

Ex parte: [REDACTED]

In re: [REDACTED]

FEE DETERMINATION

1.

The fee note of Advocate [REDACTED] dated 7 May 2021 amounting to R38 500.00 is disputed by [REDACTED] who proposed a payment of R7 500.00 in settlement of such fee note. This was refused.

2.

As background to the dispute and although not formally briefed, [REDACTED] consulted urgently with [REDACTED] who was the fourth respondent in case number [REDACTED]. [REDACTED] is an attorney and appears to have been a person who was able to advise [REDACTED] about the facts. [REDACTED] mandate was to represent the first respondent [REDACTED]. The liability to pay for such work was accepted by [REDACTED] as the tender of R7 500.00 covered the services rendered on that date.

3.

On 20 April 2021 the applicants in case number [REDACTED] had launched an earlier application for an interim interdict against the second respondent and its members restraining it from interfering with the operations of the applicants. This was followed by a further application on 29 April 2021 declaring *inter alia* the second and fifth respondents to be in contempt of Court, directing them to vacate the premises of the applicant and directing the second and sixth respondents to remove all speed point machines from the applicants and interdicting the fourth respondent [REDACTED] from interfering with the business of the applicants. No relief was sought against [REDACTED]

4.

On 4 May 2021 [REDACTED] was briefed to prepare an answering affidavit and appear in the High Court on behalf of the first respondent to oppose this application set down for 6 May 2021. Correctly [REDACTED] took the view that there were no valid grounds for opposing the relief and accordingly advised [REDACTED] on the evening of 5 May 2021. [REDACTED] explained the legal position to representatives of [REDACTED] who accepted [REDACTED] advice and it was agreed that [REDACTED] would appear in the High Court to withdraw the first respondent's notice to oppose.

5.

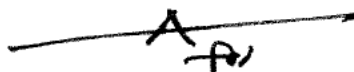
On the morning of the day of the hearing being 6 May 2021, [REDACTED] was advised by the fourth respondent's Counsel [REDACTED] that on the instruction of her attorneys, the first respondent would be joining the fourth respondent to oppose the application and file an

7.

In these circumstances, we consider that the fees in [REDACTED] fee note should be reduced to R16 500.00 and this amount is due by [REDACTED] to [REDACTED]



N D HOLLIS SC



R SINGH

Fee Dispute Committee

Chambers
DURBAN

25 January 2022

[REDACTED]