

Mindes

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Our Ref: DEM16/0770/ELZANNE JONKER/ks | **Your Ref:** | **Date:** 14 April 2021

DITSELA INC
PER EMAIL: jones@ditsele.com

Dear Sir

MR MATT CUTHBERT MP & DEMOCRATIC ALLIANCE / DR MUTHUHADINI MADZIVHANDILA

- 1 We confirm that we act for both the first and second respondent in the above matter.
- 2 Both respondents have duly entered their intention to oppose and counsel has been briefed to draft the respondents' answering affidavit.
- 3 We would like to draw your attention to the following documents, copies of which we have attached to this letter:
 - 3.1 a recent Windeed company report in respect of the company Enterprise South Africa (Tshwane) (the NPC) with registration number 1999/027833/08; and
 - 3.2 the 2006 Annual Report of the National Lotteries Board (the NLB).
- 4 With regard to the Windeed report, you will note that your client, Alfred Muthuhadini Madzivhandila, with identity number 6303037359082, is listed as an active director of the NPC. His appointment date is recorded as being 10 November 2003. The NPC is recorded as having gone into voluntary liquidation with effect from 27 February 2006.
- 5 With regard to the annual report of the NLB, one of the beneficiaries of the National Lottery Distribution Trust Fund (the NLDTF) for the financial year ending 31 March 2006 is recorded as being "Enterprise SA Tshwane Arts & Crafts", which received R900,000. This reference can be found on page 53 of the report, under the heading "Gauteng", where it is recorded as item 15.
- 6 It therefore appears that your client was indeed an active director of the NPC for the

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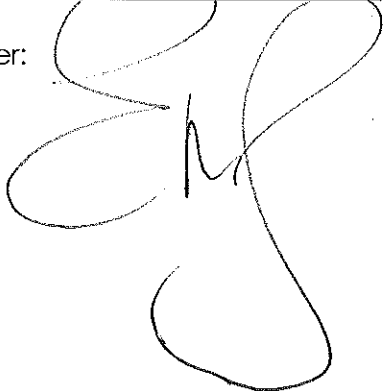
period 1 April 2005 to 27 February 2006, which would have been the period during which the NPC received R900,000 from the NLDTF.

- 7 In light of this indisputable evidence, your client is invited to withdraw the present application before the respondents incur further legal costs in opposing the relief sought.
- 8 Should your client proceed with the litigation, it is the respondents' position that they will seek punitive costs against your client for approaching the High Court with unclean hands and failing fully and frankly to disclose his association with the NPC in the founding papers in these proceedings.
- 9 We look forward to receiving your client's response by no later than **16 April 2021**, failing which counsel will proceed with the finalisation of the respondents' answering papers.

Yours faithfully

MINDE SCHAPIRO & SMITH INC.

per:



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