

"FA15"



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14 November 2018

Dear Sirs

SOUTH AFRICAN NATIONAL ROADS AGENCY ("SANRAL") // VARIOUS DEFENDANTS ("your clients / the defendants")

- 1 We refer to your letter ("your letter") dated 12 November 2018.
- 2 The very purpose behind the preparation of Fact Statements and Responses thereto was to obviate the need formally to transfer the Magistrate Court matters to the High Court, consolidate these matters with the High Court matters and to avoid the delay in progressing the test case that would flow as a consequence. The Facts Statements and responses were designed to enable the defendants' participation in the test case to take place on an agreed basis. You have now proposed that these defendants should bring a formal intervention application. We do not agree.
- 3 Further directions are clearly required on this issue, and as appears from paragraph 2.2.4 of the Minute of the First Case Management Meeting with Judge Tolmay (held on 16 August 2018), if the parties are unable to reach agreement in this regard, the issue of consolidation of the Magistrate Court matters with the High Court matters is to be referred back to Judge Tolmay.
- 4 We accordingly intend to approach Judge Tolmay to request a second case management meeting for directions with regard to –
 - 4.1 the Magistrates' Court matters, including issues pertaining to the Statements of Fact and your clients' contention that the Magistrates' Court defendants formally intervene in the High Court consolidated case;
 - 4.2 the procedures to be followed in bringing the matter to trial (for example, whether the matter is to proceed on affidavit or by way of trial proceedings); and

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- 4.3 a timetable leading up the trial of the separated test case, including dates for pre-trial meetings (at which meetings, matters such as requests for admissions may be discussed), further case management meetings and other issues relating to the Fact Statements and Responses thereto.
- 5 As regards the content of paragraphs 7 to 9 of your letter, the content thereof has been noted. We will accordingly deliver our client's amended pages in the matters where Rule 28(3) Notices were received from your various clients.

Yours faithfully

A handwritten signature in black ink, appearing to be 'S. Werksmans', written over a horizontal line.

Werksmans Inc

Handwritten initials 'SW' and the number '2'.