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Date: 13 July 2020

TO OUR MEMBERS

BY E-MAIL

Dear Member,

RE: FOURIEFISMER INC AND 2 OTHERS VS THE ROAD ACCIDENT FUND ("RAF")

REVIEW APPLICATION:

The PAA joined FourieFismer Inc and Lindsay Keller Attorneys as an applicant in a review application against the RAF ("the FSF review application") to set aside decisions by the RAF instructing their panel attorneys to hand over their files and dispense all services of the panel along with the cancellation of the 2018 tender. The implications of the RAF's decisions would have had an immediate and grave impact on the administration of justice, claimants, the Members of our Association and the public at large. The RAF's decisions were taken without any proper consideration of an alternative cost-effective model and in a legally accepted manner.

Our application was bought with the intention to assist both plaintiff attorneys, as well as defendant attorneys in RAF matters, as the RAF's ill-founded actions would have led to a collapse of our already fraught High Court system.

The PAA is pleased to advise that the FSF Review Application was successful and that judgement was granted in favour of the Applicants on the 1st of June 2020 with a cost order against the four Respondents, jointly and severally in this matter.

The Respondents thereafter launched an application for leave to appeal, which was heard on 12 June 2020 and refused on 19 June 2020.

The RAF still did not adhere to the judgement of 1 June 2020, varied on 9 June 2020 and on 20 June 2020 FourieFismer Inc jointed by the Pretoria Attorneys' Association, brought a further application to execute in terms of section 18(3) of the Superior Court Act 10 of 2013. Judgment was received on 8 July 2020 in favour of the Applicants, including party & party costs. Thus, the execution of the order shall not be suspended by any application for leave to appeal.

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On 30 June 2020, the RAF petitioned for leave to appeal to the Supreme Court of Appeal.

Copies of all judgements to date have been posted on our website and we urge you to vist our website on www.ppv.co.za.

Although the appeal process is ongoing, the Order handed down on 8 July 2020 confirms that the Order of 1 June 2020, varied on 9 June 2020 is operational until 1 December 2020 and RAF was furthermore ordered that it may only make use of panel attorneys that were on the panel on 10 March 2020, which we consider a tremendeous victory in favour of our members and specifically RAF Practioners and their clients.

Needless to say, this success was not achieved without our Association incurring considerable costs, which included the costs of two counsel and which we regarded as absolutely neccesary in order to safeguard you our Members, in particular RAF Practitioners, and the administration of justice.

To date the Association's contribution has exceeded **R300 000-00**. Although the applications were successful and costs awarded, the party & party costs will only be recovered at a later stage. In light of the fact that these were motion proceedings, we will, however, not be able to recover the majority of our legal fees, as would have been the case in an action procedure. This means that despite the order as to costs, our Association will still be out of pocket.

In addition to the litigation against the RAF, we have been approached by our Members to either join as an applicant, or as an amicus curiae, in several other applications to deal with the unforseen negative results and impact on the practices of our Members as a result of the COVID-19 lockdown. These applications include both High Court and Property Law applications. The Executive of the Pretoria Attorneys' Association is still considering these potential applications and we will keep our Members abreast of developments.

Under the circumstances, we would like to approach all our Members, with a request for a voluntary contribution towards costs already incurred to date and towards those which may have to be incurred hereafter.

Contributions can be directly remitted into the Association's bank account, the details of which are set out hereunder and all contributions will be gratefully acknowledged.

Your assistance in funding this exercise, which is obviously to the benefit of our entire membership, is most sincerely appreciated.

BANK ACCOUNT DETAILS
Pretoria Attorneys Association
Standard Bank 010 546 227
Branch Code 051001

Yours faithfully,

Tiaan Joubert
(Chairperson)