

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF **KUILS RIVER**

HELD AT **KUILS RIVER**

Case no: 863/2020

In the matter between:

SEALTEK CAPE (PTY) LTD

Plaintiff

and

SONET FITCHAT

Defendant

FILING NOTICE

BE PLEASED TO TAKE NOTE that the Plaintiff's Discovery Affidavit is filed herewith.

DATED at BRACKENFELL on this 19th day of NOVEMBER 2020.



FPS ATTORNEYS

Attorneys for Plaintiff

Per: **LOUIS LOURENS**

8 Gert Kotze Street

BRACKENFELLI

Tel: 021 982 0665

E-mail: louis@fpslaw.co.za

(Ref: LL/nh/MAT1814)

TO: THE CLERK OF THE COURT

Magistrates Court

KUILSRIVER

AND TO: SONET FITCHAT

91 FRANGIPANI STREET,

KLEINBRON ESTATE,

BRACKENFELL

BY EMAIL: sonet@cluedapp.co.za

**IN THE MAGISTRATES COURT FOR THE DISTRICT OF KUILSRIVER
HELD AT KUILSRIVER**

Case No: 863/2020

In the matter between:

SEALTEK CAPE (PTY) LTD

Plaintiff

and

SONET FITCHAT

Defendant

PLAINTIFF'S DISCOVERY AFFIDAVIT

I, the undersigned

CHARL JOHNSEN

do hereby make oath and say that:

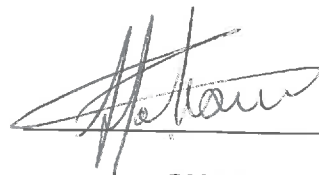
1. I am an adult male and a Director of the Plaintiff in the matter in the above Honourable Court under the above case number and accordingly duly authorised to depose to this affidavit.

FPS ATTORNEYS
Tel: 021 982 0665
Ref: L Lourens/NH/MAT1814



2. The facts contained herein fall within my personal knowledge, unless the contrary appears clearly from the context, and are both true and correct.
3. The plaintiff has in its possession or under its control documents relating to this action, which the plaintiff intends to use or which tends to prove or disprove both parties' case, and which are set out in **schedule one** and **schedule two** hereto.
4. I object to the discovery of the documents set out in schedule two on the basis that it is privileged for the reasons that will appear from the aforesaid schedule itself.
5. To the best of my knowledge, information and belief, The Plaintiff does not have now and never had in its possession, custody or power, any documents relating to this other than the documents set out in the said schedules.

DATED at BRACKENFELL on this 19TH day of NOVEMBER 2020.



CHARL JOHNSEN



I certify that:

- 1) The Deponent acknowledged to me that:
 - a) he knows and understands the contents of this Declaration;
 - b) he has no objection to taking the prescribed oath;
 - c) he considers the prescribed oath to be binding on her conscience.
- 2) The Deponent thereafter uttered the words:

"I swear that the contents of this Declaration are true, so help me God"

- 3) The Deponent signed this Declaration in my presence at the address set out hereunder on this 19th day of NOVEMBER 2020.



COMMISSIONER OF OATHS

MARLI GELDENHUYS

Commissioner of Oaths
Practicing Attorney
12 Gert Kotze Str, Brackenfell



SCHEDULE ONE

NO.	DESCRIPTION	ORIGINAL/COPY
1.	Pleadings and Notices	
1.1	All pleadings and notices filed in the Magistrate court for the district Kuilsriver held at Kuilsriver under case number 863/2020	O/C
2.	Correspondence	
2.1	Email dated 8 October 2019 from Sonet Fitchat to SEALTEK CAPE (PTY)LTD	C
2.2	Email dated 10 October 2019 from SEALTEK CAPE (PTY)LTD to Sonet Fitchat	C
2.3	Email dated 10 October 2019 from Sonet Fitchat to SEALTEK CAPE (PTY)LTD	C
2.4	Emails dated 14 October 2019 from Sonet Fitchat to SEALTEK CAPE (PTY)LTD	C
2.5	Emails dated 14 October 2019 from SEALTEK CAPE (PTY)LTD to Sonet Fitchat	C
2.6	Emails dated 15 October 2019 from Sonet Fitchat to SEALTEK CAPE (PTY)LTD	C
2.7	Emails dated 15 October 2019 from SEALTEK CAPE (PTY)LTD to Sonet Fitchat	C
2.8	Emails dated 17 October 2019 from Louis Lourens at FPS Attorneys to Sonet Fitchat	C
2.9	LETTER OF DEMAND dated 17 October 2019 from	C

FPS ATTORNEYS

Tel: 021 982 0665

Ref: L Lourens/NH/mat1450

	Louis Lourens at FPS Attorneys to Sonet Fitchat	
2.10	Emails dated 21 October 2019 from Theo Fitchat to SEALTEK CAPE (PTY)LTD	C
2.11	Emails dated 22 October 2019 from SEALTEK CAPE (PTY)LTD to Sonet Fitchat	C
2.12	Emails dated 22 October 2019 from Sonet Fitchat to SEALTEK CAPE (PTY)LTD	C
2.13	Emails dated 29 October 2019 from Louis Lourens at FPS Attorneys to Sonet Fitchat	C
2.14	Letter in response to letter of demand from Venter Van Eeden Attorneys to FPS Attorneys dated 12 November 2019	C
2.15	Email dated 13 November 2019 from Louis Lourens at FPS Attorneys to Anthea Pienaar-Julius from Venter Van Eeden Attorneys	C
2.16	Email dated 13 November 2019 from Duard Robbertse from Venter Van Eeden Attorneys to Louis Lourens at FPS Attorneys	C
2.17	Email dated 14 November 2019 from Louis Lourens at FPS Attorneys to Duard Robbertse from Venter Van Eeden Attorneys	C
2.18	Email dated 14 November 2019 from Duard Robbertse from Venter Van Eeden Attorneys to Louis Lourens at FPS Attorneys	C

FPS ATTORNEYS

Tel: 021 982 0665

Ref: L Lourens/NH/mat1450

2.19	Email dated 15 November 2019 from Louis Lourens at FPS Attorneys to Duard Robbertse from Venter Van Eeden Attorneys	C
2.20	Email dated 21 November 2019 from Duard Robbertse from Venter Van Eeden Attorneys to Louis Lourens at FPS Attorneys	C
2.21	Email dated 27 November 2019 from Louis Lourens at FPS Attorneys to Anthea Pienaar-Julius from Venter Van Eeden Attorneys	C
2.22	Email dated 3 December 2019 from Louis Lourens at FPS Attorneys to Anthea Pienaar-Julius from Venter Van Eeden Attorneys	C
2.23	Email dated 10 December 2019 from Louis Lourens at FPS Attorneys to Anthea Pienaar-Julius from Venter Van Eeden Attorneys	C
2.24	Email dated 10 December 2019 from Carol skuce from Venter Van Eeden Attorneys to Louis Lourens at FPS Attorneys	C
2.25	Email dated 10 December 2019 from Sonet Fitchat to Louis Lourens at FPS Attorneys	C
2.26	Email dated 11 December 2019 from Louis Lourens at FPS Attorneys to Sonet Fitchat	C
2.27	Email dated 11 December 2019 from Sonet Fitchat to Louis Lourens at FPS Attorneys	C

FPS ATTORNEYS

Tel: 021 982 0665

Ref: L Lourens/NH/mat1450

2.28	Email dated 12 December 2019 from Louis Lourens at FPS Attorneys to Sonet Fitchat	C
2.29	Email dated 12 December 2019 from Sonet Fitchat to Louis Lourens at FPS Attorneys	C
2.30	LETTER OF DEMAND dated 11 MARCH 2020 from Louis Lourens at FPS Attorneys to Sonet Fitchat	
2.31	Letter in response to Summons dated 13 March 2020 from Laverne Portelas at Tiefenthaler Attorneys to Louis Lourens at FPS Attorneys	C
2.32	Email dated 13 March 2020 from Laverne Portelas at Tiefenthaler Attorneys to Louis Lourens at FPS Attorneys	C
2.33	Email dated 18 March 2020 from Laverne Portelas at Tiefenthaler Attorneys to Louis Lourens at FPS Attorneys	C
2.34	Letter Dated 9 April 2020 from Laverne Portelas at Tiefenthaler Attorneys to Louis Lourens at FPS Attorneys	C
2.35	Email dated 9 April 2020 from Laverne Portelas at Tiefenthaler Attorneys to Louis Lourens at FPS Attorneys	C
2.36	Email dated 14 April 2020 from Laverne Portelas at Tiefenthaler Attorneys to Louis Lourens at FPS Attorneys	C

2.37	Email dated 15 April 2020 from Louis Lourens at FPS Attorneys to Laverne Portelas at Tiefenthaler Attorneys	C
2.38	Email dated 17 April 2020 from Laverne Portelas at Tiefenthaler Attorneys to Louis Lourens at FPS Attorneys	C
2.39	Email dated 20 April 2020 from Louis Lourens at FPS Attorneys to Laverne Portelas at Tiefenthaler Attorneys	C
2.40	Emails dated 20 April 2020 from Laverne Portelas at Tiefenthaler Attorneys to Louis Lourens at FPS Attorneys	C
2.41	Emails dated 04 May 2020 from Laverne Portelas at Tiefenthaler Attorneys to Louis Lourens at FPS Attorneys	C
2.42	Email dated 21 May 2020 from Louis Lourens at FPS Attorneys to Laverne Portelas at Tiefenthaler Attorneys	C
2.43	Emails dated 22 May 2020 from Laverne Portelas at Tiefenthaler Attorneys to Louis Lourens at FPS Attorneys	C
2.44	Email dated 01 June 2020 from Louis Lourens at FPS Attorneys to Laverne Portelas at Tiefenthaler Attorneys	C
2.45	Emails dated 01 June 2020 from Laverne Portelas at Tiefenthaler Attorneys to Louis Lourens at FPS Attorneys	C
2.46	Emails dated 03 June 2020 from Laverne Portelas at	C

	Tiefenthaler Attorneys to Louis Lourens at FPS Attorneys (Notice of withdrawal)	
2.47	Email dated 05 November 2020 from Sonet Fitchat to Louis Lourens at FPS Attorneys	C
3.	Evidence	
3.1	SEALTEK CAPE (PTY)LTD Quote for: 91 Frangipani street (quotation: 190819)) dated 19 August 2019	O/C
3.2	SEALTEK CAPE (PTY)LTD invoice for: 91 Frangipani street (INV 0000479) dated 10 September 2019	O/C
3.3	SEALTEK CAPE (PTY)LTD invoice for: 91 Frangipani street (INV 0000451) dated 10 September 2019	O/C
3.4	SEALTEK CAPE (PTY)LTD invoice for: 91 Frangipani street (INV 0000453) dated 10 September 2019	O/C

SCHEDULE TWO

1. Correspondence between attorney and client containing communications of a confidential nature with the object of obtaining and furnishing legal advice, reporting and requesting and furnishing of instructions from time to time, which correspondence is by its nature privileged.
2. Statements and reports obtained from ordinary and expert witnesses, inclusive of correspondence and documents in relation to the evidence to be used and in relation to information which might lead to the obtaining of such evidence or otherwise to enable the Plaintiffs' case in this action to be conducted, which statements, reports and correspondence and documents are by their nature privileged.
3. Instructions and memoranda to Counsel, cases for the opinion of Counsel, notes and memoranda from Counsel, drafts of documents and pleadings given upon such instructions and all briefs to Counsel, solely for the purpose of obtaining or furnishing to the Plaintiffs or their attorney's legal advice in relation to these proceedings or which have been made confidential in relation to the matter in question in this action, which said documents are by their nature privileged.
4. Without prejudice correspondence that has come into existence by attempting to settle this matter prior to going to trial.



5. All other documents and correspondence brought into existence to enable the Plaintiffs' case in this action to be concluded, which are by their nature privileged in respect of the proceedings between the parties, inclusive of the file cover and notes thereon of Plaintiffs' attorneys.

