

IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION, PRETORIA)

CASE NO: 42355/15

In the *Ex Parte* application of:

- JOHAN PIETER HENDRIK PRETORIUS First Applicant
- MONTANA DAVID KWAPA Second Applicant
- TRANSPORT PENSION FUND Third Applicant
- TRANSNET SECOND DEFINED BENEFIT FUND Fourth Applicant
- TRANSNET SOC LIMITED Fifth Applicant

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SUPPLEMENTARY FOUNDING AFFIDAVIT

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I the undersigned,

**WYNANDA WILHELMINA COETZEE**

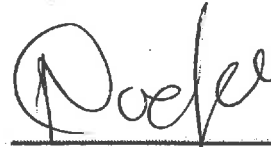
make oath and say that:

1. I am an adult female attorney practising as such at the firm Geyser & Coetzee Attorneys (the "Class Legal Representative"), with its address at 9 Baobab Nook, Centurion, Gauteng.
2. The facts set out in this affidavit are within my personal knowledge, save where otherwise indicated or where the contrary appears from the context, and are to the best of my belief both true and correct.

3. I deposed to a founding affidavit on 7 February 2020, filed with the above Honourable Court on or about the same date (the "Founding Affidavit").
4. It has come to my attention that I made an error in paragraph 15.2 of the Founding Affidavit, where I stated that "the parties began substantively engaging on the legal fees after the signature date of the settlement agreement".
5. What in fact happened was that the negotiations on an agreed amount to be paid in full and final settlement of the Class Legal Representative's legal fees and disbursements began *after* the parties to the settlement agreement had agreed upon all the terms of the settlement agreement that confer benefits on Class Members and that impose duties on the parties respectively to give effect to those benefits, but *before* the signature date of that agreement. Those agreed terms included clause 9 of the settlement agreement, in terms of which the Class Legal Representative waived the right to pursue consideration from any source other than the Fifth Applicant.
6. Schedule 7 to the settlement agreement served only to record the quantum of the Fifth Applicant's contribution and the parties' unanimous approval of the quantum, and was appended on the parties' common assumption that the quantum would only be agreed after the signature date. As it turned out, due to multiple factors, including late but immaterial drafting amendments to the settlement agreement and the logistics of securing the several signatories' signatures meant that the settlement agreement and Schedule 7 were signed simultaneously.
7. I also take this opportunity to confirm that, of the R18 million plus Value Added Tax payable in full and final settlement of the Class Legal Representative's legal fees, the Fifth Applicant has by agreement with the Class Legal Representative, already paid an amount equivalent to the taxed value of the costs orders awarded in favour of the First and Second Applicants

A handwritten signature in black ink, consisting of a stylized 'Q' followed by a large, circular flourish.

in 2018, in respect of the exceptions applications in this Court, the Supreme Court of Appeal and the Constitutional Court, being an amount of R3 744 721.00, plus Value Added Tax. The total amount, with Value Added Tax, being R4 306 429.15, was paid to the Class Legal Representative on 29 January 2020. A copy of the proof of payment is annexed hereto marked "SFA1".



WYNANDA WILHELMINA COETZEE

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's knowledge both true and correct. This affidavit was signed and sworn to before me at Pretoria on this the 18<sup>th</sup> day of **FEBRUARY 2020**, and the Regulations contained in Government Notice R1258 of 21 July 1972, as amended by R1648 of 19 August 1977, and as further amended by R1428 of 11 July 1980, and as further amended by R774 of 23 April 1982, have been complied with.



COMMISSIONER OF OATHS

NAME:

CAPACITY:

ADDRESS:

**JOHANNES CHRISTOFFEL LOUW**  
 Kommissaris van Ede/Commissioner of Oaths  
 Praktiserende Prokureur/Practising Attorney R.S./  
 LENCHENPARK II  
 LENCHENLAAN-SUID 2029 LENCHENAVE, SOUTH  
 CENTURION R.S.A.

**TRANSNET**



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PO Box 12329  
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0046

SUPPLIER BANKING DETAILS:  
Banking key: 632005  
Bank account: 4060830013  
ABSA BANK LIMITED, ABSA ELECTRONIC  
SE

**Payment advice**

Document / Date  
1500055449 / 29.01.2020  
Our accounting clerk

Telephone

Fax

Your account with us  
2006547

Dear Sir/Madam,

We have cleared the items listed below with our document 1500055449.

Document	Your document	Date	Cash Discount	Gross amount
1900254704	2079	07.01.2020	0.00	4,306,429.15
<b>Sum total</b>			<b>0.00</b>	<b>4,306,429.15</b>

Payment document	Date	Currency	Payment amount
1500055449	29.01.2020	ZAR	4,306,429.15

Transnet SOC Ltd  
Registration Number  
1990/000900/30

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GT Ramphaka LL Von Zauner

MD Gregg-Macdonald\* (Acting Chief Financial Officer)

\*Executive

Acting Group Company Secretary: K Naicker

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