

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

CASE NO: 10562/2022

In the matter between:

RUBEN THEODOR FITCHAT

Plaintiff

and

MARINÉ FRANKEN

Defendant

**Minutes of meeting in preparation of Pre-Trial in terms of section 54 Read with
Rule 25 of the Magistrates' Courts Act, 1944 (Act 32 of 1944)**

For Plaintiff: RUBEN THEODOR FITCHAT

For Defendant: ANDRE VAN ZYL, VAN ZYL LAW INC

At the Meeting in preparation of the Pre-trial conference, held on **15 MARCH 2023** between the parties and/or their representatives, the following was agreed upon:

1. Simplification of the issues

1.1. Issues which have been admitted and are now common cause between the parties?

THE CITATION OF THE PARTIES.

Plaintiff only:

THE JURISDICTION OF THE ABOVE HONOURABLE COURT.

1.2. Issues which are still in dispute?



Disputes as listed by Plaintiff:

- **WHETHER THE DEFENDANT DEFAMED THE PLAINTIFF BY ALLEGING TO THE KLEINBRON ESTATE MANAGEMENT THAT THE PLAINTIFF WAS RECORDING HER DAUGHTER'S BEDROOM WITH HIS CCTV.**
- **WHETHER THE DEFENDANT COMMITTED PERJURY AND ABUSE OF PROCESS WHEN SHE INITIATED A CSOS (COMMUNITY SCHEMES OMBUD SERVICE) APPLICATION AGAINST THE PLAINTIFF, IN WHICH SHE AGAIN ALLEGED THAT THE PLAINTIFF WAS RECORDING HER DAUGHTER'S BEDROOM WITH HIS CCTV.**
- **WHETHER THE DEFENDANT COMMITTED PERJURY AS A WITNESS IN ANOTHER CIVIL CASE (1399/2022), IN WHICH SHE CLAIMED THAT SHE SAW THE PLAINTIFF RECORDING A NEIGHBOUR'S CHILD IN A TOWEL.**
- **WHETHER KLEINBRON ESTATE INITIATED A CSOS CASE AGAINST THE PLAINTIFF IN RESPONSE TO THE DEFENDANT'S ALLEGATIONS THAT THE PLAINTIFF WAS RECORDING HER DAUGHTER'S BEDROOM.**
- **WHETHER THE DEFENDANT IS INVOLVED IN ORGANISED CRIME.**
- **WHETHER THE PLAINTIFF HAS DEFAMED THE DEFENDANT BY REPORTING HER ACTIONS TO VARIOUS LAW ENFORCEMENT AGENCIES AND AUTHORITIES, SUCH AS THE HAWKS.**
- **WHETHER THE DEFENDANT AND HER CO-HARASSERS HARASSED THE PLAINTIFF BY ILLEGALLY THREATENING HIM WITH ACTION FROM VARIOUS AUTHORITIES, SUCH AS THE ECONOMIC FREEDOM FIGHTERS POLITICAL PARTY.**



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- **WHETHER THE PLAINTIFF DEFAMED THE DEFENDANT BY REPORTING THE DEFENDANT'S ACTIONS TO THE ECONOMIC FREEDOM FIGHTERS POLITICAL PARTY AND THAT THE DEFENDANT WAS USING THEIR NAME TO HARASS THE PLAINTIFF.**

Disputes as listed by Defendant:

- **WHETHER THE PLAINTIFF HAS DEFAMED THE DEFENDANT BY REPORTING HER ACTIONS TO VARIOUS LAW ENFORCEMENT AGENCIES, AUTHORITIES, THE PRESIDENCY OF SOUTH AFRICA, THE SOUTH AFRICAN TREASURY, THE MANAGEMENT OF KLEINBRON ESTATE, THE ECONOMIC FREEDOM FIGHTERS POLICAL PARTY AND OTHER PARTIES NOT KNOWN BY THE DEFENDANT BY MASS EMAIL AND NOT IN ACCORDANCE WITH THEIR REPORTING PROCESSES.**
- **THE MONETARY JURISDICTION OF THE ABOVE HONOURABLE COURT, BEING A DISTRICT COURT.**
- **HAVE THE CAMERAS POINTED TOWARDS THE DEFENDANT'S HOUSE INFRINGED ON HER AND HER FAMILY'S RIGHT TO PRIVACY.**

1.3 What is the prospect of settlement and what attempts have been made by the parties to resolve outstanding issues?

NO PROSPECT OF SETTLEMENT AT THIS STAGE.

1.4 Are there any issues which may conveniently be decided separately and prior to hearing the other issues?

NO

1.5 Who has the duty to begin?

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THE PLAINTIFF

1.6 Do any of the parties foresee any prejudice resulting from non-compliance with the Rules? **NO**

1.7. Is there any agreement regarding the production of evidence by way of affidavit?

Plaintiff:

THE PLAINTIFF DISCLOSED ALL HIS EVIDENCE TO THE DEFENDANT ON 17 FEBRUARY 2023.

Defendant:

NOT AT THIS STAGE BUT AN AGREEMENT MAY BE REACHED AT A LATER STAGE.

1.8. Has discovery taken place, and has such discovery been adequate and in accordance with the Rules?

Plaintiff:

SEE PREVIOUS COMMENT

Defendant:

DEFENDANT STILL TO DISCOVER AS AT DATE OF THIS PRE TRIAL MINUTE

1.9. Are there any other documents that will be used at the trial?

Plaintiff:

SAVE FOR THOSE DOCUMENTS DISCOVERED, NO.

Defendant:

AT THIS STAGE ONLY THOSE DISCOVERED BY THE PLAINTIFF AND STILL TO BE DISCOVERED BY THE DEFENDANT. ADDITIONAL DISCOVERY MIGHT BE NEEDED BY THE PARTIES CLOSER TO TRIAL

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1.10. Who is responsible for preparation of the bundles?

THE PLAINTIFF

1.11 Is there any agreement regarding authenticity of any of the documents, and whether any document may be used without need of proving same?

NONE IS FORESEEN AT THIS STAGE

1.12. Will any photograph or plan or drawing be used, and have the Rules been complied with?

YES

1.13. Is an inspection in loco necessary?

Plaintiff:

NO INSPECTION NECESSARY AND NONE WILL BE GRANTED

Defendant:

POSSIBLY YES

1.14. Expected duration of the trial?

2 DAYS

2 The necessity or desirability of amendments to the pleadings

2.1 Plaintiff:

NONE IS FORESEEN AT THIS STAGE

2.2 Defendant:

NONE IS FORESEEN AT THIS STAGE

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3 The possibility of obtaining admissions of fact and of documents with a view to avoiding unnecessary proof

3.1 Facts admitted by the plaintiff

OTHER THAN THOSE STATED IN THE PARTICULARS OF CLAIM, NONE.

3.2 Facts admitted by the defendant

OTHER THAN THOSE IN THE DEFENDANT'S PLEADING AND COUNTERCLAIM, NONE.

3.3 Whether it is necessary that either or all the parties request for / supply further particulars strictly necessary to prepare for trial:

Plaintiff:

NO

Defendant:

NOT AT THIS STAGE

The limitation of the number of witnesses

4.1 How many witnesses does the Plaintiff intend to call :

ONE, BUT THE PLAINTIFF RESERVES HIS RIGHT TO CALL MORE

4.2 How many witnesses does the Defendant intend to call:

THREE, BUT THE DEFENDANT RESERVES THE RIGHT TO CALL MORE OR LESS

4.3 Are the witnesses available?

YES

4.4 Are the parties willing to exchange witness statements?

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YES

4.5 Do either of the parties intend to call expert witness/es?

Plaintiff:

NO

Defendant:

NOT AT THIS STAGE, BUT COULD BE NECESSARY AT A LATER STAGE

4.6 Has Rule 24 been complied with?

Plaintiff:

YES

Defendant:

NOT AT THIS STAGE

4.7 Will the respective experts be meeting before the trial date in an attempt to limit the issues for determination by the court?

Plaintiff:

NO EXPERTS TO BE CALLED

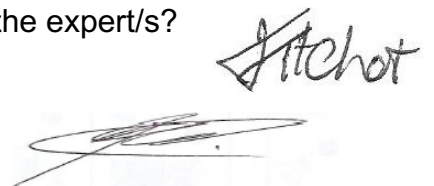
Defendant:

YES, IF EXPERTS ARE CALLED

4.8 The feasibility and reasonableness that a joint expert be appointed by the parties in respect of any issue.

NO

4.9 Briefly, what is the nature of the evidence to be given by the expert/s?



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Plaintiff:

NO EXPERTS TO BE CALLED

Defendant:

TO BE CONFIRMED AT A LATER STAGE, SHOULD EXPERTS BE CALLED

5. Will any interpreters be required? If so, what language?

NO

6. Such other matters as may aid in the disposal of the action in the most expeditious and least costly manner?

NONE

7. Upon signature hereof, the parties admit the action taken at the meeting, and agree that these minutes shall be binding on the parties once made an order of court, unless altered at the trial to prevent manifest injustice.

Agreed to by the parties at **BRACKENFELL** on this **15TH** day of **MARCH 2023**.



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For the Plaintiff



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For the Defendant

After having considered these minutes, it is made an order of this court.



Matter declared trial ready. Trial Date Allocated: _____

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Magistrate, Kuils River

Jitchot
