IN THE HIGH COURT OF SOUTH AFRICA

FREE STATE DIVISION, BLOEMFONTEIN

Reportable: YES/NO

Of Interest to other Judges: YES/NO

Circulate to Magistrates: YES/NO

Case no: 1358/2022

In the matter between:

MBALI CHANTEL NGWENYA Plaintiff

and

THE ROAD ACCIDENT FUND Defendant

CORAM: HEFER AJ

HEARD ON: 12, 13 AND 15 MARCH 2024

DELIVERED ON: 13 JUNE 2024

[1] Plaintiff instituted action for the recovery of damages arising from injuries which she sustained during a motor vehicle collision allegedly caused by the negligence of the respective insured drivers at the time.

[2] The Defendant conceded liability on the basis that it shall pay 100% of the Plaintiff's proven or agreed damages. The issues of future medical expenses as

well as general damages had already been settled. These aspects had been dealt with in an order of Court which order was made by agreement between the parties during November 2023.

[3] What remain to be adjudicated upon are the amounts in respect of past hospital - and medical expenses as well as loss of earnings.

[4] It needs to be mentioned at this stage that although the Defendant has filed a plea and the matter proceeded on the basis of it being defended, as in so many matters where the Road Accident Fund is involved, there was no appearance on behalf of the Defendant during the hearing of the matter.

Past medical - and hospital expenses:

[5] At the commencement of the trial on 13 March 2024, Plaintiff was granted leave to adduce the evidence of the relevant expert witnesses appointed for purposes of quantifying her damages and the evidence of Faith Lingham, regarding Applicant's claim for past hospital- and medical expenses by means of affidavits in terms of the provisions of Rule 38(2) of the Uniform Rules of Court.

[6] It is common cause that the Plaintiff was at all relevant times a beneficiary of Momentum Medical Fund.

[7] Ms Lingham is the administrator of Momentum. In her affidavit she confirmed that she perused the vouchers and schedules relating to the medical expenses incurred by the Plaintiff and that they have been duly honoured by the medical scheme in respect of the injuries which the Plaintiff sustained in the accident on 1 November 2020.

[8] Ms Lingham further confirmed that these past medical expenses are related to medical scheme claims submitted to Momentum Medical Fund from the date of injury and as the claim submissions billed by the healthcare practitioners, including health establishments for the treatment of the injuries sustained by the Plaintiff in the accident. According to her she personally perused the schedule, especially as it pertains to items in conjunction with the billed and paid amounts reflecting on the vouchers and confirms further that they are true and correct and directly related to the injuries sustained by the Plaintiff in the motor vehicle

accident in question.

[9] Ms Lingham then states that the claimed amount as shown in the schedule was assessed and the actual amount paid by the medical fund amounted to R381,537.33.

[10] During the hearing, Mr *Cilliers,* appearing on behalf of the Plaintiff, however indicated that the amount should be reduced to the amount of R380,791.92, to cater for an amount not to be included in such vouchers.

[11] Mr *Cilliers* also referred me to a judgment delivered by Molitsoane J in this division in the matter of **Sondiyanzi v Road Accident Fund**[1] In that matter the issue for determination was whether the Plaintiff was entitled to claim the expenses incurred by the medical aid on behalf of the Plaintiff. With reference to **Discovery Health (Pty) Ltd v RAF and Another**[2]**,** Molitsoane J held that the Road Accident Fund remains liable to the Plaintiff for the past medical expenses notwithstanding that the medical aid scheme has paid the said expenses.

[12] I respectfully align myself fully with this finding of Molitsoane J.

Loss of earnings

[13] In respect of this aspect, the Plaintiff herself as well as certain expert witnesses testified during the hearing.

The Plaintiff:

[14] The evidence presented to Court, shows that the Plaintiff is an extraordinary woman who, according to collateral information gathered, is considered to be a hardworking and dedicated employee in spite of certain challenges she faced in the past and still is confronted with .

[15] The Plaintiff incurred several injuries as a result of the motor vehicle accident on 1 November 2020, the most serious being a so-called *"hangman's fracture"* to the neck, which had/has severe implications on her past academic- and

[1] (1092/2021) [2023] ZAFSHC 162 (8 September 2023)
[2] (2022/016179) [2022] ZAGPPHC 768 (26 October 2022)

employment performance as well as her present and future employment potential, as will be shown from a discussion of the relevant expert evidence presented during trial.

[16] The other injuries which the Plaintiff sustained in the accident are *inter alia* right parental scalp haematoma, C2 spine injury, liver injury, subarachnoid haemorrhage, head injury, fractured ribs, right ear lacerations and injury to the right hip.

[17] According to the Plaintiff, she experienced a period of alteration in level of consciousness and that her first memory of the accident was about two weeks thereafter.

[18] According to the Plaintiff she experiences:

(i) headaches regularly;
(ii) pain in her right hip;
(iii) pins and needles in her right hand, her neck gets tired every often; she struggles with walking or standing for long periods; she cannot sit on chairs that do not support her back; and
(iv) she herself tires easily.

[19] As far as the Plaintiffs psychological functioning is concerned, the Plaintiff testified that she experiences increased anxiety since the accident.

[20] The Plaintiff further testified that she sometimes have difficulty remembering things. She sometimes struggles remembering what was discussed in meetings at work. Her mentor at work suggested that she gets a notebook to assist her with her memory. She also has problems with concentration.

[21] The Plaintiff successfully completed her Grade 12 National Certificate qualification and has also successfully completed a Bachelor of Commerce degree with specialisation in economics, which degree was conferred upon her during April 2022. This qualification is regarded to be a NQF7 qualification. This will be expanded upon later in this judgment.

[22] The Plaintiff had to rewrite two examinations during her first - as well as her

second year of studies. The Plaintiff did not fail any of the modules during 2020. From the Plaintiff's UFS academic results, it appears that she passed the Investment Module with an average mark of 61% and repeated the module during 2021 which resulted in an average mark of 67%. According to the Plaintiff, she repeated Investment Management during 2021 because she wanted to improve her marks in order to be able to gain access to an Honours Degree in future, of which the 61% which she had attained during 2020 would not have sufficed. The mark obtained was however insufficient to gain entrance in a Honours Degree program.

[23] It further appears that the .Plaintiff discontinued the Managerial Finance Module during 2021. According to her, the Managerial Finance was an elective module she took on her own accord for her own personal development outside of the prescribed compulsory modules needed to complete her degree. She however discontinued it after having felt that she was overwhelmed and stressed at the time.

[24] The Plaintiff is currently employed as a transactional banker at Absa Bank, Kimberley. She attended the Industry Regulatory Examination at the beginning of 2023, a prerequisite for when giving advice in the banking industry as a transactional banker role. However, she was not successful. The timeframe for completion is 3 years.

[25] She explained that she is currently enrolled for a post-graduate Diploma in Financial Planning at the University of the Free State, which is a NQF4 qualification. The relevance of the latter will be dealt with herein later.

[26] The Plaintiff further testified that she gets headaches all the time. This started progressively since the accident and she eventually consulted with a doctor in this regard. She described the level of severity of these headaches on a scale between 1 and 10 to be on 7. She further testified that she refrains from using medication for the headaches because she had been diagnosed with an ulcer and it appears that this medication can contribute to the ulcer. She further experiences sleeping problems because of the pain in her neck.

Expert Evidence .

[27] The evidence by the expert witnesses, will be dealt with on the basis of the calculation of the amount to be awarded in respect of loss of earnings of the Plaintiff and in particular the contingencies to be applied in the calculation thereof.

[28] Ms Nina du Plessis, an educational psychologist, assessed the Plaintiff during June 2022. During her evidence she started off by briefly explaining the so-called "NQF" educational system referred to before. In short it can be defined as the system that records the credit assigned to each level of learning achievement in a formal way to ensure that the skills and knowledge that have been learned are recognised throughout the country.

[29] The various NQF levels are as follows: Level 7- Bachelor Degree; Level 8 - Post-Graduate Diploma; Level 9 - Masters Degree and Level 10 - Doctorate Degree. She explained that the level of income / potential income is directly related to the NQF levels. The higher the level, the more favourable a particular person is looked upon in consideration of being employed or promoted.

[30] Ms Du Plessis confirmed that the B.Com degree conferred upon the Plaintiff and the diploma she is currently enrolled for are on NQF levels 7 and 8 respectively.

[31] Based on the Plaintiff's available academic results and certificates obtained, it appears that the Plaintiff presented most probably with an average to above average pre-morbid learning ability. The Plaintiffs University studies were negatively impacted by pre-existing stress and anxiety (caused by trying to manage full time studies and past time work), the Covic pandemic and related negative *sequelae.*

[32] Ms Ou Plessis conducted several tests on the Plaintiff, the most important results and implications thereof being the following:

(i) The Plaintiffs below average working memory can be expected to cause her to learn at a slower than normal pace, thereby limiting her ability to keep up with the pace of mainstream education.

(ii) There appears to be some decline in the Plaintiffs post-morbid cognitive functioning in comparison to her estimated pre-morbid ability. Ms Du

Plessis states as follows in this regard:

> *"It is noted from received documentation that Ms Ngwenya sustained* a *head injury in the said accident."*

(iii) The Plaintiff most probably represented with a vulnerable pre-morbid psychological profile attached to the reported stress and anxiety. It is further likely that this stress and anxiety was attached to having to study full time as well as work part time, which most probably resulted in Ms Ngwenya repeating two modules during her first year of studies .

(iv) As far as her scholastic functioning is concerned, following the accident there does appear to be a decline in her scholastic ability in comparison to her pre-morbid scholastic functioning at school. Lowered scholastic functioning can also be the consequence of the experienced post-accident onset of headaches, fatigue, memory difficulties, slow learning pace and reported increase in pre-morbid stress *I* anxiety under test conditions. It is however important to note that following the accident, the Plaintiff was still successful in completing her degree qualification.

[33] With regards to the diploma course for which the Plaintiff is currently enrolled, Ms Du Plessis first of all points to the fact that although this is a higher level of qualification, this is also accompanied by a greater volume of work which might increase in future as well. Furthermore, the work is more complex and is online based. There are also certain concerns regarding the Plaintiffs mathematical abilities.

[34] Ms Du Plessis finally concludes that considering all the factors, it is "unlikely but not impossible" for the Plaintiff to complete her diploma course within the required maximum term of 3 years.

[35] According to Ms Du Plessis the assessment results indicated that the Plaintiffs post-accident cognitive and scholastic ability is somewhat lower than her estimated pre-morbid potential, because of the injuries sustained and the related negative *sequelae* of these injuries and the negative psychological impact attached to the injuries sustained as well as her involvement in the accident itself which in turn had exasperated the likely pre- morbid vulnerability. As a result, the Plaintiff has been placed in an increased vulnerable and disadvantaged position

in comparison to her likely pre-morbid status.

[36] According to Dr J Preddy, an orthopaedic surgeon, who had been in practice for 45 years, the CT scans of the Plaintiffs brain, cervical spine, chest and abdomen revealed the following:

(i) Right parietal scalp haematoma;
(ii) Subarachnoid haemorrhage;
(iii) Hangman's fracture;
(iv) Vertebral injury at C2 level; and
(v) Grade 1 liver injury.

[37] The so-called handman's fracture was described as follows:

> *"C2 fracture involving the past interarticularis on the left extending to the articular facet and the right-sided pedicle and vertebral foramen (C2 hangman's type fracture involving the right-sided vertebral artery canal)."*

[38] From the hospital records which he considered in compiling his medico-legal report, it was ascertained that the Plaintiff has undergone an *"uncomplicated C2-3 spine fusion"* on 7 November 2020.

[39] In the opinion of Dr Preddy, this fusion was however not 100% effective.

[40] As far as the cervical- and lumbar spine injuries are concerned, during Dr Preddy's examination of the Plaintiff during June 2022, she complained of *inter alia* the following:

(i) Pain in her neck;
(ii) Her pain is aggravated by rotational neck movements;
(iii) She rates her neck pain as 7/10 on the pain scale;
(iv) The pain in her neck is exacerbated by increased physical activities;
(v) Due to her pain, she struggles to sleep and constantly has to change her sleeping position throughout the night;
(vi) She experiences pain in her lower back;
(vii) Her lower back pain is worsened by inclement weather conditions;

(viii) The pain is aggravated by standing, walking and sitting for long periods of time;

(ix) She struggles to lift heavy objects, due to the pain associated with her lower back injury; and

(x) She also struggles with activities that require her to bend over, such as dressing her lower body and performing house chores.

[41] These pains, according to Dr Preddy, can be severe.

[42] Analysis of the cervical spine also revealed that the Plaintiff experiences discomfort in extending her neck and that there is a loss of extension.

[43] Dr Preddy opined that as for the pain the Plaintiff experiences in her lower back, the latter injury is not the main problem but indeed an underlying anthropology of her cervical spine injury. His prognosis in respect of the cervical spine injury is that in conjunction with the normal wear and tear, an extended fusion of the Plaintiff's cervical spine is foreseeable. He went further and described it as follows:

> *"Any time there is* a *fusion this will lead to* a *next fusion like* a *ladder."*

[44] Dr Preddy's opinion in respect of the Plaintiff's productivity can be summarised *inter alia* as follows:

(i) That the injuries which the Plaintiff sustained had an impact on the patient's productivity and amenities of life;

(ii) The Plaintiff is going to be absent from work on a regular basis for conservative / surgical interventions;

(iii) There is a 30-40% chance that she will require adjacent level fusion of her cervical spine;

(iv) From an orthopaedic perspective, even with successful treatment of her cervical spine injury, the Plaintiff will always have a deficit;

(v) The Plaintiff has become an unfair competitor in the open labour market with regards to advancement in her current career or gaining future employment;

(vi) The Plaintiff will find it difficult to compete with other healthy subjects for work;

(vii) The Plaintiff's working abilities have been negatively affected by the accident; and

(viii) The Plaintiff should be accommodated in a light duty / sedentary environment (in this regard he however deferred to the opinion of an occupational therapist).

[45] Dr Preddy testified that he has operated on plenty of hangman fractures during his years of practice and find that headaches are commonly associated with such injury.

[46] To treat the Plaintiff in future, so-called *"pain blocks"* will be necessary because such pain becomes chronic.

[47] In conclusion, Dr Preddy foresees early retirement for the Plaintiff due to the challenges which she will face.

[48] In her report, Ms F Steyn, the occupational therapist, concluded the following:

(i) The Plaintiff is currently restricted to sedentary and some light work;

(ii) Her productivity and efficacy will be negatively affected even in sedentary work, due to increased symptomology in her neck and lower back with prolonged periods of sitting;

(iii) Early retirement will probably become indicated considering her young age, her changes of requiring a secondary fusion; and

(iv) The Plaintiff will struggle to compete fairly with pain free individuals and she will probably struggle with career progression due to her greater need for task adaption compounded by her inability to progress beyond an NQF level 7.

[49] In the latter regard, Ms Steyn referred to the opinion of the educational psychologist according to whom it is unlikely that the Plaintiff shall obtain a NQF level 8 or 9 as was the case prior to the accident and that she will consequently be left with a NQF level 7 and her income generating capacity has thus been affected as she will not be able to compete with individuals with better qualifications for higher positions. This will be again referred to here- later .

[50] In his assessment of the Plaintiff, Dr D Boungou-Poati, a neurosurgeon, opined that the Plaintiff suffered at least a mild moderate traumatic brain injury (TBI) with the accident. This is evidenced by looking at the period of alteration in level of consciousness (ALOC), as reported by the Plaintiff herself, which is indicative of acceleration / deceleration forces applied to the cranium. The Plaintiffs current complaints of forgetfulness can also be classified as post- concussion syndrome.

[51] According to him he foresees that the Plaintiff will retire 3 - 5 years earlier than usual.

[52] An actuary, Mr Kambaran, of the firm 21st Century, who had been instructed to quantify the estimated present value of loss of earnings suffered by the Plaintiff, compiled a report in this regard.

[53] The calculations by Mr Kambaran were based on the report of the industrial psychologist Dr W Naude.

[54] Dr Naude refers to the fact that future medical intervention and treatment is anticipated which will likely have a detrimental impact on the career prospects and earning potential of the Plaintiff. Possible early retirement has also been indicated.

[55] Reference is then made that no pre-existing conditions were mentioned during the interview with the Plaintiff nor the respective medical reports.

[56] As far as the Plaintiffs pre-morbid vocational review and progression is concerned, it is common cause that at the time of the accident, the Plaintiff was a student and therefore not earning an income (apart from the part time work

she performed over weekends).

[57] On the evidence of the Plaintiff, her career plans pre-accident are similar to that in the post-accident.

[58] The retirement age of 65 years may be assumed according to Dr Naude.

[59] As far as pre-accident risks are concerned, Dr Naude recommended that the following risks be considered when applying contingencies comparative to the pre-accident state, namely:

> *"Given the claimant's educational focus and ambition, it is possible that she would have furthered her educational studies (post-graduate)."*

[62] Consequently, according to him higher educational attainment could have resulted in increased vocational opportunities and earnings in the pre-morbid scenario. He then states as follows:

> *"The educational psychologist's opinion indicates* a *NQF 8 or 9 level* - *attainment potential. However, it is noted that post-graduate selection criteria are up the discretion of the tertiary education institution in general and the department I faculty in particular."*

[63] The facts however now show that the Plaintiff has indeed enrolled for a diploma for which she is currently studying at UFS.

[64] At this stage I need to indicate that although Ms Du Plessis, the educational psychologist, impressed as a credible and good witness, her opinion on the possibility or likelihood that the Plaintiff will not complete her diploma qualification within the prescribed 3 year period, is nothing more than a mere speculation. This is her opinion based on the increase in the volume of work, time constrains but not on medical or psychological evidence. Although there are medical indications that there was a decline in the Plaintiffs cognitive abilities post-morbid, I am not satisfied that the Plaintiff will not complete her diploma in the 3-years' time. The Plaintiffs own performance and dedication to date shows quite the contrary. If the Plaintiff does not complete her diploma, it cannot be held that the decrease in her cognitive abilities is the reason for the Plaintiff not

completing her diploma within the 3-year period.

[65] Dr Naude then also refers to collateral information obtained from Ms A Herman , the Plaintiffs direct line and area manager at Absa Bank, who expressed the opinion that given the Plaintiff's aspirations of Financial Planner/ Advisor, she will obtain the same, provided she achieves the necessary educational requirements.

[67] The medical evidence presented by the Plaintiff shows that currently she is suffering from severe neck and back pain accompanied by headaches which is associated with the serious neck injury.

[68] The uncontested expert evidence further shows that the Plaintiff will have to undergo further fusion(s) of the cervical spine in future. There is approximately a 40% possibility of such further fusions. This will lead to certain periods of time which the Plaintiff will have to recuperate from such medical interventions. This may also influence her employment and promotion abilities.

[69] It is also uncontested that the Plaintiff needs to take breaks and make use of special seating to make life easier for her at work.

[70] It is further uncontested that a 3 - 5 year early retirement is also postulated. On the evidence of Ms Du Plessis, it must be held that due to the Plaintiff's *"poor productivity and efficacy, the Plaintiff will be* a *vulnerable employee who will not be able to compete fairly with pain free individuals of the same age and educational level".*

[71] Importantly, Dr Naude notes for actuarial purposes:

> *'It is postulated that she will likely pursue* a *career* as *Financial Planner, albeit taking her longer to do so , given her accident related injuries (neurocognitive , psychological and physical)* "

[72] Again, I agree with Dr Naude's sentiments that *"given the collateral provided by the claimant's area manager, noting her passion and dedication, it is postulated that she remains sufficiently driven to her goals in the post- accident scenario".*

[72] Two scenarios are then postulated in respect of the Plaintiff in the calculation of the loss of earnings by Dr Naude and then subsequently by the actuaries.

<u>Scenario 1</u>:

[73] In this scenario the earnings of a certified Financial Planner/Advisor are postulated to be similar to the pre-accident scenario. In this scenario it is postulated that the Plaintiff in all likelihood will continue in pursuing her studies during 2024. This the Plaintiff indeed has done and will complete her studies during 2027. She is expected to commence the role of assistant financial planner/ advisor during 2027.

<u>Scenario 2</u>:

[74] This scenario is postulated on the possibility that the Plaintiff fails the post-graduate diploma in financial planning *"owing to the fact that she already attempted the RE5 examination without success"* and the possibility of failing the diploma cannot be excluded.

[75] Consequently, according to the report, the Plaintiff <u>may</u> continue in her current path as a transactional planner without any future progressions in her career.

[76] The expert's sentiments expressed to the effect that the Plaintiff will not complete her diploma within the 3-year period due to the fact that she was not able to successfully complete the RE5 examination without success, cannot be taken as a reason to argue that in all probability she will not complete her diploma within the requisite 3-year period. As with all tertiary qualifications and courses the possibility exist that such diploma or degree may not be completed. However, I cannot find that it is likely that she will not complete this diploma for the reasons as advanced.

[77] In view of the above, scenario 1 is therefore to be used in the calculations of the Plaintiffs loss of earnings.

[78] In **Southern Insurance Association v Bailey NO**[3] the Supreme Court of Appeal stated that where the method of actuarial computation is adopted in assessing damages for loss of earning capacity, it does not mean that a trial

[3] 1984 (1) SA 98 (AD)

judge is *"tied down by inexorable actuarial calculations".* The trial court has "a *large discretion to award what he considers right".* One of the elements in exercising that discretion is the making of a discount for *"contingencies"* or *"vicissitudes of life".* These include such matters as a possibility that a Plaintiff may in the result have less than a *"normal"* expectation of life; and that he/she may experience periods of unemployment by reason of incapacity due to illness or accident, or to labour unrest or general economic conditions.

[79] In making such a discount for contingencies or the vicissitudes of life, it is, however erroneous to regard the fortunes of life as being always adverse: They may be favourable.

[80] In **Road Accident Fund v Guedes[4],** Zulman JA stated the following:

> "The Court necessarily exercises a wide discretion when it assesses the quantum of damages due to loss of earning capacity and has a large discretion to award what it considers right. Courts have adopted the approach that, in order to assist in such a calculation, an actuarial computation is a useful basis for establishing the *quantum* of damages. Even then the trial court has a wide discretion to award what it believes to it is right. (See, for example, the Bailey case and Van der Plaatz v South African Mutual Fire and General Insurance Company Ltd)."

[81] As stated, the scenario to be used in calculation of the Plaintiffs earning capacity, is indeed the first scenario used by the actuaries.

[83] Mr *Cilliers* argued that the 20% contingency used by the actuaries in regards to the pre-morbid future loss of earnings, is supported, with which contention I agree.

[84] As far as the post-morbid contingencies are concerned, Mr *Cilliers* however submitted that whereas provision had not been made for early retirement in using such contingency percentage, the post-morbid contingency should be increased. With this contention I also agree.

[85] Considering all the facts already referred to, I therefore find that a 48% contingency should be used in regards to post-morbid contingencies. The total

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[4] 2006 (5) SA 583 (SCA)

amount of the loss of earning capacity is therefore R5 491 395.00

Order:

Therefore, I make the following order:

1. The Defendant shall pay to the Plaintiff the sum of **RS 872 186.92** within **180 (one hundred and eighty) days** of this order in respect of the Plaintiffs claim against the Defendant for:

   1.1 Past hospital - and medical expenses R 380,791.92

   1.2 Past and future loss of earning capacity R 5 491 395.00

2. In the event of the aforesaid amount not being paid within **180 (one hundred and eighty) days** from date of this order, the Defendant shall be liable for interest on the amount at the prevailing interest rate, calculated from the 15th calendar day after the date of this order to date of payment in line with prevailing legislation.

3. The Defendant shall pay the Plaintiffs taxed or agreed party and party costs on a High Court scale in respect of both the merits and quantum up to and including **15 March 2024** and notwithstanding and over and above the costs referred to in paragraph 5.2.1 below, subject thereto that:

   3.1 In the event that the costs are not agreed:

      3.1.1 the Plaintiff shall serve a notice of taxation on the Defendant's attorney of record;

      3.1.2 the Plaintiff shall allow the Defendant **180 (one hundred and eighty) days** from date of allocator to make payment of the taxed cost; and

      3.1.3 should payment not be effected within **180 {one hundred and eighty) days** from date of allocator, the Plaintiff will be entitled to recover interest at the prevailing interest rate on the taxed or agreed costs from **15 {fifteen) days** from date of allocator to date of final payment.

3.2 Such costs will include, as allowed by the Taxing Master:

3.2.1 the costs incurred in obtaining payment of the amounts mentioned in paragraphs 1 and 3 above;

3.2.2 the costs of and consequent to the appointment of counsel, on scale B, including but not limited to the following: For trial, including, but not limited to counsel's full fee for **12, 13 and 15 March 2024;**

3.2.3 the reasonable and taxable preparation, qualifying and reservation fees, if any, in such amount as allowed by the Taxing Master, of the below experts:

3.2.3.1 Dr D Hoffman, plastic surgeon;
3.2.3.2 Dr J Preddy, orthopaedic surgeon;
3.2.3.3 Ors Van Dyk & Partners, radiologists;
3.2.3.4 Mr N du Plessis, educational psychologist;
3.2.3.5 Ms TJ Magubane, clinical psychologist;
3.2.3.6 Dr D Boungou-Poati, neurosurgeon;
3.2.3.7 Ms F Steyn, occupational therapist;
3.2.3.8 Dr W Naude, industrial psychologist;
3.2.3.9 Mr N Kambaran, actuarial consultant.

3.2.4 the cost of and consequent to the Plaintiffs trial bundles and witness bundles, including the costs of **5 (five) copies** thereof;

3.2.5 the Plaintiff is declared a necessary witness and therefore the Plaintiffs reasonable traveling expenses to attend the trial, as allowed by the Taxing Master.

4. The amount referred to in paragraph 1 will be paid to the Plaintiffs attorneys, A Wolmarans Incorporated, by direct transfer into their trust account, details of which are the following:

Name of account holder:	A Wolmarans Incorporated
Name of Bank and Branch:	[…] Bank, Northcliff

Account number:	[….]
Branch code:	[…]
Type of account:	Cheque (trust)
Reference:	Mrs […] […]/MAT13082

Appearances on behalf of the Plaintiff: Adv HJ Cilliers SC

Instructed by: A Wolmarans Incorporated
Bloemfontein

On behalf of Defendant: No appearance.