



A CHIMES VAN WYK

ATTORNEYS | NOTARIES | CONVEYANCERS

Our ref: **D Curtis/DC25**
Your ref:
Date: **28 NOVEMBER 2019**
Email: **donald@chimesvanwyk.co.za**

Elizabeth Catharina Wessels
69 Hofmeyr Street
Mossel Bay

PER EMAIL : ewes@mweb.co.za
editor@mosselbayontheline.co.za

URGENT NOTICE IN RESPECT OF HIGH COURT INTERDICT PROCEEDINGS AND SUMMONS FOR DAMAGES

Ms Wessels,

**RE: AFRO FISHING (PTY) LTD, DEON VAN ZYL & JOHANNES BREED // YOURSELF &
"MOSSSELBAYONTHELINE"**

1. The above matter refers.
2. We confirm that we act on behalf of Afro Fishing (Pty) Ltd, Deon van Zyl and Johannes Breed and we address this urgent correspondence to you on our client's instructions as they appear hereunder.

A. CHIMES VAN WYK INCORPORATED • Registration Number: 2007/031041/21

1 Caledon Street, George, 6529 / Postnet Suite 42, Private Bag X6590, George, 6530 / Docex 6, George
T 044 874 1621 / F 044 874 1661

Directors: Andaleen Chimes BA(Hons) B Proc • Adèle van Wyk BComm LLB • Lennox Claasen LLB

Consultant: Donald Curtis LLB (*Cum Laude*) • **Assisted By:** Ka-Fai Ho LLB (*Cum Laude*)

www.chimesvanwyk.co.za

3. Any and all further communications in this matter are strictly to be directed to the writer per the contact details recorded above.
4. We refer to the:
 - 4.1. article published by you on your website, www.mosselbayontheline.co.za and your Facebook page "mosselbayontheline" (hereinafter the "article", the "site" and the "page" respectively), under the title #Fishrot se stank oor grootskaalse korrupsie en kwotabedrog in visbedryf waai tot in Mosselbaai; and
 - 4.2. the email sent by you to Gys Smalberger and Melissa Mackay on 27 November 2019 (the "email"), wherein you copied at least 29 people.
5. The contents of the article and the email are grossly defamatory of our client's good names and reputation and has and continues to cause them grave harm. You state and/or impute, of and concerning our clients, directly and impliedly, inter alia that they are related to, implicated in and/or a part of an alleged bribery, corruption and state capture scandal vis-à-vis Iceland and/or Namibia.
6. Of grave concern to our clients is your demand, in your email, that our client's pending new development in Mossel Bay be halted, which could cause them substantial damages running in to tens of millions of Rands, for you could be liable due to your unlawful conduct.
7. In light of the urgency of this correspondence the foregoing is not a closed list, and our clients will elaborate in due course in any further legal actions if necessary, with their rights in this regard wholly reserved.
8. Your publication of these statements is devoid of truth, unlawful, and legally actionable, and gravely aggravated by *inter alia*:
 - 8.1. The extent of the audience;
 - 8.2. Our client's extensive efforts this year to date to engage with you, to meet with you, and the multiple detailed emails they have sent to you to answer all of your (relevant) queries to date, which you then proceed to use only selectively when the truth of the matter does not fit your wholly misplaced narrative;

- 8.3. That our clients are not related to AST and/or any other companies in Namibia and/or Angola (save the fact they share one common Director, which means quite literally nothing);
 - 8.4. The fact our client has, is and will continue to comply with every legal requirement and due process vis-à-vis their anticipated development, and has passed every minute scrutiny by the relevant, appropriately experienced and qualified persons and government agencies have imposed in this regard, with literal flying colours; and
 - 8.5. You outright ignored our client's Deon van Zyl's email to you on 26 November 10h33 calling on you for an apology and retraction and in fact, only sent the email after already being warned legal action would follow.
9. To state the matter simply – you are attempting to draw the most tenuous of links and conclusions between events that have nothing to do with our clients whatsoever and in the process, defaming them extensively through your publications.
10. In light of the above it is our instructions to demand from you, as we hereby do, to immediately:
- 10.1. permanently delete the article from the site and the page, and any other articles that reference our clients directly or indirectly; and
 - 10.2. render a written undertaking that you shall not publish, seek to publish, or allow to be published by any third party, any further statements or concerning our clients; and
 - 10.3. retract the email, with an appropriate apology, per a reply to all from your sent items so that it reaches all of the original recipients.
11. **Should you not comply with 10 above by 17h00 tomorrow, 29 November 2019, then we have no alternative but to proceed, without further notice to you, with an urgent High Court application for appropriate interdictory relief.**

12. **Should this be necessary our clients will seek that you be ordered to pay their legal costs, and this correspondence will be used in support of a prayer for an appropriate punitive legal costs order on the scale as between attorney and own client.**
13. In addition to the above, should you fail to respond adequately then our clients have instructed us to forthwith issue summons against you to secure compensation by way of a damages award for defamation.
14. You would do well to note that one of the primary elements considered by any court in the foregoing proceedings and specifically the amount of damages to be awarded in such claims is your response to, or conduct post your receiving this letter, i.e. if you fail to act now and mitigate your damages, your ultimate liability will be that much greater.
15. Whilst not ordinarily our place to do so, in the best interests of our client to resolve this matter forthwith, we would urge you to immediately secure independent legal advice in respect of this matter to be fully informed of your present exposure and liability.
16. We trust you take proper note of the above, that your future conduct shall be guided accordingly, and we await your urgent reply.
17. Our client's rights are strictly reserved *in toto*.

Yours faithfully,

A CHIMES VAN WYK ATTORNEYS INC

A handwritten signature in black ink, appearing to be 'D. Curtis', written over a horizontal line.

per: **DONALD CURTIS**