

JSC INTERVIEW ROUND: MAY 2024

CANDIDATE: JUDGE PHILLIP COPPIN

COURT FOR WHICH CANDIDATE APPLIES: SUPREME COURT OF APPEAL

1. The candidate's tertiary qualifications, professional admissions, honours, and permanent judicial appointments:

1.1. The candidate holds the following qualifications:

1.1.1. BA, LLB.

1.2. The candidate's professional admissions and honours:

1.2.1. became an advocate on 1 July 1985;

1.2.2. took silk on 18 October 2005.

1.3. The candidate's judicial appointments:

1.3.1. appointed Judge of the High Court on 1 February 2010;

1.3.2. appointed Judge of the Labour Appeal Court on 29 May 2014;

1.3.3. appointed Judge of the Equality Court (Gauteng Division) on 29 July 2014; and

1.3.4. appointed as an Acting Judge in the SCA for 5 terms in the periods 1 December 2016 to 31 May 2017 and 1 December 2023 to 31 March 2014.

2. The candidate's integrity and ethics:

2.1. No circumstances are known that would suggest that the candidate is not a person of integrity with a reputation for ethical behaviour or is not a fit and proper person for appointment.

3. Whether the candidate's appointment would help to achieve an appropriate racial and gender composition on the bench:

3.1. There are currently 22 judges permanently appointed to the SCA. Based on the names listed on the SCA website, the SCA's racial and gender composition appears to be:

3.1.1. 11 black women (8 African, 1 Indian, 2 Coloured);

3.1.2. 2 white women;

3.1.3. 7 black men (5 African, 1 Indian, 1 Coloured); and

3.1.4. 2 white men.

3.2. The candidate is a black (Coloured) man.

4. The maximum time period the candidate could serve if appointed:

4.1. Section 176(2) of the Constitution provides that all judges other than Constitutional Court judges "*hold office until they are discharged from active service in terms of an Act of Parliament.*" The Act in question is the Judges Remuneration and Conditions of Employment Act 47 of 2001.

4.2. Section 3(2)(a) of the Act provides that, subject to section 4(4), a judge will ordinarily be discharged from active service upon reaching the age of 70 if, by that date, they have completed a period of active service of not

less than ten years. If not, they will be discharged from active service after having completed ten years of active service.

- 4.3. Section 4(4) allows for a judge who reaches the age of 70 to continue serving until the age of 75 if, at the time of turning 70, they have not yet served 15 years' active service.
- 4.4. The candidate is 63 years old and has completed a period of 14 years of active service as a judge.
- 4.5. If appointed, the candidate could serve up to 7 years actively in office.

5. The candidate's personal commitment to the values of the Constitution:

- 5.1. Whilst the candidate's application records his membership of a number of community organisations, it does not provide sufficient information to assess the candidate's personal commitment to the Constitution through his membership of and involvement in community or civic or public service.
- 5.2. The only information provided to assess the candidate's personal commitment to constitutional values are the lectures the candidate has given to aspirant judges.

6. The candidate's knowledge of the law, including constitutional law:

- 6.1. The candidate has been a judge for approximately fourteen years and a judge of the Labour Appeal Court for approximately ten years. Prior to that, the candidate practised as an advocate at the Johannesburg Bar for twenty-five years, five of which as senior counsel.

- 6.2. The candidate has extensive experience across many fields of law and his judgments reveal a thorough understanding of the law.
- 6.3. Although the candidate has particular experience in labour law and has numerous judgments in this area of law, his expertise extends more broadly, as is apparent from the reported cases the candidate records as the most significant.
- 6.4. Examples of the candidate's knowledge of constitutional, criminal, administrative, and commercial law is demonstrated in the following judgments:
- 6.5. In *Imperial Group Ltd v Airports Company South Africa SOC Ltd and Others* [2018] 3 All SA 751 (GJ), the candidate showed a clear understanding of the interplay between section 217 of the Constitution, the Promotion of Access to Justice Act 3 of 2000 and the principle of legality. One of the issues in dispute was whether the review (of the publication of terms of reference as opposed to ACSA's final bid decision) was premature. The candidate found that ACSA's decision to publish the terms of reference excluded Imperial from the bid process. Consequently, this decision had a direct, external effect on Imperial. The publication of the terms of reference was therefore ripe for review in terms of the principle of legality, alternatively, the PAJA. In addition, the candidate found that ACSA, as a state entity, failed to apply section 217 of the Constitution to the publication of the terms of reference. The candidate's decision was upheld by the SCA in *Airports Company South Africa Ltd v Imperial Group Ltd* 2020 (4) SA 17 (SCA).
- 6.6. In *Institute for Accountability in Southern Africa v Public Protector and Others* [2020] JOL 46861 (GP), the candidate dismissed an application for an order declaring that the incumbent public protector was not a fit

and proper person to hold the office of public protector as required by section 193(1)(b) of the Constitution. The candidate declined to exercise his discretion to grant the declaratory relief because to do so would directly intrude into the constitutionally mandated terrain of the National Assembly and the President.

- 6.7. In *Patel v S* [2015] 4 All SA 382 (GJ), the candidate dismissed an appeal against an extradition order. The candidate held that the date to determine compliance with the double jeopardy principle is the date of the extradition request, and not the date on which the alleged offences were committed. The candidate's decision was upheld by the SCA in *Patel v Director of Public Prosecutions* 2017 (1) SACR 456 (SCA).
- 6.8. In *The Director of Public Prosecutions: Gauteng Division, Pretoria v Tsotetsi* 2017 (2) SACR 233 (SCA); [2017] ZASCA 083, the candidate upheld the appeal, set aside the trial court's sentence, and imposed the prescribed minimum sentence for premeditated murder.
- 6.9. In *Fleki (Pty) Ltd v FNB Securities (Pty) Ltd* [2020] 2 All SA 452 (GJ), the issue for determination was whether a request in terms of section 54 of the Companies Act 71 of 2008 to materialise uncertificated shares could be made subject to a condition. The candidate considered the legislative history of uncertificated securities and interpreted the meaning of the relevant provisions of the Companies Act. The candidate found that the conversion from uncertificated to certificated securities is triggered by the wishes of the holder of the securities and that neither the relevant participant, nor the depository, nor the company, has any discretion in that regard.

- 6.10. The candidate's judgments reflect an understanding of both procedural and substantive law. His judgments are consistently detailed, balanced, and thoroughly researched.
- 6.11. The candidate's professional development is evident from his more recent judgments. For example, in *Living Africa One (Pty) Ltd v Ekurhuleni Metropolitan Municipality* 2023 (6) SA 551 (GJ), writing for the full bench, the candidate dealt concisely and cogently with complex issues concerning contempt of court and constitutional damages. The court *a quo* dismissed an application to hold the Ekurhuleni Metropolitan Municipality in contempt for failure to provide alternative accommodation and dismissed the claim for constitutional damages suffered as a result of the continued occupation of the property. The candidate, in distinguishing the remedies of contempt and damages, held that while contempt had not been proved, the applicant was entitled to constitutional damages.

7. Judgments of the candidate that have been overturned, upheld, or commented on, on appeal:

Judgments upheld on appeal:

- 7.1. The candidate lists ten matters that were unsuccessfully appealed where he was the sole judge. Reference is made above to two of these judgments, namely: *Patel v Director of Public Prosecutions* 2017 (1) SACR 456 (SCA); and *Airports Company South Africa Ltd v Imperial Group Ltd* 2020 (4) SA 17 (SCA).
- 7.2. *Limpopo Economic Development Agency v Klopper NO and Others* [2020] ZAGPJHC 234 (20 January 2020), upheld by the majority (per Plasket JA) in [2022] ZASCA 72 (25 May 2022), 2022 JDR 1421 (SCA),

concerned the correct interpretation of a shareholders agreement together with a clause in a mining right that was converted from an old order right into a new order mining right. Plasket J agreed with the candidate that the applicant's interpretation of the relevant clause in the mining right was untenable, neither sensible nor business-like, as it was premised on the Minister acting beyond his powers, thus unlawfully, in granting new order rights.

7.3. The question for separate determination in *Transnet SOC Ltd v Total South Africa (Pty) Ltd* 2017 (1) SA 526 (SCA) was whether a variation agreement concluded between Total SA and the previous South African Government (granting certain benefits to Total SA relating to the tariffs applicable to Total for the transport of crude oil) remained binding on Transnet despite the change in the regulatory regime governing the transport and conveyance of fuel in South Africa, by the National Energy Regulator Act 40 of 2004 and the Petroleum Pipelines Act 60 of 2003. The variation agreement was underpinned by the neutrality principle. Transnet argued that this principle could not co-exist with the new legislation. Only the National Energy Regulator could set tariffs. The candidate as the court of first instance, found that the defences must fail. The SCA agreed. The SCA did not comment on the candidate's reasoning.

7.4. *Association of Mineworkers and Construction Union (Amcu) and Others v Chamber of Mines of SA and Others* [2016] 37 ILJ 1333, upheld in 2017 (3) SA 242 (CC), concerned a collective wage agreement concluded between gold mining companies, represented by the Chamber, and three unions, representing the majority of workers employed in the gold mining sector, excluding Amcu. The collective agreement was extended to non-parties in accordance with the Labour Relations Act. Amcu sought to organise a strike, despite the conclusion of the collective wage agreement,

which bound Amcu. The Chamber instituted proceedings to interdict the strike. The issue for determination was whether Amcu was bound by the wage agreement. The Labour Court interdicted the strike. The candidate, writing for the Labour Appeal Court, dismissed Amcu's appeal from the Labour Court. The Constitutional Court confirmed both the candidate's findings in respect of the meaning of "workplace" and that the Labour Relations Act, which allows for the extension of collective agreements to non-parties, not infringe the right to strike.

- 7.5. The review committee could not locate *De Lange A NO and Another v Nunes J* (SGH case no 20195/11) referenced by the candidate.

Judgments overturned on appeal:

- 7.6. In *Framatome v Eskom Holdings SOC Ltd* (357/2021) ZASCA 132; 2022 (2) SA 395 (SCA) (1 October 2021), the SCA upheld an appeal against a decision by the candidate in which the candidate found that the adjudicator exceeded his jurisdiction and decided on a matter that was not properly before him. The SCA found that the adjudicator did not exceed his jurisdiction as his decision was based on the case as it was referred to him by the parties. The SCA criticised the candidate for being unduly narrow in his interpretation of the adjudicator's award, and that the findings made by candidate were not borne out by the facts.
- 7.7. In *Myathaza v Johannesburg Metropolitan Bus Service (SOC) Limited t/a Metrobus and two other matters* 2016 (3) SA 74 (LAC); 2018 (1) SA 38 (CC), the applicant obtained an award for unfair dismissal in arbitration. Metrobus sought to review the award but failed to prosecute the review timeously. The applicant was unsuccessful before the labour court to make the arbitration award an order of court, as the labour court accepted Metrobus's argument that the award had prescribed. The main issue for

determination before the Labour Appeal Court was whether the Prescription Act applied to arbitration awards made under Labour Relations Act 66 of 1995. The candidate, writing for the Court, held that the award constituted a 'debt' for the purposes of prescription and agreed with Metrobus that it had prescribed. The majority in the Constitutional Court held that the Prescription Act did not apply to awards under the Labour Relations Act. Further, that even if the Prescription Act did apply, an arbitration award was not a “*debt*” for purposes of the Prescription Act. The minority in the Constitutional Court held that the Prescription Act did apply but that prescription had been interrupted by the institution of arbitration proceedings under the Labour Relations Act and the subsequent review proceedings.

- 7.8. The candidate lists two judgments that were overturned on appeal prior to his permanent appointment in 2010: *Odendaal v Odendaal* 2002 (1) SA 763 (W); [2002] JOL 9311 (W) and *Ex Parte Body Corporate of Caroline Court* 2001 (4) SA 1230 (SCA); [2001] JOL 9122 (A).
- 7.9. In *Odendaal*, the Full Bench (per Goldstein J) observed that the candidate’s judgment was full and careful, and only set aside that part of his judgment and order that held, wrongly, that the parties before him had agreed to exclude the application of the accrual system to their marriage.
- 7.10. In *Caroline Court*, the SCA, per Navsa JA, criticised the candidate for deciding a complex issue on which no court had yet pronounced (i.e., the interpretation of s 48(6) of the Companies Act 61 of 1973), in *ex parte* proceedings and without having (or calling for) the benefit of argument and evidence that may have been advanced by several interested parties. Despite criticism of the candidate’s approach, the SCA upheld the candidate’s decision.

7.11. The candidate lists two judgments *Clearfreight (Pty) Ltd v Pictech Sales CC* [2016] JOL 33587 (SCA); (186/12) [2013] ZASCA 181 (29 November 2013) and *Joubert Scholtz Inc and others v Elandsfontein Beverage Marketing (Pty) Ltd* [2012] 3 All SA 24 (SCA), where he concurred, that were overturned on appeal. As these were not written by the candidate, and there is no indication in the application of the candidate's contribution to these decisions, an analysis of these decisions is not included in this review.

8. The extent and breadth of the candidate's professional experience:

8.1. The candidate has extensive judicial and quasi-judicial experience, as detailed above.

8.2. The extent of this experience is reflected in his decisions covered by this review.

8.3. The candidate has served as an acting judge of the SCA during the period 1 December 2016 to 31 May 2017 (when the candidate wrote four judgments, one dissenting, and concurred in fifteen judgments) and during the period 1 December 2023 to 31 March 2024 (when the candidate wrote two and concurred in six judgments).

8.4. The most significant of these are:

8.5. *Neotel (Pty) Ltd v Telkom SOC Ltd and others* (605/2016) [2017] ZASCA 47 (31 March 2017). The candidate wrote the unanimous decision for the court.

8.5.1. The appeal concerned appealability. At the hearing the appellant no longer sought leave to appeal against the order of the court *quo* (as it had become moot) but wished to appeal against the court

quo's findings in relation to the BEE requirement as contemplated by s 9(2)(b) read with s13 of the Electronic Communications Act, 36 of 2005. Counsel for the appellant argued that the case presented the SCA with an opportunity to find that, in exceptional circumstances, an appeal may lie against the reasons for an order.

8.5.2. In discussing and distinguishing the authorities relied on by the appellant to justify its 'novel' approach, the candidate observed that what the appellant was asking was that the SCA jettison sound legal principle, confirmed by numerous decisions. Although the Appellate Court had adopted a more flexible and pragmatic approach regarding the appealability of interlocutory orders, this approach did not extend to making reasons for judgments and orders appealable. The appellant's approach, the candidate opined, would open the floodgates. In any event, there were no exceptional circumstances that would justify a departure as radical as the one called for by the appellant.

8.5.3. The candidate's statements on appealability have been cited in several judgments. (See for example, in *Chawla v Manuel* [2019] JOL 41491 (GP)L (69804/2017) [2019] ZAGPPHC 47 (22 February 2019) (marked reportable); *Cipla Agrimed (Pty) Ltd v Merck Sharpe Dohme Corporation and others* 2018 (6) SA 440 (SCA); [2017] ZASCA 134 (SCA); 4 All SA 604 (SCA) at p 611 and *United Democratic Movement and another v Lebashe Investments Group (Pty) Limited and others* [2022] JOL 55492 (CC) at para 39.

8.6. *Organi Mark (Pty) Ltd v Goolam Nabi Ebrahim Akoodie and Another* [2024] ZASCA 44 was an appeal against a special plea that was upheld

by the High Court. The appellant had sought to hold the respondents liable under s 361 of the Swaziland Companies Act 8 of 2009. The candidate writing for the court held, after finding that no *ratio jurisdictionis* other than residence was alleged, that the court *a quo* was correct to find that it lacked jurisdiction to entertain the claim. The Court could not assume jurisdiction in relation to alleged reckless or fraudulent conduct by respondents in a foreign country in relation to a foreign company that was wound up by a foreign court in that country. In addition, the candidate held that the statute relied upon by the appellant did not have any extra-territorial effect.

- 8.7. The balance of the judgments written by the candidate while acting in the SCA centred on factual matters, were a restatement of the law, or contained no novel or significant points of law.

9. The candidate’s linguistic and communication skills:

- 9.1. The candidate writes clear, concise, and well-reasoned judgments.
- 9.2. The candidate gives a detailed description of his understanding of the facts, the issues in dispute, and the law, all in a structured and logical format allowing the reader to follow the reasoning of the candidate.

10. The candidate’s ability to produce judgments promptly:

- 10.1. The candidate is known to produce well-written judgments quickly.
- 10.2. The candidate is able to provide reasons on an expedited basis. For example, in *HR Computek (Pty) Ltd v Dr WAA Gouws (Johannesburg) (Pty) Ltd* 2023 (6) SA 268 (GJ), the candidate could swiftly and efficiently

dispose of an interlocutory application regarding *locus standi* and provided reasons less than one month after the hearing of the matter.

- 10.3. Of the judgments reviewed, two were produced outside of the three-month standard. Judgment in *Myers v National Commissioner of the South African Police Service and Another* [2022] JOL 55680 (LAC) and *De Bruyn v Metorex (Pty) Ltd* [2021] 10 BLLR 979 (LAC) were produced four months after the hearing date.
- 10.4. All the judgments reviewed were produced in a reasonable period of time.
- 10.5. The candidate disclosed in his application that he had one reserved judgment, where he was scribe, outstanding from his recent acting stint in the SCA. The reviewers note that two judgments written by the candidate have subsequently been handed down: *Organi Mark (Pty) Ltd v Goolam Nabi Ebrahim Akoodie and Another* [2024] ZASCA 44 (8 April 2024) and *Christopher Charles Hughes v Nicolas Gargassoulas and Others* [2024] ZASCA 46 (12 April 2024).

11. The candidate's ability to conduct court proceedings fairly, efficiently, and effectively:

- 11.1. The candidate is known to make optimal use of court time, is courteous, prepared for hearings, listens to arguments presented, and expects counsel to engage with any contentious issues raised in the matters before him.
- 11.2. The candidate has a good judicial temperament.

12. The candidate's independent mindedness:

- 12.1. The candidate has written a number of dissenting judgments which are an indication of his independent mindedness:

- 12.2. Nicolls AJA (as she then was) concurred with the candidate's dissenting judgment in *Mazina v S* [2017] JOL 37588 (SCA); 494/2016) [2017] ZASCA 47 (31 March 2017). The appeal was against a conviction of murder. The majority (per Zondi JA) held that there was no basis for a conviction since the admissions made by the accused in his plea explanation under s115 of the Criminal Procedure Act were not formal admissions as contemplated by s220 of the Act. The majority held that the Magistrate had made a fundamental error in elevating the accused's plea explanation admissions to formal admissions of the offence. In his dissenting judgment, the candidate noted that the Magistrate had erroneously described the admissions as formal admissions but that the Magistrate had otherwise acted correctly in terms of s115 of the Act.
- 12.3. Though the candidate's dissenting judgment was well-written and argued, ultimately it contained a misunderstanding between admissions made in plea explanation and formal admissions and the consequences of this distinction on the state's burden to prove the underlying elements of its case.

13. The candidate's administrative ability (other than in relation to court proceedings):

- 13.1. There is nothing in the candidate's application against which the reviewers can assess the candidate's administrative capacity or ability. While the candidate has recorded his membership of various legal, religious, and community organisations, the candidate does not indicate whether he held any leadership role in these organisations nor the contribution he made to these organisations.

14. The message that the candidate's appointment would send to the public at large:

- 14.1. The candidate has served the community as an advocate and judge for a period of 40 years. His judgments are well reasoned, and several have had a wider impact on the law generally. He is well respected, and his appointment would be positively received by the public at large.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

1. Reported judgments:

- 1.1. *Living Africa One (Pty) Ltd v Ekurhuleni Metropolitan Municipality and Another* [2023] 4 All SA 111 (GJ); 2023 (6) SA 551 (GJ) (11 August 2023)
- 1.2. *HR Computek (Pty) Ltd v Dr WAA Gouws Johannesburg (Pty) Ltd and Others* (2019/38193); 2023 (6) SA 268 (GJ) (12 July 2023)
- 1.3. *Myers v National Commissioner of South African Police Service and Another* [2022] 11 BLLR 991 (LAC) (30 June 2022)
- 1.4. *Real Time Investments 158 t/a Civil Works v Commission for Conciliation, Mediation and Arbitration and Others* [2022] 6 BLLR 524 (LAC) (17 March 2022)
- 1.5. *Trellicor (Pty) Ltd t/a Trellidor v National Union of Metal Workers of SA (NUMSA) obo Mloni Ndwalane and Others* [2022] 5 BLLR 442 (LAC) (10 February 2022)
- 1.6. *Groom v Daimler Fleet Management (Pty) Ltd* [2021] 11 BLLR 1079 (LAC) (4 August 2021)
- 1.7. *De Bruyn v Metorex (Pty) Ltd* [2021] 10 BLLR 979 (LAC) (21 July 2021)
- 1.8. *Molosioa v Eskom Holdings Limited (Komati Power Station)* [2021] 4 BLLR 368 (LAC) (3 November 2020)
- 1.9. *Institute for Accountability in Southern Africa v Public Protector and Others* 2020 (5) SA 179 (GP); [2020] 2 All SA 469 (GP)
- 1.10. *Fleki (Pty) Ltd v FNB Securities (Pty) Ltd* [2020] 1 All SA 452 (GJ)

- 1.11. *Imperial Group Limited v Airports Company South Africa SOC Limited and Others* [2018] 3 All SA 851 (GJ)
- 1.12. *Director of Public Prosecutions, Gauteng Division, Pretoria v Tsotetsi* 2017 (2) SACR 233 (SCA); [2017] ZASCA 83 (SCA)
- 1.13. *Metsimaholo Local Municipality v South African Local Government Bargaining Council and Others* [2016] 5 BLLR 435 (LAC) (3 February 2016)
- 1.14. *Patel v S* [2015] 4 All SA 382 (GJ); 2016 (2) SACR 141 (GJ)
- 1.15. *Joubert Scholtz Inc and Others v Elandsfontein Beverage Marketing (Pty) Ltd* [2012] 3 All SA 24
- 1.16. *Odendaal v Odendaal* 2002 (1) SA 763 (W); 2 All SA 94 (W)
- 1.17. *Ex Parte Body Corporate of Caroline Court* 2001 (4) SA 1230 (SCA)

2. Unreported judgments:

- 2.1. *Christopher Charles Hughes v Nicolas Gargassoulas and Others* (1030/2022) [2024] ZASCA 46 (12 April 2024)
- 2.2. *Organi Mark (Pty) Ltd v Goolam Nabi Ebrahim Akoodie and Another* (240/2023) [2024] ZASCA 44 (8 April 2024)
- 2.3. *Advance Warehousing (Pty) Ltd v Mashigo* (JA9/16) [2017] ZALAC 57 (18 October 2017)
- 2.4. *Neotel (Pty) Ltd v Telkom SA SOC Ltd and others* (605/2016) [2017] ZASCA 47 (31 March 2017)

- 2.5. *Mazina v S* [2017] JOL 37588 (SCA); (496/2016) [2017] ZASCA 22 (24 March 2017)
- 2.6. *Nduba and others v First Rand Bank t/a Wesbank* (1113/2016) [2017] ZASCA 61 (26 May 2017)
- 2.7. *Clearfreight (Pty) Ltd v Pictech Sales CC* [2016] JOL 33587 (SCA)

3. Judgments upheld on appeal:

- 3.1. *Airports Company South Africa SOC Ltd v Imperial Group Ltd and Others* (1306/18) [2020] ZASCA 2; [2020] 2 All SA 1 (SCA); 2020 (4) SA 17 (SCA) (31 January 2020) (High Court judgment citation is [2018] 3 All SA 751 (GJ))
- 3.2. *Limpopo Economic Development Agency v Klopper NO and Others* (982/2020) [2022] ZASCA 72 (25 May 2022) (High Court judgment citation is (0049700/2017) [2020] ZAGPJHC 234 (29 January 2020))
- 3.3. *Association of Mineworkers and Construction Union and Others v Chamber of Mines of SA and Others* (LAC judgment reported in [2016] 37 *ILJ* 1333 (LAC); [2016] BLLR 872 (LAC); Constitutional Court judgment reported in (2017) 38 *ILJ* 831 (CC); 2017 (3) SA 242 (CC); 2017 (6) BCLR 700 (CC) and [2017] 7 BLLR 641 (CC))
- 3.4. *Patel v National Director of Public Prosecutions: Johannesburg* [2016] ZASCA 191 (1 December 2016); 2017 (1) SACR 456 (SCA) (High Court judgment citation is [2015] 4 All SA 382 (GJ); 2016 (2) SACR 141 (GJ))
- 3.5. *Transnet SOC v Total South Africa (Pty) Ltd and Another* [2016] ZASCA 116 (14 September 2016); 2017 (1) SA 526 (SCA) (could not find High Court judgment)

4. Judgments overturned on appeal:

- 4.1. *Framatome v Eskom Holdings SOC Ltd* (357/2021) ZASCA 132; 2022 (2) (SA) 395 (SCA) (1 October 2021)
- 4.2. *Myathaza v Johannesburg Metropolitan Bus Service (SOC) Limited t/a Metrobus and two other matters* (2016) 37 *ILJ* 413; [2016] 1 *BLLR* 24; 2016 (3) SA 74 (LAC); Constitutional Court judgment (2017) 38 *ILJ* 527; [2017] 3 *BLLR* 213; 2018 (1) SA 38 (CC); 2017 (4) *BCLR* 473 (CC)
- 4.3. *Odendaal v Odendaal* 2002 (1) SA 763 (W)
- 4.4. *Ex parte Body Corporate of Caroline Court* 2001 (4) SA 1230 (SCA)
- 4.5. *Clearfreight (Pty) Ltd v Pictech Sales CC* [2016] JOL 33587 (SCA)
- 4.6. *Joubert Scholtz Inc and Others v Elandsfontein Beverage Marketing (Pty) Ltd* [2012] 3 All SA 24