



OFFICE OF THE CHIEF JUSTICE  
REPUBLIC OF SOUTH AFRICA

**OFFICE OF THE JUDGE PRESIDENT M F LEGODI  
MPUMALANGA DIVISION OF THE HIGH COURT**

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THE HIGH COURT OF SOUTH AFRICA

MPUMALANGA DIVISION

1<sup>ST</sup> FLOOR

ROOM CF65

NELSPRUIT

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31 August 2020

**RE: COVID-19 DIRECTIVE No. 7A OF 2020**

WHEREAS on 13 July 2020 Covid-19 Directive No 7 was issued to deal with the civil-trial matters enrolled during the State of Disaster under Level 3;

AND WHEREAS the Division now wants to enroll and give priority to those trial matters as per attachment hereto marked A which were removed from the roll or postponed during the 2<sup>nd</sup> Term of 2020 due to the lockdown;

AND WHEREAS in paragraph 2 of Covid-19 Directive No. 5B dated 4 May 2020 and with reference to civil trial matters affected by the lockdown, the parties or parties' legal representatives were encouraged and urged to resort to a meaningful pre-trial conference as envisaged in paragraph 2.11 of the Division Practice Directive dated 9 January 2020 read with sub-rule (10) of Rule 37A;

AND WHEREAS the parties or their legal representatives were and are still encouraged to resort to engaging each other in damages claim as contemplated in paragraph 2.12 of the Division Practice Directive aforesaid and to seriously explore settlements and if need be refer their matters for voluntary mediation as contemplated in paragraph 2.13 of the

Division Practice Directive read with sub-section (11) of Rule 37A and the directions issued by the Minister of Justice under the lockdown, which directions still find application under the Alert Level 2 lockdown;

AND WHEREAS certain matters as per attachment hereto marked B placed on the second case management rolls, were also affected by the lockdown;

AND WHEREAS it is contemplated to place these matters as per attachment B on the first case management roll probably during the 4<sup>th</sup> Term or so to verify their trial readiness;

AND WHEREAS in terms of Covid-19 Directive 4 dated 14 April 2020 it was directed in paragraph 10 thereof that all matters enrolled for the second case management roll will be re-enrolled on the first case management roll by the Registrar in a staggered form of not more than 10 matters per day to be shared by 2 Judges.

AND WHEREAS paragraph 11 of the Covid-19 Directive 4 aforesaid deals with "*certification for trial readiness*";

A WHEREAS in terms of paragraph 11 aforesaid, it was directed that if during the first case management conference of matters affected by the lockdown, is found that any matter is trial ready, such a matter shall be certified trial ready without placing such matter on the second case management roll and a trial date will accordingly be fixed;

AND WHEREAS declaration of the state of disaster has further been extended with all safety measures and protocols like social distancing, mandatory wearing of face masks, limitation on gathering, and limited floor spacing still place and thus making it not possible for our courts to return to and operate normally under alert level 2 or any alert level;

AND WHEREAS the first priority is to be given to those trial matters which due to the lockdown were affected and removed from the trial roll during the 2<sup>nd</sup> Term;

IT IS THEREFORE HEREBY directed as follows:

Re-enrolment of trial matters affected by the lockdown

1. Matters which were enrolled for trial on **20 April 2020** for both Mbombela and Middelburg high courts as per attachment A hereto are hereby re-enrolled for trial on Monday **25 January 2021** being the 2<sup>nd</sup> week of 1<sup>st</sup> Term in 2021.

2. Matters which were enrolled for trial on **28 April 2020** as per attachment A above are hereby enrolled for trial on Monday **1 February 2021** being the 3<sup>rd</sup> week of 1<sup>st</sup> Term in 2021).
3. Matters which were enrolled for trial on **11 May 2020** as per attachment A above are hereby re-enrolled for trial on Monday **15 February 2021** being the 5<sup>th</sup> week of 1<sup>st</sup> Term in 2021).
4. Matters which were enrolled for trial on **18 May 2020** as per attachment A above are hereby re-enrolled for trial on Monday **22 February 2021** being the 6<sup>th</sup> week of the 1<sup>st</sup> Term in 2021.
5. Matters which were enrolled for trial on **1 June 2020** as per attachment A above are hereby re-enrolled for trial on Monday **8 March 2021** being the 8<sup>th</sup> week of the 1<sup>st</sup> Term in 2021.
6. Matters which were enrolled for trial on **8 June 2020** as per attachment A above are hereby re-enrolled for trial on Monday **15 March 2021** being the 9<sup>th</sup> week of 1<sup>st</sup> Term in 2021.
7. Matters which were enrolled for trial at **Main Seat Mbombela** on **22 June 2020** as per attachment A above are hereby re-enrolled for trial on Monday **22 March 2021** being the 10<sup>th</sup> week of the 1<sup>st</sup> Term in 2021.
8. Matters which were enrolled for trial during recess at the **Local Seat – Middelburg** on **30 March 2020** as per attachment A are hereby re-enrolled for trial on **22 March 2021** being the 10<sup>th</sup> week of 1<sup>st</sup> Term in 2021.

Confirmation of settlement regarding matters on the trial roll during the state of disaster

9. Should any matter that is on the roll during the declaration of the state of disaster under any alert level where safety measures and protocols are still in place be settled, the plaintiff or plaintiff's attorneys, shall immediately or at least not later than 7 clear court days before Monday of a civil trial week confirm by email with the Registrar of the court concerned that the plaintiff's case has been settled in its entirety.

- 10. The plaintiff or plaintiff's attorneys whose matters are enrolled for trial during the 4<sup>th</sup> Term of 2020 and 1<sup>st</sup> Term of 2021 as per paragraphs 1 to 8 above AND are settled by the end of the 3<sup>rd</sup> Term being 18 September 2020, shall by not later than 30 September 2020 confirm by email such a settlement with the registrar concerned. This will where appropriate and practical, enable other matters to be enrolled in the place of those matters confirmed settled in their entirety.**
- 11. The email addresses to be used to confirm settlement shall be as set out in paragraph 2 of Covid-19 Directive No. 7 dated 13 July 2020 and parties or parties' attorneys are hereby urged to have regard thereto.**

#### RAF Matters

12. For the purpose of paragraphs 10 and 11 above, the plaintiff's attorneys are hereby urged and encouraged to seriously engage the Road Accident Fund on any matter against the Road Accident Fund whether on any of the court rolls or not during the lockdown period under any Alert Level with a view to expedite the finalization of cases.

13. The Road Accident Fund has undertaken to seriously engage the plaintiffs' attorneys with a view to avoid protracted litigation and for any enquiry in this regard and for more information, practitioners are encouraged to contact:

**Ms Nkgadima of Nkgadima Attorneys – Middelburg**

**Messrs Paulsen and Eastes of Hough and Bremner Attorneys – Mbombela**

**Ms L Ramarumo of Thobela Attorneys – Mbombela and Middelburg**

**Mr Frans Schutte Frans Schutte and Dr Mathews Phosa Attorneys – White River**

#### Application of Covid-19 Directive No. 7 and Covid-19 Directives

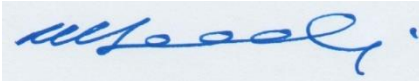
14. The provisions of Covid-19 Directive No. 7 shall *mutatis mutandis* apply to any matter re-enrolled during the 1<sup>st</sup> Term of 2021 in terms of this Covid-19 Directive 7A

and shall so apply whether or not the declaration of the state of the is still in existence or not.

15. Other previous Covid-19 Directives shall remain in force unless otherwise inconsistent with this Covid-19 Directive No.7A.

16 **The effective date of this Directive shall be 31 August 2020.**

**BY DIRECTIVE OF THE JUDGE PRESIDENT**

A rectangular box containing a handwritten signature in blue ink, which appears to read 'M F Legodi'.

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**M F LEGODI**  
**JUDGE PRESIDENT OF MPUMALANGA DIVISION**