

IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)

Case No: 20482/24

In the matter between:

- |   |                   |
|---|-------------------|
| <b>STELLENBOSCH UNIVERSITY LAW CLINIC</b> | First Plaintiff   |
| <b>ADELE ROTHMANN</b>                     | Second Plaintiff  |
| <b>IGNATIUS MICHAEL HEYNS</b>             | Third Plaintiff   |
| <b>DERRICK FERREIRA DOS SANTOS</b>        | Fourth Plaintiff  |
| <b>RONALD ABRAHAM ARTHUR ESBACH</b>       | Fifth Plaintiff   |
| <b>NICOLENE ELS</b>                       | Sixth Plaintiff   |
| <b>ALICIA PELSER</b>                      | Seventh Plaintiff |
| <b>VANESSA VENTER</b>                     | Eighth Plaintiff  |
| <b>CASSIEM HALLIDAY</b>                   | Ninth Plaintiff   |

**OFFICE OF THE CHIEF JUSTICE**  
PRIVATE BAG X9020  
CAPE TOWN 8000  
2024 -09- 20  
GENERAL OFFICE  
**WESTERN CAPE HIGH COURT**

**SHERIFF**  
**FOR HIGH AND LOWER COURTS**  
CAPE TOWN WEST  
2024 -09- 20  
N.N. NTSIBANTU  
BALJU  
VIR DIE HOER EN LAERHOWE

and

- |  |                   |
|--|-------------------|
| <b>LIFESTYLE DIRECT GROUP INTERNATIONAL (PTY) LTD</b>            | First Defendant   |
| <b>CAPITAL LIFESTYLE SOLUTIONS (PTY) LTD t/a LIFESTYLE LEGAL</b> | Second Defendant  |
| <b>LOAN TRACKER SA (PTY) LTD</b>                                 | Third Defendant   |
| <b>LOAN SPOTTER SA (PTY) LTD</b>                                 | Fourth Defendant  |
| <b>LOAN MATCH SA (PTY) LTD</b>                                   | Fifth Defendant   |
| <b>LOAN CHOICE SA (PTY) LTD</b>                                  | Sixth Defendant   |
| <b>LOAN QUEST SA (PTY) LTD</b>                                   | Seventh Defendant |
| <b>LOAN CONNECTOR SA (PTY) LTD</b>                               | Eighth Defendant  |

<b>LOAN HUB SA (PTY) LTD</b>	Ninth Defendant
<b>LOAN ZONE SA (PTY) LTD</b>	Tenth Defendant
<b>LOAN LOCATOR SA (PTY) LTD</b>	Eleventh Defendant
<b>LOAN SCOUT SA (PTY) LTD</b>	Twelfth Defendant
<b>LOAN TRACER SA (PTY) LTD</b>	Thirteenth Defendant
<b>LOAN DETECTOR SA (PTY) LTD</b>	Fourteenth Defendant
<b>LIFESTYLE LEGAL (PTY) LTD</b>	Fifteenth Defendant
<b>LIFESTYLE ATTORNEYS (PTY) LTD</b>	Sixteenth Defendant
<b>ALL WHEEL AUTO (PTY) LTD</b>	Seventeenth Defendant
<b>DAMIAN MALANDER</b>	Eighteenth Defendant

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**COMBINED SUMMONS**

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To: The Sheriff or their deputy:

**INFORM: ABRAHAMS AND GROSS ATTORNEYS, ACTING ON BEHALF OF:**

1. The first defendant **Lifestyle Direct Group International (Pty) Ltd;**
2. The second defendant **Capital Lifestyle Solutions (Pty) Ltd t/a Lifestyle Legal;**
3. The third defendant **Loan Tracker SA (Pty) Ltd;**
4. The fourth defendant **Loan Spotter SA (Pty) Ltd;**
5. The fifth defendant **Loan Match SA (Pty) Ltd;**
6. The sixth defendant **Loan Choice SA (Pty) Ltd;**
7. The seventh defendant **Loan Quest SA (Pty) Ltd;**
8. The eighth defendant **Loan Connector SA (Pty) Ltd;**
9. The ninth defendant **Loan Hub SA (Pty) Ltd;**
10. The tenth defendant **Loan Zone SA (Pty) Ltd;**
11. The eleventh defendant **Loan Locator SA (Pty) Ltd;**
12. The twelfth defendant **Loan Scout SA (Pty) Ltd;**

13. The thirteenth defendant **Loan Tracer SA (Pty) Ltd**;
14. The fourteenth defendant **Loan Detector SA (Pty) Ltd**;
15. The fifteenth defendant **Lifestyle Legal (Pty) Ltd**;
16. The sixteenth defendant **Lifestyle Attorneys (Pty) Ltd**;
17. The seventeenth defendant **All Wheel Auto (Pty) Ltd**; and
18. The eighteenth defendant **Damian Malander**.

4th floor The Towers South 2, Heerengracht Street, Foreshore, Cape Town  
Attorneys on record for the first to eighteenth defendants described above in the  
present certified class action.

The first defendant **Lifestyle Direct Group International (Pty) Ltd**, a  
company duly registered in terms of the company laws of the Republic of South  
Africa, with registration number K2015/141014/07 and with its registered office  
at 15 Kreupelboom Road, Protea Valley, Bellville, Western Cape.

The second defendant **Capital Lifestyle Solutions (Pty) Ltd t/a Lifestyle  
Legal**, a company duly registered in terms of the company laws of the Republic  
of South Africa, with registration number 2015/136528/07 and with its  
registered office at The Forum Lifestyle House, 2<sup>nd</sup> floor, Century City, Cape  
Town, Western Cape.

The third defendant **Loan Tracker SA (Pty) Ltd**, a company duly registered in  
terms of the company laws of the Republic of South Africa, with registration  
number K2015/161150/07 and with its registered office at 169 Voortrekker  
Road, Cape Town, Western Cape. At all material times, Loan Tracker SA owned  
and/or operated the website <https://www.loantrackersa.co.za>.

The fourth defendant **Loan Spotter SA (Pty) Ltd**, a company duly registered in  
terms of the company laws of the Republic of South Africa, with registration

number K2015/189842/07 and with its registered office at 21 Adderley Street, Cape Town, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanspottersa.co.za>.

The fifth defendant **Loan Match SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161163/07 and with its registered office at Northbank Lane, Century Boulevard, Century City, Cape Town, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanmatchsa.co.za>.

The sixth defendant **Loan Choice SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161318/07 and with its registered office at 125 Sea Street, Cape Town, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanchoicesa.co.za>.

The seventh defendant **Loan Quest SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161258/07 and with its registered office at 56 Montague Road, Monte Vista, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanquestsa.co.za>.

The eighth defendant **Loan Connector SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161134/07 and with its registered office at 71 La Belle Road, Cape Town, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanconnectorsa.co.za>.

The ninth defendant **Loan Hub SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161200/07 and with its registered office at 128 Fairbairn Street, Parow East, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanhubsa.co.za>.

The tenth defendant **Loan Zone SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161300/07 and with its registered office at 1 De Grendel Road, Parow East, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanzonesa.co.za>.

The eleventh defendant **Loan Locator SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161116/07 and with its registered office at 160 Wellington Road, Durbanville, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanlocatorsa.co.za>.

The twelfth defendant **Loan Scout SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161176/07 and with its registered office at 169 Wellington Road, Cape Town, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanscoutsa.co.za>.

The thirteenth defendant **Loan Tracer SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161104/07 and with its registered office at 25 Long Street, Cape

Town, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <http://www.loantracer.co.za>.

The fourteenth defendant **Loan Detector SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161091/07 and with its registered office at 16 Voortrekker Road, Cape Town, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <http://www.loansfind.co.za/quick-cash/loan-detector-sa>.

The fifteenth defendant **Lifestyle Legal (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/141024/07 and with its registered office at 15 Kreupelboom Road, Protea Valley, Bellville, Western Cape.

The sixteenth defendant **Lifestyle Attorneys (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/346126/07 and with its registered office at The Forum Lifestyle House, Century City, Cape Town, Western Cape.

The seventeenth defendant **All Wheel Auto (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2012/198621/07 and with its registered office at 103 Faulls Centre, 169 Voortrekker Road, Parow, Western Cape.

The eighteenth defendant **Damian Malander**, an adult businessman care of Abrahams and Gross Attorneys of 4<sup>th</sup> floor The Towers South 2, Heerengracht Street, Foreshore, Cape Town.

(Hereinafter called the defendants),

**THAT:**

The first plaintiff **Stellenbosch University Law Clinic**, a Law Clinic established by the University of Stellenbosch, a public higher education tertiary institution governed by the Higher Education Act 101 of 1997 and accredited by the Legal Practice Council in terms of the Legal Practice Act, 28 of 2014. The Stellenbosch University Law Clinic's office is situated at 18 to 24 Crozier Street, Stellenbosch, Western Cape.

The second plaintiff **Adele Rothmann**, an adult female currently residing at 532a Hornblend Street, Elarduspark ext. 5, Pretoria.

The third plaintiff **Ignatius Michael Heyns**, an adult male residing at 99B Robyn Road, Lyttleton Manor, Centurion, Gauteng.

The fourth plaintiff **Derrick Dos Santos**, an adult male residing at 66 Geekie Road, Howick, KwaZulu-Natal.

The fifth plaintiff **Ronald Esbach**, an adult male residing at 130 The Stables, Augrabies Street, Mooikloof Ridge, Pretoria.

The sixth plaintiff **Nicolene Els**, an adult female currently residing at 45 Amm Street, Makwassie, North West.

The seventh plaintiff **Alicia Swart** (previously Pelsler), an adult female currently residing at 4 Fitzpatrick Avenue, Meyerton.

The eighth plaintiff **Vanessa Venter**, an adult female currently residing at 1 Elm Avenue, 40 Monte Villa Catini, Craighavon, Sandton.

The ninth plaintiff **Cassiem Halliday**, an adult male with his place of business at Unit 101, Millennium Park, Edison Way, Century City, Cape Town.

(hereinafter called the plaintiffs),

hereby institute action, in their capacity as representatives of the class certified by this Honourable Court on 21 July 2021 (revised on 6 August 2021 to correct minor clerical errors and again on 26 September 2023 to accommodate a realistic notice publication date following various appeals) under case number 16262/2019 against the first to eighteenth defendants, following authority and permissions granted onto them by the said Court, in which action the plaintiffs' claims the relief, on a class basis, and on the grounds set out in the particulars annexed hereto.

**INFORM:** the defendants further that if they dispute the claim and wish to defend the action they shall:

- (i) within ten (10) days of the service upon them of this summons file with the registrar of this court at Room 1, 35 Keerom Street, Cape Town, 8005, notice of their intention to defend and serve a copy thereof on the plaintiff's attorney, which notice shall give an address (not being a post office box or poste restante) referred to in rule 19(3) for the service upon the defendant of all notices and documents in the action;
- (ii) thereafter, and within twenty (20) days after filing and serving notice of intention to defend as aforesaid, file with the registrar and serve upon the plaintiff a plea, exception, notice to strike out, with or without a counterclaim; and
- (iii) together with their notice of intention to defend, indicate in writing whether they are prepared to consent in terms of Rule 17(3)(e) to further

service of all papers between the parties by way of electronic mail, and therein set out the email addresses elected.

**INFORM:** the defendants further that if they fail to file and serve notice as aforesaid judgment as claimed may be given against them without further notice to them, or if, having filed and served such notice, they fail to plead, except, make application to strike out or counterclaim, judgment may be given against them.

And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar with whatsoever you have done thereupon.

DATED at **CAPE TOWN** on this 20<sup>th</sup> day of **SEPTEMBER 2024**.



**HIGH COURT**

(already authorised by Court Order dated 21 July 2021, revised on 6 August 2021 to correct minor clerical errors and again on 26 September 2023 to accommodate a realistic notice publication date following various appeals)

**STELLENBOSCH UNIVERSITY  
LAW CLINIC**  
First to ninth plaintiffs' attorneys  
18-24 Crozier Street  
**Stellenbosch**

c/o **UNIVERSITY OF CAPE  
TOWN LAW CLINIC**

Kramer Law School

1 Stanley Road

University of Cape Town

**Cape Town**

Tel: 021 808 3600

Email: [odwan@sun.ac.za](mailto:odwan@sun.ac.za)

Ref: SM/ON

## ANNEXURE: PARTICULARS OF PLAINTIFFS' CLAIM

### PARTIES

#### The plaintiffs

1. The first plaintiff is the **Stellenbosch University Law Clinic ('the SULC')**, a law Clinic established by the University of Stellenbosch, a public higher education tertiary institution governed by the Higher Education Act 101 of 1997 and accredited by the Legal Practice Council in terms of the Legal Practice Act, 28 of 2014. The SULC's office is situated at 18 to 24 Crozier Street, Stellenbosch, Western Cape.
2. The second plaintiff is **Adele Rothmann**, an adult female residing at 532a Hornblend Street, Elarduspark ext. 5, Pretoria, and employed as a project manager.
3. The third plaintiff is **Ignatius Michael Heyns**, an adult male residing at 99B Robyn Road, Lyttleton Manor, Centurion, Gauteng, and employed as an IT manager.
4. The fourth plaintiff is **Derrick Dos Santos**, an adult male residing at 66 Geekie Road, Howick, KwaZulu-Natal, and employed as a manager.
5. The fifth plaintiff is **Ronald Esbach**, an unemployed adult male residing at 130 The Stables, Augrabies Street, Mooikloof Ridge, Pretoria.
6. The sixth plaintiff is **Nicolene Els**, an adult female residing at 45 Amm Street, Makwassie, North West, and employed as a bookkeeper.
7. The seventh plaintiff is **Alicia Swart (previously Pelsler)**, an adult female residing at 4 Fitzpatrick Avenue, Meyerton, and employed as a personal assistant.

8. The eighth plaintiff is **Vanessa Venter**, an adult female residing at 1 Elm Avenue, 40 Monte Villa Catini, Craighavon, Sandton, and employed as a manager.
9. The ninth plaintiff is **Cassiem Halliday**, an adult male with his place of business at Unit 101, Millennium Park, Edison Way, Century City, Cape Town, and employed as a customer services agent.
10. The plaintiffs are authorised, in terms of this Court's order dated 21 July 2021 (revised on 6 August 2021 to correct minor clerical errors and again on 26 September 2023 to accommodate a realistic notice publication date following various appeals) as per **annexure PC1**, to institute these proceedings and to represent all persons who have had any moneys debited from their bank accounts by any of the defendants at any time from 1 May 2015 to date on the basis of such persons having concluded purported agreements with the defendants by submitting applications on any one of the websites listed in Annexure "A" to PC1 (the '**Class**').

### **The defendants**

11. The first defendant is **Lifestyle Direct Group International (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/141014/07 and with its registered office at 15 Kreupelboom Road, Protea Valley, Bellville, Western Cape ('**the Lifestyle Direct Group**').
12. The second defendant is **Capital Lifestyle Solutions (Pty) Ltd t/a Lifestyle Legal**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number 2015/136528/07 and with its registered office at The Forum Lifestyle House, 2<sup>nd</sup> floor, Century City, Cape Town, Western Cape ('**Lifestyle Legal**').
  - 12.1 Lifestyle Legal is a subsidiary of the Lifestyle Direct Group.

- 12.2 Lifestyle Legal operates as the 'in-house' debt collection agency of the Lifestyle Direct Group.
- 12.3 Although Lifestyle Legal had been a registered debt collector with the Council for Debt Collectors since 14 September 2015, it appears to no longer be so registered.
13. The third defendant is **Loan Tracker SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161150/07 and with its registered office at 169 Voortrekker Road, Cape Town, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loantrackersa.co.za>.
14. The fourth defendant is **Loan Spotter SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/189842/07 and with its registered office at 21 Adderley Street, Cape Town, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanspottersa.co.za>.
15. The fifth defendant is **Loan Match SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161163/07 and with its registered office at Northbank Lane, Century Boulevard, Century City, Cape Town, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanmatchsa.co.za>.
16. The sixth defendant is **Loan Choice SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161318/07 and with its registered office at 125 Sea Street, Cape Town, Western

Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanchoicesa.co.za>.

17. The seventh defendant is **Loan Quest SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161258/07 and with its registered office at 56 Montague Road, Monte Vista, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanquestsa.co.za>.
18. The eighth defendant is **Loan Connector SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161134/07 and with its registered office at 71 La Belle Road, Cape Town, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanconnectorsa.co.za>.
19. The ninth defendant is **Loan Hub SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161200/07 and with its registered office at 128 Fairbairn Street, Parow East, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanhubsa.co.za>.
20. The tenth defendant is **Loan Zone SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161300/07 and with its registered office at 1 De Grendel Road, Parow East, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanzonesa.co.za>.

21. The eleventh defendant is **Loan Locator SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161116/07 and with its registered office at 160 Wellington Road, Durbanville, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanlocatorsa.co.za>.
22. The twelfth defendant is **Loan Scout SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161176/07 and with its registered office at 169 Wellington Road, Cape Town, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <https://www.loanscoutsa.co.za>.
23. The thirteenth defendant is **Loan Tracer SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161104/07 and with its registered office at 25 Long Street, Cape Town, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <http://www.loantracer.co.za>.
24. The fourteenth defendant is **Loan Detector SA (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/161091/07 and with its registered office at 16 Voortrekker Road, Cape Town, Western Cape. At all material times, Loan Tracker SA owned and/or operated the website <http://www.loansfind.co.za/quick-cash/loan-detector-sa>.
25. At all material times, the third to fourteenth defendants (henceforth the '**website companies**') owned and operated the websites described above and listed in Annexure "A" to this Court's order dated 23 September 2023 (annexure "PC1") ('**the websites**').

26. The fifteenth defendant is **Lifestyle Legal (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/141024/07 and with its registered office at 15 Kreupelboom Road, Protea Valley, Bellville, Western Cape.
27. The sixteenth defendant is **Lifestyle Attorneys (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2015/346126/07 and with its registered office at The Forum Lifestyle House, Century City, Cape Town, Western Cape.
28. The seventeenth defendant is **All Wheel Auto (Pty) Ltd**, a company duly registered in terms of the company laws of the Republic of South Africa, with registration number K2012/198621/07 and with its registered office at 103 Faulls Centre, 169 Voortrekker Road, Parow, Western Cape.
29. The eighteenth defendant is **Damian Malander**, an adult businessman care of Abrahams and Gross Attorneys of 4<sup>th</sup> floor The Towers South 2, Heerengracht Street, Foreshore, Cape Town, (**'Malandar'**).
30. At all material times, Malander was:
  - 30.1 the sole director of the Lifestyle Direct Group International (Pty) Ltd (the first defendant), Capital Lifestyle Solutions (Pty) Ltd t/a Lifestyle Legal (the second defendant), Lifestyle Legal (Pty) Ltd (the fifteenth defendant), and All Wheel Auto (Pty) Ltd (the seventeenth defendant);
  - 30.2 a director of Lifestyle Attorneys (Pty) Ltd (the sixteenth defendant), together with Dlakavu Ndumiso; and

30.3 the sole director of the website companies from the time of their registration until 10 June 2016, when he resigned and was replaced by Ms Nandie Paich.

31. At all material times, Malander:

31.1 incorporated each of the first to seventeenth defendants;

31.2 ultimately owned and/or controlled each of the first to seventeenth defendants;

31.3 utilised the website companies to perpetrate a fraudulent scheme (described below) against members of the Class; and

31.4 utilised the first, second, fifteenth, sixteenth, and seventeenth defendants (the ‘**Lifestyle companies**’) to collect monies from the Class as part of the fraudulent scheme.

## **RELEVANT FACTS**

### **The fraudulent agreements and unlawful debit orders**

32. The websites were established and operated by Malander through the website companies as part of a fraudulent scheme to:

32.1 attract members of the Class who used online search engines to search for providers of financial loans;

32.2 deliberately represent that the website companies offered loans or loan-finding services when in fact the website companies did no such thing; and

32.3 deceived members of the Class into subscribing for purported “*telephonic legal advice assistance services*” (‘**the purported legal advice services**’) when in fact the members of the Class:

32.3.1 did not intend or want to subscribe for the legal advice services;

32.3.2 were misled into subscribing for the legal advice services; and

32.3.3 the legal advice services did not exist, and were never intended to be offered to the public by any of the defendants.

33. In this regard, and without detracting from the generality of the above:

33.1 the websites invited members of the Class to '*apply*' for what purported to be either loans or a '*loan finding service*';

33.2 members of the Class reasonably understood the invitation to '*apply*' to mean that by '*applying*', they were doing so in order to either obtain loans or to receive free assistance in procuring financial loans from financial institutions;

33.3 the website companies deliberately obscured the fact that by completing the application process on the websites, members of the Class were in fact:

33.3.1 agreeing to subscribe for the purported legal advice services that were unrelated to loan finding services for a fixed term of twelve months, which subscription was automatically renewed and continued on a month-to-month basis unless cancelled; and

33.3.2 providing their banking details to the website companies, not in connection with loan finding services, but to enable the website companies and/or the Lifestyle companies to set up debit orders purportedly in respect of the purported legal advice services of an initial sum of between R350 to R399, and thereafter a monthly fee of R99 per month ('**the debit orders**').

**(‘the fraudulent agreements’)**

33.4 from 20 May 2015, the website companies and/or the Lifestyle companies collected funds via debit orders from the members of the Class in terms of the fraudulent agreements.

**Subsequent conduct**

34. Subsequent to concluding the fraudulent agreements and establishing the debit orders as aforesaid, and in the period from 20 May 2015 to date:

34.1 the website companies continued to debit the bank accounts of members of the Class in terms of the fraudulent agreements despite members of the Class terminating the fraudulent agreements and demanding the cancellation of the relevant debit orders; and

34.2 Lifestyle Direct Group and/or Lifestyle Legal demanded payment from members of the Class in terms of the fraudulent agreements in circumstances where those members of the Class had insufficient funds in their bank accounts to satisfy the debit orders, or where members of the Class had cancelled such debit orders.

**THE CLAIMS**

**Claim 1: fraudulent misrepresentation**

35. The members of the Class were induced to conclude the fraudulent agreements on the strength of the representations described in paragraph 33 above that the members of the Class would receive loans or loan-finding services.

36. The representations were material, were made deliberately and were false, and the defendants knew at all times that they were false, in that:

- 36.1 the website companies did not offer loans or loan-finding services and never intended to offer such services to members of the public; and
- 36.2 the true purpose of the representations was to deceive the members of the Class into subscribing for the purported legal advice services and furnishing their banking details to the website companies for purposes of the debit orders referred to in paragraph 33.3.2 above.
37. As a result of the representations described in paragraph 33.3.2 above the members of the Class were deceived into subscribing for the purported legal advice services and furnishing their banking details to the website companies for purposes of the debit orders referred to in paragraph 33.3.2 above.
38. As a consequence of the fraudulent misrepresentations, the members of the Class suffered damages, being the amounts debited from the respective bank accounts of each member of the Class purportedly in terms of the fraudulent agreements, together with bank charges incurred by members of the Class as may be proven which relate to the implementation and/or cancellation of the debit orders.
39. The plaintiffs are accordingly entitled to orders:
- 39.1 declaring that all alleged agreements concluded between members of the Class and the website companies in the period 20 May 2015 to date are unlawful and void *ab initio*;
- 39.2 that the defendants, jointly and severally, restore to a Special Master appointed by this Court for distribution to members of the Class all moneys debited from the members of the Class in terms of the fraudulent agreements from 20 May 2015 to date; and

39.3 that the defendants, jointly and severally, pay to a Special Master appointed by this Court for distribution to members of the Class as may be proven which relate to the implementation and/or cancellation of debit orders pursuant to the fraudulent agreements.

**Claim 2 (in the alternative to Claim 1): unconscionable, unjust, unreasonable or unfair conduct in terms of the Consumer Protection Act, 68 of 2008 ('the CPA')**

40. In terms of section 1 of the CPA:

40.1 the website companies are '*suppliers*';

40.2 the purported legal advice services and the loan or loan finding services constitute '*services*';

40.3 the members of the Class are '*consumers*'; and

40.4 the fraudulent agreements are '*agreements*'.

41. The conduct of the website companies pleaded in paragraphs 32 to 34 above:

41.1 constitutes '*unconscionable conduct*' as defined in section 40 of the CPA in that amounted conduct that is '*unethical or improper to a degree that would shock the conscience of a reasonable person*' as contemplated in section 1 of the CPA;

41.2 entailed to making of '*false, misleading or deceptive representations*' in the marketing services that is prohibited in terms of section 41 of the CPA; and

41.3 resulted in the conclusion of the fraudulent agreements which are '*unfair, unreasonable or unjust*' in terms of section 48 of the CPA.

42. The plaintiffs are accordingly entitled to relief on behalf of members of the Class in terms of section 52(1) read with section 52(3) of the CPA in that:

42.1 the website companies contravened sections 40, 41, and 48 of the CPA; and

42.2 the CPA does not otherwise provide a remedy sufficient to correct the website companies' conduct.

43. In the premises the plaintiffs are entitled to orders:

43.1 declaring in terms of section 52(3)(a) of the CPA that the fraudulent agreements concluded between members of the Class and the website companies in the period 20 May 2015 to date are unconscionable, unjust, unreasonable or unfair as contemplated in sections 40, 41 and 48 of the CPA;

43.2 ordering in terms of section 52(3)(b)(i) of the CPA that the defendants, jointly and severally, are liable to restore to a Special Master appointed by this Court all funds debited from the members of the Class in terms of the fraudulent agreements from 20 May 2015 to date; and

43.3 ordering in terms of section 52(3)(b)(ii)(aa) of the CPA that the defendants, jointly and severally, pay compensation to the Special Master appointed by this Court for distribution to members of the Class a sum equal to the bank charges incurred by members of the Class as may be proven which relate to the implementation and/or cancellation of the debit orders.

### **Claim 3: Piercing the corporate veil**

44. At all material times, Malander:

- 44.1 knowingly incorporated and/or operated the website companies and the Lifestyle companies to conceal his involvement in the fraudulent conduct pleaded in paragraphs 32 to 34 above and to limit his liability arising from such conduct; and
- 44.2 controlled the website companies and Lifestyle companies, and knowingly conducted the business of the website companies and the Lifestyle companies with the intention of defrauding members of the Class by inducing them to conclude the fraudulent agreements.
45. The plaintiffs are accordingly entitled to relief on behalf of members of the Class declaring in terms of section 424(1) of the Companies Act, 61 of 1973; alternatively section 20(9) of the Companies Act, 71 of 2008; further alternatively the common law, that the website companies and the Lifestyle companies carried on business with the intention of defrauding members of the Class, and that Malander is jointly and severally liable with the website companies and/or the Lifestyle companies for any amounts for which the website companies and/or the Lifestyle companies may be held liable to pay the members of the Class.

#### **Accounting and its debatement**

46. The details of the individual and collective amounts debited by the defendants from the members of the Class, and/or received by the defendants from such members, are peculiarly within the knowledge of the defendants.
47. The details of such debits and receipts will (or should be) readily apparent from the defendants' bank statements and other statutory financial records and the books of account held by the defendants.

48. The plaintiffs do not have knowledge of such information sufficient to enable them to determine the quantum of the claims in these proceedings.
49. The defendants are in the circumstances under a legal duty to account to the plaintiffs for all such debits and receipts.
50. In the alternative to paragraphs 46– 49 above, and in any event:
  - 50.1 each of the first to fifteenth defendants is a “supplier” as defined in the CPA, and not a bank, mutual bank, or financial institution as contemplated in terms of ss 65(1) thereof; and
  - 50.2 the first to fifteenth defendants are accordingly under a duty in terms of ss 65(2) of the CPA to account for all moneys debited to and/or received from the bank accounts of the members of the Class and further liable for any loss resulting from failure to comply with such duty.
51. Determination of the amounts payable in respect of claims 1, 2 and 3 requires a full and proper accounting by the defendants in respect of all amounts debited by them to Class members’ accounts and/or received by defendants, duly supported by proper vouchers and accounts, and debatement of such account.

**WHEREFORE** the plaintiffs seek the following relief:

1. Claim 1:

- 1.1. an order declaring that all alleged agreements concluded between members of the Class and the website companies in the period 20 May 2015 to date are unlawful and void *ab initio*.

1.2. an order appointing a Special Master for purposes of implementing and administering the further relief set out below:

1.2.1. ordering the defendants, jointly and severally, to pay the Special Master within 7 days the total sum of all monies found to have been debited from the members of the Class in terms of the fraudulent agreements in the period from 20 May 2015 to date, which sum is to be distributed by the Special Master to members of the Class in a manner to be determined by the Special Master; alternatively determined by this Court; and

1.2.2. ordering the defendant, jointly and severally, to pay the Special Master within 7 days to the members of the Class the total sum of all monies as may be proven which relate to the implementation and/or cancellation of debit orders pursuant to the fraudulent agreements.

2. Claim 2 (in the alternative to Claim 1):

2.1. An order in terms of section 52(3)(a) of the CPA that the alleged agreements concluded between members of the Class and the website companies in the period 20 May 2015 to date are unconscionable, unjust, unreasonable or unfair as contemplated in sections 40, 41 and 48 of the CPA.

2.2. An order appointing a Special Master for purposes of implementing and administering the further relief set out below:

2.2.1. ordering in terms of section 52(3)(b)(i) of the CPA that the defendants, jointly and severally, are liable to pay the Special Master within 7 days the total sum of all monies found to have been debited from the members of the Class in terms of the fraudulent agreements in the period from 20 May 2015

to date, which sum is to be distributed by the Special Master to members of the Class in a manner to be determined by the Special Master; alternatively determined by this Court; and

2.2.2. ordering in terms of section 52(3)(b)(ii)(aa) of the CPA that the defendants, jointly and severally, pay compensation to the Special Master appointed by this Court for distribution to members of the Class a sum equal to the bank charges incurred by members of the Class as may be proven which relate to the implementation and/or cancellation of the debit orders.

3. Claim 3:

An order in terms of section 424(1) of the Companies Act, 61 of 1973; alternatively section 20(9) of the Companies Act, 71 of 2008; further alternatively the common law, declaring that the website companies and the Lifestyle companies were incorporated and carried on business with the intention of defrauding members of the Class, and that Malander is jointly and severally liable with the website companies and the Lifestyle companies for any amounts for which the website companies and/or the Lifestyle companies may be held liable to pay the members of the Class.

4. An order directing:

4.1. The defendants individually and collectively to render a full account, of all amounts debited by them to the Class members' accounts and/or received by defendants

pursuant to the aforesaid alleged agreements over the period from 20 May 2015 to date, duly supported by proper vouchers and accounts;

4.2. Debate of the said account(s) at a time and manner to be determined by the Court; and

4.3. Determination of the amounts of such debits and receipts, and the amount due to plaintiffs in respect of Claims 1, 2, and/or 3.

5. Costs of suit, including the costs of three counsel.

6. Further and/or alternative relief.

DATED at CAPE TOWN on this 20<sup>th</sup> day of SEPTEMBER 2024.



---

**STELLENBOSCH UNIVERSITY  
LAW CLINIC**

First to ninth plaintiffs' attorneys  
18-24 Crozier Street

**Stellenbosch**

c/o **UNIVERSITY OF CAPE  
TOWN LAW CLINIC**

Kramer Law School

1 Stanley Road

University of Cape Town

**Cape Town**

Tel: 021 808 3600

Email: [odwan@sun.ac.za](mailto:odwan@sun.ac.za)

Ref: SM/ON

Annexure PCI  
29/8/23

IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)  
Before The Honourable Mr Justice Gamble  
Cape Town: Tuesday, 29 August 2023

Case No: 16262/2019

In the matter between:

STELLENBOSCH UNIVERSITY LAW CLINIC  
ADELE ROTHMANN  
IGNATIUS MICHAEL HEYNS  
DERRICK FERREIRA DOS SANTOS  
RONALD ABRAHAM ARTHUR ESBACH  
NICOLENE ELS  
ALICIA PELSER  
VANESSA VENTER  
CASSIEM HALLIDAY



and

LIFESTYLE DIRECT GROUP INTERNATIONAL (PTY) LTD  
CAPITAL LIFESTYLE SOLUTIONS (PTY)  
LTD t/a LIFESTYLE LEGAL  
LOAN TRACKER SA (PTY) LTD  
LOAN SPOTTER SA (PTY) LTD  
LOAN MATCH SA (PTY) LTD  
LOAN CHOICE SA (PTY) LTD  
LOAN QUEST SA (PTY) LTD  
LOAN CONNECTOR SA (PTY) LTD  
LOAN HUB SA (PTY) LTD  
LOAN ZONE SA (PTY) LTD  
LOAN LOCATOR SA (PTY) LTD  
LOAN SCOUT SA (PTY) LTD  
LOAN TRACER SA (PTY) LTD  
LOAN DETECTOR SA (PTY) LTD

First Applicant  
Second Applicant  
Third Applicant  
Fourth Applicant  
Fifth Applicant  
Sixth Applicant  
Seventh Applicant  
Eighth Applicant  
Ninth Applicant

First Respondent  
Second Respondent  
Third Respondent  
Fourth Respondent  
Fifth Respondent  
Sixth Respondent  
Seventh Respondent  
Eighth Respondent  
Ninth Respondent  
Tenth Respondent  
Eleventh Respondent  
Twelfth Respondent  
Thirteenth Respondent  
Fourteenth Respondent

LIFESTYLE LEGAL (PTY) LTD  
LIFESTYLE ATTORNEYS (PTY) LTD  
ALL WHEEL AUTO (PTY) LTD  
DAMIAN MALANDER  
NANDIE PAICH

Fifteenth Respondent  
Sixteenth Respondent  
Seventeenth Respondent  
Eighteenth Respondent  
Nineteenth Respondent

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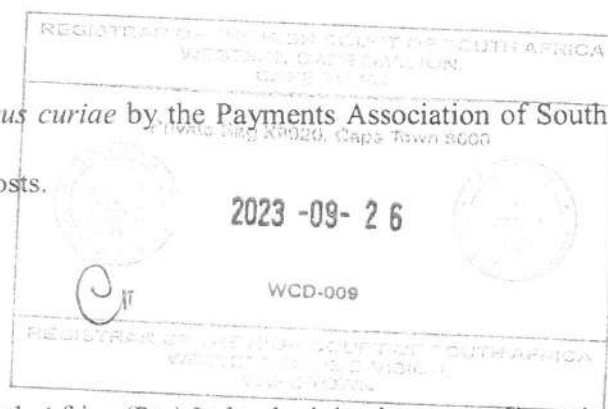
  
DRAFT ORDER

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Following the dismissal by the Constitutional Court of the first to eighteenth respondents' application for leave to appeal, and by agreement between the parties, paragraph 5 of the order of this Court is varied and the full text of the order, as amended, is as follows:

A. AMICUS CURIAE

The application for admission as *amicus curiae* by the Payments Association of South Africa is granted, with no order as to costs.



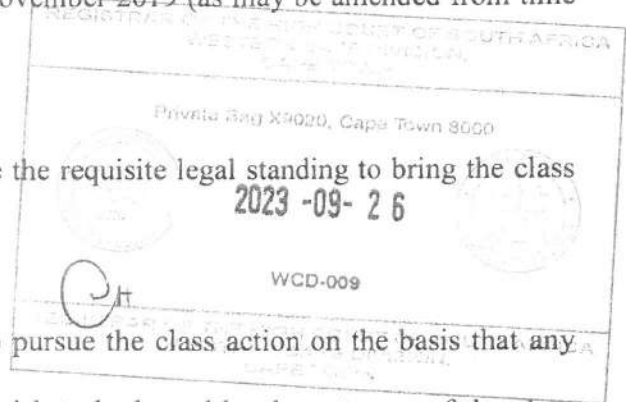
B. JOINDER APPLICATION

1. The application by Legalwise South Africa (Pty) Ltd to be joined as an applicant in this matter is refused.
2. Legalwise South Africa (Pty) Ltd is to bear the wasted costs occasioned to the First to Nineteenth Respondents by their opposition to the joinder application.

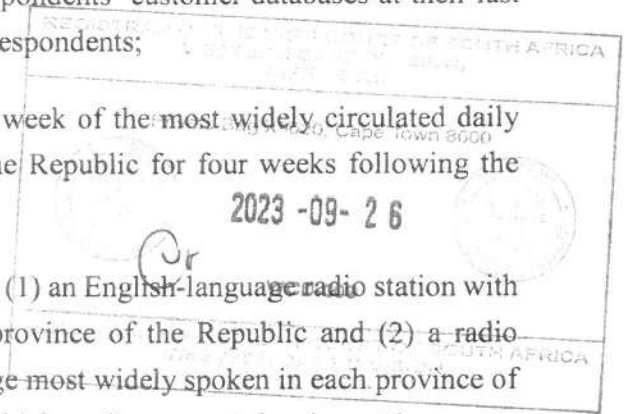
C. CLASS CERTIFICATION

1. The following persons shall constitute a class for purposes of the class action described in paragraph 0 below ("the class"):

- 1.1 All persons who have had any moneys debited from their bank accounts and/or who have been harassed and/or threatened in connection with any demand for or collection of payment by the respondents at any time from 1 May 2015 to date on the basis of them having concluded purported agreements with the respondents by submitting an application on one of the websites listed in Annexure "A" hereto.
2. It is declared that the applicants may act as representatives of the class in an action claiming the relief set out in the particulars of claim attached to the applicants' supplementary affidavit dated 11 November 2019 (as may be amended from time to time) ('the class action').
3. The applicants are declared to have the requisite legal standing to bring the class action on behalf of the class.
4. The applicants are granted leave to pursue the class action on the basis that any members of the class who do not wish to be bound by the outcome of the class action may opt out thereof as contemplated in paragraph 5 below.
5. The members of the class shall be bound by the outcome of the class action unless they give notice of their election to opt out thereof to Stellenbosch University Law Clinic ('the Law Clinic'), in the manner described in annexure "B", by not later than 30 October 2023.
6. The members of the class are to be notified of this action by way of the notice attached hereto as annexure "B", with the notice to be publicised by the respondents within 1 month from the date of this order, which notice must be publicised as follows:



- 6.1 by mail to each person on the respondents' customer databases at their last known address by the respondents;
  - 6.2 by email to each person on the respondents' customer databases at their last known email address by the respondents;
  - 6.3 by SMS to each person on the respondents' customer databases at their last known cell phone number by the respondents;
  - 6.4 by publication in one edition per week of the most widely circulated daily newspaper in each province of the Republic for four weeks following the granting of this order;
  - 6.5 by having the notice read out over: (1) an English-language radio station with the highest listenership in each province of the Republic and (2) a radio station broadcasting in the language most widely spoken in each province of the Republic, other than English, which readings must take place at least once a day for four weeks following the granting of this order;
  - 6.6 by publication of the notice on: (1) the Law Clinic's webpage and Facebook pages, as well as on the home page of each website operated by any of the respondents or their proxies and associates and (2) keeping such notice there for a period of eight weeks from the date of the granting of this order; and
  - 6.7 by publication of the notice on the Facebook group page 'Action Against Lifestyle Legal, Loan Hub SA and other Scams', where it must be kept for at least eight weeks from the date of this order.
7. The respondents are ordered to pay the costs of the aforesaid notifications jointly and severally and are to report to the Law Clinic and this Court within 1 week from the date on which they have complied with paragraph 6 above.
  8. The respondents are ordered to furnish the Law Clinic with the last known physical address, email address and telephone / cell phone numbers of each person on the respondents' customer databases.
  9. The parties are granted leave to approach this Court for a variation or amplification



of this order in respect of the notifications, on duly amplified papers, if any party deems it necessary.

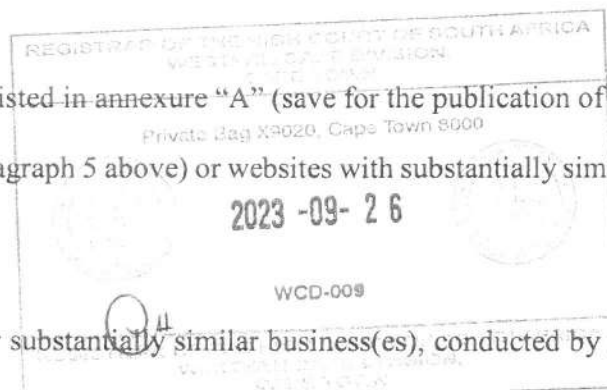
10. The respondents shall file reports with this Court detailing their compliance with paragraph 5 within 8 weeks of the granting of this order.
11. A special master shall be appointed on such terms as the trial court deems appropriate.
12. It is recorded that the first to eighteenth respondents have furnished to the Court an undertaking that, pending the final determination of the class action as aforesaid, they will desist from directly or indirectly (whether themselves or through any other natural or juristic person):

12.1 operating the websites listed in annexure "A" (save for the publication of the notice referred to in paragraph 5 above) or websites with substantially similar content;

12.2 conducting the same, or substantially similar business(es), conducted by the respondents and described in the papers filed of record in order to market financial and/or legal services or conclude any agreement in respect such;

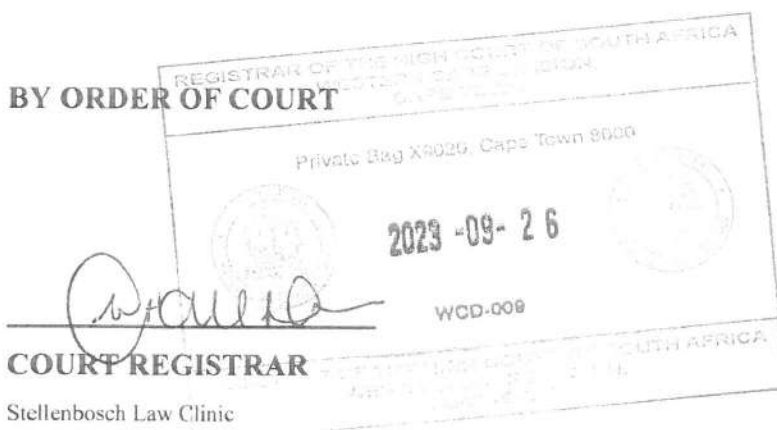
12.3 debiting the bank accounts of any persons in terms of any agreement allegedly concluded through the listed websites or any website with similar content referred to in paragraph 12.2 above;

12.4 making demands for or collecting payment from consumers for services allegedly provided in terms of any agreement allegedly concluded through the listed websites or any website referred to in paragraph 12.2 above;



- 12.5 harassing and/or threatening any person in connection with any demand for, or collection of payment, in terms of any agreement allegedly concluded with any of the respondents through the listed websites or any website referred to in paragraph 12.2 above;
- 12.6 proceeding with the de-registration of any of the respondent companies;
- 12.7 destroying, removing, expunging or altering any of the company's records, including but not limited to: share registers, share certificates, minutes of directors and shareholder meetings, minutes and resolutions of shareholder meetings, bank statements, databases (whether electronic or hardcopy), contracts with any members of the class, financial statements, management accounts, correspondence and the referral of any debts for debt collection.
13. The first to eighteenth respondents shall pay the applicants' costs of suit relating to this application jointly and severally, the one paying the other(s) to be absolved, which costs will include the costs of two counsel where employed. Such costs shall include all reserved costs in respect of all previous set downs and scheduled hearings.

**BY ORDER OF COURT**



**COURT REGISTRAR**

Stellenbosch Law Clinic  
18-24 Crozier Street  
STELLENBOSCH  
7600

**ANNEXURE A – LIST OF WEBSITES**

<https://www.loantrackersa.co.za>

<https://www.loanspottersa.co.za>

<https://www.loanmatchsa.co.za>

<https://www.loanchoicesa.co.za>

<https://www.loanquestsa.co.za>

<https://www.loanconnectorsa.co.za>

<https://www.loanhubsa.co.za>

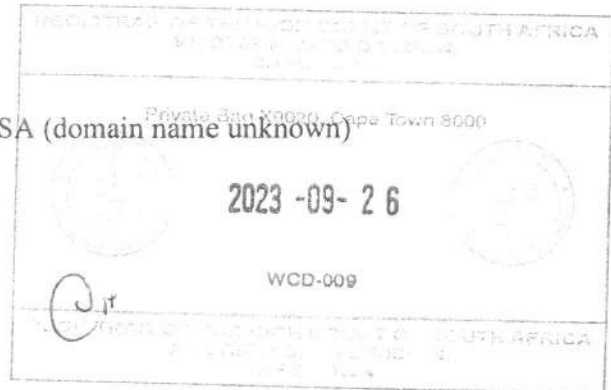
<https://www.loanzones.co.za>

<https://www.loanlocatorsa.co.za>

<https://www.loanscoutsa.co.za>

<https://www.loantracer.co.za>

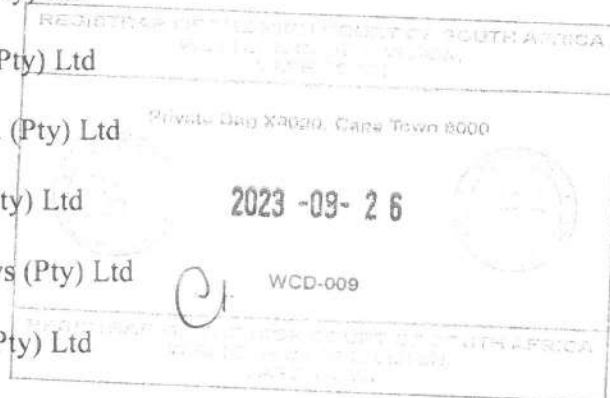
The website for Loan Detector SA (domain name unknown)



**ANNEXURE B – NOTICE TO THE CLASS**

Please take notice that a class action will be instituted in the Western Cape Division of the High Court of South Africa against the companies and individuals listed below:

1. Lifestyle Direct Group International (Pty) Ltd
2. Capital Lifestyle Solutions (Pty) Ltd t/a Lifestyle Legal
3. Loan Tracker SA (Pty) Ltd
4. Loan Spotter SA (Pty) Ltd
5. Loan Match SA (Pty) Ltd
6. Loan Choice SA (Pty) Ltd
7. Loan Quest SA (Pty) Ltd
8. Loan Connector SA (Pty) Ltd
9. Loan Hub SA (Pty) Ltd
10. Loan Zone SA (Pty) Ltd
11. Loan Locator SA (Pty) Ltd
12. Loan Scout SA (Pty) Ltd
13. Loan Tracer SA (Pty) Ltd
14. Loan Detector SA (Pty) Ltd
15. Lifestyle Legal (Pty) Ltd
16. Lifestyle Attorneys (Pty) Ltd
17. All Wheel Auto (Pty) Ltd
18. Damian Malander
19. Nandie Paich



Please take notice further that the class action will be brought on behalf of the following class:

“All persons who have had any monies debited from their bank accounts and/or who have been harassed and threatened in connection with any demand for or collection of payment by any of the respondents at any time from 20 May 2015 to date on the basis of them having concluded purported agreements with any of the respondents through any of the websites listed below:

<https://www.loantrackersa.co.za>

<https://www.loanspottersa.co.za>

<https://www.loanmatchsa.co.za>

<https://www.loanchoicesa.co.za>

<https://www.loanquestsa.co.za>

<https://www.loanconnectorsa.co.za>

<https://www.loanhubsa.co.za>

<https://www.loanzones.co.za>

<https://www.loanlocatorsa.co.za>

<https://www.loanscoutsa.co.za>

<https://www.loantracer.co.za>

The website for Loan Detector SA (domain name unknown).”



Should you wish **not** to be a member of the class you may opt out of the class by notifying the class action attorneys of record, the Stellenbosch University Law Clinic, of your choice to so opt out by no later than Monday 30 October 2023.

The Stellenbosch University Law Clinic can be contacted at:

Address: 18 – 24 Crozier Street

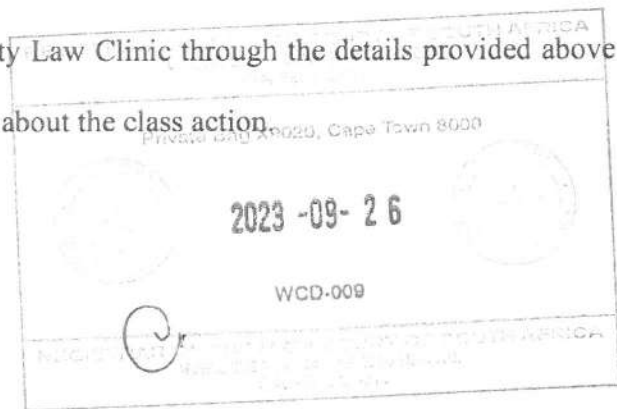
Stellenbosch

Telephone: (021) 808 3600

Email: [rhkadmin@sun.ac.za](mailto:rhkadmin@sun.ac.za)

Electronic copies of the Court's order certifying the class action and the particulars of claim therein shall be available on the Stellenbosch University Law Clinic's webpage – <https://www.sulawclinic.co.za>

You may contact the Stellenbosch University Law Clinic through the details provided above should you wish to obtain more information about the class action.



**IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case No: \_\_\_\_\_

In the matter between:

<b>STELLENBOSCH UNIVERSITY LAW CLINIC</b>	First Plaintiff
<b>ADELE ROTHMANN</b>	Second Plaintiff
<b>IGNATIUS MICHAEL HEYNS</b>	Third Plaintiff
<b>DERRICK FERREIRA DOS SANTOS</b>	Fourth Plaintiff
<b>RONALD ABRAHAM ARTHUR ESBACH</b>	Fifth Plaintiff
<b>NICOLENE ELS</b>	Sixth Plaintiff
<b>ALICIA PELSER</b>	Seventh Plaintiff
<b>VANESSA VENTER</b>	Eighth Plaintiff
<b>CASSIEM HALLIDAY</b>	Ninth Plaintiff

and

<b>LIFESTYLE DIRECT GROUP INTERNATIONAL (PTY) LTD</b>	First Defendant
<b>CAPITAL LIFESTYLE SOLUTIONS (PTY) LTD t/a LIFESTYLE LEGAL</b>	Second Defendant
<b>LOAN TRACKER SA (PTY) LTD</b>	Third Defendant
<b>LOAN SPOTTER SA (PTY) LTD</b>	Fourth Defendant
<b>LOAN MATCH SA (PTY) LTD</b>	Fifth Defendant
<b>LOAN CHOICE SA (PTY) LTD</b>	Sixth Defendant
<b>LOAN QUEST SA (PTY) LTD</b>	Seventh Defendant
<b>LOAN CONNECTOR SA (PTY) LTD</b>	Eighth Defendant

<b>LOAN HUB SA (PTY) LTD</b>	Ninth Defendant
<b>LOAN ZONE SA (PTY) LTD</b>	Tenth Defendant
<b>LOAN LOCATOR SA (PTY) LTD</b>	Eleventh Defendant
<b>LOAN SCOUT SA (PTY) LTD</b>	Twelfth Defendant
<b>LOAN TRACER SA (PTY) LTD</b>	Thirteenth Defendant
<b>LOAN DETECTOR SA (PTY) LTD</b>	Fourteenth Defendant
<b>LIFESTYLE LEGAL (PTY) LTD</b>	Fifteenth Defendant
<b>LIFESTYLE ATTORNEYS (PTY) LTD</b>	Sixteenth Defendant
<b>ALL WHEEL AUTO (PTY) LTD</b>	Seventeenth Defendant
<b>DAMIAN MALANDER</b>	Eighteenth Defendant

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**NOTICE OF OPPOSITION TO MEDIATION**

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**KINDLY TAKE NOTICE THAT** the plaintiffs oppose the referral of this matter to mediation.

The Plaintiffs do so for the following reasons:

1. The defendants have unduly delayed the commencement of the class action proceedings and mediation would be another ploy to delay the proceedings further. Four years after the initiation of the certification application and after four unsuccessful attempts to appeal this order, the class action has not yet commenced. The defendants' baseless appeals against the decision to certify class proceedings have thus clearly hampered the class members' ability to access justice and the defendants would use mediation as yet another attempt to further delay the class action proceedings;
2. The parties have not agreed as to who would pay the costs occasioned by the appointment of the mediator. The mediator would have an incentive to favour the party that pays them.

This in itself is a cause for concern as to whether the mediator will be able to conduct the mediation proceedings as an impartial referee. There is a risk of impartiality which causes substantial prejudice to the plaintiffs; and

3. Nonetheless, the nature of the disputes between the parties are such that they are incapable of being resolved through mediation. It requires a determination by this Court and cannot be mediated.

DATED at **CAPE TOWN** on this **20<sup>th</sup>** day of **SEPTEMBER 2024**.



---

**STELLENBOSCH UNIVERSITY  
LAW CLINIC**

First to ninth plaintiffs' attorneys  
18-24 Crozier Street

**Stellenbosch**

**c/o UNIVERSITY OF CAPE  
TOWN LAW CLINIC**

Kramer Law School

1 Stanley Road

University of Cape Town

**Cape Town**

Tel: 021 808 3600

Email: [odwan@sun.ac.za](mailto:odwan@sun.ac.za)

Ref: SM/ON

**TO: THE REGISTRAR**  
High Court  
Western Cape Division, Cape Town

**AND TO: ABRAHAMS & GROSS ATTORNEYS**

Attorneys for first to eighteenth defendants

4<sup>th</sup> Floor, The Towers South

2 Heerengracht Street, Foreshore

**Cape Town**

Tel: 021 422 1323

E-mail: [henno@abgross.co.za](mailto:henno@abgross.co.za)

Ref: HJB/aj/WA3857