

Subject: Fwd: Fwd: FW: SEALTEK CAPE (PTY) LTD & ANOTHER // THEO FITCHAT  
From: Theo Fitchat <theo@cluedapp.co.za>  
Date: 2021/08/11, 10:47  
To: sonet@cluedapp.co.za

----- Forwarded Message -----

Subject:Re: Fwd: FW: SEALTEK CAPE (PTY) LTD & ANOTHER // THEO FITCHAT  
Date:Thu, 19 Mar 2020 19:58:12 +0200  
From:Theo Fitchat <[theo@cluedapp.co.za](mailto:theo@cluedapp.co.za)>  
To:Laverne Portellas <[laverne@constructionlaw.co.za](mailto:laverne@constructionlaw.co.za)>

Thanks

And just a reminder - Hellopeter did look at all our evidence, for Sealtek, Cape Industrial Flooring and Farrell Flooring, and they decided to keep the reviews up based on the evidence provided.

If Sealtek (and the other contractors) provided counter-evidence to Hellopeter that their work was done correctly, then Hellopeter would have removed the reviews.

Last email of the night :)

Keep well,

Theo

On 2020/03/19 19:42, Laverne Portellas wrote:

Thanks Theo.

I will certainly put all this information to Abrahams and Gross and revert.

Enjoy your evening too!

Kind regards,

**Laverne Portellas** | Senior Associate

**TIEFENTHALER ATTORNEYS INC.**



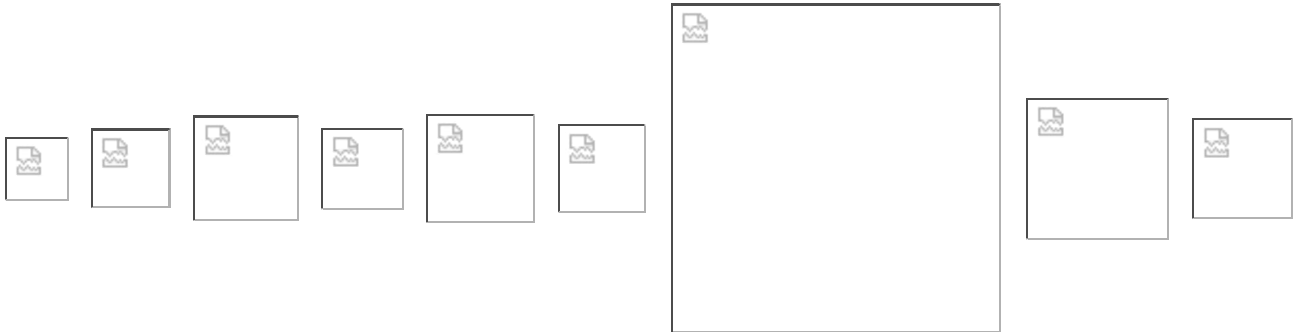
Block B, Unit B3, 2<sup>nd</sup> Floor, Estuary Suites, 3 Oxbow Crescent, The Estuaries, Century City, Cape Town, South Africa

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From: Theo Fitchat <[theo@cluedapp.co.za](mailto:theo@cluedapp.co.za)>  
Sent: Thursday, 19 March 2020 19:35  
To: Laverne Portellas <[laverne@constructionlaw.co.za](mailto:laverne@constructionlaw.co.za)>  
Subject: Re: Fwd: FW: SEALTEK CAPE (PTY) LTD & ANOTHER // THEO FITCHAT

Thanks very much Laverne.

It was stupid of me of me to post anything on the internet. Even though what I have said on the internet is true based on the evidence that I have, it was not worth it for all this, for Sonet's sanity and mine.

The other contractors, that Abrahams & Gross mention in the letter of demand that I posted about online, is Cape Industrial Flooring, who recommended us to Farrell Flooring, but they unfortunately also did not do a good job. I made a posting on Hellopeter to say that Cape Industrial Flooring recommended Farrel Flooring to me, but that Farrell Flooring did a poor job with our garage floor, so Cape Industrial Flooring's recommendation was not good. The documentation and photo's between myself, Cape Industrial Flooring and Farrell Flooring is in the Dropbox below, and you can use this evidence, along with the evidence that we have of Sealtek's poor workmanship so far, when you discuss it with Abrahams & Gross:

<https://www.dropbox.com/sh/kllw6ri4lypwlrI/AADNHyZI3BIMXrGn7US6p-x1a?dl=0>

I hope they agree that there is enough evidence to justify not moving forward with the personal defamation case. Otherwise, all I can do is to defend myself to the best of my ability.

Thank you for assisting me.

Enjoy your evening, speak soon.

Theo

On 2020/03/19 19:16, Laverne Portellas wrote:

Hi Theo,

That will most certainly help things.

I am not sure. I will have to send a letter to their attorneys to request that the removal of all the posts will render the matter finalised. By the tone of their letter, I am not sure that this will be enough though. We may need to offer them some sort settlement, in the form of a contribution to their legal fees.

If Sealtek is intent on pursuing the matter, I will make enquiries with my colleagues as to a good defamation attorney.

As I have previously advised, he who alleges must prove. It is therefore unlikely that they will be able to prove their entitlement to such vast sums on money in a defamation claim; not to mention the law on free speech being very much in your favour.

I will therefore chat to their attorney in the morning and discuss possible settlement of this matter.

Kind regards,

**Laverne Portellas** | Senior Associate

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From: Theo Fitchat <[theo@cluedapp.co.za](mailto:theo@cluedapp.co.za)>  
Sent: Thursday, 19 March 2020 19:06  
To: Laverne Portellas <[laverne@constructionlaw.co.za](mailto:laverne@constructionlaw.co.za)>  
Subject: Re: Fwd: FW: SEALTEK CAPE (PTY) LTD & ANOTHER // THEO FITCHAT

Hi Laverne,

I will remove all the posts that I made on Hellopeter and Facebook.

Can you please find out from Sealtek, if they will drop the case after we remove everything?

Then we can just focus on the building dispute.

If they will not drop the case, could you perhaps please recommend an attorney who will be able to assist me with the personal defamation case?

Thanks,

Theo

On 2020/03/19 18:53, Laverne Portellas wrote:

Dear Theo,

Thank you for your email.

Once you have appointed another firm of attorneys to handle your defamation case, kindly inform me accordingly in order that I may let Abraham and Gross know that we are no longer acting for you in this matter.

Thank you for your explanation regarding the naming of attorneys online. We appreciate your comments and believe that this matter, in so far as our offices is concerned, has been settled.

Finally, we confirm that the Notice of Intention to Defend has been served on FPS attorneys and filed at court. The next step would be to file your plea within 20 business days but we will revert to you further on this soonest.

Thanks and kind regards,

**Laverne Portellas** | Senior Associate  
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From: Theo Fitchat <[theo@cluedapp.co.za](mailto:theo@cluedapp.co.za)>  
Sent: Thursday, 19 March 2020 12:34  
To: Laverne Portellas <[laverne@constructionlaw.co.za](mailto:laverne@constructionlaw.co.za)>  
Cc: Familie - Sonet Fitchat <[sonet@cluedapp.co.za](mailto:sonet@cluedapp.co.za)>  
Subject: Re: Fwd: FW: SEALTEK CAPE (PTY) LTD & ANOTHER // THEO FITCHAT

Hi Laverne,

Thanks for understanding and explaining.

I am happy to resume the construction dispute with your assistance, and to handle the defamation case through the firm who is experienced in such matters.

On a personal note, you have my word that I will never mention you personally, Tiefenthaler, Construction Law or Abrahams and Gross, nor any other attorney, on the internet or on another public forum ever again.

The mention I made of FPS Attorneys online was to report on what happened to us on the day that Freddie Steyn of FPS Attorneys came to our house, and also to make it known to the public that Sealtek is intent on taking us to the high court via FPS Attorneys' letter of demand, in the hopes of warning other people about the repercussions of dealing with Sealtek.

I understand that it has come across that my intention is to offend and belittle your peers, but I promise you that it is not my intention. I will take legal responsibility for the statements I have made. I will not mention anything about any attorneys on the internet again, and I will work with the defamation attorneys in order to report FPS Attorneys in the correct manner, as I should have done from the start. I did not know that such an avenue was available to me, when I made my statements on Hellopeter.

My intention was to try and do what is right by myself and Sonet, to the best of my ability, and to warn the public, by putting my story out there in the hope that I might help other people to not have to go through the same experience as I have gone through.

Thanks for your assistance so far. I look forward to a successful working relationship with you.

Thanks,

Theo

On 2020/03/19 12:10, Sonet Fitchat wrote:

==== Forwarded message =====  
From: Laverne Portellas <[laverne@constructionlaw.co.za](mailto:laverne@constructionlaw.co.za)>  
To: "Sonet Fitchat" <[sonet@cluedapp.co.za](mailto:sonet@cluedapp.co.za)>  
Date: Thu, 19 Mar 2020 10:30:33 +0200  
Subject: FW: SEALTEK CAPE (PTY) LTD & ANOTHER // THEO FITCHAT  
==== Forwarded message =====

Dear Sonet,

We trust you are well.

Thank you for the report from Delta Roofing. We have noted their comments regarding the state of your roof.

On another note, please find enclosed the correspondence we received from Abrahams and Gross with regards to the defamation claim. It appears that Sealtek have opted to use Abrahams and Gross to deal with the defamation claim and FPS Attorneys to deal with the building dispute. Kindly therefore peruse the letter and let us have your further instructions thereon.

Please be advised that our firm specialises in construction and building law and not in defamation claims. Should you wish to retain our firm to deal with defamation claim, please be advised that we will be instructing a junior Counsel to assist us in the drafting of any pleadings and at the hearing (if the matter proceeds to this point), the costs of which

shall be for your account in terms of the Fee Agreement signed with our offices. Should you therefore wish to take the defamation claim to another firm of attorneys, with more experience in this type of law, we will most certainly understand. Your further instructions hereon are therefore appreciated.

Finally, it has come to our attention that you and/or Theo have in the passed "named and shamed" certain attorneys and/or their firms online. We would kindly request that you refrain from such behaviour going forward (as against FPS Attorneys/Abrahams and Gross/their attorneys). At the end of the day, these are our colleagues and like us, they too act on the instructions of their clients. Should you or Theo have a valid complaint against any attorney/firm then the correct approach is through the Legal Practise Council, where your complaints will be assessed and the attorney/firm concerned will receive the necessary punishment as fits the crime. If any negative comments are posted online, these firms have already indicated to us that they will pursue the necessary legal action against you and Theo but we trust that this will not be necessary in the circumstances.

We await to hear from you accordingly.

Kind regards,

**Laverne Portellas** | Senior Associate

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