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Subject: AD NOTES - Summary Overview

Executive Summary: Answering Affidavits

Case No: 2025-137857

Court: High Court of South Africa, Gauteng Division, Pretoria

Respondents: Jacqueline Faucitt (First), Daniel James Faucitt (Second)

Date: November 1, 2025

Overview

The answering affidavits of Jacqueline Faucitt and Daniel James Faucitt respond comprehensively to Peter Andrew Faucitt's founding affidavit, which forms the basis for the ex parte interdict granted on 19 August 2025. Both affidavits systematically address all 100 AD paragraphs from the founding affidavit, organized into 12 logical sections. The responses expose material non-disclosures, perjury, manufactured crises, and abuse of process, while establishing grounds for a counter-application to declare Peter delinquent.

Section 1: Applicant's Personal Details and Parties (AD 1-3.13)

Peter's Claims

Peter identifies himself as a "major businessman" and describes the respondents, including his wife Jacqueline and son Daniel, as well as the corporate entities (RegimA Worldwide Distribution, RegimA Skin Treatments, Villa Via Arcadia, Strategic Logistics) and financial institutions involved in the matter.

Respondents' Position

Daniel's Response: Daniel confirms the identities and registration details but denies Peter's characterization of their roles and conduct. Daniel establishes his position as sole director of multiple companies (RegimA Zone, RegimA Zone Academy, RegimA Zone Impact, ReZonance, Unicorn Dynamics) and co-director with Jacqueline of RegimA SA and RegimA Worldwide Distribution. He emphasizes that the e-commerce operations he established and managed were highly profitable, generating a combined annual revenue exceeding **R34.9 million**.

Jacqueline's Response: Jacqueline confirms the identities but denies Peter's mischaracterization of their roles. She establishes her role as CEO of RegimA Skin Treatments, managing the brand successfully, while crediting Daniel and his late partner Kayla Pretorius for the growth and success of the e-commerce division.

Key Strategic Point: Both respondents establish the profitability and success of the businesses under their management, directly contradicting Peter's claims of reckless or negligent conduct.

Section 2: Accountant Details - Bantjies Conflict of Interest (AD 4)

Peter's Claims

Peter identifies Danie Bantjies as "our accountant" who attended the office in mid-June 2025 for provisional tax and VAT submissions and subsequently noted "numerous discrepancies" and "irregular payments."

Respondents' Position

****Daniel's Response:**** Daniel draws the Court's attention to a ****material non-disclosure****: Peter fails to reveal that Danie Bantjies holds three conflicting roles:

1. ****Trustee**** of the Faucitt Family Trust (alongside Peter)
2. ****Debtor**** to the Trust
3. ****Accountant**** for the companies

This combination creates an ****impermissible conflict of interest****, constituting a breach of the fundamental fiduciary duty of loyalty.

****Jacqueline's Response:**** Jacqueline echoes Daniel's statements, emphasizing that the concealment of Bantjies's status as a Trustee prevented her from understanding the true power dynamics and the severe conflict of interest. This is a direct breach of the principles of transparency and good faith required under the ****Trust Property Control Act, 57 of 1988****.

****Key Strategic Point:**** The Bantjies conflict of interest undermines the credibility of Peter's entire founding affidavit, as the alleged "discovery" of irregularities comes from a source with multiple undisclosed conflicts.

Section 3: Corporate Structure (AD 6.1-6.5)

Peter's Claims

Peter claims he "caused the third to sixth respondent to be created, together with their present directors/members," implying ownership and control over the corporate structure.

Respondents' Position

****Daniel's Response:**** Daniel denies Peter's claims regarding the corporate structure and relationships. He establishes that the growth and success of the e-commerce division were driven by his late partner, Kayla Pretorius, and himself, ****entirely independent of Peter's involvement or financial support****.

****Jacqueline's Response:**** Jacqueline confirms that while Peter was involved in the initial formation of the companies, the growth and success, particularly of the e-commerce division, were driven by Daniel. Her role was to manage the brand, which she did diligently.

****Key Strategic Point:**** The respondents establish that the business success is attributable to their efforts, not Peter's, undermining his claim to control and his characterization of their conduct as detrimental.

Section 4: Urgency and Alleged Misconduct - The Manufactured Crisis (AD 7-7.20)

Peter's Claims

Peter alleges that:

- In mid-June 2025, the accountant noted discrepancies
- He cancelled business bank cards in June 2025 and requested invoices from Daniel
- Daniel "adopted a 'superior' position and effectively refused to assist"
- Some subscriptions were halted due to card cancellations
- Daniel interfered with staff and restricted email access

Respondents' Position

Daniel's Response: Daniel exposes a critical **timeline manipulation**:

- **6 June 2025:** Daniel cooperated by providing comprehensive reports to the accountant
- **7 June 2025:** Peter unilaterally cancelled the UK business cards paying for Shopify subscriptions (cards ending 5191 and 5225) **without notice**

This sequence demonstrates that Peter cancelled the cards **one day after** Daniel provided the reports, not "following" any discovery of irregularities. The card cancellation rendered documentation inaccessible, as systems required card-based authentication. Peter then complained about missing documentation—a problem he created through his own actions. This is a clear application of the legal principle ***venire contra factum proprium*** (estoppel).

To prevent business collapse, Daniel was compelled to substitute his personal card (1927) for RegimA SA, and Jacqueline her personal card (3212) for RegimA Zone.

Jacqueline's Response: Jacqueline denies the allegations of mismanagement and provides critical context for the retaliation pattern:

- **15 May 2025:** Jacqueline confronted Rynette Farrar about a **R1,035,000 debt** owed by RegimA Skin Treatments to Rezonance (Daniel's company). These funds were part of Kayla Pretorius's estate. This was an act of conscience and fulfillment of her duty under **Section 9(1) of the Trust Property Control Act**.
- **29 May 2025:** Following the confrontation, Rynette's son's company, Adderory (Pty) Ltd, registered the competing domain `regimaskin.co.za`, suggesting reprisal.
- **11 August 2025:** Jacqueline signed a document backdating Peter's designation as "Main Trustee" to 1 July 2025.
- **13 August 2025:** Two days later, Jacqueline was included in the interdict, suggesting punishment for supporting Daniel and questioning financial conduct.

Key Strategic Point: The "manufactured crisis" argument is the cornerstone of the defense. Peter created the problem he complains about, demonstrating bad faith and abuse of process. The retaliation pattern against Jacqueline for confronting Rynette about the debt is clearly established.

Section 5: Financial Discrepancies and Misconduct (AD 8.4-9.3)

Peter's Claims

Peter alleges:

- 2024 tax year IT expenses: **R6,738,007.47**

- 2025 tax year IT expenses: **R2,116,159.47**
- These amounts are "almost entirely unexplainable"
- Many expenses are "seemingly international"
- Business accounts have "almost exceeded the yearly allowable quota for funds leaving South Africa"

Respondents' Position

****Daniel's Response:**** Daniel denies any financial misconduct. The alleged "unexplained" costs were the **legitimate expenses of running a global e-commerce business**. Daniel then turns the tables by identifying Peter's own misconduct:

- ****14-15 February 2025:**** Unauthorized transfers of **R450,000 each**, totaling **R900,000**, from RegimA SA's bank account, executed without Daniel's authority, in breach of Peter's fiduciary duties as co-director.
- ****22 May 2025:**** The Shopify audit data for RegimA SA was expunged, reflecting **zero sales** for June–August 2025, indicating deliberate data manipulation or deletion.

****Jacqueline's Response:**** Jacqueline confirms Daniel's refutation and emphasizes that the alleged "unexplained" costs were legitimate e-commerce expenses.

****Key Strategic Point:**** Peter's failure to disclose the **R34.9 million annual revenue** context makes the IT expenses appear disproportionate when they are, in fact, reasonable for a global e-commerce operation. Peter's own unauthorized R900,000 transfers and the Shopify data expungement establish his misconduct, not the respondents'.

Section 6: Application to Declare Respondents Delinquent (AD 10.1-10.14)

Peter's Claims

Peter seeks to declare Jacqueline and Daniel delinquent under ****Section 162(5) of the Companies Act**** or, alternatively, to place them under probation under ****Section 162(7)****, alleging:

- Gross abuse of position
- Intentional or grossly negligent harm to the companies
- Gross negligence, wilful misconduct, or breach of trust
- Oppressive or unfairly prejudicial conduct

Respondents' Position

****Daniel's Response:**** Daniel denies acting in a delinquent, grossly negligent, or breach-of-trust manner. His actions have consistently been in the best interest of the companies he directs. He then establishes that ****it is Peter who has acted in bad faith**** and for an improper purpose, in breach of ****Section 76(3)(b) of the Companies Act****. Peter's systematic destruction of the companies, false claims, and abuse of the court process are grounds for a declaration of delinquency under ****Section 162(5)****.

****Jacqueline's Response:**** Jacqueline confirms that her actions were those of a responsible trustee and director. She echoes Daniel's position that Peter has acted in bad faith and that his conduct warrants a delinquency declaration.

****Key Strategic Point:**** The respondents establish a **counter-delinquency claim** against Peter, supported by evidence of his unauthorized transfers, card cancellation sabotage, perjury, and abuse of process.

Section 7: UK Operations and Alleged Fraud (AD 11.2-12.4)

Peter's Claims

Peter alleges:

- RegimA UK Ltd is the "UK head office"
- UK entities owe money to South African operations
- There are "fraud concerns" regarding UK branch non-payment
- Misappropriation is leading to "insolvency risk"

Respondents' Position

****Daniel's Response:**** Daniel denies Peter's claims regarding UK entities owing money to South African operations. He provides **Shopify invoice evidence** (annexures DF5–DF7) demonstrating that the actual payment flow is **from the UK to South Africa**, with UK entities funding SA operations to the tune of **R84,661+ annually**. Peter's and Rynette Farrar's debt allegations are **demonstrably false**, constituting **perjury**.

****Jacqueline's Response:**** Jacqueline confirms Daniel's statements, emphasizing that Peter's claims are not supported by the operational realities of the business.

****Key Strategic Point:**** The Shopify invoice evidence directly contradicts Peter's founding affidavit, establishing perjury and material non-disclosure. This is one of the strongest pieces of evidence for setting aside the ex parte order.

Section 8: Requirements for Interdictory Relief (AD 13.2-13.8)

Peter's Claims

Peter asserts that he meets the requirements for interdictory relief:

- Clear right not to be prejudiced
- Injury sustained and apprehension of further harm
- Reasonable apprehension of irreparable harm
- Interdicts essential for corporation survival
- Balance of convenience favors granting relief

Respondents' Position

****Daniel's Response:**** Daniel denies that Peter has met **any** of the requirements for interdictory relief:

- Peter has **no clear right** (he manufactured the crisis)
- Peter has suffered **no harm that he did not inflict upon himself** (card cancellation)
- Peter had **alternative remedies available** to him as a trustee (could have used trust powers)
- The **balance of convenience overwhelmingly favors** setting aside the order

****Jacqueline's Response:**** Jacqueline confirms that the balance of convenience overwhelmingly favors setting aside the order.

****Key Strategic Point:**** The respondents systematically dismantle each requirement for interdictory relief, establishing that the ex parte order was improperly granted.

Section 9: Financial Constraints and Forensic Audit (AD 14.1-14.5)

Peter's Claims

Peter seeks:

- Financial constraints on the respondents
- Constraint to prevent financial prejudice
- Forensic audit necessity and remuneration
- Relief under Part B

Respondents' Position

****Daniel's Response:**** Daniel denies the necessity of the constraints sought by Peter. However, he supports the necessity of a forensic audit**, provided it is conducted by an **independent and impartial party**, to fully expose the financial misconduct and conflicts of interest detailed in the affidavit.

****Jacqueline's Response:**** Jacqueline echoes Daniel's position, supporting an independent forensic audit.

****Key Strategic Point:**** The respondents' willingness to support an independent forensic audit demonstrates confidence in their position and turns Peter's request into an opportunity to expose his own misconduct.

Section 10: Discovery and Urgency (AD 16.1-16.12)

Peter's Claims

Peter alleges:

- Discovery of respondents' conduct in mid-June 2025
- R600,000 transfer (later corrected to R500,000) as trigger for action
- Unawareness of urgent application process
- State of shock and delayed response
- Attorney consultation timeline
- Need for urgent court assistance

Respondents' Position

****Daniel's Response:**** Daniel denies Peter's claims regarding the discovery of his conduct and the urgency of the matter. Peter's **delay in bringing this application**, despite claiming knowledge of the alleged issues since mid-June 2025, **contradicts his claim of urgency**. The R600,000 transfer (actually R500,000) is a **pretext** for an action motivated by Peter's desire to seize control of the businesses.

****Jacqueline's Response:**** Jacqueline confirms that Peter's delay contradicts his claim of urgency.

****Key Strategic Point:**** The delay between the alleged discovery (mid-June) and the application (August) undermines Peter's urgency claim, suggesting the application is motivated by other factors (retaliation).

Section 11: Ex Parte Basis (AD 17.3-17.4)

Peter's Claims

Peter asserts:

- Ex parte basis for application
- Urgency justifies ex parte relief

Respondents' Position

****Daniel's Response:**** Daniel denies that the urgency justifies the ex parte relief granted. Peter's **material non-disclosures** and **manufactured crisis** demonstrate an **abuse of the ex parte process**.

****Jacqueline's Response:**** Jacqueline confirms that Peter's material non-disclosures and manufactured crisis demonstrate abuse of the ex parte process.

****Key Strategic Point:**** The ex parte order was obtained through material non-disclosures (Bantjes conflict, timeline manipulation, UK funding perjury), constituting abuse of process and grounds for setting aside the order.

Section 12: Remaining Paragraphs (AD 18.3, 20, 22, 40.9.4, 44, 50, 74, 78, 83, 88)

Peter's Claims

Various administrative and procedural paragraphs, including:

- Continual unauthorized fund transfers
- First and second respondent details
- Additional party information
- Gross abuse of director/member position
- Applicant identity details
- Registered address details
- Timeline context
- Accountant's office visit and discovery
- Irregular payments discovery
- Follow-up actions

Respondents' Position

****Daniel's Response:**** Daniel denies the allegations contained in the remaining paragraphs and puts Peter to the proof thereof.

****Jacqueline's Response:**** Jacqueline confirms Daniel's position.

****Key Strategic Point:**** The respondents maintain a comprehensive denial of all remaining allegations, requiring Peter to prove his claims.

Conclusion and Prayer

Both respondents characterize Peter's application as a **personal vendetta masquerading as a legitimate legal dispute**. They assert that Peter has abused his position as a director and trustee to punish his family and seize control of assets he did not build. They pray that the Court will see through this charade and grant the relief sought in their counter-application, with costs to be paid by Peter on an attorney and own client scale.

Strategic Strengths of the Answering Affidavits

1. Manufactured Crisis Argument

The affidavits effectively demonstrate that Peter created the crisis he complains about through his card cancellation on 7 June 2025, one day after Daniel provided comprehensive reports. This establishes bad faith and the application of *venire contra factum proprium* (estoppel).

2. Material Non-Disclosures

The affidavits expose multiple material non-disclosures in Peter's founding affidavit:

- Bantjes's triple role (Trustee + Debtor + Accountant)
- Timeline manipulation (card cancellation before alleged discovery)
- UK funding perjury (claiming UK owes SA when the opposite is true)
- Revenue context omission (R34.9M annual revenue)

3. Perjury Exposure

The Shopify invoice evidence directly contradicts Peter's claims about UK operations, establishing perjury and undermining the credibility of the entire founding affidavit.

4. Retaliation Pattern

The affidavits establish a clear retaliation pattern:

- Against Jacqueline for confronting Rynette about the R1,035,000 debt (15 May 2025)
- Against Daniel for exposing fraud to Bantjes (6 June 2025)
- Competing domain registration by Adderory (29 May 2025)
- Jacqueline's inclusion in the interdict two days after signing the "Main Trustee" document (13 August 2025)

5. Counter-Delinquency Grounds

The affidavits establish grounds for a counter-application to declare Peter delinquent based on:

- Unauthorized R900,000 transfers (14-15 February 2025)
- Card cancellation sabotage (7 June 2025)
- Perjury in founding affidavit (UK funding claims)
- Abuse of court process (ex parte order based on material non-disclosures)
- Shopify data expungement (22 May 2025)

6. Balance of Convenience

The affidavits demonstrate that the balance of convenience overwhelmingly favors setting aside the ex parte order, as:

- Peter manufactured the crisis
- Peter has alternative remedies as a trustee
- The respondents' exclusion harms the profitable businesses
- An independent forensic audit would expose Peter's misconduct

Recommendations

1. **Proceed with Counter-Application:** The affidavits provide a strong foundation for a counter-application to declare Peter delinquent under Section 162(5) of the Companies Act.
2. **Emphasize Independent Forensic Audit:** The respondents' support for an independent forensic audit demonstrates confidence and turns Peter's request into an opportunity to expose his misconduct.
3. **Highlight Retaliation Pattern:** The timeline of events (Jacqueline's confrontation on 15 May, competing domain registration on 29 May, Jacqueline's inclusion in the interdict on 13 August) establishes a clear pattern of retaliation.
4. **Leverage Shopify Invoice Evidence:** The Shopify invoices are the strongest piece of evidence for establishing perjury and should be prominently featured in court submissions.
5. **Apply *Venire Contra Factum Proprium*:** The manufactured crisis argument, grounded in the legal principle of estoppel, is a powerful defense against Peter's urgency claims.