



Our Ref: T. Mtati
Your Ref:
Date: 19 July 2016

29 De Beer Street
Braamfontein
Johannesburg 2017
Private Box K76
Braamfontein 2017
Tel: 011 877 2000
Fax: 011 877 2222
www.legal-aid.co.za

Advocate Anthony Brink
1 Boast Road
Eshowe

Per Email: arbrink@iafrica.com

Cc: Clerk of the Court
Eshowe Magistrates Court

'Extremely Urgent'

Dear Sir/Madam

RE: AR BRINK / LEGAL AID SA
DATE ON THE ROLL: 28 JULY 2016

The above matter refers.

1. We acknowledge receipt of your Notice of Setdown served on our correspondent attorney.
2. We refer you to the relevant part of clause 5 of the Settlement Agreement which provides that *"in the event that the respondents fail to deliver any requested document(s) and the applicant is not satisfied with Mtati's evidence on affidavit the applicant shall be entitled to apply to this Court to compel the production of such documents(s) within 180 days of delivery of the said affidavit."* The word 'apply' is defined in the Magistrates' Court Rule 2(1) to mean "apply on motion, and 'application' has a corresponding meaning.
3. Magistrates' Court Rule 55 (1) (a), further provides that every application shall be brought on notice of motion supported by an affidavit as to the facts upon which the applicant relies for relief.

4. You have not complied with the rules of the Court, specifically the above provisions which requires you to bring the application by way of a Notice of Motion, supported by an affidavit. Consequently, there is no proper application before the Court. There is no evidence under oath before the Court to enable the Court to deal with your complaints and same cannot be dealt with simply with submissions from the bar.
5. Under the circumstances Legal Aid SA is not in a position to respond to your unsubstantiated application in its current form.
6. You are herein advised to remove the matter from the roll, by no later than close of business day of the **21st July 2016**, failing which Legal Aid SA will request a punitive costs order against you.

Yours Faithfully,



Thembile Mtati
Legal Executive

7/19/2016

Zimbra: FW: Letter to AR Brink - 19072016

Search

Mail Contacts Preferences **FW: Letter to A**

Close Reply Reply to All Forward Archive Delete Spam



FW: Letter to AR Brink - 19072016

From: **Thembile Mtati**
To: **Anthony Brink**
Cc: **wewmfm@telkomsa.net** **Solly Sekgota** **Matimba Hlungwane**

[Letter to AR Brink - 19072016.pcf \(50.8 KB\)](#) [Download](#) | [Remove](#)

Morning Adv Brink,

I attach a letter in response to your notice of set-down which is self-explanatory.

We are also requesting our correspondent to file same with the clerk of the court.

Hi Matimba,

Please follow up.

Regards,
Thembile Mtati
Legal Executive

Tel: (011) 877 2000
Fax: (011) 877 2222