

ROLL TWO

CIVIL TRIAL SETTLEMENT ROLL

PRETORIA THIS DAY OF 14 SEPTEMBER 2020

BEFORE THE HONOURABLE JUSTICE NEL AJ:

**THIS COURT SHALL BE CONDUCTED VIRTUALLY ON MICROSOFT TEAMS.
THE FOLLOWING ARRANGEMENTS SHALL APPLY:**

1. See the notes made below each matter.
2. Matters where Nel AJ has not been granted access to Case-Lines or where no documents were uploaded to Case-Lines to date will automatically stand down to **Friday 18 September 2020 at 10h00**.

Attorneys must ensure that all the papers are uploaded on Case-Lines, and that a draft order in Word format is emailed to janette@gkchambers.co.za in addition to the copy uploaded on Case-Lines on or before Tuesday 15 September 2020 at 14h00.

Practitioners are requested to email a practice note containing an email address, name of practitioner appearing, telephone nr, number on roll for purposes of a virtual hearing on Friday 18 September 2020 at 10h00.

Attorneys are requested to send a Case-Lines invitation to NEL AJ in respect of the particular matter to pietnel@gkchambers.co.za.

3. The remaining matters on the roll where practitioners made corrections in accordance with the notes below:

Documents identified in the notes as outstanding should be uploaded on Case-Lines as well as amended draft orders in compliance with the notes below. The amended draft orders should be emailed to janette@gkchambers.co.za with a practice note containing the information mentioned in par 2 above. The order will then be granted and uploaded to case-Lines without the necessity of a virtual appearance, and a copy of the order will be emailed to the attorney of record, or the attorney will be informed by email of a virtual hearing should issues mentioned in the notes below remain unresolved.

4. Should practitioners wish to proceed with the applications without making the amendments and/or file the documents set out in the notes below, they are

requested to email a practice note as aforementioned to the email address provided in par. 2 and 3 above on or before 12h00 on Monday 14 September 2020, and will receive email invitations for a virtual hearing to commence at 14h00 on Monday 14 September 2020.
The practice note should also contain short submissions addressing the notes below.

If no such practice note is received, it will be accepted that issues mentioned in the notes below will be addressed.

A	H M VILJOEN	VS	RAF	47819/18
No access to Case-Lines				
B	Z P MASANGO	VS	RAF	57190/14
No access to Case-Lines				
C	B J VAN DYK	VS	RAF	21609/18
No documents loaded on Case-Lines				
D	V NCWADI	VS	RAF	56461/1
Order already granted by Kubushi J on 19 August 2020				
E	M E MONYEKI	VS	RAF	1446/2013
No documents on Case-Lines				
F	M PHEPHETHA	VS	RAF	12435/12
No access to Case-Lines				

Commented [PN1]:

G	NTULI M L	VS	RAF	1893/16
No access to Case-Lines				
H	D O RAMOKOPELA	VS	RAF	9560/18
No access to Case-Lines				
I	LEKGAU RAMTSOBANE	VS	RAF	8047/17
No access to Case-Lines				
J	MALULEKA J S	VS	RAF	57115/18
No access to Case-Lines				
K	M M BALOYI	VS	RAF	49090/17
No access to Case-Lines				
L	MABUZA M A	VS	RAF	80387/17
No access to Case-Lines				
M	N B MFUNDA	VS	RAF	44727/18
No access to Case-Lines				
N	GP WILLEMSE	VS	RAF	5275/18
No access to Case-Lines				

O	E BEZUIDENHOUT	VS	RAF	31906/18
No access to Case-Lines				
P	M S METHLE	VS	RAF	92351/16
No access to Case-Lines				
Q	Z V NKOSI	VS	RAF	84403/18
No access to Case-Lines				
R	NKOANA T HLAKO	VS	RAF	91150/16
No access to Case-Lines				
S	GJ PHAPO	VS	RAF	7121/18
No access to Case-Lines				
T	DLAMINI	VS	RAF	18379/18
No access to Case-Lines				
U	XOLO V M	VS	RAF	82132/16
No access to Case-Lines				
V	S M NTOMBELA	VS	RAF	4694/19
No access to Case-Lines				

W	ADV M VAN ROOYEN	VS	RAF	100503/15
Report of Curatrix Ad Litem outstanding, Change date on draft order.				
X	B A MAVUSO	VS	RAF	93881/16
Update draft order Draft order provides for 9.75% interest, provide submissions why it should not be 8.75%, or amend draft order in this respect.				
Y	J MOKOENA	VS	RAF	6864/18
Amend draft order as follows: par 1: Defendant is liable for 100% of Plaintiff's proven or agreed damages. Par 3: delete words <i>"unlimited to the expenses incurred thereunder"</i>				
Z	ZAMA B MAGWAZA	VS	RAF	65338/11
Upload the trial bundle with pleadings and medico-legal reports on case-lines. File and upload an affidavit by plaintiff's attorneys that the draft order which has been uploaded was the draft order dispatched to				

defendant by email and was accepted by defendant setting out the terms of the settlement.

Correct the draft order as follows:

Par 1. Remove the words " the settlement of"

Par 2 Add "In par 1."
After the word "amount", change "payable" to "paid", add 'the' before "particulars".

Par 3: Change "will" to "shall"

Z1	MASECHABA A LEBABO	VS	RAF	20435/15
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No documents uploaded on Case-Lines

Z2	N MAZIBUKO	VS	RAF	6862/18
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File a notice in terms of Rule 15 to introduce Nqobile Mazibuko (previously the "minor") as the Plaintiff in place of her mother, as well as a notice of intention to amend the poc accordingly.

Defendant's offer is for R2 683 640.16. The amount in the draft order differs from the tender, and the amount in words is different from the amount in numbers.

Correct draft order as follows: Par. 1:

Defendant is liable for 90% of Plaintiff's proven or agreed damages.

Par 2; Correct the amount.

Par. 3: Change "must" to "shall"; insert "of the Road Accident Fund Act 56 of 1996" after the words " Section 17(4)(a).. "and add "limited to" before "90%"

Par. 4.1 "High court" must be deleted, change "full ..day fees" to "reasonable day fees"

Par. 4.7: "the experts" must read "plaintiff's experts"

Z3	C N MKALIPI	VS	RAF	9621/15
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No access to Case-Lines

Z4	R MASHUDU	VS	RAF	55987/17
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Upload the trial bundle with pleadings and merits bundles on case-lines.

File and upload an affidavit by plaintiff's attorneys stating that the draft order which has been uploaded was the draft order dispatched to defendant by email and

was accepted by
defendant setting out the
terms of the settlement.

Correct the draft order as
follows:

Delete "having heard
counsel for both parties".

Par. 1: Add "or agreed"
after "proven".

Par. 2.1: Change "full
High court days fees." To
"reasonable day fees for
trial on ..'specify trial
date/s".

Par. 4.3: Choose
between 7% or the
prescribed mora interest
rate published by the
Minister of Justice in
terms of the Prescribed
Rate of Interest Act,
1975. (Add full reference
to Act and Minister as set
out above.

Par. 6: Delete. Add a
new par 1 to read as
follows: " merits and
quantum are separated
in terms of Rule 33(4)
and quantum is
postponed *sine die*."

Z5	SETSHEGO E M	VS	RAF	64444/17
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No access to Case-Lines

Z6	S P KHATHI	VS	RAF	51291/18
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The joint settlement memorandum does not comply with the directives and contain incorrect submissions i.e. incorrect date of accident in par 2, referring to plaintiff as "her" instead of "him" in par 1.3.

Amend and correct the joint settlement memorandum and indicate therein whether Plaintiff has accepted the rejection of general damages. If general damages was or is going to be referred to the HPCSA, make provision for separation thereof in the draft order, otherwise incorporate the words "full and final settlement of Plaintiff's claim" in the draft order.

Correct the draft order:

Par 1: "Defendant is liable for 80%.."

Par 2: Delete "further" and change "Loss of Earnings Settlement" to "loss of earnings" "On or before 180 days" correct to "within 180 days from date of this order"

Par 3: "Defendant **shall** furnish..."

Par 4: Delete "subject to the discretion of the Taxing Master" The context in which it is used render the order ambiguous.

Par.4 Amend "In the event that costs are not agreed, the parties agree as follows" to "In the event that the bill of costs are not settled prior to taxation thereof."

Par 4.3: Change "greed" to "settled"

Par 5. Delete and replace with "The costs shall include:"

Add a separate paragraph to make provision for costs to be paid into attorney's trust account.

Par. 6: "Attorney" should be "attorney".

Z7	KHUMALO N G	VS	RAF	26458/18
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No access to Case-Lines

Z8	LEHLAKE C MANTOA	VS	RAF	78071/15
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No documents uploaded on Case-Lines

Z9	B HIESTERMAN	VS	RAF	65492/19
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No documents uploaded on Case-Lines.

Z10	L K MOTHIBEDI	VS	RAF	97001/15
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The joint memorandum incorrectly reflects the general damages settlement as R500 000 in stead of R600 000. File an amended joint settlement memorandum.

Par. 5.2.3 of the Draft Order is ambiguous. Change to "Appearance at the unopposed settlement roll".

Z11	X TSHEPO	VS	RAF	29164/15
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No access to Case-Lines

Z12	SEAKAMELA M G	VS	RAF	46384/15
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No access to Case-Lines

Z13	MAHLANGU B	VS	RAF	11878/18
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Upload full trial bundle on Case-Lines.

Correct draft order as follows:

Delete "general damages" in par 1- the settlement was only in respect of loss of earnings.

Correct par 5.2.3 as indicated in note to matter Z12 above.

Z14	NH NGWENYA	VS	RAF	90882/15
No access to Case-Lines				
Z15	KHATHU A MOFOKENG	VS	RAF	47469/15
Pretorius J has already confirmed in her order dated 21 August 2018 that a compliant contingency fee agreement exists. It is suggested that par 5 of the current draft order be deleted.				
Z16	G MANAMELA	VS	RAF	63176/16
Defendant's consent to the terms of the draft order is outstanding.				
Z17	N NCANLASHE	VS	RAF	14844/18
The minor child has attained majority. File a Rule 15 notice and amend particulars of claim and draft order.				
Z18	DIANA KAISI	VS	RAF	20436/14
No documents were uploaded on Case-Lines				