz case.  
 3) Amount confirmed in Memorandum and D/O differs for LoE.

M M A MOLETE VS RAF Parties to appear online. 40513/11

N V C VAN ZYL VS RAF Oder granted 60719/17

- 1) CURATRIX AD LITEM'S REPORT  
 Does not relate or deal with amounts tendered by RAF, amounts lower in her report, also prefers another Trustee and do not deal with order requested iro PME (capatilising thereof) Report old.  
Report required to address these issues (see also 3 below).  
 2) Amount for general damages pre-apportionment of 80% might be to high R700 000.00..  
 3) Correction of 40% in order of Maumeia J, can this be granted without a formal application.  
 4) See also further notes on CaseLines.

O ADV M VAN ANTWERPEN VS RAF 41066/14

Parties to appear at online hearing and curator ad litem.

- 1) No Consent to Draft Order from RAF? Tender not included?
- 2) Draft Order must state if contingency fee agreement is valid.
- 3) No practice note in terms of directive of Settlement Court.
- 4) Commissioner Certificate: date not completed. Page(s) missing from affidavit.
- 5) Get affidavit from commissioner to confirm that the date of attestation and commissioning of affidavit

P	BOSHIELO M D	VS	RAF	<u>Matter to be removed.</u>	33814/19
Q	A C KORFF	VS	RAF	To peruse, parties will be advised.	49400/12
R	S F MKHATSHWA	VS	RAF	To peruse, parties will be advised.	11504/17
S	LINDA JILI	VS	RAF	To peruse, parties will be advised.	17472/17
T	JJ KNELL	VS	RAF	To peruse, parties will be advised.	64279/16
U	MHLANGA P MANDU	VS	RAF	To peruse, parties will be advised.	90688/16
V	N P MAMBA	VS	RAF	To peruse, parties will be advised.	20805/18
W	G L MBUYAZI	VS	RAF	To peruse, parties will be advised.	4695/19
X	SEBOTSA M E	VS	RAF	To peruse, parties will be advised.	58375/14

injury alluded to and does not deal with the impact of the hydrocephalus.

- 2) It does not identify the post-morbid career prospect and how the injuries sustained impacted on it.
- 3) There isn't any consent email/letter to draft order, at the end of the tender it is stated that a "the draft order be made an order of court."
- 4) The practice note does not address the issues as per the directive of the Court for 15 September 2020.

To be removed.

- 1) Draft Order re costs of Senior Attorney and costs "for both Plaintiff and Defendant" should be respectively omitted and amended.
- 2) No Practice Note uploaded.
- 3) R200 000 for s/t injury to hand.
- 4) FM Treatment not identified to assess gens.

Z13 MALULEKE B VS RAF

Parties to appear at online hearing to explain.

41315/18

- 1) Is the order in par 7 of D/O necessary?
- 2) Par 9 refer to provisions of Old Act not LPA.
- 3) Powers of trustee in par 11: Is this allowed?
- 4) General damages submitted to be R450 000.00 but R650 000 tendered? No mention of

Z14 S A LUSHABA VS RAF

60896/17

mild brain in list of injuries in submission but reference to possibility in reports of experts but no definite diagnosis thereof. LoE basis on mild brain injury and sequelae not satisfied that amount is correct.

No practice note.

Parties to appear online if practice note filed timeously.

- 1) D/O: par 5.7 Costs of application for Curator Bonis not to be included in this D/O.
- 2) No Practice Note to confirm consent letter, no submissions, curator ad litem report not signed to confirm contents.

Parties to appear online.  
(Severe handy capped person)

Z15 ADV TROMP VS RAF 69255/15

Order already made by Sardiwalla J on 4 September 2020. 70359/14

Z16 MOSEHLA M S VS RAF

- 1) No Practice note but Submissions signed by PL, Consent letter signed by RAF.

Z17 NELUSHI N G VS RAF Draft Order made. 78428/16

- 1) D/O Interest rate 6,75% for payment of costs par 4.3. Draft Order to Submissions is correct.
- 2) No interest for capita??
- 3) Submissions insufficient, No Practice Note to confirm unsigned consent letter and submissions.

Z18 MOFOKENG P VS RAF 13363/18

---

Matter to be removed.

---

- 1) No Practice Note
- 2) Interest rate D/O 6.75%  
par 3.3 Correct in D/O to  
submissions bundle.
- 3) No interest on capital  
amount?
- 4) Undertaking previously  
settled?
- 5) Submissions relate to  
another minor KA  
Molema? PoA correct.  
Case name is on the  
otherhand obo AM  
Molema.
- 6) Costs already paid  
previously? To be  
inserted in par 2 of D/O.
- 7) Has trust been  
established? See Court  
Order of 2018.
- 8) Submission and  
unsigned consent letter  
not confirmed.
- 9) Submissions not  
sufficient.

---

Z19 MOLEMA MM VS RAF Matter to be removed. 79173/16

---

- 1) No Practice Note
- 2) Interest rate D/O 6.75%  
par 3.3 Correct in D/O to  
submissions bundle.
- 3) No interest on capital  
amount?
- 4) Submissions not  
sufficient.
- 5) Submissions and  
unsigned consent letter  
not confirmed with  
practice note.

Matter to be removed.

---

Z20 BOKALA T J VS RAF 49858/18

---

Z21 S E NKOSI VS RAF 69236/15

---

1) No Practice note:  
Consent letter signed and  
Submissions signed.



- 
- 2) D/O U/T ordered in 2018 but not delivered. Must reference that court order.
  - 3) Costs, experts to be paid to the extent not previously paid.

Amended draft order to be furnished.

- 
- 1) DoA: Differs from D/O and Submissions.
  - 2) Interest from trial date?

---

Z22	W O MOKGWATLENG	VS	RAF	<u>Parties to appear online or to clarify</u>	91136/16
-----	-----------------	----	-----	---	----------

---

Z23	ADV J VD MERWE	VS	RAF	To peruse, parties will be advised.	11529/15
-----	----------------	----	-----	-------------------------------------	----------

- 
- 1) No practice note
  - 2) No Submissions.
  - 3) Why undertaking in LoS matter? D/O par 4
  - 4) Why senior attorney? D/O par 5
  - 5) Wording of accommodation "for both Pl and Def" to be corrected. D/O par 7
  - 6) Costs: Offer of Settlement on 28 Sept 2018.

---

Z24	NDLOVU T G	VS	RAF	<u>To be removed from the roll.</u>	12158/18
-----	------------	----	-----	-------------------------------------	----------

---

Z25	MASHABA F E	VS	RAF	To peruse, parties will be advised.	5684/18
-----	-------------	----	-----	-------------------------------------	---------

- 
- 1) No settlement docs
  - 2) No Practice Note

---

Z26	HM MATHEBULA	VS	RAF	<u>To be removed.</u>	73149/18
-----	--------------	----	-----	-----------------------	----------

---