OFFICE OF THE JUDGE PRESIDENT

GAUTENG DIVISION OF THE HIGH COURT OF SOUTH AFRICA
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05 July 2019

To:-

1. Judges - Gauteng Division of the High Court, Pretoria and Johannesburg
2. Chief Registrar - Gauteng Division of the High Court, Pretoria and Johannesburg
3. Secretariat – Judicial Case Flow Management, Office of the Chief Justice
4. Registrars - Gauteng Division of the High Court, Johannesburg
5. Legal Practice Council – Gauteng
6. Law Society of South Africa
7. Johannesburg Society of Advocates
8. Pan African Bar Association of South Africa
9. Gauteng Family Law Forum
10. Gauteng Attorneys Association
11. Pretoria Attorneys Association
12. Johannesburg Attorneys Association
13. West Rand Attorneys Association
14. General Council of the Bar of South Africa
15. National Bar Council of South Africa
16. National Forum for Advocates
17. Pretoria Society of Advocates
18. North Gauteng Association of Advocates
19. Church Square Association of Advocates
20. Advocates for Transformation
21. Black Lawyers Association
22. National Association of Democratic Lawyers
23. Office of the Director of Public Prosecutions, Pretoria and Johannesburg
24. Office of the State Attorneys, Pretoria and Johannesburg
25. CEO – Legal Aid South Africa

JUDGE PRESIDENT'S PRACTICE DIRECTIVE 2 of 2019

This Directive refers to two Parts, i.e., Part A and Part B. Part A relates to the Case Management, Trial Allocation and Enrolment of Civil Trial matters and Part B relates to the Issuing of Process, electronic service and filing of Practice notes and Heads of argument.

PART A:- TO REGULATE THE CASE MANAGEMENT, TRIAL ALLOCATION AND ENROLMENT OF TRIAL MATTERS WITH EFFECT FROM 8 JULY 2019 IN THE GAUTENG DIVISION OF THE HIGH COURT, PRETORIA AND JOHANNESBURG.

THE SCOPE OF APPLICATION OF THIS DIRECTIVE

1. This directive is to be read with Uniform Rules of Court 36, 37 and 37A, as amended, which are in force from 8 July 2019.

2. The scope of the directive is as follows:

   2.1. This directive applies to both the Pretoria Court and to the Johannesburg Court.

   2.2. The provisions of this directive prevail over any provision in the practice manuals of either court.

   2.3. Different parts of this directive apply to different categories of cases.

   2.4. All trial matters in which the defendant is the **Road Accident Fund or the MEC Health Gauteng, or PRASA** constitutes the category in respect of which paragraphs 6 -14 of this directive shall apply. (Category "Y")

   2.5. All other trial matters constitute the categories Commercial "C", Family "F", Delictual "D," and Public Law "P" in respect of which paragraphs 15-18 shall apply.

   2.6. All trial matters in all categories are subject to the provisions of paragraphs 4-5, and 9-26.

THE TRANSITION FROM THE OLD TO THE NEW SYSTEM

3. To provide for the transition from the old regulatory regime to the new regulatory regime:

   3.1. From 8 July until 31 July there shall be a moratorium on the issuing of trial dates; applications for trial dates shall resume on 1 August 2019.

   3.2. All matters in respect of which an application for trial date is made from 1 August 2019 shall comply fully with this directive.

   3.3. All matters in respect of which an allocation before 30 June 2019 of a trial date was made, shall retain such trial dates.

   3.4. In respect of matters referred to in paragraph 3.4 which are classified as "Y" in this directive, and are set down in the third term 2019, the following shall apply:

      3.4.1. The old system of certification shall continue to apply.

      3.4.2. However, if certification under the old system is refused, such matters shall be required to comply with the new system, upon applying for a further trial date.

   3.5. In respect of matters referred to in paragraph 3.4 which are classified as "Y" in this directive, which are set down from the first day of the fourth term 2019 until the last day of the fourth term 2020 the following shall apply:

      3.5.1. Not later than 45 days before the trial date the plaintiff's attorney must do one or other of the following:

         3.5.1.1. Apply to the registrar in terms of paragraph 6 of this directive for a case management meeting, and further comply fully with the provisions of this directive; or

         3.5.1.2. Withdraw the matter from the trial roll because the matter cannot comply with the provisions of this directive, whereupon such a matter shall be required to comply with the new system, upon applying for a further trial date; or

         3.5.1.3. Withdraw the matter from the trial roll because the matter has become settled and approach the registrar to assign the matter to a judge for consideration of a consent order.

3.5.2. Parties who are required to comply with paragraph 3.5 shall be excused from compliance with paragraph 13 of this directive.

3.5.3. Certification hearing to deal with these matters shall be convened from the second week of the third term 2019.

INTERPRETATION OF THIS DIRECTIVE

4. This directive shall be construed and applied in accordance with the principle that notwithstanding the provisions herein providing for judicial case management, the primary responsibility remains with the parties and their legal representatives to prepare properly, to comply with all rules of court, the practice manual and this directive and to act professionally in expediting the matter towards trial and adjudication. The objectives of judicial case management in the interests of justice are to alleviate congested trial rolls and to address the problems which cause delays in the finalisation of cases. Any failure by a party to adhere to these principles may be penalised by way of an adverse costs order on a punitive scale, *de bonis propriis*, and may further include an order disallowing fees to be charged to a litigant by that litigants own legal practitioners.

PROCEDURE AT COMMENCEMENT OF AN ACTION APPLICABLE TO ALL TRIAL MATTERS WITH EFFECT FROM 8 JULY 2019

5. At the time a summons is issued:

5.1. The Plaintiff shall, together with the summons, present to the registrar, in the prescribed form (enclosed with this Directive):

5.1.1. a statement that the matter is one in which the defendant is the **RAF, or the MEC Health, Gauteng or PRASA** whereupon the registrar shall add to the case number the letter "Y", or

5.1.2. a statement that the matter does not involve any of the above named defendants, and further, shall classify the matter as:

(1) a Commercial matter "C", or
(2) a Family law matter "F", or
(3) a Delictual matter "D", or
(4) a Public law matter "P". (A constitutional or administrative law matter)

5.1.3. the details of an email address and contact person to whom all communications in terms of this paragraph shall be sent.

5.1.4. The registrar shall maintain a record and schedule of the different categories of cases, and routinely report such statistical information as the Judge President directs.

5.2. A defendant shall, upon delivering a notice of intention to defend, in the prescribed form, furnish details of an email address and contact person to whom all communications in terms of this paragraph shall be sent.

5.3. The Plaintiff shall, upon filing the return of service of the summons, in the prescribed form, state:

5.3.1. The date, in terms of the Rules of court, upon which the notice of intention to defend is due.

5.3.2. The date, in terms of the Rules of court, upon which a plea is due if notice of intention to defend was given on the date mentioned in paragraph 5.3.1

5.4. From a date to be determined by the Judge-President, the registrar shall diarise these dates, and in the event that the parties fail to adhere to these time periods, a message shall be sent by the registrar thereafter by email to the designated email address, directing compliance within 10 days of the message, failing which, the matter

shall be referred to the Deputy Judge President (DJP) who may designate a judge to case manage the matter in terms of this paragraph.

5.5. Upon reference of a matter to the DJP in terms of paragraph 5.4, the DJP (or a judge delegated by the DJP for such purpose) shall address the matter thus:

5.5.1. If the parties request case management to be deferred in order to complete the process, the DJP may so direct, either unconditionally or conditionally.

5.5.2. Designate a judge who has been rostered to deal with case management matters or designate a judge *ad hoc* to case manage the matter.

5.5.3. Direct the registrar to inform the parties accordingly.

PROCEDURE TO PREPARE FOR A CASE MANAGEMENT CONFERENCE FOR MATTERS IN WHICH THE DEFENDANT IS THE RAF OR THE MEC HEALTH, GAUTENG OR PRASA, CATEGORY "Y". *(For other categories see paragraphs 15-18 of this directive)*

6. A party who contends that any matter in which the defendant is the **RAF, or the MEC Health, Gauteng or PRASA,** (category "Y") is ripe to be allocated a trial date shall:

6.1. apply, in the prescribed form to the designated registrar for a case management conference, and

6.2. together with such application, deliver to the registrar a practice note by the attorney or counsel dealing fully with these issues:

6.2.1. The issues in the case that are not in dispute, and in respect of which by reason thereof no evidence shall be allowed at the trial.

6.2.2. The issues in the case that are in dispute, describing:

6.2.2.1. The exact nature of the disputes of fact and disputes of law,

6.2.2.2. The exact contentions of each party in respect of that issue.

6.3. The descriptions required in paragraphs 6.2.2 shall not be vague generalities, but shall be concrete and facilitate a clear grasp of the decisions a court shall be required to decide.

7. Upon such application being lodged in terms of paragraph 6, the registrar shall notify all parties, by email:

7.1. of the date time and place of a case management conference,

7.2. of the identity of the designated judge, if known at that time,

7.3. that the parties must, if not already having done so, hold a pre-trial conference before the date fixed for the conference, which conference shall address all the questions identified in paragraph 10-11 of this directive,

7.4. that the plaintiff shall not later than the Thursday before the date fixed for the conference, present to the registrar:

7.4.1. The court file, suitably ordered, secured, paginated and indexed, containing legible copies of every document; more particularly:

7.4.1.1. A full set of the pleadings.

7.4.1.2. The discovery affidavits of all the parties in a single bundle, with a statement that discovery is complete; alternatively, if not complete, a full explanation why not, and what steps are necessary to achieve completion.

7.4.1.3. A single indexed legible bundle of documents to be used, in a logical order, which contains no duplications, and each document being properly described.

7.4.1.4. A set of the expert reports, as contemplated in Uniform Rule36 (9)(b) which reports conform to the following:

7.4.1.4.1. Expert reports must be drafted in a format designed for lucidity, brevity, and convenient cross referencing, and to this end, must be in numbered paragraphs, and when referring to other expert reports, refer to the numbered paragraphs therein.

7.4.1.4.2. Where more than one expert has given a report on a given aspect, joint minutes of experts must identify exactly what is agreed and what is not agreed, with reasons stated why agreement cannot be achieved, especially as to whether the disagreement relates to a fact clinically observed or an interpretation of the facts.

7.4.1.4.3. The attorney responsible for the procurement of the reports shall be responsible for compliance in this regard, and failure to adhere hereto may imperil certification.

7.4.2. A signed, agreed, minute of the pre-trial conference which has addressed all the questions identified in paragraph 8; alternatively, in the event that the parties have not reached agreement on the contents of the minute, a minute signed by the party filing the document together with an explanation why agreement on its content was not obtained. (In this regard attention is drawn to paragraphs 19-26 dealing with the utilisation of the trials interlocutory Court to procure compliance and cooperation from an adversary)

8. The minute referred to in paragraph 7.4.2 shall:

8.1. particularise the parties' agreement or respective positions on each of the following questions:

8.1.1. The matters mentioned in Rule of Court 37(6);

8.1.2. The soliciting of admissions and the making of enquiries from and by the parties with a view to narrowing the issues or curtailing the need for oral evidence;

8.1.3. In respect of expert witnesses:

8.1.3.1. The feasibility and reasonableness, in the circumstances of the case, that a single joint expert be appointed by the parties in respect of any issue.

8.1.3.2. If a single joint expert witness is not appointed, why a single expert on a given aspect is inappropriate

8.1.4. The identity of the witnesses the parties intend to call and in broad terms the nature of such evidence to be given by each witness;

8.1.5. Whether a separation of issues within the contemplation of Uniform Rule 33 is appropriate, and if so, why that is so.

8.1.6. Any other matter germane to expediting the trial readiness of the case.

8.2. In the event that further steps are necessary to render the matter trial ready, explicitly:

8.2.1. identify those steps, and

8.2.2. set out a proposed time table according to which the parties commit to achieving readiness.

PROCEDURE AT A CASE MANAGEMENT CONFERENCE IN MATTERS IN WHICH THE DEFENDANT IS THE RAF OR THE MEC, HEALTH GAUTENG OR PRASA. (CATEGORY "Y")

9. The judge who presides over a case management conference:

9.1. shall not preside over the trial unless the parties agreed thereto;

9.2. however, such judge may make a final order in a settled matter if such order is by consent of all parties.

10. At a conference, without limiting the scope of judicial engagement, the judge shall:

10.1. Explore settlement, on all or some of the issues, including, if appropriate, enquiring whether the parties have considered voluntary mediation, and may in this regard, if deemed appropriate, elicit information from the parties on matters such as the existence and content of settlement offers that would ordinarily be without prejudice and not disclosable to a trial judge.

10.2. Endeavour to promote agreement on limiting the number of witnesses that will be called at the trial eliminating pointless repetition or evidence covering facts already admitted.

10.3. Identify and record the issues as adequately defined to be tried in the action and be satisfied that all issues amenable to be resolved without a trial have been dealt with.

10.4. Address any potential causes of delay in the commencement of the trial and be satisfied that such potential causes have been pre-empted to the extent practically possible.

10.5. Address the sufficiency of expert witness reports and joint minutes and be satisfied that in form and substance there has been compliance with the provisions of this directive.

11. At a conference, without limiting the scope of judicial engagement and the powers of the judge, the judge may:

11.1. Order, in terms of Rule 33(4), a separation of issues in appropriate cases notwithstanding the absence of agreement by the parties thereto.

11.2. In exceptional circumstances, and on good cause shown, put the parties on such terms as are appropriate to achieve trial readiness, and direct them to report to that judge at a further conference to be convened on a fixed date.

11.3. Give directions for the hearing of opposed interlocutory applications by a motion court on an expedited basis.

11.4. Strike the matter from the case management roll and direct that it be re-enrolled only after any non-compliance with the Rules of Court or the Practice Manual or this directive, have been purged.

11.5. Refuse certification; in which case the parties must again apply *ab initio* for certification.

11.6 Certify a matter trial ready:

11.6.1: including a directive whether to hear oral evidence or to hear as a stated case on specified issues, as contemplated in Rule 33(1) – (3), in which case an order in the prescribed form shall be issued for presentation to the Registrar who shall allocate a trial date.

11.6.2: including an indication of the duration thereof and whether it requires to be referred to the JP for a directive owing to it being a trial of long duration.

11.7 In an exceptional case, where the interests of justice would otherwise be thwarted, where a plaintiff is trial ready but the defendant is not, and notwithstanding the utilisation by the plaintiff of the Trials Interlocutory Court procedure, the defendant remains in default, the judge may, on such conditions that are appropriate to the specific circumstances, certify a matter trial ready.

11.8 Make any order as to costs against the parties' legal representatives or any other person whose conduct unreasonably frustrated the objectives of the judicial case management process, which order may include costs on the attorney and client scale, *de bonis propriis* and the disallowance of a fee to be charged by a legal practitioner to the client.

11.9 At the conclusion of the conference, summarise the decisions made and direct the plaintiff to file a minute thereof.

12. The record of the case management conference, including:

12.1. the minutes submitted by the parties to the judge, and

12.2. any directives issued by the judge and the judge's record of the issues to be tried in the action,

12.3. but excluding any settlement discussions and offers,

shall be included in the court file placed before the trial judge, who shall be entitled to have regard thereto in relation to the conduct of the trial including:

(i) the determination of any applications for postponement, and
(ii) issues of costs.

13. Parties who have been allocated a court date shall not later than 6 weeks before that court date:

13.1. File a statement, signed by one or both attorneys, verifying that the matter remains ready to proceed to trial, or,

13.2. File a statement that the matter has become unready, setting out full particulars, including the parties proposals for the future, and request the assignment of a judge to case manage the case, or

13.3. File a statement that the matter has become settled, and request a referral to a judge to consider the consent order agreed upon.

14. Upon receipt thereof, the DJP shall direct the further course of the matter.

PROCEDURE TO APPLY FOR A TRIAL DATE IN A MATTER IN WHICH THE DEFENDANT IS NOT THE RAF, THE MEC HEALTH GAUTENG OR PRASA; IE, IS A MATTER IN CATEGORIES C, F, D OR P.

15. A party who contends that a matter categorised C, F, D or P, is ripe to be allocated a trial date shall apply in the prescribed form, to the Registrar for a certificate of trial readiness and together with such application, shall further provide the following:

15.1. A statement, signed by the attorney for the party applying for the certificate that he or she has personally verified that there has been full compliance with the prescripts of this directive:

15.2. A statement, signed by that attorney:

15.2.1. that the pleadings have closed,

15.2.2. that a compliant indexed and paginated set of the pleadings has been filed,

15.2.3. that all discovery is complete,

15.2.4. that a single, indexed and paginated legible bundle of the documents, in which each document is described in the index, has been prepared,

15.2.5. that the parties have considered whether a single expert on a given aspect is appropriate in the circumstances, and if they decided that it is not, state the reason why that is so,

15.2.6. that any experts' witnesses' reports have been filed,

15.2.7. that joint minutes of contending experts have been filed,

15.2.8. that the reports and the joint minutes comply in all respects with the provisions of this directive,

15.2.9. and that no interlocutory applications are outstanding or anticipated;

15.3. A copy of a pre-trial minute signed by all parties, which was held not earlier than 30 calendar days before the date the application is made, which is compliant with the provisions of this directive.

15.4. A practice note by the attorneys or counsel in which is stated:

15.4.1. which of the issues in the case that are not in dispute, and in respect of which by reason thereof, no evidence shall be allowed at the trial,

15.4.2. which of the issues in the case that are in dispute, describing:

15.4.2.1. the exact nature of the disputes of fact and disputes of law,

15.4.2.2. and the exact contentions of each party in respect of that issue.

16. Upon receipt of an application that is fully compliant with these prescripts the Registrar shall issue a certificate in the prescribed form.

17. The application form and accompanying documents shall be made available to the trial judge in due course, and the attorney applying for the certificate must ensure that a copy of the application and the accompanying documents is retained in his or her safekeeping, and that the documents are available at trial.

18. In the event that any misrepresentation is made in such application, whether intentional or negligently, the certificate shall automatically be invalid, and the attorney and/or counsel responsible for the application shall be referred to the DJP for an investigation into the misrepresentation and may be referred to the Legal Practice Council, for a further investigation into whether or not professional misconduct has been committed

THE TRIALS INTERLOCUTORY COURT: ROLE AND FUNCTIONS, APPLICABLE TO ALL CATEGORIES OF MATTERS

19. A motion court, the Trials Interlocutory Court, dedicated to interlocutory matters *in trial matters* will sit Mondays to Thursdays every week, except during the period of *dies non,* between 15 December and 15 January.

20. Matters shall be set down on notice filed before noon on the Thursday before the next week's session, be succinct and rarely more than five pages of affidavit, and, where appropriate, brief heads of argument shall be submitted at the hearing.

21. Ordinary unopposed interlocutory matters not involving non-compliance in a trial matter must not be enrolled in this Court.

22. Draft orders in the Interlocutory court in duplicate bearing the name of counsel, attorney and the email addresses of the parties attorneys, shall be presented to the court and the registrar shall prepare orders, with the draft orders as

annexures, on the same day as they are granted, which shall be available to the parties immediately, and which, furthermore, shall be emailed to the parties thereafter as soon as possible.

23. Any party who, having reason to be aggrieved by the other party's neglect, dilatoriness, failure or refusal to comply with any rule of court, provision of the practice manual or provision of this directive, must utilise the trials interlocutory court to compel compliance and cooperation from the delinquent party.

24. In particular, plaintiffs in category "Y" matters who allege that the defendant is culpable in any way for an unnecessary delay, must not hesitate to utilise this court

25. Among the matters which this court will deal with will be:

    25.1. the failure to deliver timeously any practice note or heads due,
    25.2. a failure to comply with rule 36,
    25.3. a failure to sign a rule 37 minute promptly,
    25.4. a failure to comply timeously with any undertaking given in a rule 37 conference,
    25.5. a failure to secure an expert timeously for an interview with a patient,
    25.6. a failure to secure a meeting of experts for the purpose of preparing joint minutes,
    25.7. non-compliance with any provision of this directive;
    25.8. any other act of non-cooperation which may imperil expeditious progress of a matter may be the subject matter of an application to compel; the list is not closed

26. In a proper case, punitive costs (including an order disallowing legal practitioners from charging a fee to their clients) may be awarded where recalcitrance or obfuscation is apparent and is the cause of inappropriately delaying the progress of any matter.

PART B: ISSUING OF PROCESS, ELECTRONIC SERVICE AND FILING OF PRACTICE NOTES and HEADS OF ARGUMENT.

1. This Directive is intended to regulate the filing of practice notes and heads of argument electronically at both High Courts of the Division. The Directive also aims to regulate the issuing of process in the Gauteng Division of the High Court, Johannesburg.

   The Directive applies to all Civil Trials; Full Bench and Full Court appeals; Opposed Motions; Special Motions, 3rd court applications; Unopposed Motions.

2. The service and filing of Practice Notes and Heads of Argument shall comply with the applicable time periods contained in the Practice Manual of the respective Court in which the matter is/was initiated.

3. PRACTICE NOTES:

3.1 All practice notes required for civil trial purposes must be emailed to the following email address:
    3.1.1 PRETORIA: PTATrials@judiciary.org.za
    3.1.2 JOHANNESBURG: JHBTrials@judiciary.org.za

3.2 All practice notes required for Special Motions; 3rd Court Applications and Opposed Motions must be emailed to the following email address:
    3.2.1 PRETORIA: PTAMotions@judiciary.org.za
    3.2.2 JOHANNESBURG: JHBMotions@judiciary.org.za

3.3 All practice notes required for purposes of Unopposed Motions (including Rule 43 and Interlocutory Applications) must be emailed to the following email address:
    3.3.1 PRETORIA: PTAMotions@judiciary.org.za
    3.3.2 JOHANNESBURG: JHBMotions@judiciary.org.za

3.4 All practice notes required for appeals purposes must be emailed to the following email address

3.4.1 PRETORIA: PTAAppeals@judiciary.org.za

3.4.2 JOHANNESBURG: JHBAppeals@judiciary.org.za

4. HEADS OF ARGUMENT:

4.1 All Heads of Argument required for purposes of Special Motions; 3rd Court Applications and Opposed Motions must be filed electronically on the following email address:

4.1.1 PRETORIA: PTAMotions@judiciary.org.za

4.1.2 JOHANNESBURG: JHBMotions@judiciary.org.za

4.2 All Heads of Argument required for purpose of Full Bench and Full Court Appeals must be filed electronically using the following email address:

4.2.1 PRETORIA: PTAAppeals@judiciary.org.za

4.2.2 JOHANNESBURG: JHBAppeals@judiciary.org.za

5. All documents emailed and/or filed electronically must be in PDF format and proof of the electronic delivery thereof must be produced as directed by the Judge(s) presiding in the respective matters.

6. EMAIL ADDRESSES:

6.1 No pleading, notice or process will be accepted unless the email address of the attorney(s) and/or party issuing same is provided.

6.2 Email addresses of the attorneys involved in a matter must be provided at the bottom of each draft order sought and the onus of providing same shall vest in the party enrolling the matter.

6.3 In instances where a draft order is not a precursor for the matter to be disposed of, the email address of the attorneys involved must be provided on their respective practice notes.

7. ISSUING OF PROCESS IN THE GAUTENG DIVISION OF THE HIGH COURT, JOHANNESBURG:

7.1 The issuing of process in the Gauteng Division of the High Court, Johannesburg is to be regulated within the framework of equal access to justice for all and with due cognizance of the daily issuing capacity of the Court. The directive applies to all process issued, including summons and notice of motion. It is therefore directed that no more than five (5) process may be issued per law firm per day. No exceptions will be allowed.

This Directive shall come into operation on 8 July 2019.

Sincerely,

D MLAMBO
JUDGE PRESIDENT OF THE GAUTENG DIVISION OF THE HIGH COURT OF SOUTH AFRICA

Gauteng Division of the High Court of South Africa

PRETORIA - Cnr Paul Kruger and Madiba Streets
P O Box 442, PRETORIA 0001 - Tel 012 315 7000

JOHANNESBURG - Cnr Pritchard and Von Brandis Streets,
Private Bag x 7, JOHANNESBURG 2000 - Tel 011 335 0000
Website: www.judiciary.org.za

TRIAL MATTERS

APPLICATION FOR CASE NUMBER IN TRIAL ACTION AND CLASSIFICATION OF MATTER IN TERMS OF JUDGE PRESIDENT'S DIRECTIVE TO REGULATE THE CASE MANAGEMENT, TRIAL ALLOCATION AND ENROLMENT OF TRIAL MATTERS IN THE GAUTENG DIVISION OF THE HIGH COURT, PRETORIA AND JOHANNESBURG.

PLAINTIFF: _____

_____

DEFENDANT: _____

_____

I, the undersigned _____ am the attorney dealing with this matter and I declare that this is a matter in the category marked below:

☐ Defendant is the Road Accident Fund or the MEC Health Gauteng, or PRASA (Category "Y")

☐ Commercial (Category "C")

☐ Family (Category "F")

☐ Delictual (Category "D")

☐ Public Law (Category "P")

Attorney's email address: _____

Firm's name and contact details: _____

_____

_____

_____

FORM 2.

ALL TRIAL MATTERS

CASE NO.....

ATTACHMENT TO RETURN OF SERVICE

(PARAGRAPH 5.3 OF DIRECTIVE 2 OF 2019)

NOTE: If this form is not attached to the return, the registrar will not accept the return.

PLAINTIFF IS:.....

DEFENDANT IS: .....

DATE THAT NOTICE OF INTENTION TO DEFEND IS DUE: .....

DATE THAT PLEA IS DUE IF NOTICE TO DEFEND IS GIVEN ON DUE DATE:

.....

Signed of behalf of Defendant's attorney by (name) .....

Date..... Signature .....

FORM 3.

ALL TRIAL MATTERS

CASE NO.....

ATTACHMENT TO NOTICE OF INTENTION TO DEFEND

(PARAGRAPH 5.2 OF DIRECTIVE 2 OF 2019)

NOTE: If this form is not attached to the notice of intention to defend, the registrar will not accept the notice.

PLAINTIFF IS:.....

DEFENDANT IS: .....

DEFENDANT'S ATTORNEY IS: .....[FIRM'S NAME]

THE PERSON RESPONSIBLE FOR THE DEFENDANT'S FILE IS (block letters or print):

.....

THE EMAIL ADDRESS TO WHICH ALL COMMUNICATION MUST BE SENT:

(Block letters or print): .....

Signed of behalf of Defendant's attorney by (name) .....

Date..... Signature .....

FORM 4.

TRIALS MATTER CLASSIFIED C, F, D AND P

CASE NO.....

APPLICATION TO THE REGISTRAR FOR A TRIAL DATE

(PARAGRAPH 15 OF DIRECTIVE 2 OF 2019)

Note: In the event that any misrepresentation is made in this application, whether intentional or negligently, the certificate of readiness shall automatically be invalid, and the attorney and/or counsel responsible for the application shall be referred to the DJP for an investigation into the misrepresentation and may be referred to the Legal Practice Council, for a further investigation into whether or not professional misconduct has been committed

STATEMENT BY ATTORNEY APPLYING FOR THE TRIAL DATE

(PARAGRAPHS 15.1 OF DIRECTIVE 2 OF 2019)

I, ... the attorney for the party applying for this certificate have personally verified that there has been full compliance with the prescripts of this directive and that this statement is both correct and accurate, as set out as follows:

1. The pleadings have closed,
2. A compliant indexed and paginated set of the pleadings has been filed,
3. All discovery is complete.
4. A single, indexed and paginated, legible bundle of the documents, in which each document is described in the index, has been prepared.
5. The parties have considered whether a single expert on a given aspect is appropriate in the circumstances, and
   5.1. decided to appoint a single expert , or
   5.2. decided not to appoint a single expert witness for the following reasons:.....
   .....
   .....

6. All experts' witnesses' reports have been filed,
7. Joint minutes of contending experts have been filed.
8. The reports and the joint minutes comply in all respects with the provisions of this directive,
9. No interlocutory applications are outstanding or anticipated;
10. A copy of a pre-trial conference minute has been signed by all parties, which conference was held not earlier than 30 calendar days before the date this application is being made, and which is compliant with the provisions of this directive, a copy whereof is attached.
11. A practice note by the attorney/counsel is attached, in which is stated:
    11.1. which of the issues in the case that are not in dispute, and in respect of which by reason thereof, no evidence shall be allowed at the trial,
    11.2. which of the issues in the case that are in dispute, describing:
        11.2.1. the exact nature of the disputes of fact and disputes of law,
        11.2.2. and the exact contentions of each party in respect of that issue.

Signed .....(Attorney applying for the trial date)

REGISTRAR'S CERTIFICATE OF TRIAL READINESS

(PARAGRAPHS 15.1 AND 16 OF DIRECTIVE 2 OF 2019)

I, ...,(Registrar)

having received this statement, and the attachments, certify the matter trial ready and it may be allocated a trial date.

Signed .....

Date.....

FORM 5

TRIAL MATTERS CLASSIFIED "Y" WITH TRIAL DATES IN 2019 -2020

(WHERE THE DFENDANT IS RAF, MEC HEALTH OR PRASA)

CASE NO:.....

APPLICATION FOR A CERTIFICATE OF TRIAL READINESS IN MATTERS THAT HAVE TRIAL DATES in 2019 AND 2020 WHICH DATES WERE ALLOCATED BEFORE 30 JUNE 2019

(PARAGRAPH 3.5.1.1 and 6 OF DIRECTIVE 2 OF 2019)

PLAINTIFF IS:.....

ATTORNEY:..... .EMAIL: .....

COUNSEL:.....EMAIL: .....

DEFENDANT IS:.....

ATTORNEY:.....EMAIL: .....

COUNSEL:.....EMAIL: .....

TRIAL DATE: .....

STATEMENT BY ATTORNEY

APPLYING FOR CERTIFICATE OF READINESS

I, ..., declare that this matter, which was allocated a trial date is trial ready and accordingly, not later than 45 days before the trial date, this application is made for a certificate of readiness to remain on the trial date.

1. A practice note as prescribed in paragraph 6.2 is attached.
2. A pre-trial conference minute as contemplated in paragraph 7.3 has already been completed, and a copy is attached/ will be completed before the case management conference.

Signed .....date.....

REGISTRAR'S ACTION:

This matter has been enrolled for a case management conference on .....

FORM 6

TRIAL MATTERS CLASSIFIED "Y"

CASE NO: .....

APPLICATION FOR A JUDICIAL CASE MANAGEMENT CONFERENCE FOR A CERTIFICATE OF TRIAL READINESS

(PARAGRAPH 6 OF DIRECTIVE 2 OF 2019)

PLAINTIFF IS: .....

ATTORNEY: .....EMAIL: .....

COUNSEL:.....EMAIL .....

DEFENDANT IS: .....

ATTORNEY: .....EMAIL: .....

COUNSEL:.....EMAIL .....

STATEMENT BY ATTORNEY

I ....., declare that this matter is trial ready and is appropriate to be enrolled for a case management conference to obtain a certificate of readiness to obtain a trial date.

1. A practice note as prescribed in paragraph 6.2 is attached.
2. A pre-trial conference minute as contemplated in paragraph 7.3 has already been completed/ will be completed before the case management conference.

Signed .....date .....

Registrar's Action:

This matter has been enrolled for a case management conference on:.....

FORM 7

TRIAL MATTERS CLASSIFIED "Y"

CASE NO: .....

COVER SHEET
FOR DOCUMENTATION PRESENTED
AT A CASE MANAGEMENT CONFERENCE
(PARAGRAPH 7.4 OF DIRECTIVE 2 OF 2019)

PLAINTIFF:.....

DEFENDANT:.....

I, ... the attorney applying for the case management conference, declare that paragraphs 6, 7 and 8 of the directive have been complied with, and present the following documentation:

The court file, suitably ordered, secured, paginated and indexed, containing legible copies of every document; more particularly:

1. A full set of the pleadings.
2. The discovery affidavits of all the parties in a single bundle, with a statement that discovery is complete; alternatively, if not complete, a full explanation why not, and what steps are necessary to achieve completion.

3. A single indexed legible bundle of documents to be used, in a logical order, which contains no duplications, and each document being properly described.
4. A set of the expert reports, as contemplated in Uniform Rule36 (9)(b) which reports conform to the following:
   4.1. Expert reports must be drafted in a format designed for lucidity, brevity, and convenient cross referencing, and to this end, must be in numbered paragraphs, and when referring to other expert reports, refer to the numbered paragraphs therein.
   4.2. Where more than one expert has given a report on a given aspect, joint minutes of experts must identify exactly what is agreed and what is not agreed, with reasons stated why agreement cannot be achieved, especially as to whether the disagreement relates to a fact clinically observed or an interpretation of the facts.
5. A signed, agreed, minute of the pre-trial conference which has addressed all the questions identified in paragraph 8 of the directive; alternatively, in the event that the parties have not reached agreement on the contents of the minute, a minute signed by the party filing the document together with an explanation why agreement on its content was not obtained. (In this regard attention is drawn to paragraphs 19-26 of the directive dealing with the utilisation of the trials interlocutory Court to procure compliance and cooperation from an adversary)

Signed .....Date.....

FORM 8

TRIAL MATTERS CLASSIFIED "Y" WITH TRIAL DATES IN 2019-2020

CASE NO:.....

NOTICE TO THE REGISTRAR
THAT A MATTER IS REMOVED FROM THE ROLL

(PARAGRAPH 3.5.1.2 OF DIRECTIVE 2 OF 2019)

Plaintiff:.....

Defendant:.....

Trial date allocated:.....2019/ 2020

Please take notice that this matter has been removed from the roll and the trial date allocated is no longer required.

Signed.....date .....

Attorney for Plaintiff/Defendant

Registrar's action:

This matter is deleted from the trial roll of .....[date]

Signed .....date.....

FORM 9

TRIAL MATTERS CLASSIFIED "Y" WITH TRIAL DATES IN 2019-2020

CASE NO:.....

NOTICE TO THE REGISTRAR

THAT A MATTER HAS SETTLED, IS REMOVED FROM THE ROLL AND REQUIRES TO BE PUT BEFORE A JUDGE TO CONSIDER A CONSENT ORDER

(PARAGRAPH 3.5.1.3 OF DIRECTIVE 2 OF 2019)

Plaintiff:.....

Defendant:.....

Trial date allocated:.....2019/ 2020

Please take notice that this matter has settled and has been removed from the roll and requires to be put before a judge to consider a consent order.

Signed.....date .....

Attorney for Plaintiff/Defendant

Registrar's action:

This matter is set down before a judge to consider a consent order on:

.....[date]

FORM 10

TRIAL MATTERS CLASSIFIED "Y"

CASE NO : .....

JUDGE'S CERTIFICATE OF TRIAL READINESS

(Paragraphs 9, 10, 11 and 12 of directive 2 of 2019)

Plaintiff:.....

Defendant:.....

At a case management conference to determine trial readiness before judge

.....

held on: .... [date]

The matter was:

1. Certified /not certified ready:
2. Conditions imposed (if any):
    a. .....
    b. .....
    c. .....
3. The matter is/is not of long duration.
4. A minute of the conference shall be composed by ....., the plaintiff's attorney.
5. The parties agree/ do not agree to the judge presiding in this conference to hear the trial.

REGISTRAR'S ACTION:

This matter has been allocated a trial date on.....

Signed .....date .....