

Mutual Heights

14 Darling Street, Cape Town
<http://www.mutualheights.net>

News from your Trustees

Edition 31

November 2015

Dear Fellow Owner,

Litigation update

This is just a short newsletter to inform you that in our litigation with the Old Mutual as developers of the Mutual Heights project, formal proceedings have now commenced in the High Court. You may be thinking this has taken a long time. In fact, the first day of these proceedings – 2 November 2015 – was actually **2,083 days** since we lodged the summons.

Happily, in this first week of legal arguments (that is, arguments about *particular points of law* determining *how we should proceed*, rather than arguments about the details of our claim) the Judge has ordered that we be allowed to amend our original claim to include additional problems related to the damp, that have only come to light in the process of discovery (of documents) and preparatory meetings with potential witnesses. This is encouraging. There are at least two more points of law to be resolved, and then the trial proper can proceed. You will be aware that we are now close to the 'end of term' (the High Court will be in recess from, mid-December) and it is therefore possible that the trial will only be concluded next year. But what is another 100 days (or thereabouts) on top of the 2,000?

These timescales might make you wonder about the quality of our legal support, but I can assure you that the delays are wholly attributable to the actions of the defendants. We have had *excellent* support from our senior and junior counsel, who have worked *extremely* hard to look after our best interests. Chris Faure, our instructing attorney, has also worked many hours beyond the norm in managing the process from our side, and today (Friday) he is enjoying the first respite since the full-time preparatory work kicked off, more than six weeks ago. I hope you will join me in thanking all three sincerely for our early success in the first week; let's do what we have to do to help them as things proceed from here.

Trustees are in constant communication about the proceedings, and we will of course endeavour to keep you informed – hopefully on a weekly basis. If you have any comments or questions, or if you would like to know when it might be interesting to be in court to observe, do please let me know.

Finally, thank you for your patience. It is great to know that the process has now properly begun.

With warm regards,
on behalf of the Trustees,



Andy Bytheway,
Chairman of the Trustees, Mutual Heights, Cape Town.

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Check out "Mutual Building" on Wikipedia:
http://en.wikipedia.org/wiki/Mutual_Building