

From: Zelmari Admin <zelmari@kernattorneys.co.za>
Sent: Friday, June 29, 2018 6:03 PM
To: Litigation -; Mpho Mkosana; Salatiso
Cc: Maropeng s
Subject: Re: LUKHANYO'S PARENTING PLAN

Dear Greg.

I asked Maropeng to deal with this matter, since I hoped that the matter would be simple and easy to settle, and he did a great job, but clearly it's not simple and this matter can not be settled amicably, please see below email, I think you need to intervene now, since Maropeng is still an article clerk and you have the experience needed to deal with the opponent and the matter.

Please reply and provide guidance.

Regards

Z

On Fri, 29 Jun 2018 at 14:58, Salatiso <salatiso@salatiso.com> wrote:

Good Day

Firstly I need to apologise the delayed response, over the last couple of days I've been thinking of the simplest way I could say what I already said in a simpler way that will ensure you understand my request and its justification thereof.

Medical Aid Information

1. Firstly the documents you sent to me were either irrelevant or outdated as follows;
 - the **Confirmation of Membership** you sent is dated 14/03/2018; considering it's now June as lawyers would you consider such a document still valid?
 - The rest of the documents you supplied I did not ask for.
2. I need a document dated this month which;
 - Proves that there is existing medical aid as previously communicated by your client,
 - Proof of cancellation that has been acknowledged by the medical aid with explicit dates of when the last day of cover will be. I have previously drawn your attention to the relevant statute which prohibits double cover which is the justification for request.
3. The reason for the affidavit is as follows;
 - You will have noted that there is a requirement on the medical aid application form for the applicant to confirm the information is true. Unfortunately I am not the sole person who supplied the information and as such I cannot provide full confirmation that all the information is true, an affidavit by your client will do this; I take accountability for the information I provide and the

expectation is that your client does the same for the information she provided.

- Secondly an affidavit would have also sufficed as a substitute of the documents relating to proof of current medical aid as well as the termination dates; so while you may not have seen the need for your client honour the affidavit request it was made as a simpler alternative to supplying the documents (proof of current membership as well as confirmation of termination).
- Ordinarily it would be acceptable for a lay person not to know there's legal consequences that flow from information submitted to an insurer but I was hoping I wouldn't have to explain this to;
 1. Legal professionals,
 2. Insurance professionals, or at least professional because I do know Zelmari knows this fully well since my current insurance broker is a Kern entity/ practice.

Conclusions of bias and malice

1. After you forwarded me the first draft of the agreement I tried to respond to all material clauses as comprehensively as I could citing factual errors and information because I figured the only way to arrive to a mutually beneficial agreement was to be factual,
2. The response you provided barely addressed the issues I raised and even when you did your responses were vague and generic i.e. your references to case law do not specify the actual cases, so then how do you expect me to interrogate the content which you based your approach on? 1.3 still refers to 30 June 2017 etc
3. I can go on and quote further examples from your response which despite a detailed query from me your response was either not there or when it was provided it was either theoretical or generic. So when you ignore material facts whose materiality I have explained if not for malice then what is the justification?

Way forward

1. I am still committed to a non-adversarial approach and as such the next step will be to meet with the family advocate, please provide me at least 3 days from which I will choose one for the family advocate. The ideal is that this is done next week but I am also conscious of the month end volumes so am willing to extend this to no later than the 15th of July.
2. Please note should you perceive this as unacceptable or too long please feel free to go straight to the court, unfortunately I am obligated as a law abiding citizen to honour the legislator's intent.

You needn't worry about me electing not to appoint representation, besides the previously specified reasons I'm very comfortable with the way things are especially against opponents such as yourselves should you think of us as such. Your client will confirm to you that from the beginning I was the one who insisted on a court authorised agreement. I have noted all your comments in the correspondence and I will, after concluding this agreement forward them to a competent authority for professional and ethical evaluation in relation to the expected conduct of

legal professionals/ practices. I would like to think only a court is competent to rule on whether this 'supposedly father' is being fair or unfair in his approach in relation to his child.

I will reiterate, I stand by everything I said and take full accountability for any conclusions I have drawn from your conduct. To date I have never opposed anything you proposed unless I couldn't find reasonable justification for it, even in case of the latter I only objected after you couldn't provide the requisite information to justify your approach despite requests. Your insistence to persist with your approach despite failure to provide tangible reasons implies you are just as willing to take accountability for your actions and as such there should be no issues when your conduct is subjected to judicial scrutiny.

I trust you will prioritise to supply what I've asked for on your response, I have in the interim submitted the application despite it's incompleteness due to your failure to complete the application form in full. For your own sake I trust there will be no delays in his acceptance as a member due to this.

Regards,

Salatiso

From: Maropeng s <maropengs@kernattorneys.co.za>

Sent: Tuesday, 26 June 2018 9:48 AM

To: Salatiso <salatiso@salatiso.com>

Cc: Zelmari Admin <zelmari@kernattorneys.co.za>

Subject: RE: LUKHANYO'S PARENTING PLAN

See attached medical aid details. My client has informed me that Lukhanyo will be officially off her medical aid on Friday the 30th of June 2018.

Response to your email.

We would like to place on record that we never had any hidden agendas and the agreement as drafted was the whole agreement to regulate your relationship with our client and our son.

We would like to put it on record further that you were advised to get legal advice which you didn't. You further wrote an email which you requested certain things to be changed from the plan which were against the law, and I wrote you an email to that effect.

It is so sad to see a supposedly father being difficult for no reason as we have tried to resolve this amicably by drafting the plan and requesting round table meetings.

So we will await medical aid confirmation for your son from you once you have registered him as your beneficiary.

You are further welcomed to start legal proceedings and serve at our clients address.

Yours Faithfully



Maropeng Sebola

LLB

Email: maropengs@kernattorneys.co.za
Office: 011 462 2800
Mobile: 082 060 3829
Fax: 086 613 1709
Web: www.kernattorneys.co.za

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From: Salatiso <salatiso@salatiso.com>
Sent: Monday, 25 June 2018 6:57 PM
To: 'Maropeng s' <maropengs@kernattorneys.co.za>
Cc: 'Zelmari Admin' <zelmari@kernattorneys.co.za>
Subject: RE: LUKHANYO'S PARENTING PLAN

Thank you, that will suffice.

Despite numerous attempts to try and reason with you it is clear that you have malicious agendas which only serve to harm my son and as such I have resolved we let the judiciary handle this, you are free to start the proceedings. For convenience my details are as follows for service; 22 Lineata Avenue, Glenvista – Home/ 61 Oak Avenue Highveld Park for work.

Your proposed agreement has been malicious from the beginning but in the interest of trying to resolve this as amicably as I can I tried to move towards an approach that is consistent with our laws which for reasons only known to you, you ignored. Any agreement that does not embrace equality both in terms of rights and obligations cannot be acceptable to me. This is a matter of principle because funding that boys wellbeing in its entirety is the least of my problems, between my million Rands net income (at least) and the fact that he is my sole heir as confirmed my urologist money is the least of his problems.

Until either a family advocate or court resolves this the interim arrangements will continue to ensure he experiences no issues, I will however advise your client to keep all records of expenditure because when this is done a reconciliation of expenses will be warranted and if I have paid more than I should I will recover my money.

I will await the way forward but once again remember the 5 day turnaround time, if you do not start proceedings from your side I will.

Regards,

Salatiso

From: Maropeng s <maropengs@kernattorneys.co.za>
Sent: Monday, 25 June 2018 3:35 PM
To: Salatiso <salatiso@salatiso.com>
Cc: Zelmari Admin <zelmari@kernattorneys.co.za>
Subject: RE: LUKHANYO'S PARENTING PLAN

Dear Salatiso,

I will forward you the proof of prior medical aid and termination for existing cover for Lukhanyo.

For the purposes of section 5 I do not think that it is necessary for Mpho to depose to an affidavit. She is not a principal member and there is no way on that section that she must depose such a statement. You are the principal member and you are the one who has to sign even if the form was completed by a third party.

Yours Faithfully



Maropeng Sebola

LLB

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From: Salatiso <salatiso@salatiso.com>
Sent: Monday, 25 June 2018 3:23 PM
To: 'Maropeng s' <maropengs@kernattorneys.co.za>

Cc: 'Zelmari Admin' <zelmari@kernattorneys.co.za>

Subject: RE: LUKHANYO'S PARENTING PLAN

Good Day

Can you please supply the balance of the documents in relation to the medical documents as well termination date of the current cover as per section 3? If unclear refer to correspondence sent on Wednesday, 20 June 2018 3:49 PM;

This is urgent.

Regards,

Salatiso

From: Maropeng s <maropengs@kernattorneys.co.za>

Sent: Thursday, 21 June 2018 2:10 PM

To: Salatiso <salatiso@salatiso.com>

Cc: Zelmari Admin <zelmari@kernattorneys.co.za>; salatiso.mdeni@gmail.com

Subject: RE: LUKHANYO'S PARENTING PLAN

Dear Salatiso,

Please see attached the Medical Aid completed form.

Kindly advise if there is anything that you need further.

Yours Faithfully



Maropeng Sebola

LLB

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From: Maropeng s <maropengs@kernattorneys.co.za>
Sent: Wednesday, 20 June 2018 3:49 PM
To: 'Salatiso' <salatiso@salatiso.com>
Cc: Zelmari Admin <zelmari@kernattorneys.co.za>
Subject: RE: LUKHANYO'S PARENTING PLAN

Dear Salatiso,

I trust you are well.

Please find attached the amended plan as well answers to your comments that were not affected.

Please also take note the purpose of the plan is not to punish anyone but to ensure that Lukhanyo is well looked after and both parties have parental responsibilities and rights.

If there was any intention on our client to punish you she would have already approached the maintenance court in terms of section 10, which of course is not necessary as our clients wants you to be responsible and enjoy your time with your son.

Kindly let me know as to when it will be suitable for you to come to our offices and sign the plan if you are happy with the plan.

Yours Faithfully



Maropeng Sebola

LLB

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From: Salatiso <salatiso@salatiso.com>
Sent: Wednesday, 20 June 2018 1:03 PM
To: 'Maropeng s' <maropengs@kernattorneys.co.za>
Cc: 'Zelmari Admin' <zelmari@kernattorneys.co.za>
Subject: RE: LUKHANYO'S PARENTING PLAN

Good Day

Please note that I am yet to receive the final draft as per your commitment, I am not aware of any issues with my primary email but as a precaution going forward please cc salatiso.mdeni@gmail.com which serves as my secondary email.

Pursuant to the medical aid provision please find attached for your client to review and confirm as follows;

- Populate Section 3 page 2; Section 4 (including sub-sections) page 3 - 5; starting date page 6
- For full compliance to Section 5 a written statement under oath confirming knowledge, understanding and acceptance by your client will suffice. A caveat limiting liability to only information provided by your client must be included in the statement.

When you return the document please make sure both proof of prior medical aid and termination for existing cover must be supplied as required by Section 28(b) of the Medical Schemes Act.

Regards,

Salatiso

salatiso@salatiso.com

From: Maropeng s <maropengs@kernattorneys.co.za>

Sent: Thursday, 14 June 2018 12:33 PM

To: Salatiso <salatiso@salatiso.com>

Cc: Zelmari Admin <zelmari@kernattorneys.co.za>

Subject: RE: LUKHANYO'S PARENTING PLAN

Dear Salatiso,

1. We are indeed dealing this matter and we want to wrap it as quickly as possible.
2. Your changes were discussed with client and we had to stick to the law and precedents.

3. You will have the finalised draft by tomorrow for your final comment.
4. Our client has instructed us that Lukhanyo should be on your medical aid and we humbly request your medical aid details so that we can incorporate them in the final draft.
5. It is our specific instruction not to punish you or our client, your both the parents and you should definitely take into consideration the best interests of the child.
6. Many thanks for your properly typed feedback which we will of course, supplement the plan based on. We will further address concerns if there are any which are inconsistent with the law and precedents.
7. I hope the above is in order.

Yours Faithfully



Maropeng Sebola

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From: Salatiso <salatiso@salatiso.com>
Sent: Thursday, 14 June 2018 12:26 PM
To: 'Maropeng s' <maropengs@kernattorneys.co.za>; zelmari@kernattorneys.co.za
Subject: RE: LUKHANYO'S PARENTING PLAN
Importance: High

Good Day

Can you please update me on the progress from your side?

I have taken the liberty to compile the attached in case any of my questions/ comments were vague, this should clarify them.

In the interest of time can we stick to a 5 day (from time of receipt - exclusive of weekends) turnaround time for feedback? It's in everyone's interests to wrap this up as quickly as possible so all uncertainties don't impact my son negatively.

Regards,

Salatiso

salatiso@salatiso.com

From: Maropeng s <maropengs@kernattorneys.co.za>
Sent: Monday, 04 June 2018 5:21 PM
To: Salatiso <salatiso@salatiso.com>
Subject: RE: LUKHANYO'S PARENTING PLAN

Dear Sir,

I confirm receipt and I will put your suggestions to my client.

Yours Faithfully



Maropeng Sebola

LLB

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From: Salatiso <salatiso@salatiso.com>
Sent: Monday, 04 June 2018 5:17 PM
To: Maropeng s <maropengs@kernattorneys.co.za>
Cc: Zelmari Admin <zelmari@kernattorneys.co.za>
Subject: RE: LUKHANYO'S PARENTING PLAN

Good Day

Please find attached, overall I have no issues with the contents hence the minimal comments.

Please note that there may be some minor comments as I'm yet to get the opinion of my legal advisor but I don't anticipate these to be much.

Regards,

Salatiso

salatiso@salatiso.com

Sent from [BlueMail](#)

On 04 Jun 2018, at 13:40, Maropeng s <maropengs@kernattorneys.co.za> wrote:

Dear Salatiso,

1. The above matter refers. Please note that we act on behalf of Mpho (our client).
2. Our client has instructed us to draft a Parenting Plan for the young Lukhanyo.
3. Please find attached the Parenting Plan and consider it.
4. If you are happy with it, we can schedule a meeting wherein both of you will sign the Plan.
5. If you are not happy you also welcomed to highlight whatever you are not happy with so that we can resolve it.
6. If you further need legal representation, you can get your own independent legal practitioner.
7. All of our client's rights remain reserved.

Yours Faithfully

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----- Forwarded message -----

From: <noreply+333268674.0.0@momentumhealth.co.za>

To: <salatiso@salatiso.com>

Cc:

Bcc:

Date: Tue, 26 Jun 2018 13:01:11 +0200

Subject: Momentum Health enquiry: SL Mdeni 912354618

Dear Mr Mdeni

Membership enquiry

The application form and birth certificate have been forwarded to the relevant department for processing.

The reference number for your enquiry is 333267241.

Should you have any further enquiries, please do not hesitate to contact us at member@momentumhealth.co.za or call us on 0860 11 78 59.

We look forward to being of further service to you.

Kind regards

Larise Stuart

Service Consultant

Momentum Health Correspondence

201 uMhlanga Ridge Boulevard Cornubia 4339

www.momentum.co.za

momentum

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From: Salatiso [mailto:salatiso@salatiso.com]
Sent: Monday, June 25, 2018 3:28 PM
Subject: RE: Momentum Health enquiry: SL Mdeni 912354618

Good Day

Please find attached for the addition of a dependant, I've omitted any information relating to my other dependants because this has been previously supplied.

Regards

Salatiso

From: Purity Mthembu <Purity.Mthembu@momentum.co.za>
Sent: Tuesday, 19 June 2018 11:24 AM
To: salatiso@salatiso.com
Subject: Momentum Health enquiry: SL Mdeni 912354618

Dear Mr Mdeni

Membership enquiry

Please refer to the attached brochure detailing the 2018 benefits and rates for your perusal.

The attached application for addition of dependants must be completed and returned with a copy of your dependant's ID/birth certificate, in order to add your **son** onto your membership.

The reference number for your enquiry is 332165815.

Should you have any further enquiries, please do not hesitate to contact us at member@momentumhealth.co.za or call us on 0860 11 78 59.

We look forward to being of further service to you.

Kind Regards

Purity Mthembu

Service Consultant

Momentum Health Correspondence

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