

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO.: 21929/17

In the matter between:

THE LAW SOCIETY OF THE NORTHERN PROVINCES Applicant

and

PIERRE CILLIERS HAUPTFLEISCH 1st Respondent

HAUPTFLEISCH INC ATTORNEYS 2nd Respondent

ANSWERING AFFIDAVIT

I, the undersigned,

PIERRE CILLIERS HAUPTFLEISCH

do hereby make oath and state that:

- 1 I am an adult male attorney practicing as such as a director of Hauptfleisch Incorporated, who trades at 2nd Floor Northcliff Place, 163 Beyers Naude Drive, Northcliff, under the name and style of Hauptfleisch Attorneys.
2. I am duly authorised to depose to this affidavit in my personal capacity as well as in my capacity as director of Hauptfleisch Incorporated.
3. The facts herein contained are within my own knowledge and belief, unless otherwise indicated and are both true and correct.



BACKGROUND

4. Effectively from 19th November 2016 it was resolved by the Applicant's council, that Mr AP Millar be appointed as president of the Applicant, in which capacity he acted from the stated date, as appears from a copy of the Applicant's notice addressed to all members, annexed hereto, marked Annexure "PCH1", to which I respectfully refer.
5. Mr Millar had never been a member of the Applicant's council previously. I deemed his appointment as president of the council of the Applicant suspicious.
6. I conducted an investigation as to the reason for his appointment. I established that all the attorneys at Edward Nathan Sonnenbergs voted him into power as appears from the nomination list annexed hereto marked Annexure "PCH2", to which I respectfully refer.
7. Mr PH Cronin from Edward Nathan Sonnenbergs was voted in as an ordinary council member only.

MATTERS LEADING UP TO THE 30TH SEPTEMBER 2016 RESOLUTION

8. Since April 2015 there has been a long standing feud and litigation between Mr AP Millar and the 1st and 2nd Respondents.
9. In view of the multitude of motion and action proceedings I deal with them under separate headings.

FIRST APPLICATION – MATABANE

10. On 16th April 2015 the 2nd Respondent launched an application for the Rescission of Judgment in the matter David Matjaje Matabane v Hauptfleisch Attorneys under case no. 14/22015 in the South Gauteng High Court (hereinafter referred to as "the 1st Application").

T.M.O.



11. In the 1st Application the Plaintiff is represented by Norman Berger and Partners of which Mr AP Millar is a director and who is the party that actively pursued the Plaintiff's claim.
12. In the 1st Application multiple examples of Mr AP Millar's fraud, misconduct and unprofessional conduct are dealt with.
13. To corroborate the foregoing I have obtained various affidavits from Ms Khomisani Constance Mabasa, Mr Brandie Maboya, Ms Corrine Matchamele, Ms Thandi Margaret Ndlovu, Ms Ntepu Doreen Phalane, Mr Clint Edward Coleman and Ms Martha Kock.
14. All of these witnesses were involved in a motor collision as a result of which they suffered personal injury and were either represented by Mr AP Millar or he attempted to represent them through actively soliciting them by touting to be clients.
15. The gist of the averments made by them about the conduct of Mr AP Millar is as follows:-
 - 15.1 actively solicits clients through touting;
 - 15.2 is assisted in doing so by either AP Millar, Jabu Gxokwa or Tony Blemish;
 - 15.3 the clients never approached him independently;
 - 15.4 the clients availability at his office is secured by uplifting the client and physically escorting the client to his office;
 - 15.5 the client is mostly attended to by unqualified personnel, secretaries or drivers;

TAO




- 15.6 the mandate is not explained to clients, nor are they made aware that they are signing documentation;
- 15.7 the clients do not furnish instructions and no progress reports are made available to them;
- 15.8 the client is not the direct and controlling mind in directing litigation but merely a name to be put forward as proof of an impecunious and indigent client for his financial benefit;
- 15.9 Actively procure former clients of attorneys to sue such attorneys in the name of the client for his own benefit;
- 15.10 Does not require any monies from clients so solicited and bears the full responsibility for all expenses in the conduct of litigation in these matters.
16. In the said 1st Application the roll of the Applicant in bringing about the use of common law fee agreements by its members is also addressed at length and it is submitted that the Applicant is jointly liable with its members for the consequences that resulted from the use of a common law fee agreement as a result of the Applicant expressing their support of its members in the use of an unlawful common law fee agreement.
17. The 1st Application is not annexed hereto to avoid prolixity. At the hearing of this application the original application will be made available to Court containing the Founding Affidavit, Answering Affidavit and Replying Affidavit.

SECOND APPLICATION – MATABANE

18. On 30th April 2015 the 2nd Respondent launched a 2nd Application against the stated Plaintiff Matabane under the same case no. in the same Court requesting that the execution of the Order of 25th November 2014 be stayed pending the adjudication of the application for the settlement agreement

TAC



entered into between the parties be set aside and that the judgment be rescinded.

19. Once again the Plaintiff Matabane is represented by Mr AP Millar and the Respondent deals once again at length with the issues of fraud and touting put forward in the Rescission Application.
20. The 2nd Application is not annexed hereto to avoid prolixity. At the hearing of this application the original application will be made available to Court containing the Founding Affidavit, Answering Affidavit and Replying Affidavit.

THIRD APPLICATION – BRANDIE MABOYA

21. On 28th May 2015, the 2nd Respondent received instructions to launch an application against AP Millar on behalf of Mr Brandie Maboya under case no. 19500/15, in the South Gauteng High Court.
22. A copy of the Founding Affidavit in the said application is annexed hereto marked Annexure "PCH3", to which I respectfully refer.
23. I respectfully point out that the deponent makes very serious allegations pertaining to the manner in which Mr AP Millar touted to obtain the instruction.

FOURTH APPLICATION – CORRINE MATCHUMELA

24. On 28th May 2015, the 2nd Respondent received instructions to launch an application against AP Millar on behalf of Ms Corrine Matchumela under case no. 19499/15, in the South Gauteng High Court.
25. A copy of her Affidavit in the said application is annexed hereto marked Annexure "PCH4", to which I respectfully refer.
26. I respectfully point out that the deponent makes very serious allegations pertaining to the manner in which Mr AP Millar touted to obtain the instruction.

T.A.O.



FIFTH APPLICATION – CONSTANCE MABASA

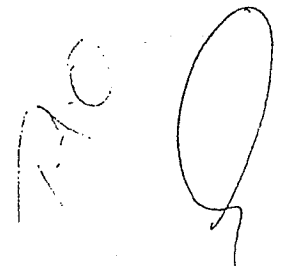
27. On 28th May 2015, the 2nd Respondent received instructions to launch an application against AP Millar on behalf of Ms Constance Mabasa under case no. 19501/15, in the South Gauteng High Court.
28. A copy of the Founding Affidavit in the said application is annexed hereto marked Annexure "PCH5", to which I respectfully refer.
29. I respectfully point out that the deponent makes very serious allegations pertaining to the manner in which Mr AP Millar touted to obtain the instruction.

SIXTH APPLICATION – MARIAM MASALA

30. On 28th May 2015, the 2nd Respondent received instructions to launch an application against AP Millar on behalf of Ms Mariam Masala under case no. 19498/15, in the South Gauteng High Court.
31. A copy of the Founding Affidavit in the said application is annexed hereto marked Annexure "PCH6", to which I respectfully refer.
32. I respectfully point out that the deponent makes very serious allegations pertaining to the manner in which Mr AP Millar touted to obtain the instruction.

SEVENTH APPLICATION – MATABANE WRIT

33. On 18th June 2015 the 2nd Respondent, under the same case no. stated *supra* launched an application to set aside a writ issued in the name of Matabane / Plaintiff by AP Millar. The writ was set aside by agreement and only the issue pertaining to costs remains disputed.

Handwritten signature and initials, possibly 'M.C.' and a large 'Q' or 'G'.

34. The 7th Application is not annexed hereto to avoid prolixity. At the hearing of this application the original application will be made available to Court containing the Founding Affidavit, Answering Affidavit and Replying Affidavit.

EIGHTH ACTION – MASALA

35. On 5th August 2015, the 2nd Respondent received instructions to institute action against Mr AP Millar on behalf of Ms Mariam Masala under case no. 03970/2015 in the Johannesburg Central Magistrate's Court.

36. A copy of the Summons in the said action is annexed hereto marked Annexure "PCH7", to which I respectfully refer.

37. I respectfully point out that the Plaintiff makes very serious allegations pertaining to the manner in which Mr AP Millar touted to obtain the instruction.

NINTH ACTION – ME MOTHIBI obo PALESA KOTELA

38. On 20th August 2015, the 2nd Respondent received instructions to institute action against Mr AP Millar on behalf of Motetekoane Elisa Mothibi obo Palesa Kotela under case no. 43487/15, in the Johannesburg Central Magistrate's Court.

39. A copy of the Summons in the said action is annexed hereto marked Annexure "PCH8", to which I respectfully refer.

40. I respectfully point out that the Plaintiff makes very serious allegations pertaining to the manner in which Mr AP Millar touted to obtain the instruction.

TENTH APPLICATION

41. On 15th September 2015, the 2nd Respondent launched a 4th Application under the same case no. to set aside the taxation and *allocator* dated 10th

MAC
Q

September 2015, in respect of the 2nd Respondent's attorney and own client bill of costs dated 5th August 2015.

42. In the 4th Application, the issues pertaining to Mr AP Millar's unprofessional conduct is once again dealt with at length and his failure to tax a bill after proper set down of the said bill for taxation.
43. The 4th Application is not annexed hereto to avoid prolixity. At the hearing of this application the original application will be made available to Court containing the Founding Affidavit, Answering Affidavit and Replying Affidavit.
44. There is in total ten matters pending between Respondents and AP Millar. The ventilation of the issues in these matters will be an enquiry into Millar's professional misconduct resulting from his touting and the liability of the Applicant for advising their members that they will support the use of an unlawful contingency fee agreement.
45. The Applicant and especially Mr Millar are aware of the fact that I will testify as an expert witness in these matters.
46. I respectfully submit that AP Millar has a direct and substantive interest in the pursuit of this application. AP Millar has the machinery of the Applicant at his disposal. He was also the attorney that acted against Bobroff, hereinafter mentioned. He is in direct control of Reddy. That explains why Reddy would accumulate all of a sudden complaints of 2012, 2014 and 2015, which were dormant without consultation with the complainants and used them as the basis for this application. One must bear in mind that Reddy is not an independent chartered accountant but a salaried investigative accountant of the Applicant.

RONALD BOBROFF

47. On 13th March 2012 Ronald Bobroff on behalf of SAAPIL addressed a letter to the president and executive director of the Applicant, which contained a

TAC

complaint against AP Millar, copy of which is annexed hereto marked Annexure "PCH9", to which I respectfully refer. The annexures to this letter comprises of 8 Annexures under oath of the following deponents:-

- 47.1 Jabu Gxokwa;
- 47.2. Flora Jose Guibomane;
- 47.3 Wiseman Siphamandla Khumalo;
- 47.4 Khombisile Joyce Mazibuko
- 47.5 Kholofelo Jeffery Mokoena;
- 47.6 Funani Beauty Ngobese;
- 47.7 Godrich Tebogo Selekane;
- 47.8 Siyabuya Siwepu

copies of which are annexed hereto, marked Annexures "PCH10 – PCH17", to which I respectfully refer.

- 48. From the content of these affidavits it appears that AP Millar has been engaged in overt touting of clients over a protracted period of time.
- 49. I am now acting on behalf of certain of these complainants. I made enquiries and established that the Applicant is in possession of vast correspondence with a number of parties and further affidavits pertaining to the overt touting of clients by Mr. AP Millar. The exact documents referred to are identified with sufficient particularity contained in Schedule F to the Founding Affidavit page 84. I have a reasonable and just interest to be furnished with the documents requested

T.A.O
Q

50. The Applicant was persuaded by Mr AP Millar to not take action against him and his firm but instead to take action against the complainants and their representatives.
51. The Applicant launched an Application against Ronald Bobroff and Partners for their suspension and striking from the roll. The said application was supported by an affidavit from a Mr Ashwin Reddy, who averred that Ronald Bobroff and Partners have misappropriated trust funds and that they have serious shortage of funds in their trust account and that the Bobroffs have placed their trust creditors and the Fidelity Fund at risk and that in matters of this nature the Applicant and the profession require action to be taken against defaulting attorneys without delay.
52. The Order was granted and Mr Johan van Staden was appointed as the *curator* of the practice. Mr van Staden has since rendered a report which concluded that the trust creditors and trust funds were equal and that there was no shortage in the trust account. I annex hereto a copy of van Staden's report, marked Annexure "PCH18", to which I respectfully refer. The report was signed on 16th November 2016 by Mr van Staden and consists of 21 pages together with 18 pages of annexures. I respectfully direct the Court's attention to page 19 of the report.
53. I respectfully point out that this report is confidential by nature and should not be readily available in the public domain without the written consent of the Bobroffs. I submit that the Applicant does not have the authorisation of the Bobroffs and that they have a "don't care" attitude toward the content of this report, notwithstanding the consequences of their actions, by striking the Bobroffs from the roll.
54. I respectfully submit that this Application, the Answering Affidavit and the Replying Affidavit are relevant for purposes of adjudication of this Application. Reliance is placed on averments made by Mr Reddy. Mr van Staden contradicts Reddy's averments, the extent whereof requires assessment. My *prima facie* view is that Mr Reddy possibly said what he was required to say

MAO
G

for ulterior motives which are now contradicted by Mr van Staden and results in the credibility of Mr Ashwin Reddy been questioned.

55. The characteristics of an employment contract are that the employee works under the direction, supervision and control of the employer, who is the controlling mind and who directs the employee to do and execute a task as required by the employer and to its satisfaction. Mr Reddy is not a chartered accountant accountable to a controlling body. This puts him at liberty to make any statement required by his employer. The version provided in the Bobroff matter is now proved to be incorrect. That assessment was made by an independent chartered accountant. The assessment however, does not cure the harm, damages and humiliation suffered by the Bobroff family, as a result of the drastic measures employed by this Honourable Court based on the false facts presented to it under oath.

DISCOVERY HEALTH

56. Discovery Health (hereinafter referred to as "DH"), operates a medical scheme in terms of which it offers its members comprehensive medical insurance, subject to the requirement in the event that past medical expenses is recoverable to institute a third party claim, failing which all benefits are excluded, which results in the member having to make payment of medical expense from its own resources.
57. This requirement and exclusion by DH is unconstitutional and has been attacked in our Courts of law.
58. DH appointed a panel of attorneys to assist members in their personal injury claims. Each of the 24 members of the council of the Applicant are panel attorneys of DH.
59. The procedures are operated by forwarding to each panel attorney a list of DH members who have recently been involved in a motor collision as a result of which he/she sustained personal injury, to contact that member and tout the

TAC



member as its client to institute legal against the RAF, which conduct is unlawful. In the event that the member refuses to institute legal action represented by the panel attorney, DH refuses to make payment of medical expenses.

60. An example of such list for the week ending 18th March 2011 is annexed hereto, marked Annexure "PCH19", to which I respectfully refer.

61. Mr Ashwin Reddy is a junior accountant, employed by the Applicant and was formerly employed in the same capacity at DH. I respectfully submit that there is documentation and correspondence in existence between the Applicant, the council members and DH that I am entitled to and that has a bearing to and is relevant to the readily anticipated issues in this Application.

MR FM VAN ZYL

62. Mr FM van Zyl was employed by the 2nd Respondent.

63. He is currently a director of the 2nd Respondent and the management and control of the RAF claims department of the 2nd Respondent was entrusted to him.

64. He was in control of the bookkeeper, Rene Hall, employed at the time and was assisted by Ms Alta Du Toit (de Beer), Mr Vincent Vos and later Ms Anastacia Naidoo.

65. They operated a scheme whereby they would receive the client as an employee of the 2nd Respondent, conduct all work in its office and just prior to concluding a settlement of the matter or judgment, they would transfer the file to Louis Prinsloo Attorneys and other attorneys, after Rene Hall deleted the file from our system, and such other attorney would then receive the proceeds of the capital and costs, which would be shared between them with the exclusion of the costs incurred by the 2nd Respondent.

T/C



66. As a result of their conduct the 2nd Respondent has instituted many actions to recover its damages. In view of the multitude of actions their annexure to this application will result in prolixity. I consequently annex a few examples, as follows:-

66.1 Prinsloo:- Radobane, Cole and Vele

66.2 Alta:- Du Toit

66.3 Meise Nkaiseng Attorneys:- RN Groenewald, M Otto, N Kuzwayo, JPJ Theunisen, GS Bennet, MA Kgosane / Mokoena, T Breytenbach, N Sibusiso, T Voster and R Mabethu

We annex hereto copies of the summons, marked Annexure "PCH20" together with the Notice of Motion in each instance marked Annexure "PCH21 – PCH23" to which I respectfully refer.

67. The 2nd Respondent represented Mr PL Du Toit. The matter was settled in the 2nd Respondent's offices for an amount of R4,000,000.00. The full capital was paid by Ms Rene Hall directly into the personal account of Ms Alta Du Toit. The file was thereafter deleted from our computer system by Rene Hall.

68. Ms Alta Du Toit later admitted that the 2nd Respondent was entitled to a fee as appears from Annexure "PCH24", annexed hereto, to which I respectfully refer.

COMPLAINT PROCEDURE – PRINT PROCEDURES

69. I was admitted as an attorney by the Northern High Court on 5th August 1987 and have practiced for my own account ever since.

70. As a practicing attorney I have knowledge of the manner and procedure followed by the council in the event of complaints lodged by members of the public against members of the Applicant.

TAC
9

71. The procedure normally followed is as follows:-

71.1 The complaint is received by the Applicant:

71.2 The complaint is forwarded to the attorney involved and he is afforded an opportunity to respond thereto and invited to engage the client and settle the matter;

71.3 The complaint and response is considered by a committee;

71.4 In the event of a transgression of the Rules of the Applicant a disciplinary hearing is held on a future date;

71.5 The outcome of the disciplinary hearing would determine what further steps the Applicant takes.


72. I point out that this procedure was not followed in this instance.

TONY BLEMISH

73. Tony Blemish is a journalist formally employed by Carte Blanche and currently by Money Web. He has a very special interest in the doings of AP Millar and ensures that all positive outcomes are widely publicised on tv, social media and the press.

74. In the Answering Affidavit in the Rescission Application referred to above, Mr AP Millar states under oath that Mr Tony Blemish is known to him only in his capacity as a specialised journalist and that the stated Blemish took an interest in the Matabane matter for professional reasons only.

75. The 2nd Respondent contended that Mr Blemish was part of a conspiracy.

MAO


76. I have ascertained that on or about 1st July 2016 Mr PA Mullan instituted an application against Mr Tony Blemish under case number 475/2016, Randburg Magistrate's Court, in terms of Section 2(1) of the Protection from Harassment Act No.17 of 2011, with which he succeeded against Mr Tony Blemish who was represented by Mr AP Millar in such proceedings, as a result of Mr Mullan hosting websites for Ronald Bobroff, www.toutingattorneys.co.za and www.ronaldbobroff.com.
77. I annex hereto ad paragraph 17 – 24 of the Mullan's Founding Affidavit, marked Annexure "PCH25", to which I respectfully refer. The full Affidavit is not annexed to avoid prolixity. The Affidavit will be made available to Court at the hearing of this matter.
78. The websites referred to *supra* deal with the extensive manner in which Mr AP Millar committed overt touting to which the Applicant has to date failed to respond

I now deal with the averments made by the deponent *ad seriatim*.

1. AD PARAGRAPH 1.1

The content hereof is admitted.

2. AD PARAGRAPH 1.2

2.1 I deny that the deponent is the president of the Applicant. Mr AP Millar was appointed president as stated *supra* and I have received no notification that the status quo has changed. I submit that the full council must convene to appoint the deponent as president in substitution of Mr AP Millar.

2.2 I submit that the deponent purports to substitute Mr AP Millar for purposes of this application.

PAO
9

2.3 I point out that the Resolution dated 30th September 2016 schedule D3 to the Founding Affidavit records that Mr AP Millar recused himself after admitting that he had an interest in the matter and that the vice-president Ms KI Mogale presided over the matter.

3. AD PARAGRAPH 1.3

3.1 I admit that Annexure 1 purports to be a Resolution of the Applicant dated 27th February 2017.

3.2 I submit that the Resolution was taken on the instigation of Mr AP Millar, who was present at the meeting, had an admitted interest in the matter and abused the machinery of the Applicant to his benefit.

3.3 The Resolution only came to my knowledge when the application was served but I was advised thereof on 1st November 2016. The Resolution is subject to review in terms of the Promotion of Administrative Justice Act 3 of 2000.

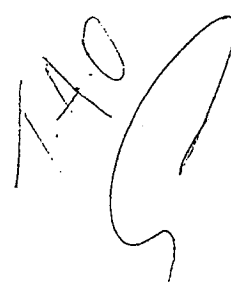
4. AD PARAGRAPH 1.4

It is denied that the contents of this Affidavit are within the deponents own knowledge and true and correct. I respectfully submit that the information submitted to the deponent was partially incorrect resulting from procedural unfairness and in the absence of affording me an opportunity to fully respond thereto.

5. AD PARAGRAPH 2 – 6

The content hereof is admitted subject thereto that I only recently commenced practising as a single practitioner.

6. AD PARAGRAPH 7

A handwritten signature in black ink, consisting of the letters 'KAO' followed by a large, stylized loop.

The content hereof is noted. It is specifically denied that the deponent demonstrates facts that I am not a fit and proper person to continue to practice as an attorney, which justifies the Honourable Court that my name be struck, alternatively that I be suspended.

7. AD PARAGRAPH 8

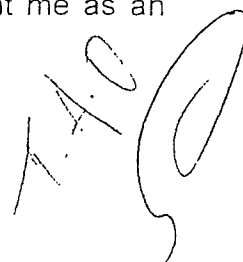
The content hereof is admitted.

8. AD PARAGRAPH 9

The content hereof is denied for the reasons hereinafter stated.

9. AD PARAGRAPH 10.1

- 9.1 The content hereof is denied. I aver that any instruction to investigate complaints against the 2nd Respondent was instigated by Mr AP Millar, who chaired the DH controlled council of the Applicant. It is in the interest of Mr AP Millar and members of the council that I should not be afforded the opportunity to make representations to the council or take the issues of touting and contingency fee agreements to Court.
- 9.2 Mr Reddy and the council members are fully aware that any decision taken by it is subject to the provisions of the Promotion of Administrative Justice Act 3 of 2000 (hereinafter referred to as "the PAJ Act").
- 9.3 During my first telephonic conversation with Mr Reddy on 12th October 2016, I advised him that the decision of the Applicant based on long outstanding matters is suspicious and could possibly become the subject matter of review.
- 9.4 Prior to the appointment of Mr AP Millar on 19th November 2016, I was in good standing with the Applicant, who saw fit to appoint me as an



arbitrator in an insurance matter as appears from Annexure "PCH26" annexed hereto, to which I respectfully refer.

10. AD PARAGRAPH 10.2

10.1 It is denied that Reddy attempted to execute his mandate.

10.2 It is admitted that he reported to the Applicant on 26th January 2017.

11. AD PARAGRAPH 10.3

The content hereof is admitted.

12. AD PARAGRAPH 10.4 – 10.5

12.1 It is admitted that FM van Zyl is still reflected as a director of the 2nd Respondent. In terms of the Attorneys Act he is liable for the actions taken in his department, which gave rise to the present complaints lodged during 2014. The conduct complained of relates to actions taken prior to 2014. A mere reading of the content of the complaint would have revealed this, which we submit was never done.

12.2 I submit that Mr Reddy, who had merely a single telephone conversation with Mr van Zyl, when he was advised that Mr van Zyl was unaware that he was still listed as a director of the 2nd Respondent and that he had resigned on 25th August 2011, acted imprudently to accept the correctness of this allegation without further inquiry.

12.3 Mr van Zyl had very good motivation to pretend that he was unaware and uninvolved in any complaints for the reasons stated *supra*. He does not have a letter of resignation, nor concluded a formal contract with the 2nd Respondent pertaining to his resignation.

- 12.4 Common sense dictates that a person can only be a director if he is a shareholder of a company which implies that there will be loan agreements and profit-sharing agreements in place that upon resignation need to be resolved.
- 12.5 Mr Reddy is oblivious to these facts. To exacerbate matters for Mr Reddy, he had the benefit of the content of the Founding Affidavits in the matters of Vele, Radobane and Cole referred to above and had to read the Founding Affidavits, which clearly states that Mr van Zyl was employed in a dual capacity by both Prinsloo and the 2nd Respondent. Mr Prinsloo was suspended from the roll and in all probability struck. For this purpose Mr Reddy had to depose to an affidavit stating that Prinsloo misappropriated trust funds and constituted a risk to the Fidelity Fund. I was the attorney of record for the abovestated clients in enforcing their claim.
- 12.6 In the email dated 19th October 2016, being Schedule C to the Founding Affidavit, the foregoing is stated that FM van Zyl was the party responsible for these matters and notwithstanding these averments the deponent accepts Mr van Zyl's statement that he was not employed by the 2nd Respondent. Mr Reddy could simply have obtained the case number in each complaint from him or me and by perusing the Court file would have ascertained that Mr Van Zyl handled these matters from start to finish and did not resign on 25th August 2011.
- 12.7 The deponent was advised with reasons that the offices will be closed until 15th January 2017. I submit that the deponent would therefore know that all correspondence would only be attended to after that date.
- 12.8 The balance of the averments made is denied insofar as they are inconsistent with the above.
13. AD PARAGRAPH 10.6

Handwritten signature and initials, possibly 'TAD' or similar, next to a large, stylized signature.

13.1 The content hereof is denied for the reasons hereinafter stated.

13.2 Mr Reddy never directed his inspection at these provisions because he did not inspect our premises. What he did do was that he directed correspondence to our offices and failed to reply to our correspondence.

14. AD PARAGRAPH 10.7

14.1 It is admitted that Ms M Vilakazi contacted the 1st Respondent's office on 12th October 2016.

14.2 I on the very same day, as corroborated by Schedule C to the Founding Affidavit, while I was in transit phoned Mr Reddy and discussed an inspection of the 2nd Respondent's financial records and our request that we be informed of the names of the members that constituted the investigative committee.

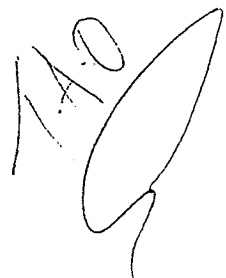
14.3 I point this out in view of the general practice to refer complaints to an investigative committee, who then decides on the further steps of the procedure. Since 12th October 2016 to 1st November 2016 I was not advised of the names of the members on the investigative committee.

15. AD PARAGRAPH 10.8

15.1 It is admitted that I contacted Reddy whilst I was in Durban.

15.2 I deny that I undertook to contact Reddy on 17th October 2016.

15.3 Schedule C to the Founding Affidavit, clearly states that I was awaiting to be contacted by Reddy on the subject of the names of the investigative committee.



16. AD PARAGRAPH 10.9

The content hereof is denied. Not only did I phone Mr Reddy back immediately on 12th October 2016, after being advised by my office that he was looking for me, we had a further telephonic conversation on 14th October 2016. as is corroborated by Schedule B1 to the Founding Affidavit.

17. AD PARAGRAPH 10.10 – 10.12

17.1 It is denied that I only replied to Reddy's email on 21st October 2016. The email was sent and received on 19th October 2016.

17.2 I deny that Reddy tried to contact me on 20th October 2016. If I was unavailable my office would have taken a message and directed it to me.

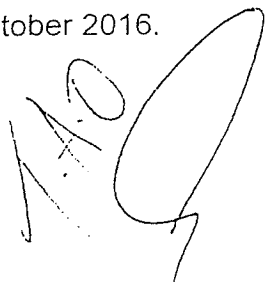
17.3 The mandate received from the Applicant to inspect the 2nd Respondent's financial records is dated 31st October 2016 and consequently Reddy was not entitled on 12th October 2016 to contact me with a view to arrange an inspection because the resolution was only signed on 31st October 2016.

17.4 In view of this discrepancy I submit that Reddy should have realised that I would have a question as to the validity of this request.

18. AD PARAGRAPH 10.13

18.1 I deny that the content of Schedule C dated 19th October 2016 can be construed that I was unprepared to co-operate with Reddy and the Applicant.

18.2 What's more Reddy was only in possession of the Resolution, authorising the inspection of the 2nd Respondent's financial records, being, Schedule D3 to the Founding Affidavit, after 31st October 2016.

A handwritten signature in black ink, appearing to be 'M. O. S.', is located in the bottom right corner of the page.

18.3 I respectfully point out that the letter dated 19th October 2016, not only gives information about my whereabouts and ability but also addresses the issues raised pertaining to the complaints.

18.4 I submit that conducting an inspection of personal financial information is a sensitive issue and that one is not entitled to request an immediate inspection. Due notice must be given in this regard.

19. AD PARAGRAPH 10.14 – 10.15

19.1 The content hereof is admitted insofar as Schedule D1 correctly records the content of the letter.

19.2 Upon my receipt of Schedule D1 – D3, I considered Section 70 of the Attorney's Act, to ascertain the parameters of my obligations in this regard. In my view the stated letter did not provide sufficient particularity of the alleged misconduct.

19.3 I consider myself bound by the decisions of the Applicant which is lawful, reasonable and procedurally fair and to be given written reasons for such decisions.

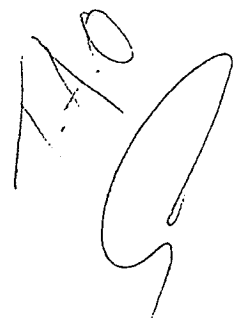
19.4 The council's decisions will materially and adversely affect my rights and legitimate expectations and must be procedurally fair.

19.5 Reddy was telephonically in contact with me since 12th October 2016, notwithstanding the fact that he only received Schedule D3 on 31st October 2016.

19.6 I never attended a disciplinary hearing and have never been afforded the opportunity to present facts that contradict the averments made.

A handwritten signature in black ink, appearing to be 'MAG', located in the bottom right corner of the page.

- 19.7 I don't consider notification of a request for a meeting on 1st November 2016 for a meeting to be held during November after being informed about my availability and can never be considered adequate notice of the nature and purpose of the proposed meeting.
- 19.8 I am not afforded a reasonable opportunity to make representations nor have I received a clear statement of the case that I need to respond to.
- 19.9 My attempts to obtain information have been ignored since 7th November 2016. No written response has been received and it is only in this application that I learned that my requests are irrelevant and that the Applicant is not going to respond thereto.
- 19.10 I have already alluded to the fact that the council is biased towards me and they have an interest in getting rid of me.
- 19.11 Reddy wants to, in a matter of this sensitivity, inform me of the scope of his inspection and the process that will be followed, verbally.
- 19.12 I am not advised whether I may be represented and whether my auditor is required.
- 19.13 Reddy is aware of the fact that in any event the administrative staff dealing with accounting would be absent from the office and have been so since 19th October 2016, yet he persisted with his demand for an immediate inspection without the proper authority.
20. AD PARAGRAPH 10.16 – 10.17
- 20.1 It is admitted that Reddy requested a date for a meeting during November 2016, which issue was dealt with in my email dated 19th October 2016.

A handwritten signature in black ink, appearing to be 'A.A.O.' followed by a large, stylized flourish.

20.2 On 7th November 2016, I addressed an email to Reddy pertaining to his request for a suitable date. I only write to him on the 7th November 2016 in view of the fact that a member of my household unexpectedly pass away during the evening of the 29th October 2016.

20.3 I categorically state that I wish to determine whether I am victimised by the council on the instigation of Mr AP Millar. It is important to note that I am never advised, save for in this application, that the letter will not be answered and consequently I am deprived of the provisions of the Promotion of Access to Information Act as well as the Promotion to Administrative Justice Act.

21. AD PARAGRAPH 10.18

I have no knowledge of Vilakazi's attempt to contact my office on 17th November 2016 and can consequently not respond thereto.

22. AD PARAGRAPH 10.19 – 10.22

22.1 The email referred to was sent of 9th January 2017 and is quoted for the Honourable Court's ease of reference:-

"Ashwin requested me to arrange for him to visit your office immediately when you back in the office on 16th January 2017 at 10h00. Please urgently confirm acceptance of the appointment"

22.2 In other words this email was not sent on the 17th November 2016, when Vilakazi attempted to schedule a meeting. At the time of writing the email, both she and Reddy had knowledge that our office were closed for the festive season and that no one was available to attend to them. Consequently Vilakazi knew that a reply was not possible until the office reopened on 16th January 2017.



22.3 It is admitted that the email dated 16th January 2017 was sent at 10h57 and received thereafter.

22.4 The email required confirmation of the meeting for the same day for 10h00, which had already past.

22.5 The email consequently required no answer.

23. AD PARAGRAPH 10.23 – 10.24

The content hereof is admitted.

24. AD PARAGRAPH 10.25 – 10.27

Save for stating that the request made did not only involve SAAPIL and Mr Ronald Bobroff but also Mr Anthony Millar, particularly him being in possession of confidential rulings of the Applicant, his manipulation of the Applicant, the whereabouts of the 8 complainants, touting complaints, the operations of the investigative committee that was supposed to deal with these complaints and the general corruption that is taking place at the Applicant, the balance of the allegations is admitted.

25. AD PARAGRAPH 10.28

25.1 The content hereof is denied. In particular it is denied that the information sought is irrelevant for purposes of inspection of the 2nd Respondent's financial records.

25.2 The 2nd Respondent and I are entitled to full discovery of each and every document that proves or disproves either party's case.

25.3 Since 12th October 2016 during my first telephonic conversation with Reddy, I was of the view that I was being intimidated at the instigation of Millar.



25.4 It is of significance that it is only in this application that I am advised that the request is deemed to be irrelevant, which derives me of my rights in terms of various Acts.

25.5 One should bear in mind that my request for particulars was done in very emotionally difficult circumstances already on 7th November 2016 and that Reddy complied his report of 26th January 2017, neglected to furnish me with a copy thereof, which is customary and afford me an opportunity to respond thereto and only elected to enrol this application on 28th March 2017, which was served on me 29th March 2017, providing me with the least possible time to compile an Answering Affidavit of this magnitude.

26. AD PARAGRAPH 10.29 – 10.31

26.1 The content hereof is denied.

26.2 My first contact with Reddy was on the 12th October 2016.

26.3 On 19th October 2016 I furnished him with my itinerary up to 15th January 2017.

26.4 Not once did he allege that I imposed conditions. He should be aware of the fact that the content of his report would determine the further steps that the Applicant might launch. This is an official visit in terms of Section 70 of the Attorney's Act, which is likely to give rise to issues. To desire to conclude these meetings on an informal basis in the absence of comprehensive details of the alleged unprofessional or dishonourable or unworthy conduct that is being investigated and full details of the scope of the mandate and the procedure to be followed must be done in writing to enable me to consider my position.

A handwritten signature in black ink, appearing to be 'KAO' followed by a large, stylized flourish.

- 26.5 It is not acceptable for the above information to be furnished orally by Mr Reddy to me, as it will give rise to contradictory versions at the end of the day.
- 26.6 It is a trite accepted principle that all members of the Applicant is entitled to have sight of all matters in which the Applicant is involved and considering, as they are representatives of the profession. The fact that the information sought was not going to be furnished was only made known to me in this application. No response to my letter dated 7th November 2016 was ever received.
- 26.7 Under the circumstances I cannot see how my conduct to request information that is not forthcoming can constitute a contravention of Section 70(2) of the Attorney's Act, by intentionally failing to comply with a direction of the Applicant.
- 27 AD PARAGRAPH 10.32 – 10.35

- 27.1 I respectfully point out that this accident occurred on 16th November 2004. The complainant was made on 11th September 2014, but not directed to me. The statement of income and expenditure was drawn on 18th April 2012 by an admitted attorney Vincent Vos, who was the professional assistant to FM van Zyl.
- 27.2 Mrs Mpharalala's minor daughter's claim was never attended to by me. The instruction was accepted and concluded by Mr FM van Zyl and his department. The file does not appear on our computer system, though I have managed to obtain portions of this file from our archives and the client.
- 27.3 I have never received a formal letter of complaint from the Applicant pertaining to this matter. If I had done so I would have been able to put forward facts and circumstances that demonstrate a defence to the

A handwritten signature in black ink, appearing to be 'M.A.O.' with a large, stylized flourish below it.

complaint and would have been able to record our arrangement as a settlement of the complaint.

27.4 After receiving a complaint it is common knowledge that the Applicant invites the member to reach a settlement with the complainant.

27.5 I have accessed the statement of expenditure after the file was brought to my attention and estimated the costs incurred to be possibly unreasonably high. The capital claim was settled for R250,000.00 and the complainant was paid R80,000.00. I determined the matter to be one of accounting but in view of the small capital involved I concluded that it did not require the re-drawing of a bill of costs.

27.6 I have communicated this to Mrs Mpharalala, whose daughter is now attending university in Harare. In the absence of any obligation on me, I have commenced to liquidate the 2nd Respondent's indebtedness to Mrs Mpharalala.

27.7 I have made payments in order to assist her daughter in furthering her studies and will carry on doing so until the debt is liquidated to her satisfaction. Since 7th September 2016 to date I have paid R53,500.00.

27.8 The balance of the averments is admitted insofar as it is consistent with the above.

28. AD PARAGRAPH 10.36 – 10.40

28.1 Mr Mokwatlo instructed Mr FM van Zyl to lodge a 3rd party claim on 7th October 2006. The file was later taken over by Anastacia Naidoo, who handled the matter to conclusion. Ms Naidoo is an admitted attorney.

28.2 I located the file in the archives after it was brought to my attention by a member of my personnel. I assessed the balance of the file that was

made available to me and found that Mr Mokwatlo was inadequately compensated. I could not locate the file on our computer system.

28.3 I entered into discussions with Mr Mokwatlo and reached a settlement with him.

28.4 I have never received a formal letter of complaint from the Applicant pertaining to this matter. If I had done so I would have been able to put forward facts and circumstances that demonstrate a defence to the complaint and would have been able to record our arrangement as a settlement.

28.5 I have made payments of R6,400.00 per month to Mr Mokwatlo, since reaching a settlement in May 2016, in a total amount of R76,800.00.

29. AD PARAGRAPH 10.41 – 10.50

29.1 It is denied that I was instructed to lodge a third party claim on behalf of Snyman. Mr FM van Zyl accepted and attended to the instruction.

29.2 The file was removed from my computer system. After extensive research I managed to determine that this file was referred to a cost consultant for taxation.

29.3 I advised the Applicant accordingly on 19th October 2016 as is reflected in Schedule C. I have used my best endeavours to obtain possession of this file but was unable to do so. In the absence of a file I can do nothing to resolve the matter and Mr FM van Zyl will be in a better position to do so.

29.4 I have never received a written complaint from the Applicant to enable me to attend a hearing and put forward my defence to the complaint.



29.5 From a perusal of Annexure F2 page 159, it appears that on 5th April 2013, Mr van Zyl paid a LW Wessels for car repairs an amount of R12,550.00. It is not clear to me whether he had made any other payments to Mr JT Snyman prior to him passing away on 1st May 2014. I require the file pertaining to this matter to assess the matter.

30. AD PARAGRAPH 10.51 – 10.57

- 30.1 The Applicant is in possession of an application brought by Matabane pursuant to a personal injury instruction received by Mr FM van Zyl from Mr Matabane.
- 30.2 The application launched by Millar was brought to my attention.
- 30.3 Under the circumstances I was duty bound to enter a Notice of Opposition to safeguard the interests of the 2nd Respondent.
- 30.4 I have stated *supra* the number of matters pending between the 2nd Respondent and AP Millar.
- 30.5 An Opposing Affidavit was filed in the sequestration application within the prescribed time limits, whereafter the Applicant in that application filed a Replying Affidavit.
- 30.6 I have never received a letter from the Applicant requesting a copy of the Answering Affidavit and I respectfully submit that Mr Reddy's failure to do so must demonstrate his willingness to accept *mero motu* the correctness of any allegation made by the council members of the Applicant.
- 30.7 The absence and failure of seeking the Answering Affidavit while Mr Reddy is in possession of the Notice of Intention to Oppose, being page 200 of the Founding Affidavit, clearly demonstrates that Mr Reddy.

Handwritten signature and initials 'T.A.O.' in black ink, located at the bottom right of the page.

as a salaried employee of the Applicant, must do as he is told by members of the council

30.8 I submit that Mr AP Millar has an ulterior purpose with this application. On page 163 of the Founding Affidavit, Schedule J, he addresses on 4th October 2016, a letter to Mr van Staden requiring the Applicant to take action as a consequence of him experiencing difficulties in effecting service on the 2nd Respondent of his Replying Affidavit.

30.9 I specifically deny that there is a failure by me to account to Matabane at this stage or that reliance is placed in the sequestration application on a valid deed of insolvency.

30.10 The balance of the averments made is denied insofar as they are inconsistent with the foregoing.

31. AD PARAGRAPH 10.58

31.1 Save to deny that I denied Reddy access to the accounting records and refused to allow Reddy to conduct an inspection, I admit that Reddy was unable to determine the firm's current financial position.

31.2 I aver that Reddy did not answer my correspondence because his instructions were not to do so.

32 AD PARAGRAPH 10.59 – 10.61

The content hereof is admitted.

33. AD PARAGRAPH 10.62

The content hereof is denied for the reasons stated hereunder

34. AD PARAGRAPH 10.63

34.1 Payments to the estate of the late JT Snyman was received on 2nd April 2012 and 12th March 2013 as is depicted on Annexure F2 of the Founding Affidavit.

34.2 The file is in possession of the cost consultant, who is unable to return the file. The financial records pertaining thereto are unavailable on my accounting system. I am unable to determine whether a trust was created and payments made to it.

34.3 Mr Reddy argues that because there exists an account the amount is due and payable. On the account there are payments made to a Wessels car repairs, which is unusual and never permitted by the 2nd Respondent. Mr JT Snyman passed away on 1st May 2014 and is unavailable for questioning. Mr FM van Zyl will be able to explain why he made payments for car repairs when he is unauthorised to do so.

34.4 The balance of the averments is denied.

35 AD PARAGRAPH 10.64

35.1 The attorney De Beer was informed that he should contact Mr FM van Zyl, who was the person responsible for the matter.

35.2 The further averment is denied.

36 AD PARAGRAPH 10.65

The submission made herein is based on an assumption that an amount of R231,925.77 was due and payable in the stated period. If Mr van Zyl made payments to Mr TJ Snyman, which is unrecorded the statement of income and expenditure would not have been adjusted.

37 AD PARAGRAPH 10.66



The content hereof is admitted

38. AD PARAGRAPH 10.67

The content hereof is denied.

39. AD PARAGRAPH 10.68 – 10.70

39.1 I have dealt with the agreements reached with Mr Mokwatlo and Mrs Mpharalala. Both parties will be compensated to their satisfaction.

39.2 I am invited by the Applicant to reach agreements with complainants in the event of complaints made. The parties are available to me as witnesses and I am persisting with making payments to them, as agreed. The Applicant normally accepts an amicable resolution but for ulterior purposes elected to persist in this Application.

39.3 I submit that only in the event of intentional default, the question as to a possible deficit arises. There has been no default by the 2nd Respondent.

40. AD PARAGRAPH 10.71

I respectfully point out that Reddy reaches the conclusion that I have contravened Section 70(2) of the Attorney's Act by failing to comply with the directions of the Applicant after he on 7th November 2016, 23rd January 2017 and 26th January 2017 resolved that the requests made by the 2nd Respondent are irrelevant and only communicates this conclusion to me in this application depriving me of my rights in terms of the PAJ Act.

41. AD PARAGRAPH 10.72 – 10.75

41.1 It is denied that Reddy failed to conduct an inspection as a result of my failure to co-operate with him.

41.2 The Applicant is clearly in breach of my rights in terms of the Promotion of Access to Information Act and the PAJ Act.

41.3 I am entitled to ask questions and seek clarity as to my obligations and rights and therefore I am advised to serve and file a Rule 35 (12) & (14) Notice.

41.4 In addition I am entitled to be informed when a request is denied and be given full reasons in this regard. I entitled to reasonable notification and not just receive unarranged visitations when I am employed elsewhere. I find it unexplainable that any person would make a visit to an attorney's offices without arranging a prior appointment.

41.5 The balance of the averments is denied.

42. AD PARAGRAPH 11

42.1 Mr Mokome consulted with Anastacia Naidoo, who has since left the employment of the 2nd Respondent. His enquiries are at present attended to by Nadine Celliers.

42.2 Mr Mokome suffered a brain injury.

42.3 All medical reports obtained have been paid for.

42.4 Mr Mokome requested an amount of R60,000.00 to commence the building of a residence. It was agreed with him that he would be paid monthly depending on his demand. Sometimes he would require R5,000.00 and sometimes R2,000.00.

42.5 I admit that Mr Mokome demanded payment of R60,000.00. I entered into discussions with Mr Mokome with a view to secure that the R60,000.00 paid towards the construction is indeed utilised for the

A handwritten signature in black ink, appearing to be 'MOKOME', is located in the bottom right corner of the page.

construction and not for expenses of family members. Once an agreement was concluded that we would pay out R20,000.00 and he would provide us with building invoices, which we duly did. This is in the best interest of the client, who is dependent on the funds to cover his living expenses. We annex hereto proof of payment of R5,000.00 and R15,000.00 paid into Mr Mokome's account, marked Annexure "PCH27 & PCH28", to which I respectfully refer.

42.6 I only contacted Mr Mokome with a view to discuss his building contract. He himself says in his letter of complaint dated 29th October 2016 that he conducts conversations with Nadine.

42.7 We acknowledged receipt of the letter of complaint being Annexure 4 to the Founding Affidavit.

42.8 I point out that the Applicant advised us that we are free to resolve the matter with the complainant.

42.9 The balance of the averments is admitted insofar as they are consistent with the foregoing.

42.10 I respectfully point out that only the Master has jurisdiction in matters relating to curators.

43. AD PARAGRAPH 12

43.1 I deny that the council has carefully and diligently considered all the facts available to it as set out in this affidavit. The facts are set out with an ulterior motive.

43.2 The conclusion is also arrived at prior to me being informed of the nature of the unprofessional or dishonourable or unworthy conduct, nor has any disciplinary hearing taken place in order to enable me to present a defence to any complaints made as is customary.

A handwritten signature or set of initials in black ink, located in the bottom right corner of the page. The signature is stylized and appears to consist of several loops and lines.

43.3 In addition notwithstanding the fact that the Applicant's council was in possession of Reddy's report since 26th January 2017, the Applicant's council elected to disclose same to me only in this application, resulting in me being unable to submit evidence to demonstrate the averments made are factually incorrect based on incorrect inferences and speculation.

43.4 The council is jointly liable to the profession at large for their repeated advice to members that they would entertain and support unlawful common law fee agreements and they wish to dispose of this issue by making it impossible for me to present the merits of such conduct in various applications.

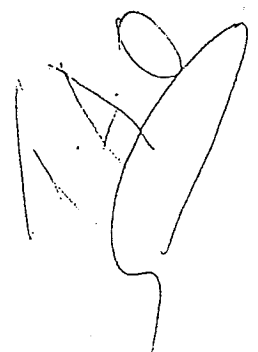
43.5 The council also endeavours to hide the fact that their member AP Millar has made him guilty of serious touting misconduct and that they have failed to take any further action to bring him to book.

43.6 In addition the council does not want members to know that the council is DH controlled.

43.7 The balance of the averments made is denied insofar as they are inconsistent with the above.

44. AD PARAGRAPH 13

The content hereof is denied for the reasons put forward hereinbefore. It is specifically denied that the Applicant is entitled to an order of such draconian nature based on the speculative facts put forward in the absence of a disciplinary hearing and affording me the opportunity to exercise my rights in terms of the PAJ Act and opportunity to pursue the information sought in the Rule 35 (12) & (14) Notice that will be served and filed more or less simultaneously herewith.

A handwritten signature in black ink, appearing to be 'M. A. J.', located in the bottom right corner of the page.

45. AD PARAGRAPH 14

The content hereof is denied for the reasons put forward in this affidavit.

46. AD PARAGRAPH 15

46.1 The content hereof is denied. It is submitted that the Applicant is the author of its own urgency. The Applicant has been in possession of Reddy's report since 26th January 2017.

46.2 If Mr Reddy resolved that I was such a threat to the profession at large surely he would have ensured that the matter was enrolled for resolution on the first available date in January

46.3 The Applicant's council meetings take place on the last Friday of every month i.e. 27th January 2017. Mr Reddy knew that enrolling this matter as a preferent matter for 27th January 2017 would result in him having to afford me more opportunity to draw my Answering Affidavit and consequently with a view to litigate by means of ambush, he enrolled the report for resolution only on the last Friday in February, which conduct would deprive me of time.

46.4 I must also point out that any member of the Applicant's council may arrange, on any date, special meetings for council meetings. I submit that neither Reddy nor any member of the council of the Applicant was of the view that this matter is urgent.

46.5 From a careful perusal of the report dated 26th January 2017, Reddy had knowledge of Schedule F since 7th November 2016, alternatively 23rd January 2017 when it was again addressed to him. He immediately formulated the opinion to deny me access to the documentation that I requested to consider my position.

- 46.6 His report comprises the mere writing up of statements received and inferences made from my auditor's report and should have been available for the meeting scheduled for 27th January 2017.
- 46.7 It is denied that I have misappropriated client's funds. I have stated *supra* that I was not the attorney of record in any of these matters.
- 46.8 If proper procedure was followed I would have been afforded an opportunity to present my defence to the complaints made, lead evidence and deal with the averments made.
- 46.9 I have entered into arrangements with clients in the absence of any legal obligation on me to do so.
- 46.10 I deny having failed to co-operate with the Applicant, to refuse to allow the Applicant to conduct an inspection of accounting records and point out that since 12th October 2016 Reddy was aware that I require information. He acknowledges my entitlement to information by advising me that there was no investigative committee appointed on 1st November 2016.
- 46.11 The purpose of the urgent application is to deprive me of my entitlement to:-
- 46.11.1 Request information;
 - 46.11.2 My rights in terms of PAJ Act;
 - 46.11.3 The Rules of this Honourable Court insofar as Rule 35 (12) & (14) is concerned;
 - 46.11.4 Obscure the council's responsibility for supporting its members in concluding unlawful contingency fee agreements;

A handwritten signature in black ink, appearing to be 'A.M.O.' with a large, stylized flourish extending from the end.

46.11.5 Prevent the investigation and consequences that will flow therefrom for Mr AP Millar as a result of his conduct.

46.12 The Applicant has misdirected itself to the consequences that will ensue as a result of the Rule 35 (12) & (14) Notice delivered.

47. AD PARAGRAPH 16

47.1 The content hereof is denied. In particular it is denied that I should pay the costs of this application on an attorney and own client scale.

47.2 The application was launched on the instigation of AP Millar without any reference to me.

47.3 No disciplinary procedure was followed and prior to 12th October 2016 I was unaware of any investigation of this nature.

47.4 The Applicant knew since 23th January 2017 that it was not going to furnish me with any information and only informs me in this application of its intention not to do so.

47.5 The Applicant's conduct results in me being unable to launch a substantive application in term of the provisions of the Promotion of Access to Information Act and the PAJ Act. I also did not have the opportunity to consult my auditor, who was away on leave.

47.6 In addition it requires an inspection of accounting records without informing me of the nature and extent of conduct that will be inspected, nor am I furnished with the scope of the mandate and the procedure to be followed.

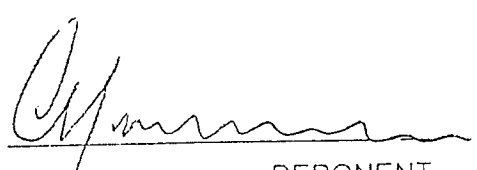
47.7 I respectfully submit that it is unacceptable to me that these matters be dealt with orally which will eventually be to my detriment. The

A handwritten signature in black ink, appearing to be 'M. G.', located at the bottom right of the page.

Applicant knew that I would be unavailable from 1st December 2016 until 15th January 2017 already on 19th October 2016. After our discussions during October 2016 I did not hear from Reddy again until 23rd January 2017

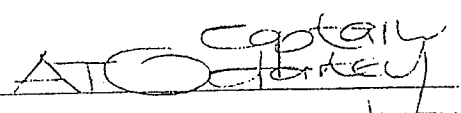
47.8 I respectfully submit that the Applicant's conduct is unreasonable and in total disregard of my rights.

WHEREFORE I respectfully pray that the application be dismissed with costs.


DEPONENT

I certify that this document was SIGNED and SWORN before me at JOHANNESBURG on this the 25th day of APRIL 2017, the Deponent having acknowledged that he knows and understands the contents of this Affidavit and I certify that the Regulations in terms of Section 10 of Act 16 of 1963, as published under G.N. R1258 of July 1972 and amended by G.N. R1648 of 1977, G.N. R1428 of 1980 and G.N. R773 of 1982, have been complied with.

SOUTH AFRICAN POLICE SERVICE
COMMUNITY SERVICE CENTRE
2017 -04- 25
C.S.C
LINDEN
SUID-AFRIKAANSE POLISIEDIENS


COMMISSIONER OF BATH
TEBOGO AUDREY OSARE
LINDEN SAYS
30 BOUNDARY ROAD
DORSET