

**IN THE HIGH COURT, OF SOUTH AFRICA  
(GAUTENG LOCAL DIVISION, JOHANNESBURG)**

CASE NO.:

In *ex parte* application:

**COMBINED MARKETING SERVICES (PTY) LTD** 1<sup>st</sup> Applicant

**BRANDSERVE (PTY) LTD** 2<sup>nd</sup> Applicant

In the matter between:

**COMBINED MARKETING SERVICES (PTY) LTD** 1<sup>st</sup> Applicant

**BRANDSERVE (PTY) LTD** 2<sup>nd</sup> Applicant

And

**EUGENE VAN DE VYVER** Respondent

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**SUPPLEMENTARY AFFIDAVIT**

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I, the undersigned

**LEE GRANT**

Do hereby make oath and state that:

1. I am an adult businessman and Director of the First and Second Applicant's, I am further Chief Executive Officer of the second Applicant.
2. I confirm that my founding affidavit confirms the following at paragraph 22: "On the 13<sup>th</sup> of April 2017 I personally requested the Respondent to return all confidential information which he may have, during the course of his employment, been in his possession or under his control. I am advised further, by my legal representatives, that the Respondent was and still remains under a legal duty to return all property belonging to the Applicant, irrespective of whether he developed it or not. A copy of my correspondence is annexed hereto as **annexure "I"**."
3. I confirm that the affidavit should have read that I personally instructed that correspondence be sent to the Respondent. The correspondence was sent by Darran Ledden who had met with the Applicant on the 5<sup>th</sup> of April 2017 and requested return of all the Applicants confidential information on the 10<sup>th</sup> of April 2017. A confirmatory affidavit of Mr Ledden is annexed as annexure "**A**" hereto.
4. I confirm that the recording as per the founding affidavit that I personally requested the Respondent to return the correspondence as per the affidavit is correct, however correspondence confirming this was in fact sent by Darran Ledden on the 10<sup>th</sup> of April and not on the

13<sup>th</sup> of April 2017 however the understanding has been that the Respondent was required to return the confidential information by the 13<sup>th</sup> of April 2017.

5. I believe that on the 2<sup>nd</sup> of May 2017 the Respondent has taken up employment with Pack n Stack who is a direct competitor of the first and second Applicants. This confirms and reiterates my concerns that the Respondent is going to use the first and second Applicants confidential information to further his and that of the Applicants competitor's business interests.
6. I confirm that it has come to our attention subsequent to the filing of this Application that a Mr Darren Smalley an employee of the second Applicant had forwarded an email including an attachment to a Ms Shelley Swart (Shelley Lynn Smalley). The attachment is the "route list" for the second Applicant and includes details of all the second Applicants employees. Ms Swart (Smalley) was the former PA to the Respondent. I verily believe that the information is destined for the Respondent as the Respondent and Ms Swart are still in contact. A copy of the email correspondence and attachment are annexed hereto as annexure "**B**" and "**C**" respectively.
7. The Respondent was seen on the 8th of May 2017 at a golf day for Pick n Pay. The Respondent was playing in a four ball or group with the directors of a client of the second Applicants
8. I believe that the inherent urgency in this matter has been increased based on the clear indication that the Respondent has taken employment with a competitor and is continuing to receive the first and second Applicants confidential information.

**WHEREFORE** I humbly request that this Honourable Court grant an order as prayed for in the Notice of Motion to which this affidavit is annexed.

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**LEE GRANT**

THE DEPONENT HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, WHICH WAS SIGNED AND SWORN TO BEFORE ME AT JOHANNESBURG ON THE \_\_\_\_\_ DAY OF APRIL 2017, THE REGULATIONS CONTAINED IN GOVERNMENT NOTICE NO R1258 OF 21 JULY 1972, AS AMENDED, AND GOVERNMENT NOTICE NO R1648 OF 19 AUGUST 1977, AS AMENDED, HAVING BEEN COMPLIED WITH.

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**COMMISSIONER OF OATHS**

Name:

Designation:

Address: