

IN THE HIGH COURT OF SOUTH AFRICA  
(South Gauteng High Court, Johannesburg)

Case No. 22249/19

In the matter between:

RONALD BOBROFF & PARTNERS INC. (UNDER  
CURATORSHIP)

Plaintiff

and

PHILLIPA JANE LEISEGANG

2nd Defendant

RETURN: SERVICE OF COMBINED SUMMONS

IT IS HEREBY CERTIFIED:

That on the 31 July 2019 at 10h50 at 53 - 6TH STREET,, PARKMORE,, SANDTON being the place of residence of PHILLIPA JANE LEISEGANG a copy of the Combined Summons and Plaintiff's Particulars of Claim was served by affixing it to the principal door at place of residence, as the premises were found locked. After a diligent search and enquiry, no other manner of service was possible at the given address. Rule 4[1](a) (v).

SHERIFF CHARGES/EXPENSES: (You may require that this account be taxed and vouched before payment)

Description	Tariff	QTY	Amount	Description	Tariff	QTY	Amount
COLLECTION AT OFFICE	6.00	1	6.00				
Service	63.00	1	63.00				
Registration & Return	43.50	1	43.50				
Travelling.	5.00	65	325.00				

TO: THE REGISTRAR OF THE HIGH COURT,

Zero rated items	0.00
Sub-total	437.50
VAT	65.62
Total	503.12

Account No.: C10088

TO: CASH SALE  
PRIVATE BAG X9903  
SANDTON

2146

Your Reference: 318-S Bezuidenhout



MR C RYNEVELDT - DEPUTY SHERIFF

(Properly appointed in terms of Section 6(1) of the Sheriff's Act No. 90/1986)

Signed at Sandton on 02/08/19

My Reference: 2019/02/08124.00 / OPR6

Sheriff Sandton South - F R Moeletsi  
P O BOX 67 HALFWAYHOUSE 1685  
Tel: 087 330 0969 Email: accounts@sheriffsandton.co.za  
Standard Bank Acc No.: 012 801 747 DX-127 Randburg  
VAT No./BTW Nr. 4390216432

# TAX INVOICE/BELASTINGFAKTUUR


To/Aan:

CASH SALE  
PRIVATE BAG X9903  
SANDTON

Sheriff Sandton South - F R Moeletsi  
P O BOX 67 HALFWAYHOUSE 1685  
Tel: 087 330 0969 Email: accounts@sheriffsandton.c  
Standard Bank Acc No.: 012 801 747 DX-127 Randb  
VAT No./BTW Nr. : 4390216432.

2146

Client VAT No./Klient BTW Nr.

Date/Datum	Acc No./Rek. Nr.	Case No./Saak Nr.	Invoice No./Faktuur Nr.	My Ref./My Verw.:	Page/Bladsy
2019/08/02	C10088	22249/19	281364/0	2019/02/08124.00	1
Your Ref/U Verw.318-S Bezuidenhout					

Court/Hof: IN THE HIGH COURT OF SOUTH AFRICA

Jurisdiction/Jurisdiksie: (South Gauteng High Court, Johannesburg)

In the matter between:

RONALD BOBROFF & PARTNERS INC. (UNDER CURATORSHIP)

Plaintiff

and  
PHILLIPA JANE LEISEGANG

Defendant

Code/Kode	Description/Beskrywing	Price/Prys	Unit of Measure/Eendh.Qty/	VAT/	Amount/Bedrag
				Hoef.BTW	
COLL	COLLECTION AT OFFICE	6.00/PER CASE	1	15	6.00
DB	Service	63.00/service	1	15	63.00
HR	Registration & Return	43.50/Document	1	15	43.50
TRV	Travelling.	5.00/travelling	65	15	325.00

(You may require that this account be taxed and vouched before payment)

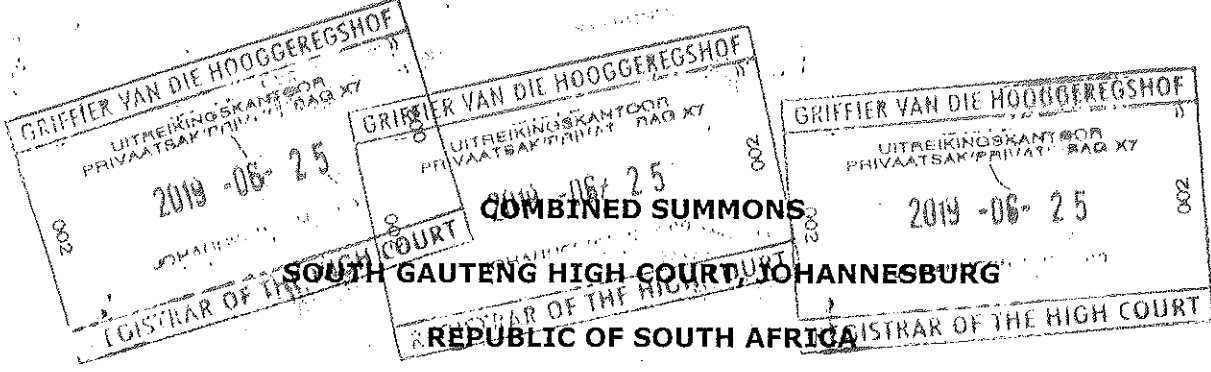
Std Rate / Standaard Koers	437.50
VAT/BTW	65.62
Sub-Total/Sub-Totaal	503.12
Zero Rated Items/Nul Koers Items	0.00
<b>Total/Totaal</b>	<b>503.12</b>

**SERVICE RENDERED ON: COMBINED SUMMONS**

**IT IS HEREBY CERTIFIED:**

That on the 31 July 2019 at 10h50 at 53 - 6TH STREET,, PARKMORE,, SANDTON being the place of residence of PHILLIPA JANE LEISEGANG a copy of the Combined Summons and Plaintiff's Particulars of Claim was served by affixing it to the principal door at place of residence, as the premises were found locked. After a diligent search and enquiry, no other manner of service was possible at the given address. Rule 4[1](a) (v).

**Kredietterme Streng 30 dae - Credit Terms Strictly 30 days**



In the matter between:

**CASE NO:**

2019/22249  
Plaintiff

**RONALD BOBROFF & PARTNERS INC. (UNDER CURATORSHIP)**

and

**GEZINA JOHANNA (ZENOBIA) VENTER**

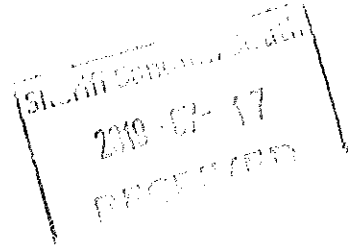
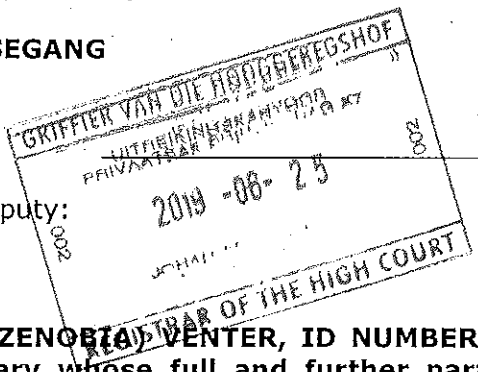
1<sup>ST</sup> Defendant

**PHILLIPA JANE LEISEGANG**

2<sup>ND</sup> Defendant

To the sheriff or his deputy:

**INFORM**



**GEZINA JOHANNA (ZENOBIA) VENTER, ID NUMBER: 5810240053089, an adult female legal secretary whose full and further particulars are to the Plaintiff unknown C/O Taitz and Skikne Attorneys, Genesis Building, lower ground level, 10 Sandler road, Fairmount, Johannesburg**

And to

**PHILLIPA JANE LEISEGANG, an adult female attorney, residing at 53 6<sup>th</sup> Street, Parkmore, Johannesburg.**

(hereinafter called the Defendants) that:

**RONALD BOBROFF & PARTNERS INC., a company duly incorporated in accordance with the Company Laws of the Republic of South Africa and having its principle place of business at Unit 5 Woodlands, 263 Orchard Street, Northcliff, Extension 4, Johannesburg.**

(hereinafter called the Plaintiff), hereby institutes action against Defendants in which action the Plaintiff(s) claim the relief and on the grounds set out in the particulars annexed hereto.

INFORM the Defendants further that if Defendants dispute the claim and wish to defend the action, the Defendants shall -

- (i) Within **10 (TEN) DAYS** of the service upon the Defendants of this summons, file with the registrar of this Court at Pritchard Street, Johannesburg

Notice of Defendants intention to defend and serve a copy thereof on the Attorneys of the Plaintiff(s), which notice shall give an address (not being a post office or poste restante) referred to in rule 19(3) for the service upon the

Defendants of all notices and documents in the action.

- (ii) Thereafter and within twenty days after filing and serving notice of intention to defend as aforesaid, file with the registrar and serve upon the Plaintiff(s) a Plea, Exception, Notice to strike out, with or without a Counter-claim.

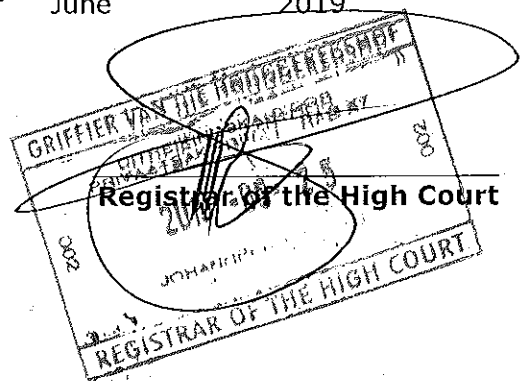
INFORM the Defendants further that if the Defendants fail to file and serve notice as aforesaid, Judgment as claimed may be given against the defendants without further notice to the Defendants, or if having filed and served such notice, the Defendants fail to plead, except, make application to strike out or counter-claim Judgment may be given against the Defendants

AND immediately thereafter serve on the Defendants a copy of this Summons and return same to the Registrar with whatsoever you have done thereupon.

DATED at JOHANNESBURG this the 24th day of June 2019



**RONALD BOBROFF & PARTNERS Inc.**  
**Attorneys for Plaintiff**  
Unit 5 Woodlands  
263 Orchard Street  
Northcliff, Extension 4  
Johannesburg  
Tel: 063 991 0794  
Ref: S BEZUIDENHOUT/MB



**PLAINTIFF'S PARTICULARS OF CLAIM**

1. The plaintiff is:
  - 1.1 **Ronald Bobroff & Partners Inc (under curatorship);**
  - 1.2 a company (registration number 2001/021719/21) having a share capital duly registered and incorporated in accordance with the company laws of the Republic of South Africa, carrying on business as attorneys;
  - 1.3 presently under curatorship by order of the above Honourable Court granted on 24 March 2016 by the Honourable Justice Mabuze. Paragraph 2 of the aforesaid Order reads, inter alia, as follows:

*"That Johan van Staden, the head: members affairs of the applicant or any person nominated by him, be appointed as curator bonis (curator) to administrator and control the accounts of Ronald Bobroff & Partners Inc. Attorneys..."*
  - 1.4 herein represented by the aforesaid Johan van Staden, the current head: practitioners' affairs risk and compliance of the Legal Practice Council, the duly promulgated successor to the Law Society of the Northern Provinces and having his office at Proforum Building, 123 Paul Kruger Street, Pretoria, Gauteng.
2. The first defendant is **Gezina Johanna (Zenobia) Venter**, with identity number 581024 0053 089 an adult female legal assistant, presently employed at Taitz &

Skikne Attorneys, Genesis Building, Lower Ground Level, 10 Sandler Road, Fairmount, Johannesburg, Gauteng, within the jurisdiction of the above Honourable Court.

3. The second defendant is **Phillipa Jane Leisegang**, an adult female attorney presently residing at 53, 6<sup>th</sup> Street, Parkmore, Johannesburg, Gauteng, within the jurisdiction of the above Honourable Court.
4. The defendants have been sued in this action, jointly and severally, as the question arising between them and the plaintiff depends upon the determination of substantially the same question of law or fact which, if such defendants were sued separately, would arise in each separate action.

THE RELEVANT CIRCUMSTANCES AND THE FIRST DEFENDANT'S PARTICULAR WAY OR METHOD OF PERPETRATING THEFT

5. At all times material hereto, in particular during the period January 2011 to September 2015:
  - 5.1 the first defendant was employed by the plaintiff as an assistant/secretary working for and under the control of the second defendant;
  - 5.2 the second defendant was contracted to the plaintiff as a professional assistant/attorney;
  - 5.3 the plaintiff carried on business as attorneys specialising in personal injury and medical negligence matters;
  - 5.4 Maria Magdalena Botha "MM Botha" (with identity number 351226 0002 002) had a bank account in her name with ABSA with account number

5.14 an example of an invoice, "business cheque requisition", cheque and deposit slip is annexed hereto marked "A1" to "A3".

6. During the period January 2011 to March 2016, the first defendant, using the way or method referred to above, caused the total sum of R2,099,500.00 (Two million and ninety nine thousand five hundred rand) to be paid into the account of MM Botha. A schedule detailing each cheque issued in favour of MM Botha is annexed hereto marked "B".
7. By virtue of the foregoing the first defendant unlawfully and intentionally misappropriated the aforesaid amounts, the property of the plaintiff.

#### CLAIM BY PLAINTIFF AGAINST SECOND DEFENDANT ON THE BASIS OF DELICT

8. By virtue of the allegations contained in paragraph 5 above, the second defendant owed a duty of care to the plaintiff to ensure that the aforesaid theft of monies from the plaintiff did not occur. The second defendant breached the aforesaid duty of care and the second defendant's conduct regarding the plaintiff was wrongful.
9. The second defendant was negligent in relation to the plaintiff in one or more or all of the following respects:
  - 9.1 she failed to avoid the theft by the first defendant of the respective amounts referred to in paragraph 6 above, when by the exercise of reasonable care, she could and should have done so;

- 9.2 she failed to ensure that each of the invalid and fictitious invoices, in the name of MM Botha, was genuine;
  - 9.3 she failed to ensure that each fictitious invoice generated was due and payable and related to the specific matter to which that invoice related;
  - 9.4 she failed to ensure that MM Botha was a valid and genuine service provider/medico legal expert instructed by the plaintiff.
10. Accordingly, the first defendant and the second defendant are jointly and severally liable to the plaintiff for the aforesaid loss. The aforesaid loss represents the damages the plaintiff has sustained, caused by the wrongful and unlawful conduct of each of the defendants as aforesaid. The defendants are accordingly, jointly and severally liable to the plaintiff in the amount of R2,099,500.00 (two million and ninety nine thousand five hundred rand) which amount, despite demand, each of the defendants refuse to pay.
11. By virtue of the aforesaid circumstances, it is appropriate that the first defendant and the second defendant pay the costs of this action on an attorney and own client scale.

WHEREFORE the plaintiff claims as against the first defendant and the second defendant, jointly and severally the one paying the other to be absolved, the following:

- a) Payment of the sum of R2,099,500.00 (two million and ninety nine thousand five hundred rand);



M M BOTHA

[M.B. B.Ch. [Wits] M. Med [Psychiatry Wits]

CHILD PSYCHIATRIST // CONSULTING PSYCHIATRIST

165 Partington Road, Northwold, Johannesburg

P O Box 225 Northwold 2125

Tel: [011] 462-5534

Olive Dale Clinic

YOUR REF: P FARRAJ/ZV/7309

Dr. Cocciuti J

28/09/2015.

Dr. Greeff J

RONALD BOBROFF AND PARTNERS INC  
37 ASHFORD ROAD  
ROSEBANK

BY HAND/E-MAIL

RE: J RADIKONYANA / ROAD ACCIDENT FUND

Perusing documentation and report to hand  
Psychiatric consultation and evaluation  
tests compilation medico legal

R8 500.00

TOTAL

R8 500.00

M M BOTHA

BANKING DETAILS:

M M BOTHA

ABSA BANK - FOURWAYS

ACCOUNT NUMBER: 38025580785

Branch name/Clearing code Taknaam/Vergoekode	Subtotal/Subtotaal	
Bank	Total	R 8500.00
ACCEPT THE CONDITIONS PRINTED ON THE REVERSE AANVAAR DIE VOORWAARDES OP KERSY GEDRUK		
Drawers name Trekkers se naam	Total R 8500.00	
Donald Shadi-R. Pillay		
Acc no/Rek no	38025580789	
Dep reference Dep-verwysing	R00160NYANA/73	

70

## Business Cheque Requisition

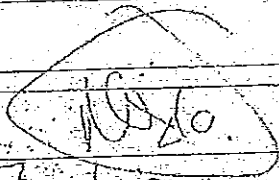
A/C No.			
Date	2015/11/17		
Amount R	8500.00		

PAYEE: M M Botha

CLIENT: J. Radikonyana. (7309)

DETAILS:

A  
Pillay's signature

AUTHORISED:	
REQUISITIONED BY:	Zendoia

CHEQUE DATED:	16/11/15
CHEQUE No.	1566

Pay	7500	ROSI 280000
Retiree		
Amount	7500	R 8500-00
City		
	7500	INSID BROSOFF AND PARTNERS INC 200102171

19 7500 280000 8500-00 7500

7500 *Radikanyana*

1300018710 2620101< 2015/11/17  
 ROSI 800000 PE IPS

20/01/2014	STANDARD BANK	135172	R 8,500.00
29/01/2014	STANDARD BANK	135263	R 17,000.00
29/01/2014	STANDARD BANK	135264	R 8,500.00
29/01/2014	STANDARD BANK	135265	R 8,500.00
12/02/2014	STANDARD BANK	135380	R 8,500.00
12/02/2014	STANDARD BANK	135381	R 8,500.00
03/03/2014	STANDARD BANK	135773	R 8,500.00
03/03/2014	STANDARD BANK	135774	R 8,500.00
10/03/2014	STANDARD BANK	135833	R 8,500.00
10/03/2014	STANDARD BANK	135835	R 8,500.00
10/03/2014	STANDARD BANK	135836	R 8,500.00
13/03/2014	STANDARD BANK	135920	R 8,500.00
13/03/2014	STANDARD BANK	135921	R 8,500.00
25/03/2014	STANDARD BANK	136069	R 8,500.00
27/03/2014	STANDARD BANK	136107	R 8,500.00
27/03/2014	STANDARD BANK	136106	R 8,500.00
27/03/2014	STANDARD BANK	136109	R 8,500.00
09/04/2014	STANDARD BANK	136292	R 8,500.00
15/04/2014	STANDARD BANK	136339	R 8,500.00
23/04/2014	STANDARD BANK	136395	R 8,500.00
09/05/2014	STANDARD BANK	136498	R 8,500.00
26/05/2014	STANDARD BANK	136889	R 8,500.00
26/05/2014	STANDARD BANK	136894	R 8,500.00
26/05/2014	STANDARD BANK	136899	R 17,000.00
04/06/2014	STANDARD BANK	137003	R 17,000.00
11/06/2014	STANDARD BANK	137054	R 17,000.00
18/06/2014	STANDARD BANK	137126	R 8,500.00
26/06/2014	STANDARD BANK	137243	R 8,500.00
26/06/2014	STANDARD BANK	137240	R 8,500.00
26/06/2014	STANDARD BANK	137244	R 17,000.00
02/07/2014	STANDARD BANK	137288	R 17,000.00
02/07/2014	STANDARD BANK	137296	R 8,500.00
04/08/2014	STANDARD BANK	137586	R 8,500.00
04/08/2014	STANDARD BANK	137591	R 8,500.00
13/08/2014	STANDARD BANK	137735	R 8,500.00
13/08/2014	STANDARD BANK	137738	R 8,500.00
13/08/2014	STANDARD BANK	137742	R 17,000.00
22/08/2014	STANDARD BANK	137840	R 8,500.00
11/09/2014	STANDARD BANK	138224	R 17,000.00
23/09/2014	STANDARD BANK	138329	R 8,500.00
23/09/2014	STANDARD BANK	138331	R 17,000.00
02/10/2014	STANDARD BANK	138459	R 17,000.00
02/10/2014	STANDARD BANK	138463	R 8,500.00

24/11/2014	STANDARD BANK	138914	R 8,500.00
24/11/2014	STANDARD BANK	138915	R 8,500.00
27/11/2014	STANDARD BANK	138941	R 8,500.00
10/12/2014	STANDARD BANK	139079	R 8,500.00
10/12/2014	STANDARD BANK	139080	R 8,500.00
21/01/2015	STANDARD BANK	139512	R 8,500.00
21/01/2015	STANDARD BANK	139515	R 8,500.00
21/01/2015	STANDARD BANK	139516	R 8,500.00
21/01/2015	STANDARD BANK	139518	R 8,500.00
18/02/2015	STANDARD BANK	139846	R 8,500.00
02/03/2015	STANDARD BANK	140126	R 8,500.00
02/03/2015	STANDARD BANK	140127	R 8,500.00
02/03/2015	STANDARD BANK	140128	R 8,500.00
18/03/2015	STANDARD BANK	140283	R 8,500.00
18/03/2015	STANDARD BANK	140285	R 8,500.00
15/04/2015	STANDARD BANK	140903	R 8,500.00
16/04/2015	STANDARD BANK	140909	R 8,500.00
21/04/2014	STANDARD BANK	140961	R 8,500.00
30/04/2015	STANDARD BANK	141008	R 8,500.00
30/04/2015	STANDARD BANK	141009	R 8,500.00
30/04/2015	STANDARD BANK	141010	R 8,500.00
13/05/2015	STANDARD BANK	141519	R 8,500.00
13/05/2015	STANDARD BANK	141520	R 8,500.00
27/05/2015	STANDARD BANK	141663	R 8,500.00
27/05/2015	STANDARD BANK	141664	R 8,500.00
27/05/2015	STANDARD BANK	141665	R 8,500.00
04/06/2015	STANDARD BANK	141934	R 17,000.00
04/06/2015	STANDARD BANK	141935	R 8,500.00
26/06/2015	NEDBANK	38	R 8,500.00
26/06/2015	NEDBANK	43	R 8,500.00
26/06/2015	NEDBANK	44	R 8,500.00
26/06/2015	NEDBANK	45	R 8,500.00
28/07/2015	NEDBANK	329	R 8,500.00
28/07/2015	NEDBANK	330	R 8,500.00
13/08/2015	NEDBANK	540	R 8,500.00
13/08/2015	NEDBANK	542	R 17,000.00
13/08/2015	NEDBANK	549	R 8,500.00
25/08/2015	NEDBANK	663	R 8,500.00
25/08/2015	NEDBANK	668	R 8,500.00
25/08/2015	NEDBANK	679	R 8,500.00
16/09/2015	NEDBANK	898	R 8,500.00
16/09/2015	NEDBANK	900	R 8,500.00

29/10/2015	NEDBANK	1387	R 8,500.00
13/11/2015	NEDBANK	1531	R 8,500.00
16/11/2015	NEDBANK	1566	R 8,500.00
23/11/2015	NEDBANK	1623	R 8,500.00
23/11/2015	NEDBANK	1624	R 8,500.00
13/01/2016	NEDBANK	1810	R 8,500.00
13/01/2016	NEDBANK	1811	R 8,500.00
21/01/2016	NEDBANK	1930	R 8,500.00
27/01/2016	NEDBANK	1981	R 8,500.00
27/01/2016	NEDBANK	1983	R 8,500.00
05/02/2016	NEDBANK	2082	R 17,000.00
23/02/2016	NEDBANK	2237	R 8,500.00
01/03/2016	NEDBANK	2284	R 8,500.00
08/03/2016	NEDBANK	2387	R 8,500.00

TOTAL

R 2,099,500.00