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Our Ref: J Cameron/corres/Feinberg- Bobroff
Date: 18 July 2018

TALI FEINBERG

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Dear Madam

OUR CLIENTS: RONALD AND DARREN BOBROFF ("THE BOBROFF")
RE: INTERPOL RED NOTICES PERTAINING TO THE BOBROFFS ("THE RED NOTICES")

We refer to the Red Notices and more specifically to your communication dated the 17th July 2018.

At the outset I record that I "am very well". Before addressing the contents of your communication under reply it would be both prudent and for the edification of the readers of the SA Jewish Report to draw your and their attention to the undermentioned facts and/or documents:-

1. on the 14th March 2016 the Director of Public Prosecutions ("DPP") caused to make application to the Magistrate Johannesburg for the issuing of the Bobroff's arrest and whereafter, based on a written application by Adv Adele Carstens, ("Carstens"), the Magistrate Johannesburg issued two warrants of arrest for the arrest of the Bobroffs (attached hereto as **Annexures A and B**); and
2. as will be self-evident from Annexures A and B, the criminal complaints against our clients (and as repeated in the two Red Notices), is that our clients committed "frauds" during the period 2006 to December 2013 – no doubt you and your readers are aware that fraud constitutes "an intentional misrepresentation of material existing fact/s made by one person to another with knowledge of its falsity and for the purposes of inducing the other person to act and upon which the other person relies with resulting commercial prejudice"; and

3. Annexures A and B were thereafter transmitted by the DPP to Interpol which then automatically and without reference to the Bobroffs (more particularly determining from them the veracity of the complaint/s) issued the Red Notices; and
4. arising from legal proceedings between the National Prosecuting Authority ("NPA") and the Bobroffs, (pertaining to the preservation orders that the NPA obtained **without notice** to the Bobroffs), we served on the NPA a Rule 35 (12) notice ("the Notice") in terms of the Uniforms of Rules of the Supreme Court, a copy whereof is attached hereto marked **Annexure C** - in paragraph 16 and 18 of Annexure C, we requested the NPA to furnish ourselves with the written application of Carstens referred to in Annexures A and B hereto; and
5. in response to the Notice, the NPA furnished a notice, a copy whereof is attached hereto as **Annexure D** - in Annexure D the NPA, in paragraph 9 and 10, recorded that the contents of the "docked" (sic), are deemed to be privileged and not subject to disclosure; and
6. on the 14th and 16th November 2016, the curator of Ronald Bobroff and Partners Inc., ("RBP") Mr J Van Staden ("the Curator"), and the legal officer of the Curator's department, Mrs E Veldsman ("the Legal Official"), submitted a report as regards the business affairs of RBP, a copy whereof is attached hereto as **Annexure E**, in which the Curator confirmed that:-
 - 6.1 there had been no claims lodged by ex-clients of RBP with the Attorneys' Fidelity Fund of South Africa, ("the Fund"); and
 - 6.2 that the trust banking account of RBP did not reflect any deficit; and
 - 6.3 no claims by ex-clients of RBP had been lodged with him and more particularly arising from fraudulent conduct on the part of the Bobroffs; and
7. on the 22nd May 2017, the Fund confirmed in a communication addressed to the Bobroffs' provisional trustees, attached hereto as **Annexure F**, of their sequestrated insolvent estates (the provisional sequestration orders were discharged on the 3rd April 2018), that the only claim that had been lodged with them was a claim that had "not proceeded with"; and
8. attached hereto as **Annexure G** is an extract from the website of the Attorneys' Fidelity Fund of South Africa which indicates the type of claims that can be lodged with it including inter alia, the thefts of settlements in personal injury claims (although there is no reference to fraud we contend that where fraud take place which then leads to theft by attorneys that these claims would be considered by the Fund) and more specifically claims arising from fraud/theft perpetrated by an attorney.

Arising from the foregoing, you and your readers should obviously question :-

1. whether there is any truth and/or substance in the criminal complaints of fraud that the Bobroffs have in fact perpetrated – surely if such criminal complaints of fraud exist then, in such event, I, as the Bobroffs' attorney, would be aware of the identity complainant/s, the Fund would be aware of the identity of those person/s and similarly the Curator would be aware of the identity of those persons and accordingly the NPA would have had no difficulty in disclosing the contents of the docket which gave rise to Carstens obtaining the arrest warrants for the arrest of the Bobroffs; and
2. why has the Specialized Commercial Crime Unit ("SCCU") not completed their criminal investigations into the criminal complaints of fraud against the Bobroffs – as you will notice from Annexure 1 of Annexure D, Carstens records that "*the investigations in this matter are still ongoing*"; and
3. why are the criminal investigations by the SCCU ongoing (including not being completed by now)? - after all the criminal complaints were lodged in April 2013 (this we know as a consequence of the CAS NO being 105/04/2013) i.e. nearly three years from the date when the two arrest warrants were issued and it is now nearly five years since the criminal complaints were lodged with the SAPS at its Rosebank branch.

In response to the questions posed by you, we have been instructed to respond as follows:-

1. notwithstanding many press articles that recorded that spokespersons and other persons employed by the NPA (these articles have arisen from shortly after the departure of the Bobroffs from South Africa 2016) that extradition papers were being drafted and would be transmitted to the Australian Government for execution (as long ago as 2016), to the knowledge of the Bobroffs no such extradition application has been finalised by the NPA (the only question that arises therefrom is why not and the only inference to be drawn therefrom is that whatever criminal complaints of fraud that exist are without any substance and/or foundation); and
2. arising from the foregoing the Bobroffs do not expect to receive any extradition papers and if they should receive same then in such event those papers will, for the first time, indicate the nature and the extent of the frauds that they have perpetrated i.e. absent specific details of the fraudulent instances committed by the Bobroffs no such extradition application would be considered; and
3. yes, the Red Notices do have consequences for the Bobroffs i.e. should they attempt to travel out of Australia they face arrest and thereafter deportation to South Africa (essentially a type of extradition i.e. without due process); and
4. the Bobroffs continue to maintain their innocence as regards the existence of any fraudulent conduct that they are alleged to have perpetrated; and

5. the Bobroffs hereby invite any of your readers to submit, in writing to our offices, instances where they have been defrauded by them in order that they may then consider such submissions and to then, if necessary, react thereto; and
6. all the Bobroffs request is that the Jewish community does not decide in the "court of public opinion" that they are guilty of crimes of fraud before knowing all the correct facts and which facts the SCCU (despite a passage of time of five years) is strangely not prepared to disclose to them.

You are requested to acknowledge receipt hereof.

Yours faithfully

J. J. Cameron

