

DRL1

Constitutional Court
Private Bag X1
Constitution Hill
Braamfontein
Johannesburg
2017



Tel: (011) 358 7570/7537
Fax: 086 649 0944

REPUBLIC OF SOUTH AFRICA

JUDICIAL SERVICE COMMISSION

DATE: 30 June 2011

FAX COVER SHEET

TO:

Name:	Mr. D. R. Lewis
Organisation:	
Tel:	
Fax:	086 669 5510

FROM:

Name:	Lynette Dias
Tel:	(011) 838 2010
Fax:	086 640 9501
E-Mail:	ldias@conecourt.org.za

NR of Pages: 3 Pages (incl. this one)

SUBJECT: Complaint against Acting Judge Gheadle

MESSAGE: Dear Mr. Lewis
Kindly receive the attached letter.

Kind Regards
Lynette


Signature

Constitutional Court
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Johannesburg
2017



REPUBLIC OF SOUTH AFRICA

Tel. (011) 838 2010
Fax. 086 649 0844

JUDICIAL SERVICE COMMISSION

Enq: Lynette Bica
Tel: (011) 838 2021
Fax: 086 641 9301

Mr. D. R. Lewis
P. O. Box 4398
Cape Town
8000

Per Facsimile: 0868995510

Dear Mr. Lewis

RE: COMPLAINT AGAINST ACTING JUDGE CHEADLE

Your abovementioned complaint against Acting Judge Cheadle, which was referred to the Judicial Conduct Committee for its consideration, refers.

The chairperson of the Judicial Conduct Committee has directed me to respond to your complaint as follows:

Your complaint has been referred to the Cape Law Society for their attention, as that body has the jurisdiction to discipline its members. Attached please find a copy of the JSC's letter to the Cape Law Society referring the complaint to them for their attention.

Yours sincerely,



Secretariat
Judicial Service Commission
Date: 20/06/11

Constitutional Court
Private Bag X1
Constitution Hill
Braamfontein
Johannesburg
2017



REPUBLIC OF SOUTH AFRICA

Tel: (011) 838 2110
Fax: 086 648 11944

JUDICIAL SERVICE COMMISSION

Enq: Lynette Biss
Tel: (011) 838 2021
Fax: 086 640 9001

The Disciplinary Department
Cape Law Society

Fax: (021) 443 6751

Attention: The Disciplinary Department

RE: COMPLAINT BY MR. LEWIS AGAINST ACTING JUDGE CHEADLE

The Judicial Service Commission (JSC) has received a complaint from Mr. Lewis against Acting Judge Cheadle.

The JSC however does not have jurisdiction to consider complaints against acting judges. Complaints against acting judges must be lodged with either the bar council or law society of which the acting judge is a member for their consideration. A copy of the complaint is attached for your case of reference.

Yours sincerely,

Secretary

Judicial Service Commission

Date: 20/06/11

CAPE LAW SOCIETY

Incorporated as The Law Society of the Cape of Good Hope
THE STATUTORY BODY WITH JURISDICTION TO ADMINISTER THE ATTORNEYS'
ACT IN THE NORTHERN, WESTERN & EASTERN CAPE PROVINCES



29TH & 30TH FLOORS
ABSA CENTRE, 2 RIEBEECK STREET
CAPE TOWN 8001
DX 124 CAPE TOWN
P O BOX 4528
CAPE TOWN 8000
TELEPHONE (021) 443 6700
TELEFAX (021) 443 6751/2
EMAIL cls@capelawsoc.law.za
Website www.capelawsoc.law.za

Mr D R Lewis
P O Box 4398
CAPE TOWN
8000

Please quote our reference in all correspondence

Our Reference: 45272/Cheadle/BSM/dt

Your Reference:

Date: 5 July 2011

Dear Sir

Complaint against Attorney Mr M H Cheadle (Cheadle Thompson & Haysom Inc.)

Thank you for your letter, which was received on 30 June 2011.

Kindly advise whether an application was made to have Acting Judge (Mr Cheadle) recuse himself in this matter, if not why was the application not made.

Yours faithfully


B S MKUMATELE
LEGAL OFFICER
DISCIPLINARY DEPARTMENT

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Website www.capelawsoc.law.za

Mr D R Lewis
P O Box 4398
CAPE TOWN
8000

Please quote our reference in all correspondence
Our Reference: 45272/Cheadle/BSM/dt
Your Reference:
Date: 16 August 2011

Dear Sir

Complaint against Attorney Mr M H Cheadle (Cheadle Thompson & Haysom Inc.)

The above matter refers.

Kindly be advised that Mr Cheadle has not responded to our letter addressed to him on 5 July 2011 in this regard.

We have today sent another letter and have required him to respond by **30 August 2011**.

Yours faithfully


B S MKUMATELA
LEGAL OFFICER
DISCIPLINARY DEPARTMENT

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Mr D R Lewis
P O Box 4398
CAPE TOWN
8000

Please quote our reference in all correspondence

Our Reference: 45272/Cheadle/BSM/dt

Your Reference:

Date: 14 September 2011

Dear Sir

Complaint against Attorney Mr M H Cheadle (Cheadle Thompson & Haysom Inc.)

The above matter refers.

Enclosed herewith please find a copy of a report dated 6 September 2011 received from Mr Cheadle.

Kindly let us have your comments on Mr Cheadle's report particularly with regard to paragraph 6 of his report which reads, "it is correct that when these issues were raised in chambers with Mr Lewis and Advocate Kahnovitz and his instructing attorney Glen Cassells, representing Media 24, I offered to recuse myself. In the discussion that followed, I do recall stating that I had no part in the brief of Media 24 and that I felt that I would be able to preside impartially. Both parties agreed to my presiding over the matter.

Kindly let us have your written comments with particular reference to your affidavit dated 25 January 2011, paragraph 7 thereof in which it is stated that: "the following facts pertained to Cheadle's relationship to the respondent, his partial interest in the outcome of the case and manifest lack of impartiality. They came to light subsequent to the decision being handed down. None of these facts were disclosed during the proceedings. I am advised that both failures to disclose the lack of impartiality are contraventions of the code of law governing judgments and that possessing a material interest in the outcome of a case is a serious offence".

We would be grateful to receive your response with regard to Mr Cheadle's assertion that he had no part in the brief of Media 24 and also that the parties respectively agreed to him presiding over the matter.

Yours faithfully



B S MKUMATELA
LEGAL OFFICER
DISCIPLINARY DEPARTMENT

Your ref: 45272/Cheadle/BSM/dt
Our ref: H Cheadle



CHEADLE THOMPSON
& HAYSOM INC.
ATTORNEYS

6 September 2011

The Cape Law Society
29th & 30th Floors
ABSA Centre
2 Riebeeck Street
Cape Town

Copy received

Attention: Mr BS Mkumatela

DATE: 07 SEP 2011 BY HAND

Dear Sir


CAPE LAW SOCIETY

Complaint by Mr DR Lewis

1. Further to your letters dated 5 July and 18 August enclosing Mr Lewis' complaint in the form of a covering letter and an affidavit attested to by him on 25 January 2011, I hereby file the following response to the complaint.

Background to the complaint

2. I was an acting judge of the Labour Court from December 2009 to May 2010 during which I presided over the matter between Mr Lewis and Media 24 Ltd (Media 24). Judgment was handed down on 4 May 2010 dismissing the application with costs. A copy of the judgment is attached ("A"). Mr Lewis applied for leave to appeal. The application was refused because he filed it 71 days late and had not applied for condonation in accordance with the rules. In any event, I considered his grounds of appeal and concluded that there was no prospect of another court coming to a different conclusion. I have been advised by the Registrar that he has subsequently filed a petition to the Labour Appeal Court for leave to appeal.
3. The complaint against me is described in his covering letter as 'wilful and/or grossly negligent conduct that is incompatible with or unbecoming the holding of judicial office, including conduct that is prejudicial to the independence, impartiality, dignity and accessibility of the courts'. The facts on which the complaint is made are set out in the accompanying affidavit. Those facts attack my failure to disclose the alleged chains of association between my shareholding in Resolve (Pty) Ltd and Media 24 (and presumably my failure to recuse myself

on the grounds of a reasonable apprehension of bias flowing from those alleged chains of association).

4. The nub of his complaint is that I failed to disclose the fact that I was a director and shareholder in Resolve (Pty) Ltd, a human resource consultancy, and the fact that other shareholders of Resolve (Kagiso linked companies) had links with other companies (Metropolitan and the Lagardere Group) that had links with Sanlam Ltd, which had an interest in Naspers Ltd, which owns Media 24.
5. Apart from the fact that I had no knowledge of the equity holdings of the other Resolve shareholders and their commercial inter-relationships with other companies at the time, the connections between me and the owners of Media 24 are so tenuous that no reasonable person would consider there to be any realistic possibility that the outcome of the proceedings would affect my interest in Resolve, which is the test developed by the Constitutional Court in *Bernert v ABSA Ltd* 2011 (3) SA 92 (CC) to decide whether a judicial officer with shareholding has an interest in the outcome of the case or that a reasonable person would apprehend that the judicial officer had such an interest.

Allegations in paragraphs 2 to 6

6. Because these allegations do not form the basis of the complaint, it is unnecessary to traverse them in any detail. It is correct that Mr Lewis had approached the law firm for assistance at an early stage of the proceedings and that the firm had advised him that Media 24 had been a client (as it turned out, the firm had only been briefed once for an opinion). It is also correct that when these issues were raised in chambers with Mr Lewis and Adv Kahnovitz, and his instructing attorney Glen Cassells of Maseremule Inc, representing Media 24, I offered to recuse myself. In the discussion that followed, I do recall stating that I had no part in the brief from Media 24 and that I felt that I would be able to preside impartially. Both parties agreed to my presiding over the matter.

Four alleged chains of 'relationship' – paragraph 7

7. Mr Lewis alleges four chains of 'relationship' with Media 24 which demonstrate, he says, that I had a material interest in the outcome of the case and a manifest lack of impartiality. These chains of alleged 'relationship' were not disclosed during the proceedings because I was not aware of the shareholdings and commercial relationships that the other shareholders of

Resolve had with other companies at the time. Moreover, even if I did know, they would not have constituted grounds for either disclosure or recusal because they do not demonstrate that I had a material interest in the outcome of the case or that I might be perceived as having such an interest.

8. The chains begin with my directorship and shareholding (6.046%) of Resolve and the fact that Kagiso Trust Enterprises (Pty) Ltd (KTE), Mr David Storey and Mr Max Sisulu have approximately 25.9%, 17.2% and 5.7% shares respectively in the company.
9. In so far as what follows demonstrates some knowledge of the shareholding and interrelationships between the different companies, this is because I have had to research the different claims made by Mr Lewis in order to respond to his claims. I might add that it has taken several hours of internet research to get the information of the associations that form the basis of his complaint.

The Kagiso chain – paragraph 7.2

10. It is alleged that KTE has 'several partnerships' with Media 24, the details of which are that KTE owns 10% of Metropolitan Holdings Ltd. That 10% share constituted a 'joint venture' with Sanlam Ltd. Sanlam Ltd has a controlling interest in Naspers Ltd, which owns Media 24.
11. It is clear from the Kagiso website that KTE does not hold 10% of the Metropolitan Holdings Ltd. Its two holdings are Resolve and SATI Container Services.
12. It is also evident from its website that Kagiso Trust Investments (which appears to be the holding trust or a company) owns KTE and the 10% share in Metropolitan. The size and complexity of the company structure of Kagiso is demonstrated in the attached structure ("B").
13. The 10% share in Metropolitan did not constitute a 'joint venture' with Sanlam Ltd. Metropolitan was a public company and it issued the shares to Kagiso Trust Investments. The full details of the transaction in 2004 are set out on the Kagiso website (<http://www.kagiso.co.za>)
14. I have no knowledge of Sanlam's shareholding in Metropolitan – I did a search on both Sanlam and Metropolitan websites but could find no information on Sanlam's shareholding in

Metropolitan. Nevertheless the fact that it may have shares in Metropolitan does not make it a 'joint venture' or that Kagiso Trust Investments, as a result, acquires an interest in the outcome of Sanlam's other investments. Sanlam Ltd is itself a complex system of companies and businesses as its website demonstrates (<http://www.sanlam.co.za>).

15. I have no knowledge that Sanlam Ltd has a controlling interest in Naspers Ltd, a publicly listed company, although it would not surprise me. Naspers Ltd is itself made up of a complex system of subsidiaries, only one of which is Media 24.
16. There are five links in this chain: the link between shareholders in Resolve; the link between different companies and businesses in Kagiso Trust Investments; the link between shareholders in Metropolitan; and the link between companies owned or controlled by Sanlam. Other than Sanlam's alleged control over Naspers and Media 24, not one of the links constitutes a 'partnership' or involves any control of one company over another.

The Kagiso/Lagardere chain – paragraph 7.2.3

17. The second example of an alleged 'partnership' between KTE and Media 24 is KTE's 50% interest in Acceleration Media, a strategic digital marketing consultancy, with Lagardere Active Radio International, a division of the Lagardere Group, a French multi-national based in Paris. Media 24 is, Mr Lewis claims, in 'partnership' with a division of Lagardere because it publishes a magazine belonging to the Lagarde Group.
18. KTE does not own a 50% share in Acceleration Media (Pty) Ltd. The 50% shareholding in Acceleration Media is held by Kagiso Media (Pty) Ltd, which is not only a different company in the group but a different business from the one engaged in by KTE. Kagiso Media is itself a complex group of companies as the attached structure demonstrates.
19. I have no knowledge of the commercial arrangements between Media 24 and the Lagardere Group arising from its publication of the magazine Psychologies and I question whether the arrangements constitute a 'partnership'.
20. Again it seems extraordinarily tenuous to suggest that I would have a material interest in the outcome of Mr Lewis' claim if all that links me to Media 24 is its publication of a magazine for a French multi-national, the fact that another Kagiso company has a 50% stake together with a subsidiary of that multi-national in respect of a business that has nothing to do with the

printing of newspapers and magazines or that Media 24 publishes a magazine for that multi-national.

The Discovery chain – paragraph 7.3

21. This chain begins with the fact that Resolve has the Discovery Group as a client. It is alleged that Discovery is a 'unit' of Rand Merchant Bank Holdings Ltd (now owned by Metropolitan Momentum Holdings Ltd) and that Discovery and Rand Merchant Bank are clients of Psytech SA. Mr Lewis claims that Psytech SA and Resolve are in an alliance or 'appear to be in negotiations over a potential merger'.
22. Quite apart from the inaccuracy of the equity structure between Discovery, Rand Merchant Bank and Metropolitan Momentum Holdings Ltd, I have been informed by the Chief Executive Officer of Resolve that there have never been any negotiations over a merger between Psytech and Resolve.
23. Psytech develops and conducts psychometric tests and supplies certain psychometric tools to Resolve Encounter Consulting, a subsidiary of the Resolve Group. As such it is just one, and a small one at that, of a number of service providers that supply services to Resolve. I had no knowledge of this fact until I asked the Chief Executive Officer in order to respond to the allegations made by Mr Lewis. Moreover, I was not aware at the time (or now) who Psytech's other clients are. They may well be Sanlam and Media24.
24. The factual basis for much of what is said in respect of this alleged 'partnership' is just wrong. But even if it was true, the tenuous nature of the relationships would not require either disclosure (if known) or recusal. No reasonable person would apprehend bias on account of these alleged relationships.

The Sisulu chain – paragraph 7.5

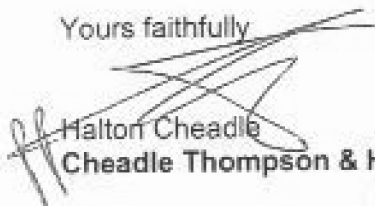
25. This chain begins again with the fact that I and Mr Max Sisulu are shareholders of Resolve. It is then claimed that the 'Sisulu family has extensive holdings in Kagiso' and that Mr Max Sisulu's brother, Mr Zwelakhe Sisulu, is a director of one of the companies. Quite apart from the fact that I do not have knowledge of the Sisulu family's shareholding in Kagiso, the links are again so tenuous as to be rejected out of hand.

26. I do not understand the allegation made in paragraph 7.5.2 and how it bears on my hearing of his case. I was never aware of Mr Lewis's membership of the associations or his views on nuclear energy. I am advised that Resolve provided HR advice in 2005 and since then has had no further dealings with Koeberg.

Conclusion

27. Mr Lewis' complaint is that I failed to disclose my alleged association via several chains of intermediaries and Media 24 and accordingly that, had he known, he would have had a reasonable apprehension of bias.
28. In *Bernert v ABSA Bank Ltd*, the Constitutional Court had to decide among other things whether a judge with a small but *direct* shareholding in the Respondent Bank constituted grounds for recusal. Applying the test that there must be a realistic possibility that the outcome of the proceedings would affect the judicial officer's stake in the Respondent Bank, the Court held that there was no such realistic possibility given the size of the shareholding and accordingly that judge concerned did not have an interest in the outcome of the case and no reasonable person would have apprehended that he had such an interest.
29. Applying that test in respect of this complaint, it is manifestly clear that that the links are so indirect that there was no realistic possibility that the outcome of the litigation between Mr Lewis and Media 24 could have any effect on the value of my shares in Resolve. It follows that no reasonable person would have apprehended that I had such an interest in the outcome of litigation.

Yours faithfully


Halton Cheadle
Cheadle Thompson & Haysom Inc.

Cheadle

CHEADLE, AJ

Date of Hearing : 4-6 November 2009 & 20-21 January 2010

Date of Judgment : 4 May 2010

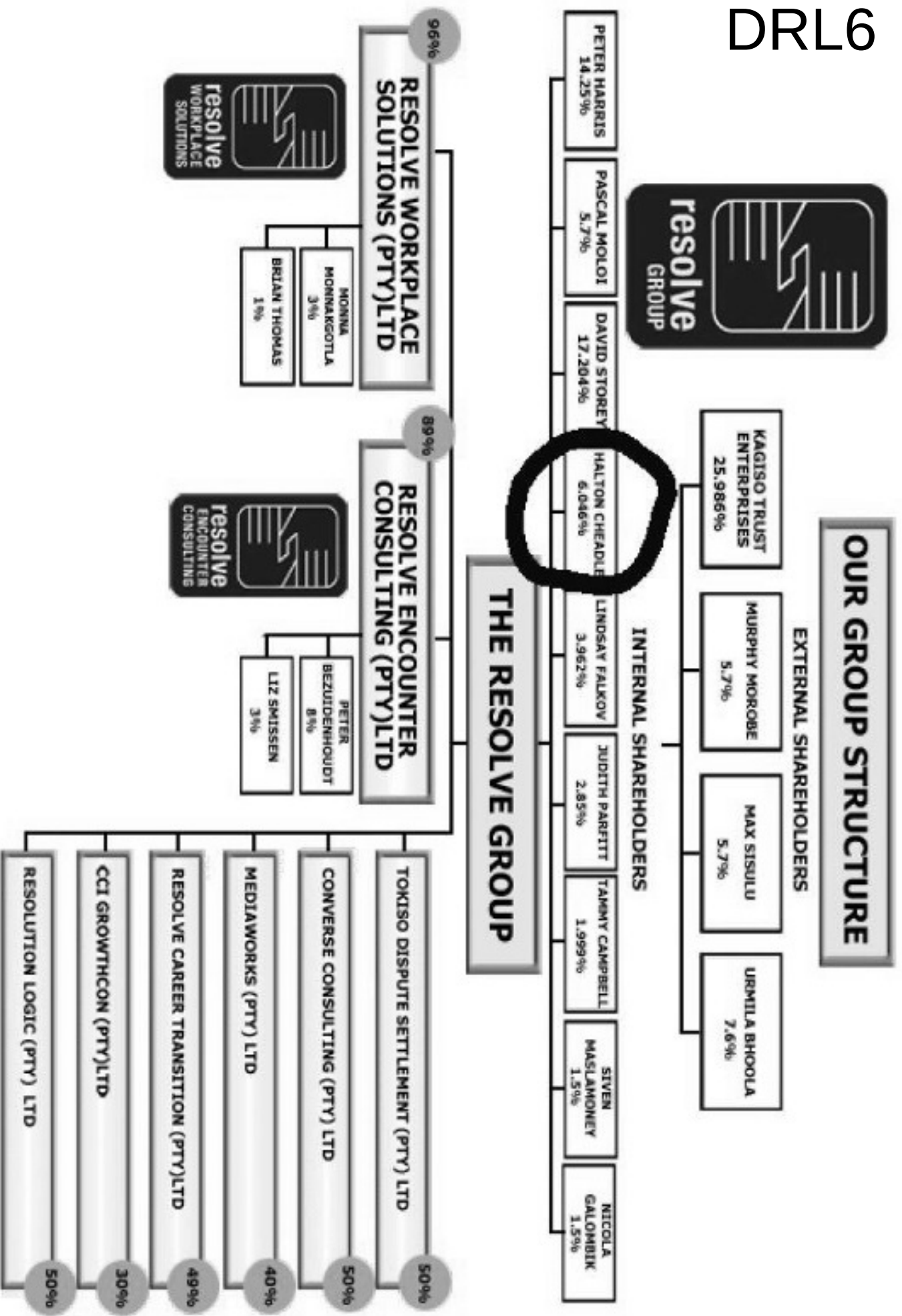
Appearances

For the Applicant : David Robert Lewis (in person)

For the Respondent : Adv C S Kahanovitz SC

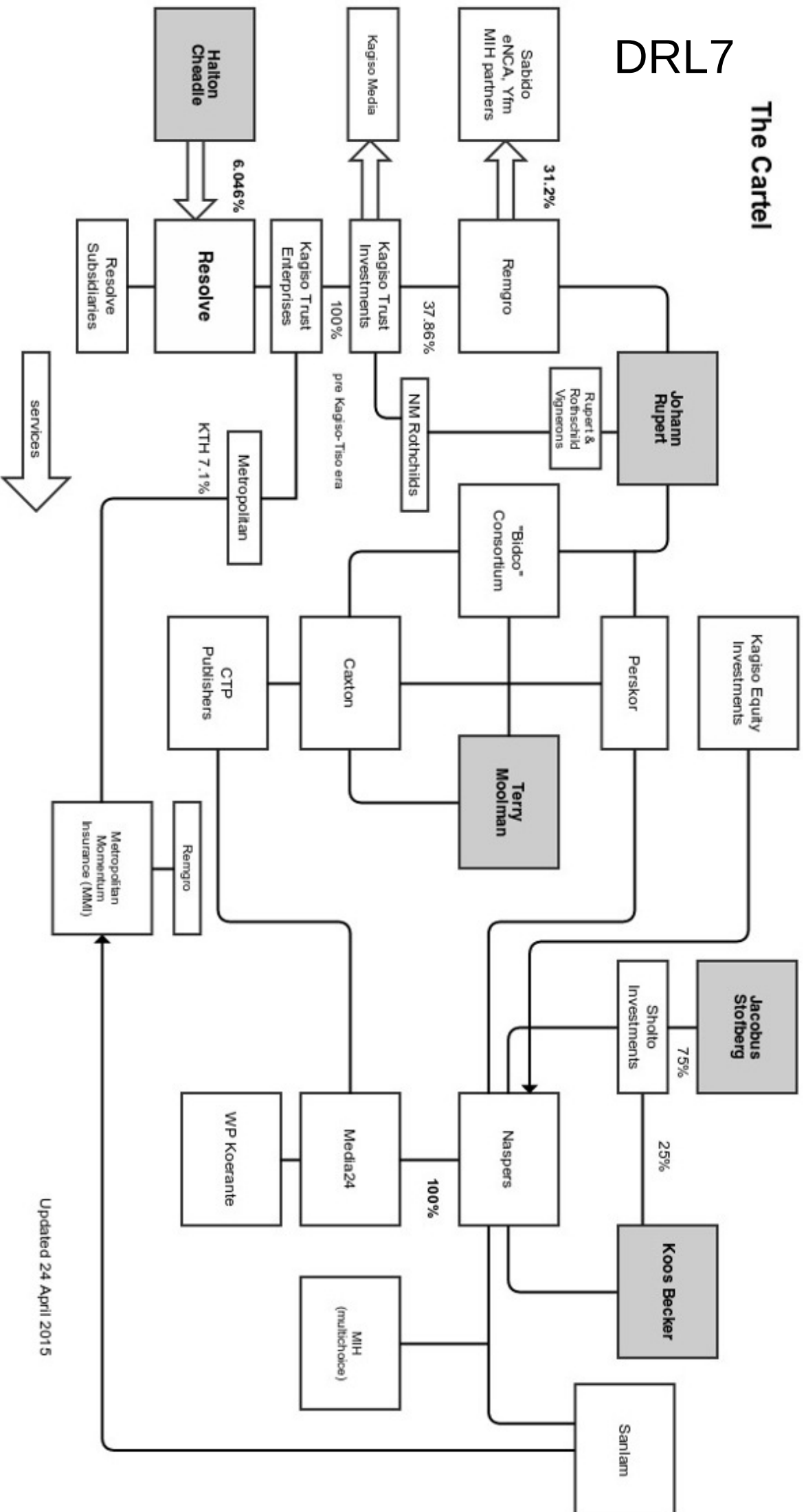
Instructed by : Maserumule Inc Attorneys





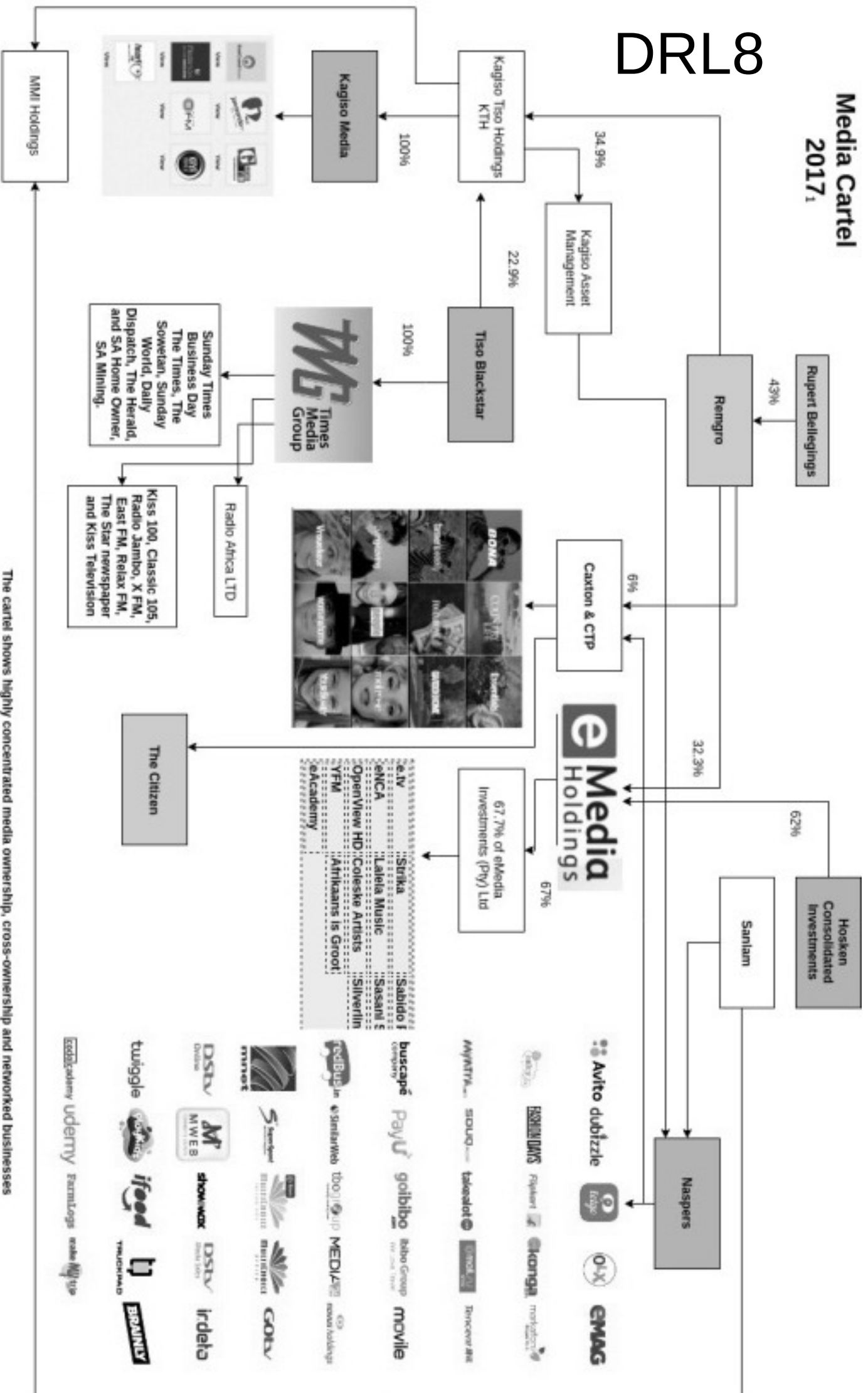
DRL7

The Cartel



DRL8

Media Cartel 2017₁

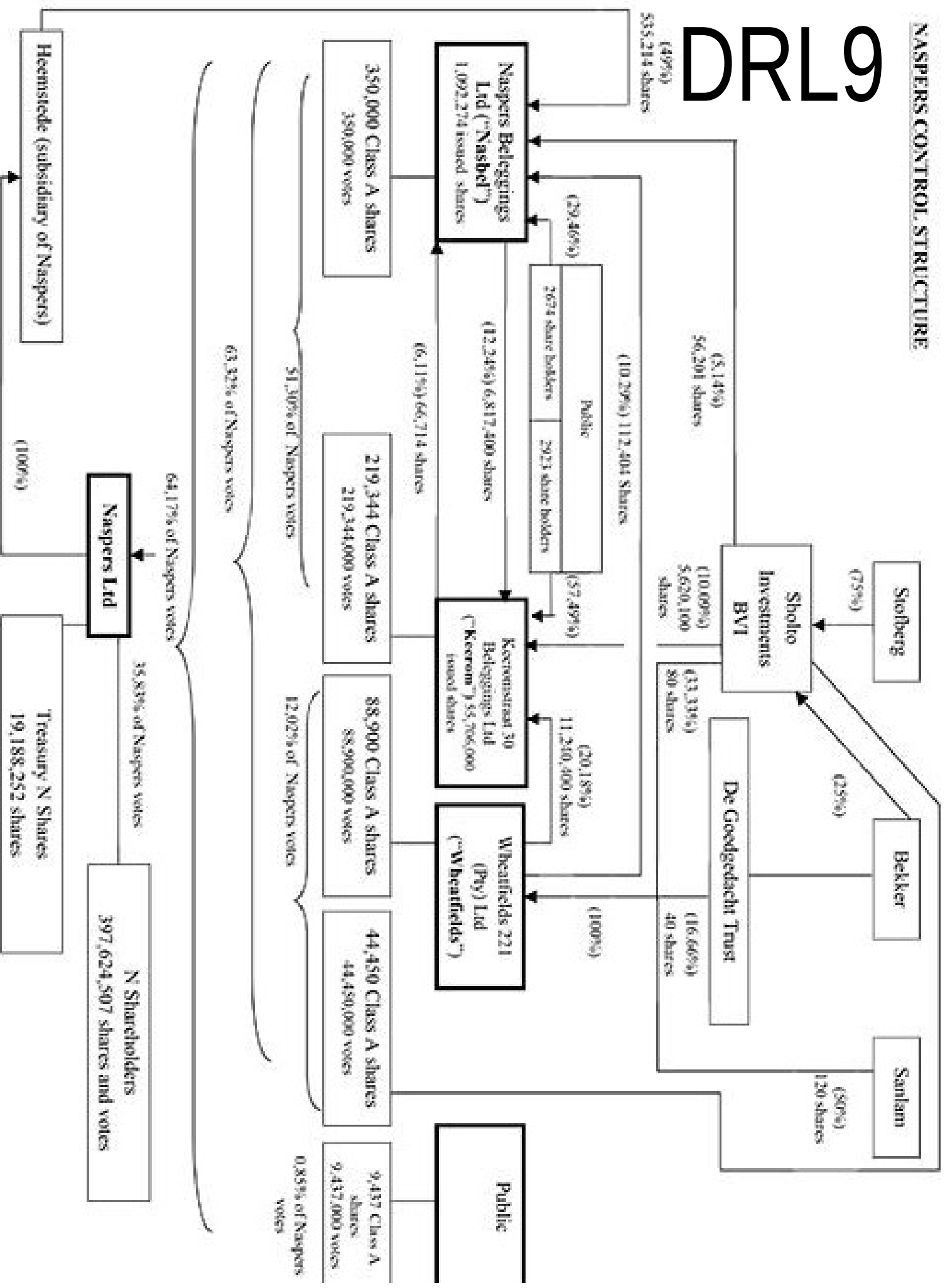


The cartel shows highly concentrated media ownership, cross-ownership and networked businesses

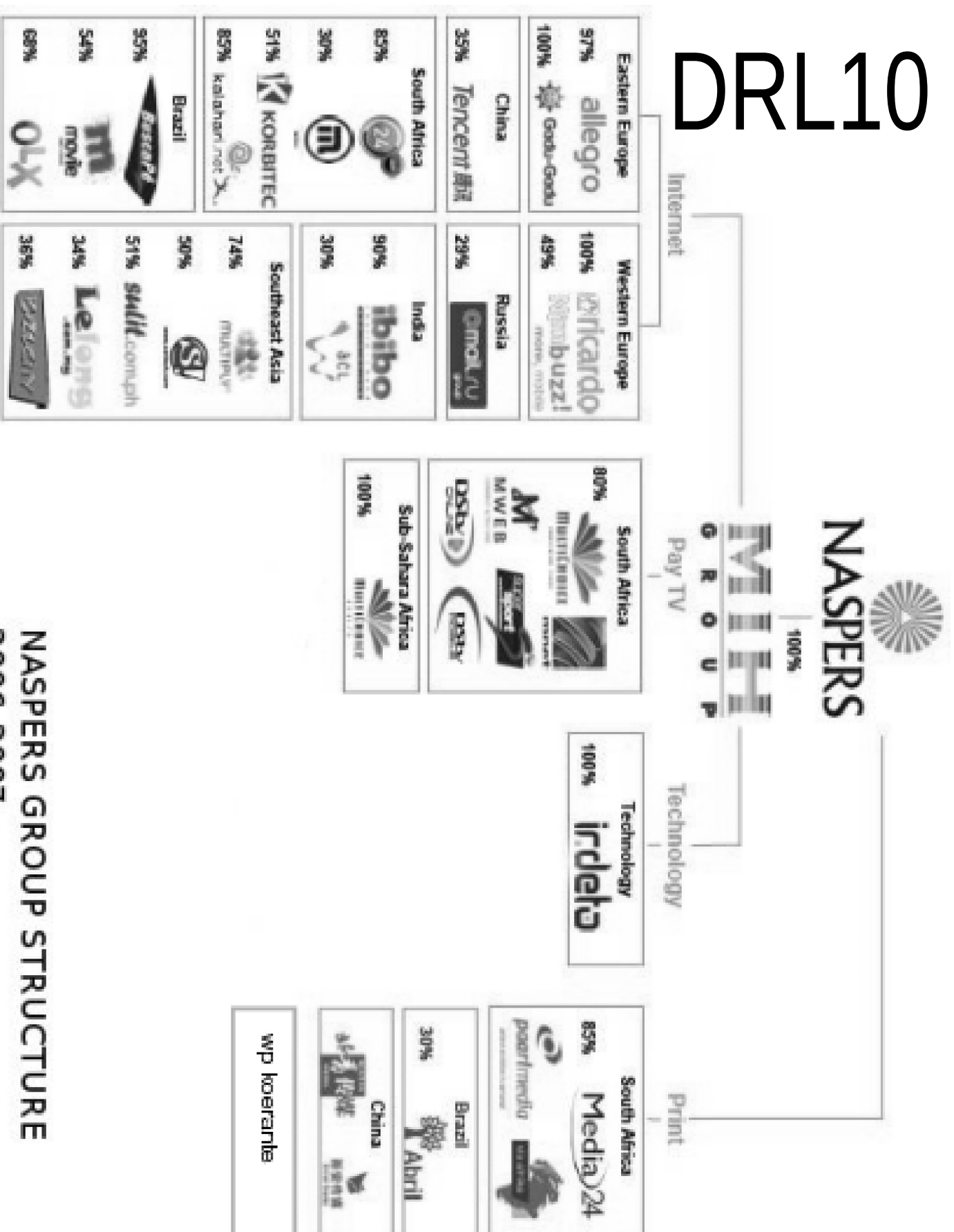
1. Some parts purposely left out, please compare the chart with Pre-Kagiso Tiso version

NASPERS CONTROL STRUCTURE

DRL9



DRL10

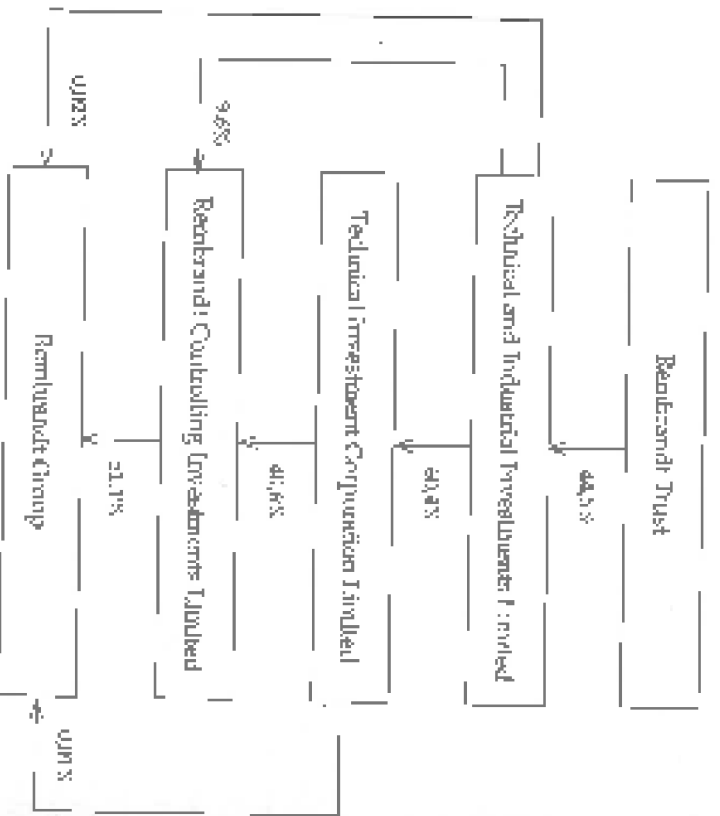


NASPERS GROUP STRUCTURE

2006-2007

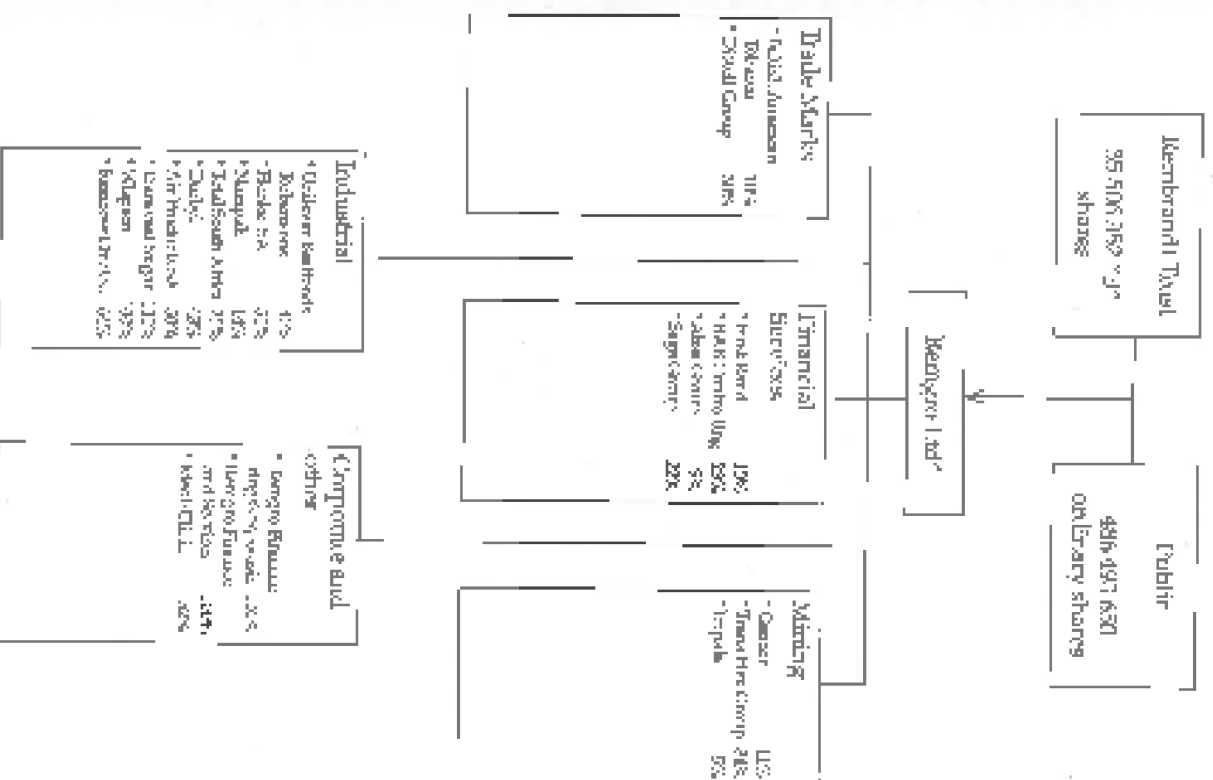
Rembrandt structure

before 2000 restructuring



Rembrandt structure

after 2000 restructuring



DRL11

ORGANISATIONAL STRUCTURE

On 30 June 2014

FOOD, LIQUOR AND HOME CARE



BANKING



HEALTHCARE



INSURANCE



INDUSTRIAL



INFRASTRUCTURE



MEDIA AND SPORT



OTHER INVESTMENTS



DRL12

GOVERNANCE FRAMEWORK

BOARD OF DIRECTORS

RISK MANAGEMENT AND INTERNAL CONTROL

EXTERNAL AUDIT

INVESTOR RELATIONS AND SHAREHOLDER COMMUNICATION

BUSINESS RESCUE PROCEEDINGS

ATTENDANCE AT MEETINGS

KING III

SUSTAINABILITY

RISK MANAGEMENT

ETHICS

REMUNERATION

STAKEHOLDER RELATIONS

CHARTERS AND MANDATES

BBBEE

BBBEE COMPLIANCE REPORT

OUR PEOPLE

CORPORATE SOCIAL INVESTMENT

SUSTAINABILITY AT OPERATING SUBSIDIARIES

ENVIRONMENT

SRI INDEX

OUR GREEN HEAD OFFICE



UNDICTATED: Rupert intends settling old score with Naspers's Bekker

BY ALEC HOGG, 09 SEPTEMBER 2013, 05:37

WHEN elephants fight, the grass gets trampled. In Africa's pay-TV arena, long the private reserve of media giant Naspers, the grass is about to get stomped out of existence.

The challenge comes from an old enemy, Richemont and Remgro chairman Johann Rupert.

Scion of a family worth R70bn, he is still smarting from a bust-up 16 years ago with his then pay-TV partner, Naspers CEO Koos Bekker. Their relationship began in the early 1990s when Mr Rupert selected pay-TV as the third leg for the family's offshore business, Richemont. He had long fretted about its vulnerability to the risky cigarette and cyclical luxury goods sectors.

He wrote enthusiastically about pay-TV in the Richemont annual reports of the early and mid-1990s. Then, as now, Mr Rupert preferred a bigger stage. He chose Europe.

In November 1991, Richemont made its initial foray by acquiring 75% of a Swedish-owned pay-TV business called FilmNet.

Originally focused on the Netherlands, FilmNet's footprint had expanded into Belgium and Scandinavia.

Mr Rupert had seen Mr Bekker, a fellow Afrikaner, start and develop M-Net, South Africa's first pay-TV business. It was founded, like FilmNet, in 1985.

So Mr Bekker's M-Net was brought into Richemont's new pay-TV operation as an equal partner, a decision that would not have been taken lightly.

Among traits inherited from his late father Anton, loyalty is paramount to Mr Rupert. Partners, usually 50-50, become like family. Joined at the hip. Through thick and thin.

Indefinitely. On the surface at least, the Rupert-Bekker honeymoon lasted years. In successive annual reports Rupert reiterated the long-term commitment: "it may be some time before its investments contribute positively to the group's results."

The FilmNet partnership expanded into new territories and it bought out the former Swedish owner's remaining 25%. Things were further formalised in 1994 through the creation a 50-50 holding company, NetHold.

Naspers injected Multichoice's 940,000 South African and other African subscribers into an already sizeable pot. Richemont added its recently acquired 25% of Italian pay-TV operation Telepiu.

By 1995, the investment phase was in full swing. NetHold might have been losing R800m a year, but Mr Rupert wrote enthusiastically about it now operating in 43 countries with a subscriber base of 2.4-million.

During the financial year to end-March 1996, NetHold's losses exceeded R1bn. But that was according to plan. The subscriber base had grown to 2.7-million and the 50-country mark reached. Mr Rupert was again upbeat, writing: "Richemont remains committed to the development of its interests in the electronic media industry."

For Mr Rupert, six months later the unthinkable happened. Mr Bekker, just promoted to CEO of M-Net holding company Naspers, said he no longer wanted to play in Mr Rupert's sandbox. What caused the divorce was never truthfully declared in public.

It's unlikely that Naspers got cold feet at sharing NetHold's losses, which in its final financial year exceeded R1.5bn. A more probable reason was the personalities of these African bull elephants. Mr Rupert, the gregarious, opinionated overtalker, would have been combustible to the famously introverted Mr Bekker.

Although internal documents were also never disclosed, their separation may have been officially documented as disagreement over geographic focus. Since NetHold, Mr Bekker steered the Naspers ship away from developed markets, where most the partnership's investments were being made. Mr Rupert did not take the divorce well. The resentment has festered for years.

His half of NetHold went into Canal+ in return for 15% of the equity in what created Europe's biggest pay-TV business. Two years later that stake was sold to Canal+'s parent, Vivendi.

Thus ended Richemont's pay-TV adventure and its hoped-for third leg. On the other side of the cracked altar, Mr Bekker's star rose.

Multichoice, now wholly owned again, became the cornerstone of Naspers's success. It still provides the lion's share of the R370bn group's cash flows, generated at a staggering 34% profit margin.

A decade and a half after Nethold died, Naspers's pay-TV cash cow is now at risk. Mr Rupert's South African arm, Remgro, holds 31.2% of Sabido, the media division of black-owned conglomerate HCI. Sabido is best known for its stake in e.tv, beneficiary of South Africa's only private free-to-air television licence. Fifteen years after its launch, the television station generates earnings of almost R700m a year and was recently valued at R8.2bn.

E.tv catapulted former trade unionists Marcel Golding and Johnny Copelyn into the ranks of the super rich — their HCI shares are worth R1.1bn to Golding, R700m to Copelyn.

Next month, Sabido launches OpenView HD. It has Multichoice in the cross-hairs. For consumers, OpenView has an irresistible price point. Pay R2,000 for the installation and get 15 channels for free. No monthly subscription charges — ever.

OpenView is touted as a Golding-Copelyn initiative, an extension of e.tv's drive into the African continent. But for Remgro's chairman, it is personal. Mr Rupert has large interests in the sports world, the critical segment for Multichoice's R625 a month top-end viewers.

Rugby is the obvious starting point. His empire extends to the MARC Group (formerly SAIL), which controls the Blue Bulls and has a substantial stake in Western Province.

Mr Rupert is a global figure in golf. And through the Laureus Awards, his influence stretches further. He is sure to call in favours from a vast network of friends, associates and those who simply fear him.

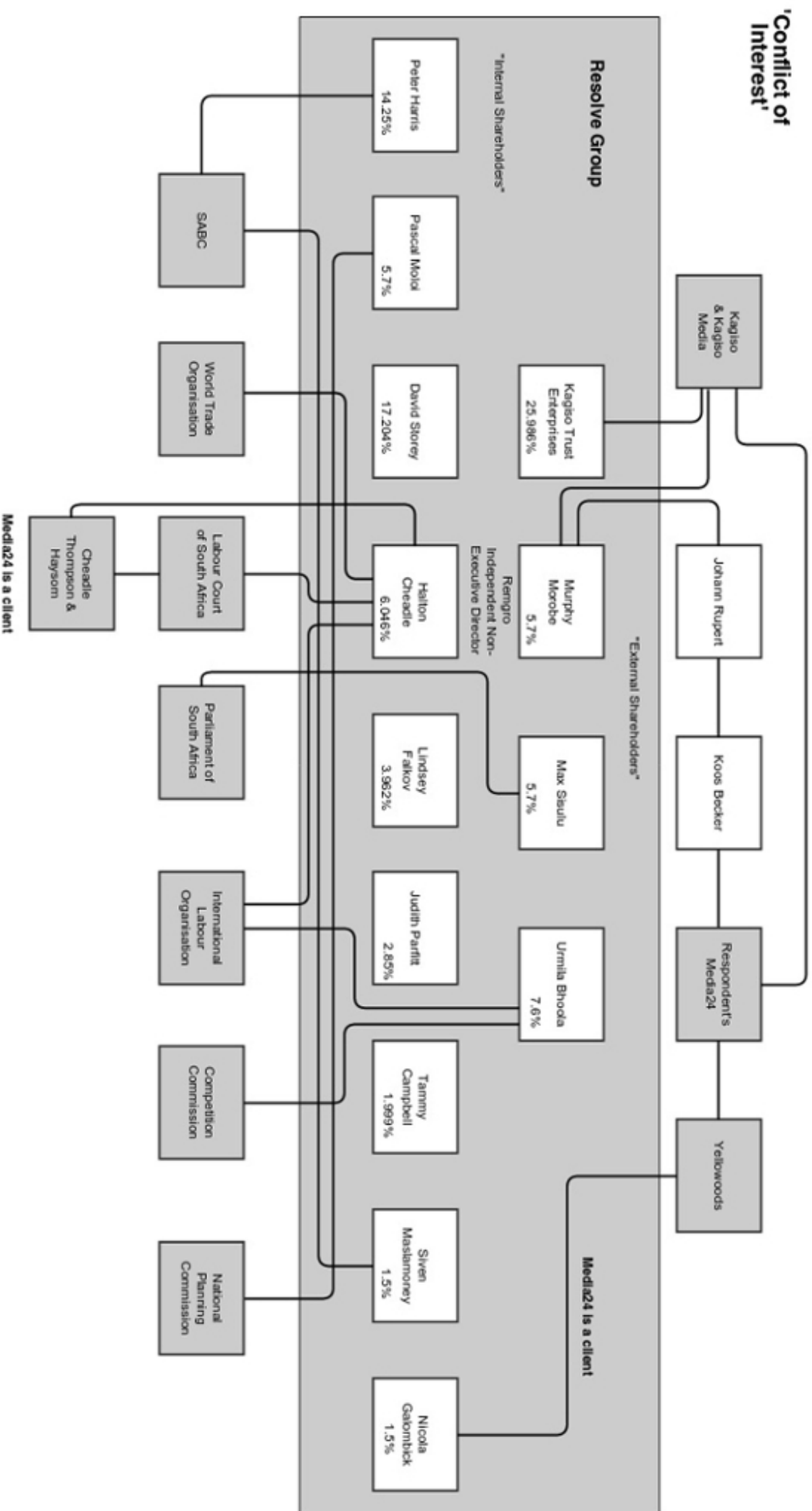
Mr Market has not paid attention to the OpenView challenge. Naspers shares gained 25% in the past three months, adding almost R100bn since news leaked of the new competitor to its pay-TV operation.

Analysts may justify the elevated price on a see-through value of its Chinese (TenCent) and Russian (Mail.ru) investments. But Naspers is an operating, not an investment, company. Cash flows are what really matter. They are under real threat.

Mr Rupert has waited a long time for revenge. He means to have it.

* Hogg is a financial writer and broadcaster and the founder of Moneyweb. He runs biznewz.biz.

Retrieved: 9 April 2015 <http://www.bdlive.co.za/business/biznewz/2015/03/15/stock-talk-caxton-takes-another-shot-at-naspers>



Resolve Shareholder	Company 1	Company 2	Company3	Client
Peter Harris	CTH	SABC		
Pascal Moloï	ANC	National Planning Com		
David Storey	Workplace Solutions	SABC		Discovery
Halton Cheadle	CTH	ILO	WTO	Media24
Lindsey Falkov				
Judith Parfitt	Resolve Workplace Solutions			
Tammy Campbell	Resolve Workplace Solutions			
Siven Maslamoney	SABC			
Nicola Galombick	Converse	Yellowwoods		Media24
Murphy Morobe	Remgro	Ernest & Young		Media24
Max Sisulu	Kagiso	Parliament of SA	ANC	Media24
Urmila Bhoola	Tokiso	Competition Commission	ILO	
Kagiso Trust Enterprises	Kagiso	Kagiso Trust Investments	Remgro	Media24

Table of Business Relationships at Resolve during period of review

Atte: Mr Mohammed. Fax no: 021-4222376

DEPARTEMENT VAN JUSTISIE
GREFFIER VAN DIE HOOGGERECHTSHOF
PROVINSIALE AFD KAAP DIE GOEIE HOOP
35 KEEROM STRAAT
KAAPSTAD 8000
REPUBLIEK VAN SUID-AFRIKA
TELEFOON: (021) 480-2411
FAX: (021) 423-0412
EMAIL: sofourie@justice.gov.za



REPUBLIEK VAN SUID AFRIKA
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF JUSTICE
REGISTRAR OF THE HIGH COURT
CAPE OF GOOD HOPE PROVINCIAL DIV
35 KEEROM STREET
CAPE TOWN 8000
REPUBLIC OF SOUTH AFRICA
TELEPHONE: (021) 480-2411
FAX: (021) 423-0412
EMAIL: sofourie@justice.gov.za

NAVRAE: MS. V.P. FASSIE. DATUM: 02/10/2009

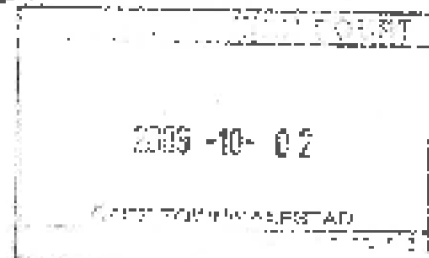
VERWYSING:
REFERENCE:

CHEADLE THOMPSON & HASSON INC.

5th FLOOR, 35 ON 35 WALE STREET

CAPE TOWN.

TEL: (021) 422-2210.



Sir / Madam

INFORMA PAUPERIS PROCEEDINGS

In terms of the provisions of Sub-Rule 1(a) of Rule 40 of the Rule of this Court,
I refer MR. D. LEWIS to you.

Yours faithfully

FOR REGISTRAR

The Secretary
Cape Bar Council
Huguenot Chambers
67 Keerom Street
CAPE TOWN
8001

Sir / Madam

Copy forwarded for your information.

Yours faithfully

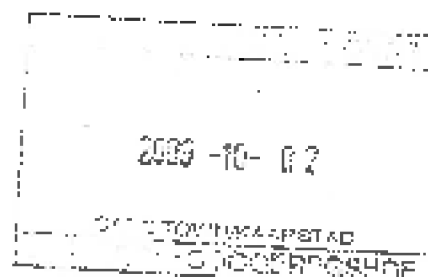
Mr / Mrs Mr D. LEWIS.
216 KITCHENER ROAD.
WOODSTOCK
CAPE TOWN, 8000.

1454
Tel: 082 425 1450.

Kindly communicate with above mentioned Attorney as soon as possible
PLEASE NOTE that all advertisements and sheriff's fees are for your own
Account and does not form part of the INFORMA PAUPERIS appointment.

Yours Faithfully

FOR REGISTRAR





Legal Power and Protection

Legal Expenses Insurance Southern Africa Limited

Cape Town

Shop 4, Fountain Place, 1 Heerengracht, Adderley Street, Cape Town 8001

PO Box 6272, Roggebaai 8012

Tel: (021) 419 6905 Fax: (021) 421 4826 Docex 333, Cape Town www.legalwise.co.za

DRL17

6 June 2006

WITHOUT PREJUDICE

Die Burger
Cape Town Branch
8000

Fax: (021) 406 3221

Attention: Warren Charles
Human Resource Manager

Our ref: BK/L947M/pp

Dear Sir

**RE: OUR POLICYHOLDER MR D LEWIS POLICY NO: 10029510
EMPLOYEE NO: 16483 DIVISION 770020**

We act on behalf of our member Mr Lewis who is entitled to our assistance and advice.

Our member was employed by Media 24 on a short term contract for 3 months. Our policyholder only received 2 months salary. It is a well known fact that our member is not an Orthodox Jew hence he observed the Sabbath from Friday evening (sunset) until Saturday evening sunset but was demanded by Mr Sedick Taljaard to work on this holy period. Our policyholder's contract was terminated by Media 24 before completion hereof.

Our policyholder instructed us to request you to reimburse our member for the one (1) month outstanding salary.

Failure to do so will result in legal action being taken.

Yours faithfully

**BERTRAM KONSTABEL
LEGAL COUNSELLOR**



4. FACTS WHICH ARE COMMON CAUSE

- 4.1 Applicant was employed by Respondent as a fixed term employee from 01 April 2006 to 30 June 2006 in terms of a written agreement between the parties.
- 4.2 The signature appearing on page 11 on the written agreement relied upon by Respondent entitled "**DIE BURGER, CONTRACT OF SERVICE FOR TEMPORARY STAFF, Fixed Term Contract**" is that of Applicant. Applicant disputes that the preceding ten pages of that agreement are his written agreement with Respondent;
- 4.3 Applicant was employed as a layout sub.
- 4.4 Applicant was paid a gross monthly remuneration of R8 000.00 (eight thousand rand).

DRL18

5. MATERIAL FACTS WHICH ARE IN DISPUTE

- 5.1 Applicant disputes the terms of his contract as reflected in the agreement referred to in paragraph 4.2 above.
- 5.2 Applicant alleges that Respondent made a material misrepresentation which induced Applicant to enter into the contract of employment in the following manner:
- 5.2.1 That Respondent misrepresented that it had been cleared by the Truth and Reconciliation Commission;
- 5.2.2 That Respondent misrepresented the working hours of Applicant (including the obligation to work on the Sabbath).

Respondent disputes these contentions.

CAPE LAW SOCIETY

Incorporated as The Law Society of the Cape of Good Hope
THE STATUTORY BODY WITH JURISDICTION TO ADMINISTER THE ATTORNEYS'
ACT IN THE NORTHERN, WESTERN & EASTERN CAPE PROVINCES



28TH & 30TH FLOORS
ABSA CENTRE, 2 RIEBEECK STREET
CAPE TOWN 8001
DX 124 CAPE TOWN
P O BOX 4528
CAPE TOWN 8000
TELEPHONE (021) 443 6700
TELEFAX (021) 443 6751/2
EMAIL cls@capalawcc.law.za
Website www.capeawsoc.org.za

Mr D R Lewis
P O Box 4398
CAPE TOWN
8000

Please quote our reference in all correspondence

Our Reference: 45272/Cheadle/BSM/dt

Your Reference:

Date: 18 November 2011

Dear Sir

Complaint against Attorney Mr M H Cheadle (Cheadle Thompson & Haysom Inc.)

Enclosed herewith please find a copy of a letter of response received from Mr Cheadle.

Kindly be advised that we are attending to the assessment of the matter after which same will be referred to the Disciplinary Committee for consideration. You may not respond or comment to Mr Cheadle's response as we are of the view that the information received from both you and Mr Cheadle was sufficient for the Disciplinary Committee to make a finding.

You will be advised of the outcome in due course.

Yours faithfully


B S MKUMATELA
LEGAL OFFICER
DISCIPLINARY DEPARTMENT

0214222376

Your ref: 45272 / Cheadle / BSM / dt
Our ref: H Cheadle



CHEADLE THOMPSON
& HAYSOM INC.
ATTORNEYS

2 November 2011

The Cape Law Society
29th & 30th Floors
ABSA Centre
2 Riebeeck Street
CAPE TOWN

DRL20

Attention: Mr BS Mkumatela

Dear Sir

Complaint by Mr D R Lewis

Thank you for allowing me to reply to the two allegations raised in your covering letter of 4 October 2011, to which Mr Lewis' letter of 28 September 2011 was attached. I have looked at the remaining allegations in Mr Lewis' letter and do not consider it necessary to reply to them in any detail, other than to deny them, for two reasons: they are argumentative and traverse issues already dealt with in my response to his complaint.

The appropriateness of my presiding in the matter

Mr Lewis claims that if it was inappropriate for Mr Whyte to represent him, it was inappropriate for me to preside. I draw to your attention that this never formed part of his complaint, as I indicated in my response to his complaint. I iterate what I said in my response. The matter was raised with him and he had no objection. In so far as he claims that he does not recall this conversation, I remember placing this on record at the commencement of the hearing and to which he did not object.

The allegation that my conduct, especially the many errors contained in the text of the decision resulted from my having a compromised business relationship with the respondent

I deny this allegation. *Firstly*, the alleged errors in the judgment have not been disclosed either in the complaint or in his response. *Secondly*, I can say no more than iterate what I stated in my response, that I have no business relationship with the respondent. The chains of association are so tenuous that there is no realistic possibility that I had a 'business relationship' with the respondent and accordingly an interest in the outcome of the case. No reasonable person would have apprehended that I had such a relationship and accordingly such an interest, which is the test that the Constitutional Court adopted in *Bernert v ABSA Bank Ltd* (referred to in my response).

Yours faithfully

Halton Cheadle
Cheadle Thompson & Haysom Inc.

CAPE LAW SOCIETY

Incorporated as The Law Society of the Cape of Good Hope
THE STATUTORY BODY WITH JURISDICTION TO ADMINISTER THE ATTORNEYS'
ACT IN THE NORTHERN, WESTERN & EASTERN CAPE PROVINCES

DRL21

PER FAX : 086-699-5510

29TH & 30TH FLOORS
ABSA CENTRE, 2 RIEBEECK STREET
CAPE TOWN 8001
DX 124 CAPE TOWN
P O BOX 4528
CAPE TOWN 8000
TELEPHONE (021) 443 6700
TELEFAX (021) 443 6751/2
EMAIL cls@capelawsoc.law.za
Website www.capelawsoc.law.za

Mr D R Lewis
P O Box 4398
CAPE TOWN
8000

Please quote our reference in all correspondence

Our Reference: DISC/45272/BSM/gb

Your Reference:

Date: 22 March 2012

Dear Sir

Complaint against Attorney M H Cheadle (Cheadle Thompson & Haysom Inc.)

We acknowledge receipt of your letter dated 14 March 2012.

The Disciplinary Committee considered the above matter at its meeting on 12 March 2012.

The Committee directed that you be requested to –

1. provide a copy of the court papers in the matter;
2. advise whether you had any facts to support your averment of bias on the part of Mr Cheadle;
3. advise whether you were aware that your attorney did not accept Mr Cheadle's offer to recuse himself in chambers;
4. obtain a statement from your attorney concerning the discussion in chambers.

As the matter will be considered further by the Disciplinary Committee at its next meeting, we would appreciate receiving your response by **4 April 2012**.

We look forward to your prompt response and co-operation herein.

Yours faithfully



B S MKUMATELA
LEGAL OFFICER
DISCIPLINARY DEPARTMENT

DRL22

IN THE LABOUR COURT OF SOUTH AFRICA
HILLD AT CAPE TOWN

Case No. C85/07

In the matter between:

DAVID ROBERT LEWIS

Applicant

And

MEDIA 24 MAGAZINES

Respondent

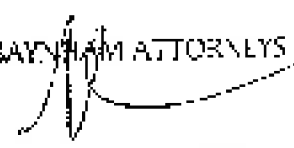
NOTICE OF WITHDRAWAL AS ATTORNEYS OF RECORD

BE PLEASED TO TAKE NOTICE THAT Michael Baynham Attorneys (107 St George's Mall, CAPE TOWN) hereby withdraws as Attorneys of Record for the Applicant herein.

1. Kindly note that applicant's last known address is PO Box 4398, Cape Town 8001 and alternatively 26 Kitchener Road Woodstock Cape.

SIGNED at CAPE TOWN on this 25th day of SEPTEMBER 2007.

MICHAEL BAYNHAM ATTORNEYS



Per: M. BAYNHAM

Applicants Attorneys

2ND Floor, Equity House, 107 S. George's Mall

CAPE TOWN

(Ref: MB/na/31FW/07)

TO: THE REGISTRAR
Labour Court
113 Thamel House
Long Street
CAPE TOWN

CAPE LAW SOCIETY

Incorporated as The Law Society of the Cape of Good Hope
THE STATUTORY BODY WITH JURISDICTION TO ADMINISTER THE ATTORNEYS'
ACT IN THE NORTHERN, WESTERN & EASTERN CAPE PROVINCES



29TH & 30TH FLOORS
ABSA CHAIRS, 2 RIEBEECK STREET
CAPE TOWN 8001
DX 124 CAPE TOWN
P O BOX 4528
CAPE TOWN 8000
TELEPHONE (021) 443 6700
TELEFAX (021) 443 6701/2
EMAIL cls@capelaw.co.za
Website www.capelaw.co.za

Mr D R Lewis
P O Box 4398
CAPE TOWN
8000

Please quote our reference in all correspondence

Our Reference: DISC/45272/BSM/gb

Your Reference:

Date: 23 May 2012

Dear Sir

Complaint against Attorney M H Cheadle (Cheadle Thompson & Haysom Inc.)

Previous correspondence refers.

The Disciplinary Committee considered the above matter at its meeting on 14 May 2012.

The Committee, noting that the complaint was founded on the judgment handed down by Mr Cheadle and that the correct course of action for you was to obtain legal advice on the civil legal processes available to you, found that a finding of unprofessional conduct could not be made on the information and documentation before it.

We are closing our file herein.

Yours faithfully


B S MKUMATELA
LEGAL OFFICER
DISCIPLINARY DEPARTMENT

DRL24

YOUR COMPLAINT AGAINST ATTORNEY M.H CHEADLE WHO WAS ACTING AS
A JUDGE IN ONE OF THE CASE IN WHICH YOU WERE INVOLVED IN

01/12/2014

Thomas Mogoba <thomasm@pprotect.org>

Your complaint lodged at this Office has reference.

The Public Protector can, by law, only investigate complaints against government institutions and officials attached to such institutions should it be established that you are improperly prejudiced by such institution or official.

Preliminary investigation was conducted with the Cape Law Society. The Cape Law Society informed the Public Protector that they are aware of your complaint and further that your complaint was investigated by their Disciplinary Department and referred to the Disciplinary Committee for consideration. The Disciplinary Committee considered the matter at its meeting on 14 May 2012. Cape Law Society noted that the complaint was founded on the judgement handed down by Mr Cheadle and their recommendation was that the correct cause of action was for you to obtain legal advice on the civil legal process available to you. The Cape Law Society found that a finding of unprofessional conduct could not be made on the information and documentation before it.

The Public Protector advised that you approach the Office of the Chief Justice regarding your complaint against the judge. The contact details is (011)838 2010.

You are also advised to approach the Judicial Service Commission for appropriate relief regarding your complaint against the Judges. The JSC was established in terms of Section 178 of the Constitution, and its function is to select fit and proper persons for appointment as judges and to investigate complaints about judicial officers. It also advises government on any matters relating to the judiciary or to the administration of justice. Complaints are lodged and dealt with by the Judicial Conduct Committee which is composed of the Chief Justice as Chairperson of the Committee, the Deputy Chief Justice and four other Judges.

Part III, sections 14 – 33 of the Judicial Service Commission Act, 1994 (Act 9 of 1994) as amended, give details on how complaints about judges may be lodged and dealt with.

"14 Lodging of complaints

(1) Any person may lodge a complaint about a judge with the Chairperson of the Committee.

(2) When a complaint is lodged with the Chairperson in terms of subsection (1), the Chairperson must deal with the complaint in accordance with section 15, 16 or 17, but in the event of a complaint falling within the parameters of section 15, the Chairperson may designate a Head of Court to deal with the complaint, unless the complaint is against the Head of Court.

(3) A complaint must be-

- (a) based on one or more of the grounds referred to in subsection (4); and
- (b) lodged by means of an affidavit or affirmed statement, specifying-
 - (i) the nature of the complaint; and
 - (ii) the facts on which the complaint is based.

(4) The grounds upon which any complaint against a judge may be lodged, are any one or more of the following:

- (a) Incapacity giving rise to a judge's inability to perform the functions of judicial office in accordance with prevailing standards, or gross incompetence, or gross misconduct, as envisaged in section 177 (1) (a) of the Constitution;
 - (b) Any wilful or grossly negligent breach of the Code of Judicial Conduct referred to in section 12, including any failure to comply with any regulation referred to in section 13 (5);
 - (c) Accepting, holding or performing any office of profit or receiving any fees, emoluments or remuneration or allowances in contravention of section 11;
 - (d) Any wilful or grossly negligent failure to comply with any remedial step, contemplated in section 17 (8), imposed in terms of this Act;
- and
- (e) Any other wilful or grossly negligent conduct, other than conduct contemplated in paragraph (a) to (d) , that is incompatible with or unbecoming the holding of judicial office, including any conduct that is prejudicial to the independence, impartiality, dignity, accessibility, efficiency or effectiveness of the courts."

Code of Judicial Conduct

Judicial Service Commission Act: Code of Judicial Conduct [GG 35802, RG 9841, GoN 865, 18 October 2012]

Contact details

The Secretary of the Judicial Service Commission

Mr Sello Chiloane

Tel: +27 +11 838 2010 / 2019

Fax: [086 619 0944](tel:0866190944)

E-mail: Chiloane@concourt.org.za

Private Bag X 1, Constitution Hill, Braamfontein, Johannesburg, 2017

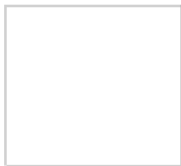
Constitutional Court, 1 Hospital Street, Constitutional Hill, Braamfontein

- See more at: <http://www.justice.gov.za/faq/>

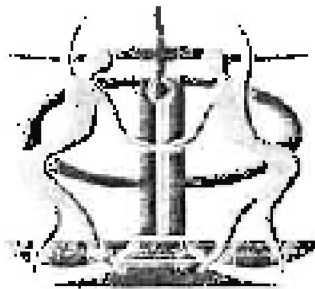
In light of the above, the Public Protector has now closed your file.

Yours faithfully

Thomas Thekwane Mogoba
Senior Investigator
Public Protector South Africa
175 Lunnnon Street, Hillcrest Office Park
Private Bag X 677, Pretoria 0001
Tel: (012)366 - 7011
Fax: 0866274306
Email: thomasm@pprotect.org



DRL25



**PUBLIC PROTECTOR
SOUTH AFRICA**

HEAD OFFICE:PRETORIA

Private Bag X677, Pretoria 0001 175 Lunnon Street Hillcrest Office Park, 0083
Tel: (012) 366 7000 Fax : (012) 362 3473

**Please quote this reference in
your reply:7/2 – 018866/14**

Mr DR Lewis
P.O Box 4398
Cape Town
8000

Dear Mr Lewis

RE: YOUR COMPLAINT

Receipt of your complaint is hereby acknowledged.

The matter you have raised will be assessed to establish whether the law allows us to investigate your complaint. As soon as this process is complete, we shall revert to you and advise you accordingly.

Please note that, if you are considering instituting a civil claim against any government institution or agency, by law they must be notified within 6 months of the date of the incident complained of. A complaint lodged with the Office of the Public Protector does not interrupt this period. Should you not be sure of how the above might affect your remedies against the institution that you are complaining about, please contact us for clarification. Please note, however, that this Office cannot litigate on your behalf or represent you in any legal proceedings. You should consult an attorney of your choice.

National Prosecution Service



Reference number: 9/2/12- 386 / 2014

Enquiries: Ms R Bester

Head Office

Tel: +27 12 845 6942

Fax: +27 12 845 7108

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton, Pretoria

P/Bag X752
Pretoria
0001
South Africa

www.npa.gov.za

Mr David Robert Lewis

P O Box 4398

CAPE TOWN

8000

Dear Mr Lewis

REPRESENTATIONS: COMPLAINT IN TERMS OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, YOURSELF

I hereby acknowledge receipt of your communication dated the 7 October 2014 in the above regard, the content of which has been noted.

Kindly be advised that this Office has taken the liberty to forward your representation to the Director of Public Prosecutions, Western Cape for his attention and disposal of the matter. The referral is done to enable the said Director to fulfil his mandate in terms of the governing legislation.

You may therefore receive a further communication from the said Director in due course. Should you not be satisfied with the outcome of the aforesaid Director's decision, you may approach this Office again for a review thereof. Kindly direct any further communication and or enquiries regarding this matter to the said Director of Public Prosecutions, Private Bag X9003, Cape Town, 8000, with contact numbers 021 – 487 7000 and fax number 021 – 424 7825, for the attention of Ms Emilia Davids.

Yours faithfully



M. SILAS RAMAITE, SC

DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

HEAD: NPS

DATE: 5-12-2014

DRL27

Office of the Director of Public Prosecutions



The National Prosecuting Authority of South Africa
nyanga J haka lababiz ababiz haka haka Afrika
Die Nasionale vervolgingsagentskap van Suid-Afrika

Ref: 9/2/12-685/14
Enq: Mrs E Davies

Mr David Robert Lewis
P O Box 4398
CAPE TOWN
8000

2015-01-08

CAPE TOWN

Tel: +27 21 487-7000
Fax: +27 21 487-7167

115 Buitengracht
Cape Town
8000

Private Bag 9003
Cape Town
8000
South Africa

www.npa.gov.za

Sir

ALLEGED CORRUPTION: M H CHEADLE

Your letter to the National Director of Public Prosecutions dated 7.10.2014 refers.

You will have to lay a formal charge at the South African Police Service to have the matter investigated, should you wish to take the criminal allegations further.

I am proceeding to close my file.

Yours faithfully

DIRECTOR OF PUBLIC PROSECUTIONS:
WESTERN CAPE



Office of the Director of Public Prosecutions



The National Prosecuting Authority of South Africa
194 000, Jherolmsd. (Abolition of the Death Penalty)
The National Prosecuting Authority of South Africa

Ref: 9/2/12-74/15
Enq: Mrs D Anthony

10 MAR 2015

DRL28

CAPE TOWN

Tel: +27 21 487-7000
Fax: +27 21 487 7167

115 Buitengracht
Cape Town
8000

Private Bag 9003
Cape Town
8000
South Africa

www.npa.gov.za

Mr D R Lewis
P O Box 4398
CAPE TOWN
8000

Sir

CAPE TOWN CAS 1566/10/2014

Your letter dated 13.2.2015 refers.

The only annexures attached to your letter, are ANNEXURE D and F.

Do you wish to submit anything else?

Yours faithfully

**DIRECTOR OF PUBLIC PROSECUTIONS:
WESTERN CAPE**



Justice in our society, so that people can live in freedom and security.

Office of the Director of Public Prosecutions



The National Prosecuting Authority of South Africa
Nkqanga Jikelele / Lesinghlophiso / Lesinghlophiso / Lesinghlophiso
Die Nasionale Vervolgingsagentskap van Suid-Afrika

Ref: 9/2/4/4-378/15
Enq: Mrs J Pienaar

CAPE TOWN

Tel: +27 21 497-7000
Fax: +27 21 467-7167

155 B. langenhoven
Cape Town
8000

Private Bag 9003
Cape Town
8000
South Africa

www.npa.gov.za

Mr D R Lewis
P O Box 4398
CAPE TOWN
8000

2015 -06- 24

Sir

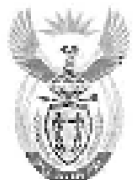
CAPE TOWN CAS 1568/10/2014

Your letter dated 13.2.2015 refers.

I decline to prosecute as there are no reasonable prospects of a successful prosecution.

Yours faithfully


**DIRECTOR OF PUBLIC PROSECUTIONS:
WESTERN CAPE**



National Prosecution Service



Reference number: 9/2/12- 386 / 2014

Enquiries: Ms R Bester

Head Office

Tel: +27 12 845 8942
Fax: +27 12 845 7108

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton, Pretoria

P/Bag X752
Pretoria
0001
South Africa

www.npa.gov.za

Mr David Robert Lewis

P O Box 4388

CAPE TOWN

8000

Dear Mr Lewis

REPRESENTATIONS: COMPLAINT IN TERMS OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, YOURSELF

I hereby acknowledge receipt of your follow up communication addressed to Mr Ramaite in the above regard, the content of which has been noted.

Kindly be advised that this Office has requested a report on the matter from the Director of Public Prosecutions, Western Cape. We will revert back to you in due course.

Yours faithfully


ADV N. JIBA

DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

HEAD: NPS

DATE: 04/11/2015

DRL31

National Prosecution Service



Reference number: 9/2/12- 386 / 2014

Enquiries: Ms R Bester

Head Office

Tel: +27 12 845 8942
Fax: +27 12 845 7108

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weaving Park
Silverton, Pretoria

P/Bag X752
Pretoria
0001
South Africa

www.npa.gov.za

Mr David Robert Lewis

P O Box 4398

CAPE TOWN

8000

Dear Mr Lewis

REPRESENTATIONS: COMPLAINT IN TERMS OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, YOURSELF

This Office's previous communication in respect of the aforementioned matter refers.

The Director of Public Prosecutions Western Cape has subsequently advised this Office that the relevant docket cannot be traced at the SA Police Service archive, therefore a report on the matter cannot at this stage be furnished to this Office.

The search for the docket is however ongoing and the matter will duly be attended to upon receipt of the said docket.

Yours faithfully

ADV N. JIBA

DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

HEAD: NPS

DATE: 08/01/2014

DRL32

National Prosecution Service



Reference number: 9/2/12-386 / 2014

Enquiries: Ms R Bester

Head Office

Tel: +27 12 845 6942
Fax: +27 12 845 7106

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Woolind Park
Silverton, Pretoria

P/Bag X752
Pretoria
0001
South Africa

www.npa.gov.za

Mr David Robert Lewis

P O Box 4398

CAPE TOWN

8000

Dear Mr Lewis

REPRESENTATIONS: COMPLAINT IN TERMS OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, YOURSELF

Receipt of your communication dated 28 June 2016 in respect of the aforementioned matter, the content of which has been noted. Is hereby acknowledged.

Kindly be advised that the search for the missing docket continues. We will revert back to you with developments in this regard at our earliest opportunity.

Yours faithfully

ADV N. JIBA

DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

HEAD: NPS

DATE: 13/07/2017

DRL33

National Prosecution Service



Reference Number: 9/2/12- 386 / 2014

Enquiries: Ms R Bester

Head Office

Tel: +27 12 845 6942
Fax: +27 12 845 7108

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton, Pretoria

P/Bag X752
Pretoria
0001
South Africa

www.npa.gov.za

Mr David Robert Lewis

P O Box 4398

CAPE TOWN

8000

Dear Mr Lewis

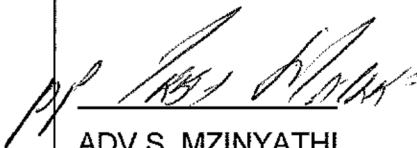
REPRESENTATIONS: COMPLAINT IN TERMS OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, YOURSELF

This Office's previous communication in respect of the aforementioned matter refers.

The DPP Western Cape has again advised us that the search for the missing docket continues. He has also indicated that the search not yield any results in due course, a new duplicate docket should be opened.

You will be advised of further developments in in this regard.

Yours faithfully



ADV S. MZINYATHI

ACTING DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

HEAD: NPS

DATE: 16/10/2014

DRL34

National Prosecution Service



Reference Number: 9/2/12-388 / 2014

Enquiries: Ms R Bester

Head Office

Tel: +27 12 545 6042
Fax: +27 12 545 7108

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Wynand Park
Silverton, Pretoria

P/Bag X752
Pretoria
0001
South Africa

www.npa.gov.za

Mr David Robert Lewis

P O Box 4396

CAPE TOWN

8000

Dear Mr Lewis

REPRESENTATIONS: COMPLAINT IN TERMS OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, YOURSELF

This Office's previous communication in respect of the aforementioned matter refers.

The DPP Western Cape has now advised us that he has requested the Provincial Commissioner to direct that a duplicate docket be opened in an effort to expedite the matter.

You will be advised of further developments in this regard.

Yours faithfully

Pp Adv S. Mzinyathi

ADV S. MZINYATHI

ACTING DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

HEAD: NPS

DATE: 14/11/2014

DRL35

National Prosecution Service



Reference Number: 9/2/12- 386 / 2014

Enquiries: Ms R Bester

Head Office

Tel: +27 12 845 6942
Fax: +27 12 845 7108

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton, Pretoria

P/Bag X752
Pretoria
0001
South Africa

www.npa.gov.za

Mr David Robert Lewis

P O Box 4398

CAPE TOWN

8000

Dear Mr Lewis

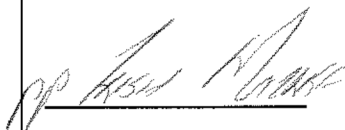
REPRESENTATIONS: COMPLAINT IN TERMS OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, YOURSELF

I hereby acknowledge receipt of your communication dated 12 February 2018 in respect of this matter, the content of which has been noted.

Please note that the DPP Western Cape has since approached the Provincial Commissioner with a request that a duplicate docket be opened in an effort to expedite this matter.

You will be advised of further developments in this regard at our earliest opportunity.

Yours faithfully



ADV S. MZINYATHI

ACTING DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

HEAD: NPS

DATE: 12/02/2018

DRL36

National Prosecution Service



Reference Number: 9/2/12- 386 / 2014

Enquiries: Ms R Bester

Head Office

Tel: +27 12 845 6942
Fax: +27 12 845 7108

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton, Pretoria

P/Bag X752
Pretoria
0001
South Africa

www.npa.gov.za

Mr David Robert Lewis

P O Box 4398

CAPE TOWN

8000

Dear Mr Lewis

REPRESENTATIONS: COMPLAINT IN TERMS OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, YOURSELF

I hereby acknowledge receipt of your communication dated 3 April 2018 in respect of this matter, the content of which has been noted.

Please note that the delay experienced in the finalization of this matter is regretted. A copy of your communication has been forwarded to the DPP Western Cape with a request that his Office immediately liaise with you in order to apprise you of the steps they have taken thus far in attending and expediting your representations.

You may therefore expect a further communication from the DPP in due course.

Yours faithfully


ADV S. MZINYATHI

ACTING DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

HEAD: NPS

DATE: 04/04/2018

National Prosecution Service



Reference Number: 9/2/12- 386 / 2014

Enquiries: Ms R Bester

Head Office

Tel: +27 12 845 6942
Fax: +27 12 845 7108

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton, Pretoria

P/Bag X752
Pretoria
0001
South Africa

www.npa.gov.za

Mr David Robert Lewis

P O Box 4398

CAPE TOWN

8000

Dear Mr Lewis

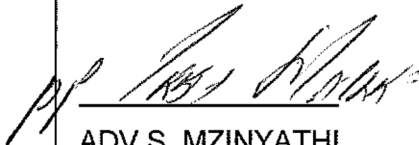
REPRESENTATIONS: COMPLAINT IN TERMS OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, YOURSELF

This Office's previous communication in respect of the aforementioned matter refers.

The DPP Western Cape has again advised us that the search for the missing docket continues. He has also indicated that the search not yield any results in due course, a new duplicate docket should be opened.

You will be advised of further developments in in this regard.

Yours faithfully



ADV S. MZINYATHI

ACTING DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

HEAD: NPS

DATE: 16/10/2012

DRL37

National Prosecution Service



Reference Number: 9/2/12- 386 / 2014

Enquiries: Ms R Bester

Head Office

Tel: +27 12 845 6942
Fax: +27 12 845 7108

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton, Pretoria

P/Bag X752
Pretoria
0001
South Africa

www.npa.gov.za

Mr David Robert Lewis

P O Box 4398

CAPE TOWN

8000

Dear Mr Lewis

REPRESENTATIONS: COMPLAINT IN TERMS OF THE PREVENTION AND COMBATING OF CORRUPTION ACT, YOURSELF

This Office's previous communication in respect of the aforementioned matter refers.

Kindly be advised that the Director of Public Prosecutions Western Cape is still awaiting the Provincial Commissioner of the Commercial Crime Unit to furnish him with a duplicate docket.

The DPP has once again been urged to liaise with you in order to provide you with the latest developments in the matter.

Yours faithfully



ADV S. MZINYATHI

ACTING DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

HEAD: NPS

DATE: 09/07/2015

DRL38

**Director of Public Prosecutions
Western Cape**



NATIONAL PROSECUTING AUTHORITY
South Africa

Ref No: 10/2/4/3/3-296/17

Enquiries: Mrs C Delaney

CAPE TOWN
Regional Office

Tel: +27 21 487 7000

Fax: +27 21 487 7167

NPA Building
115 Buitengracht
Street
Cape Town
8000

P/Bag 9003
Cape Town
8000
South Africa

www.npa.gov.za

Mr D R Lewis
P o Box 4398
CAPE TOWN
8000

Email: davidrobertlewis@yahoo.co.uk



Sir

**REPRESENTATIONS: YOURSELF
[CAPE TOWN CAS 1566/10/2014]**

Your letter dated 12 February 2018 and my response dated 4 May 2018 refer.

I received the docket and forwarded it together with a report to the Deputy National Director of Public Prosecutions.

Yours faithfully

DIRECTOR OF PUBLIC PROSECUTIONS: WESTERN CAPE

National Prosecution Service



Reference Number: 10/2/12/3 – 386 / 2014

Enquiries: Ms R Bester

Head Office

Tel: +27 12 845 6942
Fax: +27 12 845 7108

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton, Pretoria

P/Bag X752
Pretoria
0001
South Africa

www.npa.gov.za

Mr Robert Lewis

PER E-MAIL: davidrobertlewis@yahoo.co.uk

Dear Mr Lewis,

REPRESENTATIONS: YOURSELF

Cape Town Cas 1566 / 10 / 2014

Please be advised that having considered your representations and in consultation with the Director of Public Prosecutions Western Cape, I agree with the decision of the DPP to decline prosecution in the aforementioned matter.

In deciding whether or not to institute criminal proceedings against an accused, prosecutors must assess whether there is sufficient and admissible evidence to provide a reasonable prospect of a successful prosecution. There must indeed be a reasonable prospect of a conviction, otherwise the prosecution should not be commenced or continued. This assessment may be difficult, because it is never certain whether or not a prosecution will succeed.

A prosecutor exercises a discretion on the basis of the information before him or her. Based on the evidence contained in aforementioned docket, i am of a view that the State will not be in a position to present sufficient evidence to establish all the elements of the offence/s with which you want the accused to be charged. There is no substantive and admissible evidence to establish and sustain a conviction herein. Accordingly, no criminal proceedings can be instituted as there are no prospects of a successful prosecution.

Our file is herewith closed as this matter is now regarded as having been finalised.

Yours faithfully



M. SILAS RAMAITE, SC

ACTING NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

DATE: 04/12/2015

Representations: Mr Robert Lewis, Cape Town Cas 1566 / 10 / 2014

Guided by the Constitution, we in the National Prosecuting Authority
ensure justice for the victims of crime by prosecuting without fear
favour or prejudice and by working with our partners and the public
to solve and prevent crime

DRL40

PO BOX 4398
Cape Town
8000

24 October 2018

Your ref: 10/2/4/3/3-296/17

Director of Public Prosecutions: Western Cape
NPA Building
115 Buitengracht St
Cape Town
8000

P/Bag 9003
Cape Town
8000

Dear Sir

REPRESENTATIONS MYSELF/CAS 1566/10/2014

I am in receipt of our correspondence dated 17 September 2018, referring to my letter dated 12 February 2018 and apparently your response dated 4 May 2018.

In which it appears you have successfully located the docket after it 'was missing', and have now complied with a request by National Prosecution to forward same to the Deputy National Director, along with a report.

I therefore kindly request a copy of the aforementioned report and note that I am not in receipt of your 4 May 2018 dated letter, nor do you appear to be in compliance **with a request by the Acting Deputy National Director dated 9 July 2018**, that you liaise with me in order to

provide me with the latest developments with the case', but have merely reverted back to national head office and supplied the above letter sans the report.

In addition to a copy of the report, can you please supply reasons for your apparent non-compliance with the DND advices?

Sincerely yours,

David Robert Lewis
DR Lewis

082 425 1454

021 788 3119

Cc

Deputy National Director Public Prosecutions

DRL41

**Director of Public Prosecutions
Western Cape**



NATIONAL PROSECUTING AUTHORITY
South Africa

Ref No: 10/2/4/3/3-296/17
Enquiries: Mrs J Plenaar

REGISTERED

CAPE TOWN
Regional Office

Tel: +27 21 487 7000
Fax: +27 21 487 7167

NPA Building
115 Buitengracht
Street
Cape Town
8000

P/Bag 9003
Cape Town
8000
South Africa

www.npa.gov.za

Mr D R Lewis
P 6 Box 4398
CAPE TOWN
8000

Email: davidrobertlewis@yahoo.co.uk



Sir

**REPRESENTATIONS: YOURSELF
[CAPE TOWN CAS 1566/10/2014]**

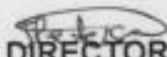
Your letter dated 24 October 2018 and my letters dated 4 May and 17 September 2018 refer.

I enclose a copy of my letter dated 4 May 2018 as requested.

The Acting National Director of Public Prosecutions has informed me that he has agreed with my decision to decline to prosecute.

Both the Acting National Director of Public Prosecutions and I have closed our files and no further correspondence will be entertained.

Yours faithfully


DIRECTOR OF PUBLIC PROSECUTIONS: WESTERN CAPE

DRL42

**Director of Public Prosecutions
Western Cape**



NATIONAL PROSECUTING AUTHORITY
South Africa

Ref No: 10/2/4/3/3-296/17
Enquiries: Mr R Swarts



**CAPE TOWN
Regional Office**

Tel: +27 21 487 7000
Fax: +27 21 487 7167

NPA Building
115 Bullengracht
Street
Cape Town
8000

P/Bag 9003
Cape Town
8000
South Africa

www.npa.gov.za

Mr D R Lewis
P O Box 4398
CAPE TOWN
8000

Email: davidrobertlewis@yahoo.co.uk

Sir

**REPRESENTATIONS: YOURSELF
[CAPE TOWN CAS 1566/10/2014]**

Your letter dated 12 February 2018 refers.

I am still awaiting the completion of the docket by the SA Police Service. I have again taken up the matter with the Provincial Commander of their Commercial Crime Unit will revert to you once I am in a position to re-evaluate the docket.

Yours faithfully

DIRECTOR OF PUBLIC PROSECUTIONS: WESTERN CAPE

Constitutional Court
Private Bag X1
Constitution Hill
Braamfontein
Johannesburg
2017



Tel: (011) 8382010
Fax: 086 649 0944

REPUBLIC OF SOUTH AFRICA

JUDICIAL SERVICE COMMISSION

Enq: Lynette Blos
Tel: (011) 838 2021
Fax: 086 640 8601

Mr. D R Lewis
P.O Box 4398
Cape Town
8000

Per Email: ubuntupunk@gmail.com

Dear Mr. Lewis

RE: COMPLAINT AGAINST ACTING JUDGE CHEADLE

The Judicial Service Commission (JSC) hereby acknowledges receipt of your complaint.

Your complaint will be forwarded to the Judicial Conduct Committee for consideration.

The Secretariat will notify you of the outcome of your complaint in due course.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'L Blos'.

Ms. L Blos
Secretariat for the Judicial Service Commission
Date: 13/01/15



188, 14th Road, Noordwyk, Midrand, 1685
Private Bag X10, Marshalltown, 2107
Tel: +27 10 493 2500 (Switchboard)
E-mail: info@judiciary.org.za
www.judiciary.org.za

DRL44

JUDICIAL CONDUCT COMMITTEE

Enq: Lynette Bios

Tel: (010) 493 2500 (switchboard)

Fax: 086 640 9601

Mr. D Lewis

203 Rockeby 14 Beach Road

Muizenburg

Cape Town

8000

Per Email: David Robert Lewis <ethnoupunk@yahoo.co.uk>

Our Ref: JSC/623/18

Dear Mr. Lewis

RE: COMPLAINT AGAINST ACTING JUDGE CHEADLE OF THE LABOUR COURT

The Judicial Service Commission (JSC) hereby acknowledges receipt of your complaint.

Your complaint will be forwarded to the Judicial Conduct Committee for consideration. The Secretariat will notify you of the outcome of your complaint in due course.

Yours sincerely,

L BIOS

Secretariat for the Judicial Service Commission

Date: 10/07/2018

