

"GvN11"
101

THE LAW SOCIETY OF
THE NORTHERN PROVINCES OF SOUTH AFRICA

Complaint by

MATTHEW GRAHAM

First Complainant

JENNIFER GRAHAM

Second Complainant

against

DARREN BOBROFF

First Respondent

RONALD BOBROFF & PARTNERS INCORPORATED

Second Respondent

RONALD BOBROFF

Third Respondent

COMPLAINANTS' REQUEST FOR OUTSTANDING INFORMATION

- 1 Despite repeated requests, the respondents have failed to produce or allow access to the following records:

- 1.1 a printout reflecting all Graham-related¹ entries in the second respondent's electronic fee-billing system as well as access by an independent committee-
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¹ The complainants do not seek access to any records relating to the respondents' own affairs and/or to the affairs of other clients of the respondents. The respondents are invited to score out unrelated line items.

appointed information technology expert to the respondents' computer network for purposes of establishing and compiling a report on when and on which computer:

1.1.1 each of the file notes appearing in the bundle was brought into existence and edited from time to time;² and

1.1.2 each of the entries appearing on the printout (referred to in paragraph 1.1 above) was made and amended from time to time;³

1.2 extracts reflecting all Graham-related⁴ entries in the second respondent's books and records of account (including printouts of ledger accounts and statements in respect of the firm's trust and business accounts) recording:

² pg 32-33 complaint pr 111-112; pg 39 complaint pr 114-115; pg 40 complaint pr 118; pg 45 complaint pr 132.10; pg 46 complaint pr 132.12.5; pg 56-57 complaint pr 155; pg 63 complaint pr 167.6; pg 166-171 ax JG52; pg 221 answer pr 4.12-4.13; pg 235 answer pr 10.13; pg 290-291 reply pr 29; pg 291-293 reply pr 32-34; pg 294 reply pr 41; pg 304-305 reply pr 53.2.1; pg 318-319 reply pr 67.2-68.1; pg 356-357 reply pr 100.2; pg 358 reply pr 102.1; pg 362-364 reply pr 106.2-106.6; pg 365 reply pr 107.6; pg 368 reply pr 109.6; pg 371 reply pr 111.2; pg 372 reply pr 112.6; pg 374 reply pr 116.1; pg 377 reply pr 119.4; pg 406-408 ax JG66; pg 413-415 ax JG70 pr 1, 7; pg 419-420 ax JG73 pr 4; pg 425-427 ax JG78 pr 5; pg 471-473 ax JG60 pr 6, 7.4-7.5; pg 487 ax JG60 pr 15.2; pg 521-526 SA pr 7.5.2-7.12.1; pg 532 SA pr 7.16.5; pg 606 ax G; pg 613-614

³ pg 41 complaint pr 121; pg 45 complaint pr 132.7, 132.10; pg 54 complaint pr 150.2; pg 61 complaint pr 163; pg 277-278 reply pr 7.4; pg 283 reply pr 7.10; pg 286-288 reply pr 20; pg 290-291 reply pr 29; pg 291-293 reply pr 32-34; pg 305-306 reply pr 53.2.2.1; pg 318-319 reply pr 67.2-68.1; pg 321 reply pr 71; pg 322 reply pr 72.4; pg 324 reply pr 73; pg 325 reply pr 74; pg 326 reply pr 75.3; pg 336 reply pr 85.3; pg 338 reply pr 86.1; pg 362-363 reply pr 106.2; pg 373 reply pr 114.6; pg 383 reply pr 130.5; pg 406-408 ax JG66; pg 413-415 ax JG70 pr 1, 5; pg 419-420 ax JG73 pr 4; pg 425-427 ax JG78 pr 6; pg 472-473 ax JG60 pr 7.4-7.5; pg 487 ax JG60 pr 15.2; pg 506 HVD pr 13.4; pg 521-527 SA pr 7.5.3-7.12.3; pg 532 SA pr 7.16.6; pg 606 ax G; pg 613-614

- 1.2.1 the receipt from the Road Accident Fund and any investment by the respondents of the sums of R1,979,952.69 and R293,369.99;
- 1.2.2 the disbursement to third parties and the payment to the complainants of any amounts forming part of such sums;
- 1.2.3 the appropriation as fees by the respondents of any amounts forming part of such sums; and
- 1.2.4 the treatment of interest earned on any amounts forming part of such sums;

1.3 the originals of Jerry Joubert's:

- 1.3.1 certificate dated 3 March 2010; and
- 1.3.2 letter dated 10 August 2011,

copies of which appear in the bundle as annexes RBP8 and RBP9 to the respondents' answer to the complaint;⁵ and

⁴ The complainants do not seek access to any records relating to the respondents' own affairs and/or to the affairs of other clients of the respondents. The respondents are invited to score out unrelated line items.

⁵ pg 490 ax JG60 pr 25-26; pg 496 ax GVN5; pg 527-529 SA pr 7.12.4-7.13; pg 533-545 SA pr 9-42; pg 569 ax JG116; pg 571 ax JG118; pg 572 ax JG119; pg 606 ax G; pg 613-614

1.4 all correspondence and any other documents exchanged between the respondents and the society / the committee in relation to the complaint.⁶

2 The existence of the requested records is not in dispute. Nor is it suggested that they are not in the respondents' possession. It is also not the respondents' case that the requested records are irrelevant. Instead, contrary to the respondents' duties *qua* officers of the court and members of the society,⁷ they are withheld without any justification or on the flawed basis that the complainants are not entitled to them.⁸

3 The respondents set for themselves the standard of "*utmost transparency and accountability to the client*".⁹ The complainants seek to hold them to no higher mark.

4 The committee is requested to direct the respondents to produce the requested records within a period of five court days.

DATED at _____ on this _____ day of _____ 2012

EDWARD NATHAN SONNENBERGS
Attorneys for Complainants

⁶ pg 11 complaint pr 18; pg 417-418 ax JG72; the complainants seek access to only such documents as do not already appear in the bundle

⁷ pg 311-312 reply pr 57.3

⁸ pg 291-292 reply pr 32; pg 419-420 ax JG73 pr 4

⁹ pg 244 answer pr 17.3; pg 284-285 reply pr 16; pg 401-402 ax JG65 pr 1, 6