

THE LEGAL BATTLE WITH AN EX-EMPLOYEE

IN THE HIGH COURT (HC), THE SUPREME COURT OF APPEAL (SCA) & THE CONSTITUTIONAL COURT (CC)

(Some decisions are excluded as they are some sort of a sideshow or constitute ongoing litigation)

NO	ISSUE	COURT	CORAM / PRESIDING JUDGE/S	COUNSEL FOR THE PARTIES	DATE OF DECISION	DECISION IN SUMMARY	LINK TO PERUSE THE COURT DECISION / RECORD
1.	<p>Law firm successfully brings an application for the return of its resources that were unlawfully removed by an ex-employee:</p> <p>This was a Court application for an order directing the ex-employee to return the resources of the law firm that were unlawfully removed upon his resignation.</p> <p>The law firm suffered a huge financial loss and was dispossessed of its crucial company records, including clients' case files. This conduct would normally qualify as a criminal offence but the law firm opted not to report the case with the SAPS.</p>	High Court of South Africa, Gauteng Division, Pretoria -	The hon. Baqwa J	For the applicant: Maphutha M.R & Matsi M.L.	18/12/2020	<p>Order:</p> <p>The court granted the application (the law firm won) and the ex-employee was ordered to return requested to return the illegally removed resources of the law firm.</p>	<p>Click here to read the Baqwa J decision (1)</p> <p>Click here to read the transcript – proceedings before the hon. Baqwa J (1A)</p>
2.	<p>The ex-employee fails in a bid to apply for the stay of the order of the hon. Baqwa J in terms of Rule 45A:</p> <p>This was an urgent Court application initiated by the ex-employee in an attempt to get the decision of Baqwa J suspended, whilst he asks for its rescission.</p>	High Court of South Africa, Gauteng Division, Pretoria -	The hon. Davis J.	For the applicant: Mokoena K. For the applicant: Maphutha M.R & Mvubu K.	15/01/2021	<p>Order:</p> <p>The court dismissed the application (the law firm won). The ex-employee was ordered to pay the costs of the law firm on a punitive scale as between attorney and client.</p>	<p>Click here to read: Davis J decision (2)</p> <p>Click here to read: Davis J decision (the correction) (2A)</p> <p>Click here to read: Davis J decision (the judgment) (2B)</p>
3.	<p>The ex-employee fails in a bid to secure leave / permission to appeal the order of the hon. Davis J:</p> <p>This was a Court application initiated by the ex-employee in an attempt to get permission (leave) to reverse or appeal the decision of Davis J, in terms of which the judge earlier dismissed the ex-employee's Rule 45A application.</p>	High Court of South Africa, Gauteng Division, Pretoria -	The hon. Davis J.	For the applicant: Moropene N. For the applicant: Matsi M.L.	14/06/2021	<p>Order:</p> <p>The court dismissed the application for leave to appeal (the law firm won). The ex-employee was ordered to pay the costs of the law firm on party and party scale.</p>	<p>Click here to read: Davis J decision – the order (3)</p> <p>Click here to read: Davis J decision - the judgment (3A)</p>

4.	<p>The ex-employee fails in another bid, now a petition to the SCA, aimed at securing leave / permission to appeal the order of the hon. Davis J:</p> <p>This was a Court application initiated by the ex-employee in an attempt to get permission (leave) to appeal the decision of Davis J, in terms of which the judge dismissed the Rule 45A application.</p>	SCA- Supreme Court of Appeal, Bloemfontein	The hon.Schippers JA, &Mbatha JA	<p>For the applicant: Moropene N.</p> <p>For the applicant: Matsi M.L.</p>	01/10/2021	<p>Order:</p> <p>The SCA (Supreme Court of Appeal) dismissed the ex-employee's 2nd application for leave to appeal Davis J decision (the law firm won). The ex-employee was ordered to pay the costs of the law firm on party and party scale.</p>	Click here to read: SCA decision – the order (4)
5.	<p>The ex-employee fails in a bid, in the SCA, to ask for the reconsideration of his application for leave / permission to appeal the order of the hon. Davis J:</p> <p>This was a Court application initiated by the ex-employee in an attempt to get the SCA President (the hon.Maya J), to reconsider permission (leave) to appeal the decision of Davis J.</p>	SCA- Supreme Court of Appeal, Bloemfontein	The SCA President, the hon. Maya.	<p>For the applicant: Moropene N.</p> <p>For the applicant: Matsi M.L.</p>	21/01/2022	<p>Order:</p> <p>The SCA (Supreme Court of Appeal) dismissed the ex-employee's reconsideration application for leave to appeal to be granted for the appeal of Davis J decision (the law firm won). The ex-employee was ordered to pay the costs of the law firm on party and party scale.</p>	Click here to read: SCA President decision – the order (5)
6.	<p>The ex-employee fails in a bid to secure an order for the rescission or variation of the order of the hon. Baqwa J:</p> <p>This was a Court application initiated by the ex-employee in an attempt to get the decision of Baqwa J rescinded or variation. Lazarus AJ kicked the ex-employee out of court.</p>	High Court of South Africa, Gauteng Division, Pretoria.	The hon.Lazarus AJ	<p>For the applicant: Moropene N.</p> <p>For the applicant: Matsi M.L.</p>	10/02/2022	<p>Order:</p> <p>The court dismissed the ex-employee's application initiated by the ex-employee in an attempt to get the decision of Baqwa J rescinded or variation. (the law firm won). The ex-employee was ordered to pay the costs of the law firm on party and party scale.</p>	Click here to read the Lazarus J decision (6) Click here to read: Lazarus AJ decision - the judgment (6A)
7.	<p>The ex-employee fails in a bid to secure leave / permission to appeal the order of the hon. Lazarus J:</p> <p>This was a Court application initiated by the ex-employee in an attempt to get permission (leave) to appeal the decision of Lazarus J.Lazarus AJ kicked the ex-employee out of court, again.</p>	High Court of South Africa, Gauteng Division, Pretoria.	The hon.Lazarus AJ	<p>For the applicant: Moropene N.</p> <p>For the applicant: Matsi M.L.</p>	22/03/2022	<p>Order:</p> <p>The court dismissed the application for leave to appeal Lazarus J decision (the law firm won). The ex-employee was ordered to pay the costs of the law firm on attorney and client scale.</p>	Click here to read the Lazarus J decision (leave to appeal) (7)
8.	<p>The ex-employee fails in another bid, a petition to the SCA, aimed at securing leave / permission to appeal the order of the hon. Lazarus J:</p> <p>This was a Court application initiated by the ex-employee in an attempt to</p>	SCA- Supreme Court of Appeal, Bloemfontein	The hon. Plasket JA, &Makaula AJA	<p>For the applicant: Moropene N.</p> <p>For the applicant: Matsi M.L.</p>	13/07/2022	<p>Order:</p> <p>The SCA (Supreme Court of Appeal) dismissed the ex-employee's 2nd application for leave to appeal Lazarus J decision (the law firm won). The ex-employee was ordered to pay the costs of the law firm on party and party scale.</p>	Click here to read: SCA decision (8)

	get permission (leave) to appeal the decision of Lazarus J.						
9.	<p>The ex-employee fails in his last desperate and vacuous bid, a petition to the Constitutional Court (CC) which was aimed at securing leave / permission to appeal the decisions of both the High Court (per the hon. Lazarus J) and the SCA:</p> <p>This was an application initiated by the ex-employee, in the apex court, in an attempt to get permission (leave) from the CC, to appeal the decision of Lazarus J and that of the SCA in support thereof.</p>	--	The 9 hon. Justices: Maya DCJ, Kollapen J, Madlanga J, Majiedt J, MakgokaAJ,Mathopo J, Potterill AJ, Rogers J and Theron J.	<p>For the applicant: Moropene N.</p> <p>For the applicant: Matsi M.L.</p>	29/05/2023	<p>Order:</p> <p>The Constitutional Court (CC), which is the apex court of South Africa, dismissed the ex-employee's application for leave to appeal the decisions of Lazarus J and the SCA (the law firm won).</p>	Click here to read: Constitutional Court decision (9)