

Dear Mr Babile and Mr Jansen,

Can you please forward the following email to Magistrate Jacobs?

It is urgent.

Kind regards,

Sonet Fitchat

Dear Magistrate Jacobs,

I am the self-represented Defendant in case 863/2020, SealTek Cape v Sonet Fitchat.

SealTek Cape is represented by FPS Attorneys. I will print a copy of this document for FPS Attorneys, and bring it with me on the next trial date, in order for FPS Attorneys to give their input on the matter.

At the next trial date, I would like to discuss the possibility of allocating enough consecutive trial dates in order to finalise the matter as soon as possible, for the reasons given below.

I have been increasingly harassed by a number of people since the end of 2019. I suspect the harassers have been hired by the owner of SealTek Cape, Mr Charl Johnsen, to harass me into settling the abovementioned case. My husband, Mr Fitchat, is in the process of taking legal action against the harassers.

I also think the Plaintiff's attorneys, FPS Attorneys, have a conflict of interest in this case.

After the Plaintiff worked at the Defendant's house, my husband, Mr Fitchat, posted numerous negative reviews of SealTek and their director, Mr Johnsen, online between October 2019 and March 2020 (**Addendum A**).

Mr Fitchat also negatively mentioned FPS Attorneys in some of the reviews, after FPS Attorneys attended an inspection at the Defendant's house with SealTek's representative, Mr Johnson, in November 2019 (**Addendum B**).

Mr Fitchat received two letters of demand from Mr Johnsen and SealTek Cape through two different sets of attorneys (FPS and Abrahams & Gross) for him to remove his posts (**Addendum C & Addendum D**).

Mr Fitchat was informed by his attorney at the time that three sets of attorneys would take legal action against him if he posted anything online about them, one being FPS Attorneys, of whom he had already posted a negative comment (**Addendum E**).

Mr Fitchat removed the post, because we were unable to handle two lawsuits at that time.

FPS Attorneys have attempted to delay this matter numerous times.

We have had 9 trial dates booked so far over the past nearly 2 years, of which only 2 dates resulted in a party actually giving testimony in court.

1. **13/05/2021** Trial delay by “mutual consent”. I thought my expert witness had to be present on the first day, but he was not available, so FPS Attorneys said we must rather delay because the Magistrate would probably not allow the trial to proceed if my expert witness is not available. I contend FPS knew my expert witness would not be testifying on the first day, and they used my lack of knowledge about the process to cancel that day’s trial and extend the matter (**Addendum F**).

Also, the Plaintiff had not even sent an independent expert witness to write a report about the Plaintiff’s work at my house by this first trial date. The Plaintiff only sent an independent witness to my house after I asked him in an email 3 months later if and when he would be sending someone (**Addendum G**).

I don’t think I was obliged to allow SealTek an inspection at that time, because we had already allowed them to do an inspection in November 2019, and they chose not to bring an expert witness at the time. But I did allow them a second inspection in order for them to gather their evidence and prepare their case.

2. **09/09/2021** Covid – no trials.
3. **18/11/2021** Mr Johnsen testified, but did not bring a copy of his evidence for me.
4. **17/03/2022** The Plaintiff had still not given me their evidence, so the trial was canceled.
5. **02/06/2022** 2nd on roll. FPS indicated that the people who were 1st on the roll would probably go ahead, so we were taken off the roll (**Addendum H**).
6. **28/06/2022** Mr Johnsen testified
7. **25/10/2022** FPS emailed me and said that the Plaintiff’s advocate was not available (**Addendum I**).
8. **27/10/2022** Magistrate Jacobs was sick, so another magistrate let us book new dates.
9. **17/11/2022** This date was initially arranged by FPS, and they apparently had to email Mr Jansen to book it. FPS indicated that Mr Jansen apparently later indicated to them that Magistrate Jacobs had not received the email to book the date, so the date was not booked (**Addendum I & Addendum J**).

10.17/01/2023

11.14/02/2023

12.21/02/2023

Taking into account how much we have been able to complete in one court day so far, I estimate that the trial will still take another 9 days:

- Plaintiff's remaining testimony – 2 days (\pm 6 hours)
- Cross-examination of Plaintiff – 2 days (\pm 6 hours)
- Plaintiff's 2 witnesses and cross-examination – 2 days (\pm 6 hours)
- Defendant's testimony – 1 day (\pm 3 hours)
- Cross-examination of Defendant – 1 day (\pm 3 hours)
- Defendant's expert witness and cross-examination – 1 day (\pm 3 hours)

If we only get a trial date once every 3 months, and if most of them get cancelled, then this case will probably only be finalised in about 10 years.

We currently have 3 trial dates booked – 17 January 2023, 14 February 2023 and 21 February 2023.

I do not know how serious FPS Attorneys' conflict of interest is, but since we are already at the trial stage, and the trial is in any case being run by Advocate Viljoen, I suppose the only role FPS Attorneys play at the moment is to arrange trial dates, and the only "harm" they can do is delay tactics to prevent the trial from moving forward.

The only reason I am mentioning FPS Attorneys' conflict of interest is as motivation to be allocated enough consecutive trial dates as possible to finalise the matter, and to prevent any further delays.

Another potential delay can be caused by load shedding. On our next trial date, 17 January 2023, there is load shedding 10:00-12:30 in Kuilsriver if we are on stage 4. The high stage of load shedding that will continue for the foreseeable future is probably going to delay this case even further.

Is it possible for us to continue with the trial during load shedding, such as the trial being recorded on a laptop and then moving the file over to the court's computer at the end of load shedding?

Kind regards,

Sonet Fitchat