

"KID 6"

29/3/11

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REPUBLIC OF SOUTH AFRICA



SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO: 2011/12486

In the matter between:

PIETER JACOBUS DU PLESSIS  
DAVID H BOTHA DU PLESSIS & KRUGER

1<sup>st</sup> Applicant  
2<sup>nd</sup> Applicant

and

PAUL O'SULLIVAN

Respondent

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**ORDER**

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**WEPENER, J:**

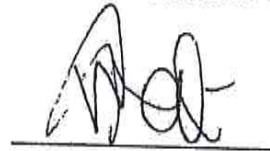
It is ordered that the respondent is:

1. Interdicted and restrained from assaulting, harassing, threatening, intimidating and/or verbally abusing the 1<sup>st</sup> applicant and/or his family, and/or employees or Directors of the 2<sup>nd</sup> applicant.
2. Interdicted and or restrained from inciting or inciting any other person to assault, harass, threaten, intimidate and/or verbally abuse the 1<sup>st</sup> applicant, his family, and or members and or Directors of the 2<sup>nd</sup> applicant.
3. Called upon to show cause why paragraphs 1 and 2 above should not be made final and why he should not pay the costs of the

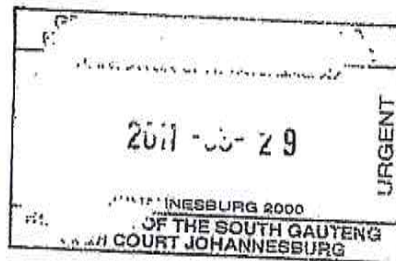
application on Tuesday 12 April 2011 at 10:00 or so soon thereafter as the matter can be heard.

4. Paragraphs 1 and 2 shall have immediate effect pending the finalisation of this matter.
5. A copy of this order may also be served on the e-mail address of the respondent contained in the papers, flyhigh@mweb.co.za.

29/3/2011



M Swart  
Judge's clerk




"B"

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IN THE SOUTH GAUTENG HIGH COURT  
(JOHANNESBURG)

CASE NO: 2011/12486

P/H NO: 0

JOHANNESBURG, 07 June 2011

BEFORE THE HONOURABLE JUDGE VICTOR

In the matter between:-

**PIETER JACOBUS DU PLESSIS**  
**DAVID H BOTHA DU PLESSIS AND KRUGER**

*1<sup>st</sup> Applicant*  
*2<sup>nd</sup> Applicant*

and

**O'SULLIVAN PAUL**

*Respondent*

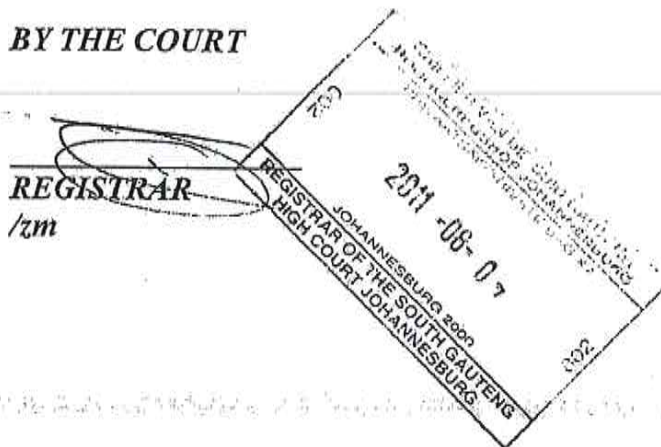
HAVING read the documents filed of record and having considered the matter:-

**IT IS ORDERED THAT:-**

1. Draft Order marked "X" signed and dated 07 June 2011 is made an Order of Court.

**BY THE COURT**

REGISTRAR  
/zm



IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

REPUBLIC OF SOUTH AFRICA

CASE NO. 2011/12486

BEFORE THE HONOURABLE JUDGE VICTOR  
ON 7 JUNE 2011

In the matter between:-

PIETER JACOBUS DU PLESSIS

DAVID H BOTHA DU PLESSIS & KRUGER

First Applicant

Second Applicant

And

PAUL O'SULLIVAN

Respondent

DRAFT ORDER

BY AGREEMENT BETWEEN THE PARTIES IT IS ORDERED THAT:-

1. Paragraphs 1 and 2 of the order of Wepener, J, dated 29 March 2011 is confirmed and made final;
2. The Settlement Agreement annexed hereto, marked "X" is noted; and

3. Each party shall pay its own costs in the application.

BY ORDER,

REGISTRAR

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line and a small flourish.

## IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

REPUBLIC OF SOUTH AFRICA

CASE NO. 2011/12486

In the matter between:-

PIETER JACOBUS DU PLESSIS

First Applicant

DAVID H BOTHA DU PLESSIS &amp; KRUGER

Second Applicant

And

PAUL O'SULLIVAN

Respondent

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**SETTLEMENT AGREEMENT**

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**WHEREAS** the Applicants on 29 March 2011 *ex parte* obtained an order of this court against the Respondent ("the order") in the terms as set out in a copy of that order annexed hereto, marked "A".

**AND WHEREAS** the Respondent has opposed the confirmation of the order.





AND WHEREAS the Applicants and the Respondent ("the parties") are desirous of settling the present dispute between them.

NOW THEREFORE these presents witnesseth:-

1. THE ORDER

1.1. Paragraphs 1 and 2 of the order will on 7 June 2011 be confirmed and made final; and

1.2 Each party shall pay its own costs consequent upon the litigation.

2. THE EMAIL OF 29 MARCH 2011

2.1 In respect of the email transmitted on the 29<sup>th</sup> of March 2011 by the Respondent to the First Applicant, the Respondent unreservedly tenders his apology to the First Applicant, the members of his family mentioned in that email and the directors of David H Botha, du Plessis & Kruger Incorporated for the contents of the said email and the bad taste in which such contents had been formulated;

2.2 The Respondent records that it was never his intention that the said email should constitute a threat. In conceding that the email was reasonably interpreted as a threat by the Applicant, the Respondent specifically apologizes for involving family members of the First Applicant, in particular



the First Applicant's wife, Cornel, in a matter which had no bearing on her at all;

2.3 The Respondent declares his understanding for the Constitutional right of any person charged with any offence to legal representation as provided for in the Constitution of the Republic of South Africa and appreciates the importance of the protection of this basic right in the maintenance of the rule of law and democracy in general in the Republic of South Africa;

2.4 The concession made by the Respondent in 2.3, above is made on the basis that it is stressed that all parties, including attorneys involved in the criminal law process, should abide by the legal principles governing their conduct and any specific legislation such as the Prevention of Organised Crime Act and the Financial <sup>Intelligence</sup> Centres ~~Intelligence~~ Act which may be applicable to the relationship between attorney and client; and

2.5 This agreement will constitute a mutual press release and will be made available to the press upon the order being confirmed and made final in the terms set out in 1, above.

### 3. FULL AND FINAL SETTLEMENT

3.1 This agreement constitutes a full and final settlement between the parties of all and any matters arising from the email referred to in 2.1, above and

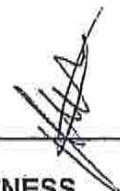


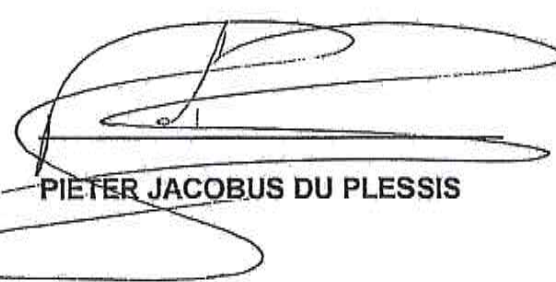


the parties shall have no further claims against each other arising out of the said email and their subsequent actions.


3.2 This agreement shall be noted in the order taken on 7 June 2011.

SIGNED AT JOHANNESBURG ON THIS      DAY OF JUNE 2011.


  
WITNESS


  
PIETER JACOBUS DU PLESSIS

SIGNED AT JOHANNESBURG ON THIS      DAY OF JUNE 2011.

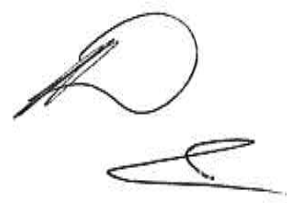
  
WITNESS

  
O.b.o  
DAVID H BOTHA, DU PLESSIS &  
KRUGER INC. P. du Plessis  
Director

SIGNED AT JOHANNESBURG ON THIS  DAY OF JUNE 2011.

  
WITNESS

  
PAUL O'SULLIVAN



"ND7"

Dinna

**From:** Paul OSullivan [flyhigh@mweb.co.za]  
**Sent:** 29 March 2011 11:35 AM  
**To:** thefirm@bdk.co.za  
**Subject:** You have crossed the line

**THIS MAIL IS DIRECTED TO PIETER JACOBUS DUPLESSIS ID NO 520929 5035 085**

**THIS IS A 24 HOUR WARNING NOTICE**

**IF YOU DO NOT GIVE A SUITABLE RESPONSE WITHIN 24 HOURS, ROLLING ACTION WILL BE TAKEN AGAINST YOU**

Hello scum,

Do not see this as a threat - Rather see it as a promise

As a result of the lies you have procured the publishing of, I did call your office, but I see that your operator does not speak English too well, so here it is in a fashion you will easily understand:

When you chose to receive blood money (proceeds of crime - in contravention of Prevention of Organised Crime Act) from Krejcir, that was one thing. That you have chosen to lie for him, is a totally other matter. That you have chosen to lie to the media against me, and persuade your gangster friends to open false dockets against me, makes you move very quickly onto my radar screen, something I am willing to bet, you will wish you had not done.

Its a matter for which I shall now see that you receive the attention you deserve. Attention you will not want, but attention you will get. Unless I receive an undertaking from you by noon tomorrow, that you will never mention my name to the media again, I will take all lawful steps to shut you and your crooked business down.

I shall also arrange that in-your-face actions take place in front of Cornel, JJ and others close to you. Lying about me, was a big mistake, as all at 36 Sophia street will come to understand. When you chose to make it personal, you stepped over a line, a line that will see you regretting your dirty crooked conduct.

I have also been asked (indirectly) by some of the underworld scum out there, the ones that are against your client, to provide personal details of Krejcir and his associates. I'm not sure, but have a nasty feeling they want to do something to him and his associates. What should I do? Should I include you in the list of Krejcir's associates? after all you have chosen to lie for him, in exchange for his dirty blood money. Please let me know whether I should include your details or not, also whether I should include JJ, or Cornel? Maybe you should just ask JJ and Cornel, whether they want me to give their personal information to Krejcir's enemies. Maybe you should also tell them that you chose to lie about me to the media and to procure false charges against me by your gangster clients, thereby placing them in a position where their lives will be opened up to public scrutiny.

Give the undertaking, or see your business go South, as I will not leave any stone unturned in ruining you and Kruger, Krause and Claasen, should you carry on breaking the law.

2011/04/06



Also, from today, every time you mention my name to the media, I will multiply your conduct by 100 and push it back to you, in a way that will have you reeling. Sooner or later you will realise that I never give in. Never.

Greg Blank, Andre Bouwer, Vito Assante, Jackie Selebi, Mphego and Radovan Krejcir found out the hard way, you have the chance to avoid a big fall.

Read Hosea viii 7

**For they have sewn the wind and they shall reap the whirlwind.**

11/04/06

