

Deon Gericke

From: Simone Bhana <SBhana@judiciary.org.za>
Sent: Tuesday, 15 September 2020 11:02
To: francis@ciubadvocates.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@loftusadv.co.za; StateAttorneyPretoria@justice.gov.za; admin@pabasa.co.za; admin@blaoniine.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@lpc.org.za; ndweleni@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@lekgottalaw.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@kotloloattorneys.co.za; lebeko.law@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



REPUBLIC OF SOUTH AFRICA
HOOGSE RECHTERSHOF VAN OORSTREDE

Judge Secretary
High Court of South Africa
Gauteng Division Pretoria
Palace of Justice, 2nd Floor, Room 25
c/o Paul Kruger and Madiba Streets, Pretoria, 0002
Private Bag X67, Pretoria, 0001
Tel: 012 314 9049// 012 492 6890
Email: SBhana@judiciary.org.za
simone.geldenhuis5@gmail.com
Website: 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

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|-------|--------------|----|-----|---|----------|
| | | | | 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> | |
| A | MHLENGI S M | VS | RAF | | 60885/17 |
| <hr/> | | | | | |
| | | | | Two links received. One with file contents and one without. | |
| B | T M LUHLANGA | VS | RAF | Order granted in respect of link received with file contents. | 12345/18 |
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|---|--------------------|----|-----|---|----------|
| 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 Swatz 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 Order 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 i/c PME (capitalising thereof) Report old.
Report required to address these issues (see also 3 below).
- 2) Amount for general damages pro-apportionment of 80% might be too high R700 000.00..
- 3) Correction of 40% in order of Maumela 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

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| 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 |

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|-----|---------------|----|-----|---|----------|
| Y | J MOLAPISI | VS | RAF | To peruse, parties will be advised. | 97434/16 |
| Z | G G KRUGER | VS | RAF | To peruse, parties will be advised. | 79212/17 |
| Z1 | T D MATHONSI | VS | RAF | To peruse, parties will be advised. | 49941/16 |
| Z2 | T WANA | VS | RAF | To peruse, parties will be advised. | 79209/17 |
| Z3 | V D NTLEKISA | VS | RAF | To peruse, parties will be advised. | 51036/17 |
| Z4 | R G PETERSEN | VS | RAF | To peruse, parties will be advised. | 84580/17 |
| | | | | Link does not contain any settlement docs. | |
| Z5 | P N SELANE | VS | RAF | <u>To be removed.</u> | 24698/18 |
| | | | | Link does not contain any settlement docs. | |
| Z6 | D E TSOTETSI | VS | RAF | <u>To be removed.</u> | 29390/16 |
| | | | | The link received does not contain any file contents. | |
| Z7 | HLUNGWANI L | VS | RAF | <u>To be removed.</u> | 76619/17 |
| | | | | Link does not contain any settlement docs. | |
| Z8 | MAKHADO N R | VS | RAF | <u>To be removed.</u> | 16668/18 |
| | | | | Link does not contain any settlement docs. | |
| Z9 | SN MOHLOMI | VS | RAF | <u>To be removed.</u> | 5121/17 |
| Z10 | MBOWENI H G | VS | RAF | No link received, link provided is for case number 1820/13 | 16820/17 |
| Z11 | MOGASHANE R E | VS | RAF | 1) No submissions uploaded. <u>Matter to be removed.</u> | 8960/17 |
| Z12 | NDITWANE M T | VS | RAF | 1) Submissions not sufficient. Does not identify the injuries or severity of the head | 37415/14 |

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.

Parties to appear at online hearing to explain.

Z13 MALULEKE B VS RAF 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 R550 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 item 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.

Z16 MOSEHLA M S VS RAF 70359/14

- 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 capital?
- 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 . 1) No Practice note: Consent letter signed and Submissions signed. 69236/15

- 2) D/O U/T ordered in 2016 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?

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| Z22 | W O MOKGWATLENG | VS | RAF | <u>Parties to appear online or to clarify</u> | 91136/16 |
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| Z23 | ADV J VD MERWE | VS | RAF | To peruse, parties will be advised. | 11529/15 |
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- 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.

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| Z24 | NDLOVU T G | VS | RAF | <u>To be removed from the roll.</u> | 12158/18 |
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| Z25 | MASHABA F E | VS | RAF | To peruse, parties will be advised. | 5684/18 |
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- 1) No settlement docs
- 2) No Practice Note

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