${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}

**CONFIRMATORY AFFIDAVIT**

I, the undersigned

**[DEPONENT’S NAME]**

do hereby make oath and say that:

1.

I am the [position] of the ${represent} and am duly authorised to make this affidavit. Except where the contrary appears from the context, all facts herein fall within my own personal knowledge and are true and correct.

2.

I had in my possession or under my control the documents relevant to the issues in this action which are set out in the First and Second Parts of the First Schedule hereto.

3.

I object to the discovery of the documents set out in the Second Part of the First Schedule hereto, on the basis that such documents consist of:

3.1 Correspondence between attorney and client encompassing disclosures of a privileged nature made with the object of obtaining legal advice after litigation had been contemplated.

3.2 Statements of witnesses and notes and memoranda made during the course of these proceedings and correspondence, documents pertaining to the testimony to be given and in connection with information which may lead to the obtaining of evidence or otherwise to place the party in a position properly to set out his claim in this action, which statements, notes, memoranda, correspondence and documents are by their nature, privileged.

3.3 Instructions and briefs to Counsel, notes and opinions of Counsel including Counsel's advice on evidence and drafts of documents obtained for the purposes of and in the course of these proceedings and which have, inter alia, the aim of obtaining legal advice in relation to these proceedings, which documents are by their nature privileged.

3.4 All other documents and correspondence made or obtained in order to place the Plaintiff in a position properly to prepare and present his claim in this action, which documents are by their nature privileged.

4.

I had, but no longer have in my possession or under my control the documents relating to the issues in this matter, as set out in the Second Schedule hereto.

5.

According to the best of my knowledge and belief I have not now and have never had in my possession or under my control any document or copy or extract from any document relating to any issues in this matter, other than those set forth in the First and Second Schedules hereto, and in the First and Second Schedules of my original Discovery Affidavit.

6.

I certify that the deponent acknowledged that he knew and understood the contents of the above declaration, that I duly administered the oath as prescribed by Government Notice No R1258 of 21 July 1972, as amended and that thereafter the deponent in my presence, signed the declaration at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_on the \_\_\_ day of **${month} ${year}**.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**COMMISSIONER OF OATHS**

**FIRST SCHEDULE**

**PART 1**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **ITEM NO.** | **DATE** | **DESCRIPTION** | **ORIGINAL** | **COPY** |
|  |  | **PLEADINGS** |  |  |
|  |  | All pleadings and notices with annexures served and filed under case number ${casenumber} |  | C |
|  |  | **DOCUMENTS** |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

**SCHEDULE ONE**

**PART 2**

1. Correspondence between attorney and client;

2. Notes and memoranda by Defendant’s attorneys and counsel;

3. Instructions and briefs to counsel:

4. Counsel's memoranda and advice;

5. *Without prejudice* correspondence between attorneys acting for the parties in the action.

**SCHEDULE TWO**

1. NONE.