/SG

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

DATE: 06/02/15

CASE NO: 1054/2015

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: YES/NO
(2) OF INTEREST TO OTHERS JUDGES: YES/NO
(3) REVISED

4/2/15 .....

DATE SIGNATURE

In the matter between:

THE HELEN SUZMAN FOUNDATION	APPLICANT
And	
MINISTER OF POLICE	1ST RESPONDENT
LIEUTENANT GENERAL ANWA DRAMAT	2ND RESPONDENT
MAJOR-GENERAL BERNING NTLEMEZA	3RD RESPONDENT
NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICE	4TH RESPONDENT

JUDGMENT

PRINSLOO, J

Introduction

[1] On 19 January 2015, I heard, as a matter of urgency, an application by the applicant for certain declaratory and ancillary relief flowing from the suspension by the first respondent ("the Minister") of the second respondent ("Dramat") from his position as the National Head of the Directorate for Priority Crime Investigation ("the DPCI"), and his subsequent appointment of the third respondent as the Acting National Head of the DPCI following the Minister's suspension of Dramat ("the main application").

[2] On Friday 23 January 2015, I delivered a judgment ("the main judgment") granting the relief sought in the main application.

[3] The relief granted in the main judgment included declarators to the effect that the Minister's decisions to suspend Dramat and thereafter to appoint the third respondent were unlawful and invalid. Both decisions were set aside.

[4] The order made in the main judgment is based, by and large, on the judgment of the Constitutional Court in *Helen Suzman Foundation v President of the Republic of South Africa and Others*; *Glenister v President of the Republic of South Africa and Others* (CCT07/14, CCT09/14) [2014] ZACC 32 of 27 November 2014 ("the 2014 judgment").

[5] On Monday 26 January 2015 the Minister and the third respondent (as first and second applicants) filed an application for leave to appeal

against the main judgment. As the only two respondents, they cited the applicant and Dramat as first and second respondents respectively ("the leave to appeal application") thereby suspending the operation and execution of the decision in the main judgment pending the outcome of the leave to appeal application or the subsequent appeal, if any.

[6] On the same day, Monday 26 January 2015, the applicant filed an application in terms of the provisions of rule 49(11) and 49(12) of the Uniform Rules of Court and also in terms of section 18 of the Superior Courts Act 10 of 2013 ("the section 18 application") for relief to the effect that the order in the main judgment shall operate and be executed in full until the final determination of all present and future appeals and, in addition, until final determination of a direct access application to the Constitutional Court launched by the applicant and dated 25 January 2015, seeking substantially the same relief as that sought and granted in the main judgment ("the direct access application"). I add that the Acting Senior Registrar of the Constitutional Court already issued directions on 27 January 2015 requiring the respondents, if they wish to oppose the application, to file notices of opposition and opposing affidavits on or before 15:00 on Thursday 29 January 2015. On 3 February I was informed by notice from the applicant's attorney that the direct access application was dismissed by the Constitutional Court on 2 February.

[7] The applicant enrolled the section 18 application for hearing before me on Friday 30 January 2015. I gave directions that I would hear both the leave to appeal application and the section 18 application at 09:00 on that day. In the event, counsel for the Minister and the third respondent were, through no fault of their own, not ready to present argument on the leave

to appeal application on that day, having been brought under the impression that only the section 18 application would then be heard. This is what happened, and the leave to appeal application was postponed to Monday 2 February 2015 when argument in respect thereof was heard.

[8] It is convenient to give one judgment, as I hereby do, in respect of both the leave to appeal application and the section 18 application.

To avoid confusion, I use the same citation as was used by the applicant in the main application and in the section 18 application, so that, for example, the Acting Head, Major-General Ntlemeza, will remain "the third respondent" which he is in the main application and in the section 18 application, even though he is now the second applicant in the leave to appeal application.

It is also not clear why the fourth respondent was omitted from the citation by the Minister and the third respondent when they launched the leave to appeal application. The fourth respondent clearly has a material interest in the outcome of these proceedings.

A. THE LEAVE TO APPEAL APPLICATION

[9] Section 17 of the Superior Courts Act 10 of 2013 ("the Superior Courts Act"), under the heading "leave to appeal" reads as follows:

> "17(1) Leave to appeal may only be given where the judge or judges concerned are of the opinion that –

(a)(i) The appeal would have a reasonable prospect of success; or

(ii) There is some other compelling reason why the appeal should be heard, including conflicting judgments on a matter under consideration;

(b) The decision sought on appeal does not fall within the ambit of section 16(2)(a); and

(c) ..."

[10] Section 16(2)(a)(i) stipulates:

> "When at the hearing of an appeal the issues are of such a nature that the decision sought will have no practical effect or result, the appeal may be dismissed on this ground alone."

[11] I turn to the grounds of appeal offered by the Minister and the third respondent as co-applicants for leave to appeal:

(i) The applicant did not have the necessary standing or *locus standi* to bring the main application

[12] I dealt with this issue, at some length, in the main judgment. I pointed out that in neither *Glenister* 2 [*Glenister v President of the Republic of*

South Africa and Others 2011 (3) SA 347 (CC)] nor the 2014 judgment, was the standing of the applicant in any way questioned or attacked. The 2014 judgment, in particular, deals with the Minister's powers to suspend the National Head of the DPCI, as does the main judgment in this case. It is not necessary to revisit the subject as discussed in the main judgment. I am not persuaded that an appeal on the question of standing would have a reasonable prospect of success as intended by the provisions of section 17(1)(a)(i) of the Superior Courts Act. Where this Act, in section 17(1) clearly stipulates that leave may only be given where I am of the opinion that the appeal would have a reasonable prospect of success, I consider myself precluded from granting leave to appeal on the question of standing. (Emphasis added)

(ii) The Minister's power to suspend

[13] This issue was dealt with at length in the main judgment with particular reference to the striking down by the Constitutional Court, on 27 November 2014, of the "(2)" in section 17DA(1) of the South African Police Service Act, 1995 ("the SAPS Act") and also section 17DA(2) of the SAPS Act and the deletion of those provisions from the Act with effect from 27 November 2014. This meant, as clearly stated in the 2014 judgment, that the Minister is not empowered to suspend the National Head of the DPCI other than accordance with sections 17DA(3) and (4) read with section 17DA(5) of the SAPS Act and I held accordingly in the main judgment.

[14] The same arguments on this subject, which I rejected in the main judgment, for the reasons therein mentioned, and without repeating them, are raised in this application for leave to appeal.

For the reasons stated in the main judgment, I cannot find that an appeal on this ground would have a reasonable prospect of success. In the result, I consider myself, in view of the provisions of section 17(1) of the Superior Courts Act, to be precluded from granting leave to appeal on this ground. Indeed, to do so, would be to disregard the 2014 judgment, a judgment by which I am bound.

[15] I add that other "grounds" mentioned by the Minister in his suspension notice to Dramat in December 2014, purportedly entrenching the Minister's right to suspend the National Head despite the striking down by the Constitutional Court of the provisions mentioned, appear to have been abandoned for purposes of the leave to appeal application as they are not raised at all. This includes reliance on certain provisions of the Public Service Act ("the PSA") and the so-called "SMS Handbook". The same applies to another argument raised on behalf of the Minister, namely that based on an alleged compromise or *transactio*.

(iii) <u>The setting aside of the decision to suspend Dramat</u>

[16] The argument, if I understand it correctly, appears to be based on the premise that the setting aside and declaration of invalidity of a decision of an organ of state or a member of the Executive does not operate retrospectively unless the court stipulates accordingly. The failure to pronounce, in the main judgment, on the status of the decisions taken by

the third respondent since his appointment is a misdirection and a good ground of appeal. I ought to have pronounced on the validity or otherwise of those decisions made by the third respondent during the period of suspension of Dramat before declaring the Minister's decision to suspend invalid and unlawful. In the main judgment, provision should have been made for "an appropriate remedy".

[17] I dealt with this subject fully in paragraph [30] of the main judgment. I do not propose revisiting the details for present purposes. From the authorities quoted in the main judgment, it does appear that invalidity operates with retrospective effect.

[18] In the main application, no relief was sought beyond the declarators of invalidity and the setting aside of the two decisions. This was done in the main judgment. It is difficult to understand how there can be a reasonable prospect on appeal simply because the judgment does not go further by providing "an appropriate remedy". In any event, it appears that "an appropriate remedy" inasmuch as one may have been required, lies in the setting aside of the decisions following upon the declarations of invalidity. Moreover, I am of the view that the granting of further appropriate relief following upon declarations of invalidity is not compulsory but optional: section 172 of the Constitution, 1996, provides:

> "172 Powers of Courts in Constitutional Matters –
>
> (1) When deciding a Constitutional matter within its power, a Court –

(a) must declare that any law or conduct that is inconsistent with the constitution is invalid to the extent of its inconsistency; and

(b) may make an order that is just and equitable, including –

(i) an order limiting the retrospective effect of the declaration of invalidity; and

(ii) an order suspending the declaration of invalidity for any period and on any conditions, to allow the competent authority to correct the defect." (Emphasis added)

[19] The subject is also dealt with by the Constitutional Court in *Bengwenyama Minerals v Genorah Resources* 2011 (4) SA 113 (CC) at 144F-147C.

At 145A-E the discretionary nature of the decision to grant further equitable relief following upon a declaration of in validity, both in terms of section 172(1) of the Constitution and section 8 of PAJA (which I have found not to apply to the present case) is dealt with. At 145D-E it is stated:

> "If the administrative action is declared unlawful, but all its consequences are not set aside, the practical effect of the order will be final, not merely a temporary suspension of invalidity. In my view it is not necessary to place the just and equitable relief that may be granted under PAJA into this kind of conceptual straitjacket in order for that relief to be constitutionally acceptable."

I add that in the main application no case was made out by any party (including, in particular, the Minister and/or the third respondent) for the granting of equitable relief or an appropriate remedy in the event of a declaration of invalidity, and what such relief or remedy should consist of.

In his comprehensive argument on the question of a just and equitable remedy that should have been prescribed following the declarations of invalidity and the setting aside of the decisions of the Minister, Mr Mokhari SC for the Minister and the third respondent argued that I erred in not pronouncing further on the consequences of the order I made in the main judgment. The main thrust of his argument, if I understood it correctly, is that I should have made a pronouncement, as counsel says in his heads of argument, "on what happens to the decisions that had been made by the Acting Head of DPCI during the duration of the absence of Dramat from office, before the court declared his suspension unlawful and invalid. A failure by the court to do so, leaves room for confusion in that the declaratory order made by the court subject itself to varying interpretation and thereby prolonging the dispute."

The first difficulty, as I have said, is that no case whatsoever was presented to me in this regard in the main application by the Minister or anyone else. No details were presented about the decisions taken by the third respondent so that a pronouncement on how to deal with those decisions, following the declaration of invalidity, would have been out of the question, neither was I asked, in the papers relating to the main application to make such a pronouncement.

Secondly, I attempted to deal with the consequences of the declaration of invalidity in the main judgment in paragraphs [30] to [31] and, with regard to the third respondent, in paragraphs [33] to [41]. I do not consider it appropriate to revisit all those remarks or to qualify what was said in the main judgment, save for suggesting that in the spirit of Oudekraal (main judgment page 34) the actions taken by the third respondent may well have produced legally valid consequences until his appointment was declared invalid and therefore null and void *ab initio*. It may be up to the newly appointed and lawfully appointed Head (Dramat or somebody else) to consider whatever decisions the third respondent made in the period of approximately one month while he was in office, and to deal with them accordingly.

Thirdly, I have mentioned the remarks of the learned judge in Bengwenyama where he recognised the discretionary nature of a decision to grant further equitable relief following upon a declaration of invalidity both in terms of section 172(1) of the Constitution (which would include setting aside executive action such as in the present matter) and section 8 of PAJA which is what applied in Bengwenyama but is not applicable in this case). It may well be that in PAJA reviews it is incumbent upon the

court to supply an alternative remedy – see *Allpay Consolidated Investment Holdings (Pty) Ltd and Others v CEO South African Social Security Agency and Others* 2014 (4) SA 179 (CC) at 188B-E. However, in this case involving the setting aside of executive action, and under circumstances where no alternative remedy was proposed, I have difficulty in finding a reasonable prospect that another court will interfere with the main judgment on the basis of a failure to produce an alternative or equitable remedy. I am also alive to the fact that in the first *Allpay* case ("Allpay 1") 2014 (1) SA 604 (CC) it is stated in paragraph [56] that "once a finding of invalidity under PAJA review grounds is made, the affected decision or conduct must be declared unlawful and a just and equitable order must be made". For the reasons mentioned, this would not appear to apply to the present case and under the present circumstances.

In fairness, I must also record that Mr Mokhari referred me to the case of *Democratic Alliance v President of the Republic of South Arica and Others* 2013 (1) SA 248 (CC) involving the setting aside of the appointment of the National Director of Public Prosecutions. After confirming the decision of the Supreme Court of Appeal to set aside the appointment the learned judge, in paragraph [93] observed that an order should be made that the invalidity of the appointment will not by itself affect the validity of any of the decisions taken by him while in office as National Director. It is interesting that the Supreme Court of Appeal was silent on this particular aspect. Nevertheless, it is not clear to what extent this subject was canvassed in the higher court. It seems to me that each matter should be treated on its own merits.

Finally, it was argued by Mr Mokhari that the appointment of the third respondent will only be displaced by a reinstatement order to the effect that Dramat is entitled to return to work. I dealt with this aspect in the main judgment. I am not persuaded that the absence of a reinstatement order in the main judgment renders it flawed to the extent that there is a reasonable prospect of success on appeal on that particular ground.

[20] Under these circumstances, I am unable to find that there is a reasonable prospect of success on this particular ground, thereby precluding me from granting leave to appeal on this ground.

(iv) The Setting Aside of the Appointment of the Third Respondent:

(v) Appropriate Remedy

[21] It seems to me that the same remarks which are made under (iii) above would apply to the submissions made under these grounds of appeal. The position of the third respondent is fully dealt with in the main judgment, and more particularly in paragraphs [39], [40] and [41]. I, respectfully, cannot find a reasonable prospect of success on appeal against these conclusions.

(vi) Conclusionary Remarks

[22] I am fully alive to the fact that this is an important case with wide spread implications not only for the law enforcement authorities but also for the public at large. Generally, a court would be slow to refuse leave to appeal in a case of this importance. Nevertheless, one must also pay due

deference to the recently enacted Superior Courts Act, and more particularly the requirements in section 17(1) that leave to appeal may only be given where one is of the opinion that the appeal would have a reasonable prospect of success. This I could not find, for the reasons mentioned.

I could also not find "some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration" as foreshadowed in section 17(1)(a)(ii). I was not informed of any conflicting judgments, nor of "some other compelling reason why the appeal should be heard".

[23] Most importantly, I am of the view that the fact that the main issues in this case have already been pronounced upon by the Constitutional Court, militates against allowing an appeal where essentially the same considerations will come under scrutiny.

[24] In the result, I have come to the conclusion that the application for leave to appeal ought to fail.

B. THE SECTION 18 APPLICATION

[25] The relevant portions of section 18 of the Superior Courts Act, under the heading "**suspension of decision pending appeal**", provide:

"(1) Subject to subsections (2) and (3), and unless the court under exceptional circumstances orders otherwise, the operation and execution of a decision which is the subject of an application for leave to appeal or of an appeal, is suspended pending the decision of the application or appeal.

(2) (Not applicable, dealing with interlocutory orders).

(3) A court may only order otherwise as contemplated in subsection (1) or (2), if the party who applied to the court to order otherwise, in addition proves on a balance of probabilities that he or she will suffer irreparable harm if the court does not so order and that the other party will not suffer irreparable harm if the court so orders.

(4) If the court orders otherwise, as contemplated in subsection (1) –

(i) the court must immediately record its reasons for doing so;

(ii) the aggrieved party has an automatic right of appeal to the next highest court;

(iii) the court hearing such an appeal must deal with it as a matter of extreme urgency; and

(iv) such order will be automatically suspended, pending the outcome of such appeal.

(5) ..."

[26] Rule 49(11) provides:

> "Where an appeal has been noted or an application for leave to appeal against or to rescind, correct, review or vary an order of a court has been made, the operation and execution of the order in question shall be suspended, pending the decision of such appeal or application, unless the court which gave such order, on the application of a party, otherwise directs."

[27] In discussing the implications of rule 49(11), with reference to an order allowing execution pending the appeal ("an enforcement order") the learned author, Harms, Civil Procedure in the Superior Courts at B-355 states that the court to which application for leave to execute is made has a wide general discretion to grant or refuse leave. In exercising this discretion the court should determine what is just and equitable in all the circumstances and, in doing so, will normally have regard, *inter alia*, to the following factors: the potentiality of irreparable harm or prejudice to the appellant should leave to execute be granted, the potentiality of irreparable harm or prejudice to the respondent on appeal if leave were to be refused and the prospects of success on appeal (only where leave to appeal has not yet been granted). Where there is the potentiality of

irreparable harm or prejudice to both appellant and respondent the balance of hardship or convenience must be considered.

[28] In *Incubeta Holdings (Pty) Ltd v Ellis and Another* 2014 (3) SA 189 (GJ) the learned judge had occasion to consider the impact of section 18 on rule 49(11). He also considered the test to be applied when confronted with an application of this nature as it was earlier pronounced in *South Cape Corporation v Engineering Management Services* 1977 (3) SA 534 (AD) at 545D-G. These are also the grounds mentioned by the learned author Harms, *supra.* The learned judge in *Incubeta*, correctly in my respectful view, recognised, at 194C-E, that a new dimension has been introduced to the test by the provisions of section 18. The learned judge points out that the test is twofold. The requirements are: first, whether or not exceptional circumstances exist; and second, proof on a balance of probabilities by the applicant of – the presence of irreparable harm to the applicant, who wants to put into operation and execute the order; and the absence of irreparable harm to the respondent, who seeks leave to appeal.

[29] At 194E-I the learned judge also deals with authority containing guidelines as to what "exceptional circumstances" represent.

[30] As to the first leg of the test, I am of the view that exceptional circumstances are indeed present in this case: it involves the reputation and smooth functioning of one of the top corruption busting and crime fighting units in the SAPS. The case has evoked nationwide interest and concern and the public perception of the criminal law system itself is at stake, particularly in this country which suffers from high levels of

corruption, often involving senior public officials. As it is pointed out in the founding affidavit in the main application, the National Head is at the very heart of the DPCI's ability to function effectively and fulfil its constitutional mandate. The National Head makes dozens of critical operational, institutional and financial decisions which may have a substantial bearing on on-going sensitive and high profile investigations and pending cases, the rights and expectations of members of the public, and the very structure and operational integrity of the DPCI.

[31] In the main judgment, with reference to the 2014 judgment, it was concluded that the actions of the Minister in suspending Dramat and appointing the third respondent as the Acting Head, were unlawful and invalid. These are exceptional circumstances which would, in my view, dictate that Dramat should be restored to his position without delay pending the outcome of any appeal procedures which may take years to conclude.

[32] Turning to the second leg of the enquiry, the question of irreparable harm to the respondents, and more particularly the Minister and the third respondent, counsel for the applicant pointed out that at no stage have any of the respondents, in their opposing affidavit to the section 18 application or otherwise, alleged or asserted that the immediate implementation of the relief sought by the applicant and granted in the main judgment, would cause them any harm or prejudice: in paragraph 33 of the founding affidavit in the section 18 application, the applicant alleges:

> "At no stage have any of the respondents alleged or asserted that the immediate implementation of the relief sought by the applicant and granted by this court ... would cause them any harm or prejudice. The respondents will suffer no harm through the execution of the order. The balance of equity thus clearly favours the immediate enforcement of the order."

In his opposing affidavit, the Minister does not contest these allegations.

It seems to me that much is to be said for the submission by counsel for the applicant that the correct operation of law (as determined in the main judgment following the pronouncements in the 2014 judgment) cannot, as a rule, cause harm, irreparable or otherwise. It seems to me that the decisions of the Minister, which have been found to be unlawful and void *ab initio*, and which have been set aside, ought to be addressed urgently by restoring the *status quo*, which would mean the reinstatement of Dramat in his position. Indeed, failure to act promptly would be to allow the perpetuation of a state of affairs tainted by unlawfulness and illegality.

[33] As to the question of irreparable harm to the applicant (in this context, obviously, including Dramat and the DPCI and the general public) it is submitted on behalf of the applicant that the DPCI faces irreparable harm should the order not be executed and enforced with immediate effect. Decisions already made by the third respondent and the disruptions caused by the unlawful displacement of Dramat, could in the time pending an appeal cause irreparable harm to the DPCI. The launching of

the main application on an urgent basis was necessary in order to restore Dramat to his office as National Head of the DPCI as soon as possible in order to limit any adverse effects on the functioning, operational integrity and independence (actual and perceived) of the DPCI. The effects of the unlawful suspension of Dramat must be addressed without delay and cannot be allowed to continue pending the result of any appeal. In these circumstances, it was submitted on behalf of the applicant that it would be just and equitable for the section 18 application to be granted.

[34] Inasmuch as the prospects of success on appeal may still be relevant to this enquiry, I have already expressed the view that I cannot find reasonable prospects of success. On this subject, it was also argued on behalf of the applicant that the fact that the sixty day suspension period (imposed by the Minister on Dramat) will run out before any appeal, must militate against the Minister in the context of the section 18 application because any appeal court is likely to dismiss the appeal against the declarations of invalidity of the two decisions of the Minister on the basis of mootness alone – see section 16(2)(a)(i) of the Superior Courts Act, quoted earlier.

[35] I add that it was submitted on behalf of the applicant that even if leave to appeal is denied the respondents may well petition the SCA to grant leave to appeal. This would further delay the finalisation of the appeal process. It was pointed out to me that there is authority for the proposition that rule 49(11) (and, I assume, section 18) does not limit the right of a party to make an application for an enforcement order to cases where the application for leave to appeal has been successfully made – see *Airy and*

Another v Cross-Border Road Transport Agency and Others 2001 (1) SA 737 (T) at 743A-D, paragraph [24].

[36] Finally, I deal with the question of security. Rule 49(12) provides:

> "If the order referred to in sub-rule (11) is carried into execution by order of the court the party requesting such execution shall, unless the court otherwise orders, before such execution enter into such security as the parties may agree or the registrar may decide for the restitution of any sum obtained upon such execution. The registrar's decision shall be final."

[37] This is not a claim sounding in money which may be lost by the successful appellant if no security is furnished. It is a case involving the restoration of the *status quo* following unlawful and unconstitutional decisions. In the circumstances, I am of the view that I should "otherwise order" to relieve the applicant from furnishing security.

[38] In all the circumstances, I have come to the conclusion that the applicant managed to discharge the onus upon it on a balance of probabilities as foreshadowed by section 18(3) of the Superior Courts Act and that the applicant has also shown exceptional circumstances to exist as intended by section 18(1).

[39] In the result, the section 18 application should succeed.

Costs

[40] In respect of the unsuccessful application for leave to appeal, the costs should follow the result.

[41] In respect of the section 18 application, the applicant sought those costs to be costs in the leave to appeal application (which would, in this instance, yield the same result) and cautioned that in the event of opposition to the section 18 application, the opposing respondents ought to be ordered to pay the costs. There was a prayer for costs on a punitive scale which I am not inclined to grant. Because of the complexity of the matter, I am of the view that the costs of two counsel (where employed) ought to be awarded.

The Order

[42] I make the following order.

1. The application for leave to appeal is dismissed.

2. In terms of rule 49(11) and section 18 of the Superior Courts Act, 10 of 2013 it is ordered that the order in the main application handed down on 23 January 2015 ("the order") shall operate and be executed in full until the final determination of all present and future appeals in respect of the order or the terms thereof. The order will operate and be executed despite the delivery of any present or future application for leave to appeal in respect thereof and any noting of any appeal by any party (including the

respondents) or the hearing or consideration of any appeal in this court or any other court.

3. It is ordered that no security need be furnished by the applicant for the execution of the order as envisaged under rule 49(12).

4. The Minister is ordered to pay the costs of the application for leave to appeal and the section 18 application including the costs of two counsel (where applicable) which costs will include the costs flowing from the proceedings of 30 January 2015 and 2 February 2015.

W R C PRINSLOO
JUDGE OF THE GAUTENG DIVISION, PRETORIA

Heard on:	30 January and 2 February 2015
For the Applicant:	Adv D Unterhalter SC & M Du Plessis
Instructed by:	Webber Wentzel
For the 1st Respondent:	Adv W Mokhari SC & Ms T Seboko
Instructed by:	Hogan Lovells (South Africa) Incorporated as Routledge Modise Incorporated
Date of Judgment:	6 February 2015