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2024

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Date	12 March 2015

Dear Sirs

RE: CAXTON AND CTP PUBLISHERS / MEDIA MONITORING PROJECT / S.O.S / MULTICHOICE / SABC COMPETITION TRIBUNAL APPLICATION

- 1 We refer to our letter of 9 March 2015 and your response of 10 March 2015 respectively.
- 2 We note the following:-
 - 2.1 Your response gives no indication as to when your client will furnish the information and documentation sought in paragraph 5 of our letter.
 - 2.2 In paragraph 6 you indicate in rather vague terms that your client only became aware of the agreement which is the subject matter of the application "towards the end of last year". Having regard to the fact that the agreement was publicly reported at least by 9 April 2014 and that your client has annexed and relies on articles which appeared in April 2014 (for example annexures TM12 and TM13), our client has every reason to doubt that your client is not being candid when it states that the agreement only came to its attention towards the end of last year. We note furthermore that you do not state when toward the end of last year your client became aware of the agreement.
 - 2.3 Be that as it may, even on the version advanced by your client, it has taken at least two to three months to launch the present application. In those circumstances there can be absolutely no prejudice to your client to grant the reasonable extension that is sought in order for our client to deal with issues which are complex, technical and have far reaching implications for it.

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CONSULTANTS: A Abercrombie JMA Evenhuis[‡] EJ Kingdon FF Kolbe

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CLIFFE DEKKER HOFMEYR SERVICES PROPRIETARY LIMITED DIRECTORS: ES Burger J Cassette Z Omar* R van Eeden MF Whitaker B Williams

*British [†]Zimbabwean [‡]Canadian [§]Dutch [¶]Cape Town Managing Partner

- 2.4 We note that without committing to a date by which you will furnish the information requested and which your client is obliged to furnish, you only grant our client an extension of four days.
- 2.5 Our client will not be in a position, even if the outstanding information is furnished by you forthwith, to comply with your unreasonable demands that the answering affidavit be delivered by the 13th of March 2015.
- 2.6 The reasons for the request for the extension are self-evident. We however record that these reasons *inter alia* include the fact that our client is a large public organization and the consultation process of necessity involves various people at different levels of our client's organization who are not always easily or readily available for consultation. Furthermore your client's application raises technical issues which require careful consideration and consultation. The matters raised (which our client will in due course demonstrate to be without any basis) have far reaching implications for our client's business and our client is not prepared to act to its detriment in being rushed into delivering an answering affidavit where there is no immediate urgency.
- 2.7 Last but not least our client was perfectly entitled to adopt the attitude that it would not advance the process of delivering an answering affidavit until the questions of authority of the applicants have been properly demonstrated. Our client clearly requires sight of the documents sought before finalizing its answering affidavit and this is a further reason for an extension of time.
- 3 In these circumstances we will endeavor to deliver our client's answering affidavit within three weeks from the date on which your client fully complies with the request for information set out in paragraph 5 of our letter of 9 March 2015.
- 4 Your threat in your letter of 10 March 2015 to have the matter set down for hearing on an unopposed basis in circumstances in which:-
 - 4.1 Both our client and Multichoice have delivered notices of intention to oppose the application;
 - 4.2 Both our client and Multichoice have indicated that answering affidavits are in the process of being prepared;
 - 4.3 Both our client and Multichoice have requested reasonable extensions for the filing of the answering affidavit.
- 5 In our respectful view it is completely unreasonable and without any proper basis. Should you persist in doing so and should our client be forced to attend at a hearing merely for the purposes of bringing these issues to the attention of the Tribunal and seeking to resist the matter being dealt with on an unopposed basis, our client will seek costs against your client.
- 6 Lastly please advise if your client is persisting in its demand that the answering affidavit be filed by 13 March 2015. Should your client persist in doing so, our client will be put to the expense of drawing up a condonation application and under the circumstances set out above our client will request the costs of drawing up the application against your client.

Yours sincerely



ANDRIES LE GRANGE
CLIFFE DEKKER HOFMEYR INC
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