

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

CASE NO: 1399/2022

In the matter between:

RUBEN THEODOR FITCHAT

Plaintiff

and

TYRONE JOHNSON

Defendant

NOTICE OF INTENTION TO TAX BILL OF COSTS

TAKE NOTICE THAT the Defendant intends submitting the attached bill of costs to the taxing master at the Magistrates Court, Kuilsriver for taxation.

PLEASE TAKE NOTICE THAT you may inspect the documents or notes pertaining to any item on the attached bill of costs at the offices of Rianna Willemse Solms Inc, 79 Tygerberg Street, Kenridge, Durbanville, Cape Town, between the hours of 9h00 and 16h00 (by appointment), for a period of ten (10) days after receipt of this notice.

PLEASE TAKE FURTHER NOTICE THAT you may furthermore file a notice of intention to oppose the taxation within twenty (20) days after receipt of this notice. In your notice of intention to oppose, you shall list all the items on the bill of costs to which you object, and a brief summary of the reason for the objection. Should you fail to file your notice of intention to oppose within the time specified, the bill of costs will be submitted to the taxing master for taxation without further notice to you

If you do give notice of intention to oppose within the specified time, you may at the taxation object to the items specified in your notice of opposition.

DATED AT KENRIDGE on this 14th day of SEPTEMBER 2023



Per: Francis Erasmus

RIANNA WILLEMSE SOLMS INC

Defendant's Attorneys

79 TAFELBERG ROAD, KENRIDGE,

DURBANVILLE, CAPE TOWN

REF: F Erasmus

Email: francis@rwslaw.co.za /

rianna@rwslawco.za / admin1@rwslaw.co.za

**TO: THE CLERK OF THE COURT
KUILSRIVER MAGISTRATES COURT**

AND TO: RUBEN THEODORE FITCHAT
91 FRANGIPANI STREET
KLEINBRON ESTATE, BRAKENFELL
Email: theo@cluedapp.co.za

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Plaintiff

and

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**MEMORANDUM OF FEES AND DISBURSEMENTS DUE TO RIANNA WILLEMSE SOLMS INC,
ATTORNEYS FOR THE DEFENDANT, ON THE SCALE AS BETWEEN ATTORNEY & CLIENT ITO
COURT ORDER GRANTED ON 7 AUGUST 2023
(DRAFTED ON SCALE C)**

<u>Item</u>	<u>Date</u>	<u>Description</u>		<u>Fee</u>	<u>Disb</u>
1	2022/03/28	Instruction to defend action		968,50	
2	2022/03/29	Receive email containing summons & particulars of claim	1p	37,00	
3	2022/03/29	Print summons & particulars of claim	17p	76,50	
4	2022/03/29	Peruse summons, particulars of claim	15 folios	172,50	
5	2022/03/29	Draft notice of intention to defend	1f	30,00	
6	2022/03/29	Copies for file	2p	9,00	
7	2022/03/29	Service of notice of intention to defend		30,00	
8	2022/03/29	Attend to filing at court		30,00	
9	2022/04/16	Consultation to discuss background, summons and content of plea	1.5hrs	1 359,00	
10	2022/04/29	Draft plea Deviation from tariff – plea is 9 pages, 41 paragraphs (1750 words) based on 16 pages of summons and POC. It was time intensive to prepare.	1.5hrs	1 359,00	
11	2022/04/29	Email draft plea to client for perusal	1p	37,00	
12	2022/04/29	Print email for file	1p	4,5	
13	2022/04/29	Receive email from client with notes to amend plea	1p	37,00	
14	2022/04/29	Print email for file	1p	4,5	
15	2022/04/29	Peruse client's notes	4f	46,00	
16	2022/04/29	Print client's notes for file	5p	22,50	
17	2022/05/02	Print amended plea for file	9p	40,50	

18	2022/05/02	Attend to service on Plaintiff by email		30,00
19	2022/05/03	Draft filing notice	1f	30,00
20	2022/05/03	Copies for court	1f	4,50
21	2022/05/03	Attend to filing at court		30,00
22	2022/05/03	Email from Plaintiff containing notice of set down for default judgment	1p	37,00
23	2022/05/03	Peruse notice of set down	1f	11,50
24	2022/05/03	Print email & notice for file	3p	13,50
25	2022/05/03	Email to Plaintiff in reply	1p	37,00
26	2022/05/03	Print email for file	1p	4,50
27	2022/05/09	Receive email from Plaintiff enclosing replication	1p	4,50
28	2022/05/09	Peruse replication	7f	80,50
29	2022/05/09	Print email & replication for file	9p	40,50
30	2022/05/09	Email with report to client enclosing replication	1p	4,50
31	2022/05/10	Consultation with client to discuss content of replication	30mins	453,00
32	2022/05/24	Email from Plaintiff enclosing discovery affidavit, notice to discover, pretrial notice & draft pretrial minute	1p	37,00
33	2022/05/24	Peruse filing notice & discovery affidavit	7f	80,50
34	2022/05/24	Print for file	8p	36,00
35	2022/05/24	Peruse notice to discover	1f	11,50
36	2022/05/24	Print for file	2p	9,00
37	2022/05/24	Peruse pretrial notice	2p	23,00
38	2022/05/24	Print for file	2p	9,00
39	2022/05/24	Peruse draft pretrial minute	7f	80,50
40	2022/05/24	Print for file	7p	31,00
41	2022/05/24	Print discovered documents from Dropbox	77p	346,50
42	2022/05/25	Email to client with report enclosing notices	1p	37,00
43	2022/05/25	Print email for file	1p	4,50
44	2022/05/27	Email to Plaintiff in reply	1p	37,00
45	2022/05/27	Print email for file	1p	4,50
46	2022/05/30	Consultation with client to go through the discovered documents (77 pages)	1hr	906,00
47	2022/05/31	Email from Plaintiff with stamped notices	1p	37,00
48	2022/05/31	Peruse stamped notices	2p	23,00
49	2022/05/31	Print email and notice	3p	13,50
50	2022/05/31	Email to client with report enclosing notices	1p	37,00
51	2022/05/31	Print email for file	1p	4,50
52	2022/06/01	Email from client	1p	37,00
53	2022/06/01	Print email for file	1p	4,50
54	2022/06/02	Email from client with list of witnesses	1p	37,00
55	2022/06/02	Print email for file	1p	4,50
56	2022/06/17	Email from client	1p	37,00
57	2022/06/17	Print email for file	1p	4,50

58	2022/06/20	Email from Plaintiff enclosing Rule 24(10) notice and affidavit	1p	37,00
59	2022/06/20	Print email for file	1p	4,50
60	2022/06/20	Peruse Rule 24(10) notice	2f	23,00
61	2022/06/20	Print for file	3p	13,50
62	2022/06/20	Peruse Plaintiff's affidavit	3f	34,50
63	2022/06/20	Print for file	4p	18,00
64	2022/06/20	Telephone consultation with client to explain the content of the notices & pretrial process	15mins	69,00
65	2022/07/04	Email from client	1p	37,00
66	2022/07/04	Print email for file	1p	4,50
		From 8 July 2022		
67	2022/07/08	Email to client	1p	40,00
68	2022/07/08	Print email for file	1p	5,00
69	2023/07/14	Draft pretrial minute	6f	198,00
70	2023/07/14	Print for file	7p	35,00
71	2023/07/14	Email draft pretrial minute to Plaintiff	1p	40,00
72	2023/07/14	Print email for file	1p	5,00
73	2022/07/16	Email from Plaintiff	1p	40,00
74	2022/07/16	Print email for file	1p	5,00
75	2022/07/16	Email to Plaintiff	1p	40,00
76	2022/07/16	Print email for file	1p	5,00
77	2022/07/16	Email from Plaintiff with amended pretrial minute	1p	40,00
78	2022/07/16	Peruse amended pretrial minute	6f	198,00
79	2022/07/16	Print email and signed amended pretrial minute	7p	40,00
80	2022/07/18	Email to Plaintiff with 4th amended pretrial minute	1p	40,00
81	2022/07/18	Print email for file	1p	5,00
82	2022/07/18	Telephonic consultation to discuss final pretrial minute	15mins	69,00
83	2022/07/21	Email from Plaintiff	1p	40,00
84	2022/07/21	Print email for file	1p	5,00
85	2022/07/25	Attend pretrial hearing	1hr	984,00
86	2022/07/25	Travel time to and from court	30mins	492,00
87	2022/07/26	Email with report to client	1p	40,00
88	2022/07/26	Print email for file	1p	5,00
89	2022/07/26	Email from client	1p	40,00
90	2022/07/26	Print email for file	1p	5,00
91	2022/08/02	Email from Plaintiff with pretrial set down notice	1p	40,00
92	2022/08/02	Peruse notice	1f	12,50
93	2022/08/02	Print email & notice	2p	10,00
94	2022/08/22	Attend pretrial hearing	1hr	984,00
95	2022/08/22	Travel time to and from court	30mins	492,00

96	2022/09/01	Email from Plaintiff with trial set down	1p	40,00
97	2022/09/01	Peruse notice	1f	12,50
98	2022/09/01	Print email & notice	2p	10,00
99	2022/09/01	Email to Plaintiff	1p	40,00
100	2022/09/01	Print for file	1p	5,00
101	2022/09/21	Email from Plaintiff	1p	40,00
102	2022/09/21	Print for file	1p	5,00
103	2022/11/03	Email from Plaintiff with supplementary discover affidavit, notice to inspect and filing notice	1p	40,00
104	2022/11/03	Print email for file	1p	5,00
105	2022/11/03	Peruse supplementary discovery affidavit	3f	37,50
106	2022/11/03	Print for file	3p	15,00
107	2022/11/03	Peruse Plaintiff's affidavit	2f	25,00
108	2022/11/03	Print for file	3p	15,00
109	2022/11/03	Peruse notice to inspect	1f	12,50
110	2022/11/03	Print for file	2p	10,00
111	2022/11/03	Peruse filing notice	1f	12,50
112	2022/11/03	Print for file	2p	10,00
113	2022/11/03	Print discovered documents from Dropbox	141p	705,00
114	2022/11/04	Consultation with client to go through discovered documents	1hr	1 272,00
115	2022/11/11	Email to client to report enclosing notices	1p	40,00
116	2022/11/11	Print email for file	1p	5,00
117	2022/11/14	Email to client to arrange consultation with witnesses	1p	40,00
118	2022/11/14	Print email for file	1p	5,00
119	2022/11/14	Email from client	1p	40,00
120	2022/11/14	Print email for file	1p	5,00
121	2022/11/14	Email from Plaintiff with updated trial enrollment notice	1p	40,00
122	2022/11/14	Print email for file	1p	5,00
123	2022/11/14	Peruse trial enrollment notice	1f	12,50
124	2022/11/14	Print for file	2p	10,00
125	2022/11/14	Email to Plaintiff confirming receipt	1p	40,00
126	2022/11/14	Print for file	1p	5,00
127	2022/11/14	Email to Plaintiff RE chronology document	1p	40,00
128	2022/11/14	Print for file	1p	5,00
129	2022/11/14	Email from Plaintiff	1p	40,00
130	2022/11/14	Print for file	1p	5,00
131	2022/11/15	Consultation with client to go through trial evidence and discuss trial preparation and witnesses	2hrs	1 968,00
132	2022/11/16	Email from client	1p	40,00
134	2022/11/16	Print email for file	1p	5,00
135	2022/11/16	Email to client	1p	40,00
136	2022/11/16	Print email for file	1p	5,00

137	2022/11/17	Email from client	1p	40,00
138	2022/11/17	Print email for file	1p	5,00
139	2022/11/17	Email from client	1p	40,00
140	2022/11/17	Print email for file	1p	5,00
141	2022/11/17	Email to client	1p	40,00
142	2022/11/17	Print email for file	1p	5,00
143	2022/11/19	Consultation with 4 witnesses at Keinbron Estate in preparation for trial	3hrs	2 952,00
145	2022/11/19	Travel time to and from Kleinbron Estate	30mins	322,00
146	2022/11/21	Email from client	1p	40,00
147	2022/11/21	Print email for file	1p	5,00
148	2022/11/21	Email to client	1p	40,00
149	2022/11/21	Print email for file	1p	5,00
150	2022/11/21	Consultation with witness Marine	1hr	984,00
151	2022/11/23	Trial preparation		1 788,00
152	2022/11/24	Email from client	1p	40,00
153	2022/11/24	Print email for file	1p	5,00
154	2022/11/25	First day of trial (08h30am-1pm)	4.5hrs	4 428,00
155	2022/11/28	Travel time to and from court	30mins	322,00
156	2022/11/29	Second day of trial (08h30am – 12h30))	4hrs	3 936,00
157	2022/11/29	Travel time to and from court	30mins	322,00
158	2022/11/30	Trial day 3 (08h30am – 10h30)	2hrs	1 968,00
159	2022/11/30	Travel time to and from court	30mins	322,00
160	2022/12/13	Email from Plaintiff with written closing argument	1p	40,00
161	2022/12/13	Print email for file		
162	2022/12/13	Peruse written argument	65f	812,50
163	2022/12/13	Print written argument	68p	340,00
164	2022/12/14	Consultation with client to go through Plaintiff's written argument of 68 pages	1hr	1 272,00
165	2022/12/15	Prepare written closing argument / heads of argument (21pages)	4hrs	3 936,00
166	2023/03/13	Email to clerk of court requesting update		40,00
167	2023/03/13	Email from clerk of court		40,00
168	2023/04/25	Email from clerk of court		40,00
169	2023/04/25	Email to clerk of court requesting update		40,00
170	2023/07/31	Email to clerk of court requesting update		40,00
171	2023/07/31	Email from clerk of court		40,00
				40 085,50

ACCOUNTING SUMMARY:
RUBEN THEODORE FITCHAT v TYRONE JOHNSON
CASE NO: 1399/2022
KUILSRIVER MAGISTRATES COURT

FEES & DISBURSEMENTS	R	40 085,50	R	0
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LESS TAXED OFF	R	
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TOTAL FEES	R	40 085,50
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DRAWING FEE @ 11%	R	4 409,40
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R	44 494-90
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DISBURSEMENTS	R	0
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R	44 494-90
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ATTENDING FEE	R	
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TOTAL	R	44 494-90
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CERTIFICATE

I the undersigned Francis Erasmus, certify that:

- (a) The accompanying bill of costs was prepared by myself, and is correct;
- (b) Every description in the accompanying bill of costs with reference to work, time and figures, is consistent with what was necessarily done by me.



FRANCIS ERASMUS

**IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF KUILSRIVER HELD AT
KUILSRIVER**

CASE NUMBER:1399/2022

In the matter between:

RUBEN THEODOR FITCHAT

Plaintiff

and

TYRONE JOHNSON

Defendant

COURT ORDER

The Plaintiff's application is dismissed.

As to cost

A punitive cost order is made against the Plaintiff,as between attorney and client


Magistrate

