${court}

CASE NO.: ${casenumber}

In the matter between:

**${onepname}** ${firstplaintiff}Plaintiff

${twop}

**${twopname}** Second Plaintiff

${/twop}

${threep}**${threepname}** Third Plaintiff

${/threep}

${fourp}**${fourpname}** Fourth Plaintiff

${/fourp}

${fivep}**${fivepname}** Fifth Plaintiff

${/fivep}

${sixp}**${sixpname}** Sixth Plaintiff

${/sixp}

${sevenp}**${sevenpname}** Seventh Plaintiff

${/sevenp}

and

**${onedname}** ${firstdefendant}Defendant

${twod}

**${twodname}** Second Defendant

${/twod}

${threed}**${threedname}** Third Defendant

${/threed}

${fourd}**${fourdname}** Fourth Defendant

${/fourd}

${fived}**${fivedname}** Fifth Defendant

${/fived}

${sixd}**${sixdname}** Sixth Defendant

${/sixd}

${sevend}**${sevendname}** Seventh Defendant

${/sevend}

${eightd}**${eightdname}** Eighth Defendant

${/eightd}

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**MINUTES OF THE PRE-TRIAL CONFERENCE HELD ON [DATE]**

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**PARTICULARS OF CONFERENCE RULE 37(6)(a)**:

**For the Plaintiff: [Firm]**

**[Attorney’s name]**

**For the [Defendant]: [Firm]**

**[Attorney’s name]**

**SEPARATION:**

The Plaintiff proposes that the issues of liability/merits and quantum be separated and that only liability/merits be adjudicated during the first appearance.

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| DEFENDANT: |  |

**MERITS / LIABILITY:**

The parties are in agreement that their respective versions are set out in the pleadings and that the common cause issues and issues in dispute are reflected therein.

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| DEFENDANT: |  |

**WITNESSES - RULE 37(6)(i) AND RULE 37A(10)(e) AND (h):**

The Plaintiff intends to present evidence and to call 1 or 2 witnesses to present evidence during a merits/liability trial.

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| Defendant: |  |
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**AMENDMENT OF PLEADINGS:**

The parties do not intend amending at this stage, but reserve the right to do so should the need arise.

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| DEFENDANT: |  |

**TRIAL PARTICULARS**:

The parties intend to request trial particulars closer to trial and once all parties have fully discovered and all discovered documents have been exchanged between the parties.

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| DEFENDANT: |  |

**REFERRAL FOR MEDIATION, ARBITRATION OR DECISION BY A THIRD PARTY:**

The parties are in agreement that none of the disputes in this action should be referred for mediation, arbitration or decision by a third party.

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| DEFENDANT: |  |

**PREJUDICE AS RESULT OF NON-COMPLIANCE WITH THE RULES -RULE 37(6)(B):**

* 1. The Plaintiff: None at present, all rights are reserved.

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| --- | --- | --- | --- |
| 8.2 |  | Defendant: |  |

**TRANSFERAL TO ANOTHER COURT:**

The parties agree that there is no need for the matter to be transferred to another court.

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| DEFENDANT: |  |

**ONUS OF PROOF:**

The Plaintiff accepts that she bears the onus to prove all aspects necessary to succeed with her claim.

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| DEFENDANT: |  |

**STATUS OF DOCUMENTS RULE 37(6)(k) AND RULE 37A(10)(g):**

The Plaintiff is of the view that it is premature to discuss this aspect at present and prior to full discovery by the parties. This aspect will be re-canvassed at a later pre-trial conference closer to trial.

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| DEFENDANT: |  |

**COST OF PRE-TRIAL CONFERENCE:**

The parties agree that it was necessary for the respective counsel and attorneys to attend to the pre-trial conference and that the cost of such conference, the formulation of agendas and pre-trial minutes and preparation for the pre-trial conference will form part of the taxable costs as between party and party, if any and will be costs in the cause.

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| DEFENDANT: |  |

**DURATION OF TRIAL:**

The Plaintiff estimates the duration of the trial in respect of merits/liability to be 4 to 5 days.

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| DEFENDANT: |  |

**EXPERT EVIDENCE AND OTHER ASPECTS RELATING TO RULE 36 -RULE 37A(10)(a) AND (d):**

The Plaintiff does not intend to call expert witnesses in respect of the merits/liability trial.

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| DEFENDANT: |  |

**ADMISSIONS SOUGHT AND QUESTIONS ASKED - RULE 37(4)(a) AND RULE 37A(10)(b):**

The Plaintiff seeks the following admissions and asks the following questions in terms of Rule 37:

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**SETTLEMENT PROPOSALS - RULE 37(6)(c):**

The parties discussed the possibility of settlement. No settlement was reached, however the parties will continue with their endeavours to do so.

**DISCOVERY:**

* 1. The Plaintiff will serve [his/her/its] Discovery Affidavit by [date].
  2. The Defendant will serve [his/her/its] Discovery Affidavit by [date].



**PREPARATION OF BUNDLES TO BE USED DURING THE HEARING OF THE MATTER:**

* 1. The Plaintiff proposes the following in respect of the formulation of the trial bundles and the indexing of the court file:
     1. Plaintiff will prepare an index consisting of the following specific headings:
        1. Trial Bundle A - Pleadings;
        2. Trial Bundle B - Pre-Trial Minutes;
        3. Trial Bundle C - General Notices;
        4. Trial Bundle D - Discovered documents;
        5. Trial Bundle E - Plaintiff’s Experts (If applicable);
        6. Trial Bundle F - Defendants Experts;
        7. Trial Bundle G - Joint Minutes (If applicable).

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| DEFENDANT: |  |

* 1. These indexes will be submitted to the Defendant and Third party and the Defendant and Third party will be required to supplement, amend or approve same within 14 days from receipt.

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| DEFENDANT: |  |

* 1. Pursuant to the elapse of the 14 day period and barring any correspondence in respect of the supplementation, amendment or approval of same the Plaintiff will be entitled to accept these indices as approved;

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| DEFENDANT: |  |

* 1. Plaintiff will then be required to serve the Defendant and Third party with formal indices and will be required to index and paginate the Court File in accordance to such indices. Upon specific request and cost tender the Plaintiff will provide the Defendant and Third party with such Trial Bundles.

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| DEFENDANT: |  |

* 1. Plaintiff will, should any further documents be discovered and / or formal notices and / or pleadings be exchanged after the Court File has been indexed and paginated title such Index as a Supplementary Bundle with the Trial Bundle thereafter recorded as sub bundle 1 and as may be further required. In explanation should further Pleadings be exchanged the bundle will be titled Supplementary Trial Bundle A1 – Pleadings.

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| DEFENDANT: |  |

**FURTHER ASPECTS RAISED BY THE PARTIES:**

[Further aspects].

**DATED AT \_\_\_\_\_\_\_\_\_\_\_\_\_ THIS \_\_\_ DAY OF ${month} ${year}.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**[Plaintiff’s Attorney’s name]**

**DATED AT \_\_\_\_\_\_\_\_\_\_\_\_\_ THIS \_\_\_ DAY OF ${month} ${year}.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**[Defendant’s Attorney’s name]**