



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 number: 153/2019

In the matter between:

LOUIE ROUVIERRE ROUX

Plaintiff

and

ROAD ACCIDENT FUND

Defendant

(LINK: 4442568)

Coram: Van Zyl, J
Heard: 18 June 2024
Delivered: 17 December 2024
Summary:

Claim for damages – motor vehicle accident – post-morbid loss of earnings – applicable principles re-stated.

ORDER

1. The defendant is liable to pay 80% (Eighty Percent) of the plaintiff's proven or agreed damages.
2. The defendant shall furnish the plaintiff within 180 (one hundred and eighty days) of date of this order with an Undertaking in terms of section 17(4)(a) of the Road Accident Fund Act, 56 of 1996, to compensate the

plaintiff for 80% of the costs of future accommodation of the plaintiff in a hospital and/or nursing home or the treatment of or rendering of a service to him or the supplying of goods to him arising out of the injuries sustained by him in the motor vehicle collision which occurred on 8 August 2017, after such costs have been incurred and upon submission of proof thereof.

3. The plaintiff's attorney of record is ordered to forthwith request the actuary, Mr J Potgieter, to prepare an actuarial calculation on the postulations as agreed upon between the parties, but with a 22.5% contingency for plaintiff's post-morbid future loss of earnings, and updated to date of this order; hence:

Pre-morbid Earnings:

Past Loss of Earnings	R 4 241 842.00
Less Contingency of	5%

Future Loss of Earnings	R59 203 218.00
Less Contingency of	15%

Post-morbid Earnings:

Past Loss of Earnings	R3 875 893.00
Less Contingency of	0%

Future Loss of Earnings	R59 203 518.00
Less Contingency of	22.5%

4. Leave is granted to the parties to approach Van Zyl, J in chambers, once the aforesaid calculation is received to obtain a further order for the payment by the defendant to the plaintiff of 80% (Eighty Percent) of the amount calculated as aforesaid.
5. The defendant shall pay the plaintiff's taxed or agreed party and party costs of the action, which costs shall include, but not be limited to, the following:

5.1 The reasonable qualifying fees of the following experts:

- 5.1.1 Dr Marus – Neurosurgeon;
- 5.1.2 Dr Oelofse – Orthopaedic Surgeon;
- 5.1.3 Dr Close – Orthopaedic Surgeon;
- 5.1.4 A Cramer – Clinical Psychologist;
- 5.1.5 Dr Vorster – Forensic Psychiatrist;
- 5.1.6 A Greeff – Occupational Therapist;
- 5.1.7 A Wasserman – Industrial Psychologist; and
- 5.1.8 J Potgieter – Actuary.

5.2 Counsel's fees, including, but not limited to, the costs of the drafting of heads of argument, to be taxed on scale B.

- 6. The aforesaid costs are also to include the additional costs for obtaining the newly calculated and updated report from Mr Potgieter, as well as any consequential costs incurred for it to be made an order of Court.
- 7. The plaintiff's claims for past medical- and hospital expenses and general damages are postponed to the pre-trial roll of 17 February 2024 for later adjudication.

JUDGMENT

Van Zyl, J

[1] The plaintiff claims damages for injuries he suffered as a result of an accident which occurred between the motorcycle he was driving and a motor vehicle on 8 August 2017.

[2] The parties previously settled the merits in favour of the plaintiff on an 80/20 percentage basis. The defendant also tendered a statutory undertaking in terms of

Section 17(4)(a) of the Road Accident Fund Act, 56 of 1996, in respect of the plaintiff's claim for future hospital- and medical expenses.

[3] The plaintiff's claim for past hospital- and medical expenses is still in dispute and the said claim will consequently be postponed to a pre-trial date for purposes of later adjudication.

[4] The plaintiff's claim for general damages was rejected by the defendant and subsequently referred to the Health Professions Council of South Africa ("HPCSA"). On 14 June 2024 the HPCSA found the injuries sustained by the plaintiff as not serious in terms of the narrative test. The plaintiff requested reasons for the mentioned decision and intends, upon receipt thereof, to pursue the remedies at his disposal. This claim should consequently also be postponed to a pre-trial date for purposes of later adjudication.

[5] The parties further agreed as follows:

1. The facts contained in the experts' reports are admitted and not in dispute.
2. The plaintiff is entitled to past and future loss of earnings.
3. The calculation of the loss of earnings are to be made on the basis of the following amounts and contingencies:

Pre-morbid Earnings:

Past Loss of Earnings	R 4 241 842.00
Less Contingency of	5%

Future Loss of Earnings	R59 203 218.00
Less Contingency of	15%

Post-morbid Earnings:

Past Loss of Earnings	R3 875 893.00
Less Contingency of	0%

Future Loss of Earnings	R59 203 518.00
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Less Contingency of

Percentage in dispute

4. Therefore, the only remaining issue in dispute between the parties is the determination of the contingency to be applied in respect of the plaintiff's post-morbid future loss of earnings, which I have to determine based on the expert reports and the facts contained therein. In this regard the plaintiff contends that the just and fair contingency percentage to be applied is 22.5%, whilst the defendant contends that 17,5% is the just and fair contingency deduction in the circumstances of this matter.

[6] Judgment was reserved and both parties filed heads of argument on the issue of the said contingency.

[7] For the sake of ease of reference the plaintiff also filed a separate indexed and paginated bundle containing all the notices and reports in respect of the different expert witnesses. I wish to extend my gratitude to the legal representatives of the plaintiff for their trouble and effort in this regard.

[8] The plaintiff was born on 16 March 1989. At the time of the accident the plaintiff was employed as an Approach Radar and Procedural Controller at the Air Traffic Navigational Services, Bloemfontein International Airport. The plaintiff was single at the time. It is evident from the addendum medico-legal report of the Occupational Therapist, Ms A Greeff, dated 27 May 2024, that the plaintiff has since got married and they emigrated to Nieu-Zealand in April 2023. Initially he was employed as a Procedural Approach and Aerodrome Controller in Invercargill, which employment he started in June 2023. After approximately seven months an internal position opened as a Wellington Approach Radar Controller in Christchurch. He applied for the position and was successful and they moved to Christchurch in March 2024 and at the time of the drafting of the addendum report, the plaintiff was still busy with training in the new position.

[9] Since the facts contained in the experts' reports are not in dispute, I do not deem it necessary to repeat same herein. I shall deal with the facts and circumstances which are, in my view, applicable to the determination of the

contingency percentage in respect of the plaintiff's post-morbid future loss of earnings.

Applicable principles in respect of contingencies:

[10] It is trite that it is for the court to determine the percentage of contingencies to be applied in a matter such as this.

[11] Contingencies discount the vicissitudes of life and it is a method used to arrive at fair and reasonable compensation. The question of contingencies was dealt with in *Southern Insurance Association Ltd v Bailey* N.O. 1984 (1) SA 98 (A) at 113G and 116G – 117A:

'Any enquiry into damages for loss of earning capacity is of its nature speculative, because it involves a prediction as to the future, without the benefit of crystal balls, soothsayers, augurs or oracles. All that the Court can do is to make an estimate, which is often a very rough estimate, of the present value of the loss.

...

Where the method of actuarial computation is adopted, it does not mean that the trial Judge is 'tied down by inexorable actuarial calculations'. He has 'a large discretion to award what he considers right' (*per* HOLMES JA in *Legal Assurance Co Ltd v Botes* 1963 (1) SA 608 (A) at 614F). One of the elements in exercising that discretion is the making of a discount for 'contingencies' or the 'vicissitudes of life'. These include such matters as the possibility that the plaintiff may in the result have less than a 'normal' expectation of life; and that he may experience periods of unemployment by reason of incapacity due to illness or accident, or to labour unrest or general economic conditions. The amount of any discount may vary, depending upon the circumstances of the case. See *Van der Plaats v South African Mutual Fire and General Insurance Co Ltd* 1980 (3) SA 105 (A) at 114 - 5. The rate of the discount cannot of course be assessed on any logical basis: the assessment must be largely arbitrary and must depend upon the trial Judge's impression of the case.

...

It is, however, erroneous to regard the fortunes of life as being always adverse: they may be favourable. In dealing with the question of contingencies, WINDEYER J said in the Australian case of *Bresatz v Przibilla* (1962) 36 ALJR 212 (HCA) at 213:

"It is a mistake to suppose that it necessarily involves a 'scaling down'. What it involves depends, not on arithmetic, but on considering what the future may have held for the particular individual concerned... (The) generalisation that there must be a 'scaling down' for contingencies seems mistaken. All 'contingencies' are not adverse: All

'vicissitudes' are not harmful. A particular plaintiff might have had prospects or chances of advancement and increasingly remunerative employment. Why count the possible buffets and ignore the rewards of fortune? Each case depends upon its own facts. In some it may seem that the chance of good fortune might have balanced or even outweighed the risk of bad.'

[12] In *Gillbanks v Sigournay* 1959 (2) SA 11 (N) the following was stated at 17 E – F in respect of contingencies in an estimation of a plaintiff's claim for loss of earnings:

'In any estimate of a person's loss of earning capacity allowance must be made for all contingencies including the accidents of life and certain deductions must be made from the estimated gross income to allow for unemployment benefits, insurance and so on. These contingencies would include -

- (i) a possibility that plaintiff's working life may have been less than sixty-five years;
- (ii) a possibility of his death before he reaches the age of sixty-five years;
- (iii) the likelihood of his suffering an illness of long duration;
- (iv) unemployment;
- (v) inflation and deflation;
- (vi) alterations in the cost-of-living allowances;
- (vii) an accident whilst participating in sport such as hockey or cricket, or at any other time which would affect his earning capacity; and
- (viii) any other contingency that might affect his earning capacity.'

[13] In *Road Accident Fund v Reynolds* (A5023/04) [2005] ZAGPHC 19 (18 February 2005) the full court held as follows:

'Contingencies may consist of a wide variety of factors. They include matters such as the possibility of error in the estimation of a person's life expectancy, the likelihood of illness, accident or employment which in any event could have occurred and therefore affects a person's earning capacity...'

[14] In *Van der Plaats v South African Mutual Fire and General Insurance Co Ltd* 1980 (3) SA 105 (A) at 115 C – D the court held that it has a discretion in allowing contingencies. The said discretion must be based upon the circumstances of the particular case.

[15] In *Dlamini v Road Accident Fund* (59188/13) [2015] ZAGPPHC 646 (3 September 2015) at paras [30] – [31] the court dealt with and applied some guidelines referred to by Koch in *The Quantum Year Book*:

'[30] Koch refers to the following as some of the guidelines as regards contingencies:

"Normal contingencies" as deductions of 5% for past loss and 15% for future loss.

"Sliding scale": 1/2 % per year to retirement age, i.e. 25% for a child, 20% for a youth and 10% in the middle age and relies on *Goodall v President Insurance* 1978 (1) SA 389.

"Differential contingencies" are commonly applied, that is to say one percentage applied to earnings but for the accident, and a different percentage to earnings having regard to the accident.

[31] When a court is called upon to exercise an arbitrary discretion that is largely based on speculated facts it must do so with necessary circumspection. In the absence of contrary evidence, the court can assume that a reasonable person in the position of the plaintiff would have succeeded to minimize the adverse hazards of life rather than to accept them. Both favourable and adverse contingencies have to be taken into account in determining an appropriate contingency deduction. Bearing in mind that contingencies are not always adverse, *the court should in exercising its discretion lean in favour of the plaintiff as he would not have been placed in the position where his income would have to be the subject of speculation if the accident had not occurred.*' [My emphasis]

Relevant facts and circumstances dealt with in the plaintiff's experts reports:

[16] Dr Marus, the Neurosurgeon, stated that the plaintiff sustained the following injuries in the accident:

- '1. A concussive (diffuse) brain injury.
2. Left-sided acute subdural haemorrhage.
3. Soft tissue injuries cervical and lumbar spine.
4. Soft tissue injuries lower limbs including left ankle.'

[17] Ms Bornman, who appeared on behalf of the defendant, submitted that the defendant had pre-existing conditions/injuries not related to the accident and that same should be considered when applying the appropriate contingency. In this regard she referred to an acute disc hernia which was successfully treated at Arwyp Hospital during 2015/2016. The plaintiff also injured his back during Crossfit and then stopped doing Crossfit completely. With reference to the medico-legal reports

of the Orthopaedic Surgeon, Dr Close, and the Neurosurgeon, Dr Marus, Ms Bornman submitted as follows in her heads of argument:

- The patient now presents with neck pain radiating to the right shoulder which has pre-existing pathology.
- The patient is markedly overweight and has gained weight since the accident. This could also be contributing to the back pain.
- The lumbus vertebra and Schmorl nodes, etc., are all evidence of co-incidental pathology unrelated to the accident.
- Before the accident when he was at school he had similar problems in that he felt that there was a nerve pinching.
- With respect to the right arm he had a water skiing injury when he was young. He now has some limitations of the right arm if he tries to lift it above his head.
- When he was 15 years of age he had to have a nerve sutured in the right arm. He cut this with a piece of glass.
- The lumbar symptoms appear to be most prominent pre-accident spinal problem.'

[18] Dr Close recorded the following post-accident complaints by the plaintiff in his report:

- Ongoing middle and lower back pain which is worse with prolonged sitting, standing or driving as well as physical activities and inclement weather.
- Left foot pain when performing physical activities such as walking and running.
- Left shoulder pain when performing hard physical activities with the pain radiating to the neck and scapula area.
- Left knee pain at times which is worsened by certain knee movements.
- Feelings of depression at times.
- He also notes loss of memory regarding certain pre-accident incidents as well as difficulty finding words at times.
- Right shoulder pain with certain movement, and impingement of the nerve. This is not accident-related. (i.e. pre-dates the accident).'

[19] Dr Close also recorded at p.12 of his report that the plaintiff indicates mainly thoraco-lumbar back pain extending down the lumbar spine to the lumbo-sacral area. However, it is important to note that Dr Close also recorded that the plaintiff indicated that he was not symptomatic at the time of the accident.

[20] It is evident that the injury of and the pain to the left shoulder occurred during and post-accident. In the report of the Orthopaedic Surgeon, Dr Oelofse, he

indicated that the surgical treatment which the plaintiff received was "arthroscopy on left shoulder; excision left ac-joint (2020)".

[21] In the report of Dr Marus, it was also recorded that at the time of the accident the plaintiff did not have any back problems. He also did not have any problems in respect of his left shoulder blade pain before the accident.

[22] In the report of Dr Marus he stated the following which regard to a CT-scan which was done on the day of the accident on 8 August 2017:

'With respect to the brain there was a left sided subdural haematoma measuring 7mm in width extending from the frontal to the occipital region as well as from the vertex to the middle cranial fossa. Six millimetre of shift towards the right side.'

[23] The implication of the acute subdural haemorrhage Dr Marus recorded to be the following:

- Cognitive dysfunction: it would add gravity to the severity of the brain injury as noted above, and hence increase the long term risk of permanent cognitive deficits being present.
- Would place him at risk for the development of late post-traumatic epilepsy: the highest risk factor would be in the first five years. If no seizure occurs in this period of time, a small risk (plus minus 5%) would be residual in the longer term. A further consideration of risk would be dependent on whether there were any intrinsic abnormalities of the brain noted on the MRI brain scan.'

[24] At paragraph 2.3.6 of the report of Dr Marus he recorded the following:

'2.3.6 **Apportionment:** As he had pre-existence cervical and lumbar symptoms, it appears that the accident has aggravated his pre-existing symptoms. ...However based on his history, it appears that his neck pathology would be mainly due to the accident (plus minus 80%), whilst the pre-existed condition would probably contribute at least 50% of his current lumbar problems. ...'

[25] Dr Marus drafted an addendum to his initial report after having received the report by A Cramer, the Clinical Psychologist. Dr Marus subsequently opined as follows:

'The noted neuro-cognitive problems would probably undermine his ability to perform at his pre-accident levels as an air traffic controller.'

[26] Ms Cramer, a Clinical Psychologist, performed a variety of tests to determine the plaintiff's neurocognitive profile. She subsequently stated as follows at paragraph 13.10 of her medico-legal report:

'Mr Roux's neurocognitive profile is therefore indicative of variables simple attention, limited as well as variable complex attention and working memory, double-tracking difficulties, slowing as well as variability of his psychomotor and mental processing speeds, a verbal memory deficit, visual memory that falls below expectation, reduced perceptual organization and planning, very poor practical planning and problem-solving, limited verbal reasoning, very mild stimulus resistance difficulties and manual dexterity that falls below expectation, bilaterally. These neurocognitive deficits can be attributed to a combination of factors, including the moderately severe brain injury sustained by Mr Roux in the accident under review, together with his very low mood and ongoing symptoms of accident-related anxiety. Indications on testing of a verbal memory deficit along with mildly reduced verbal reasoning, and Mr Roux's complaints of word-finding and comprehension difficulties, allude to the predominantly left hemispheric involvement as was demonstrated on neuro-imaging. Importantly, Mr Roux is still within the expected recovery phase of two years following traumatic brain injury. While further improvement may still occur, this is unlikely to be significant, and his deficits are considered largely permanent and irreversible.'

[27] Ms Cramer also stated that the plaintiff reports severe symptoms of depression on psychometric assessment, and on presentation, his mood was depressed, and his affect very restricted.

[28] Ms Cramer further opined as follows in paragraph 13.12 of her report:

'Mr Roux believes that he copes adequately at work, but is uncertain of how he will cope with high-volume air traffic. With regards to Mr Roux's future occupational prospects, he would be expected to have difficulty to work as a result of the following factors:

- a) Fluctuations in his simple attention, he is limited as well as variable complex attention and working memory, complex tracking difficulties, and the slowing and variability of his psychomotor and mental processing speeds, which would have a significant impact on his accuracy and efficiency at work. His job as an air traffic controller would require him to remain focused and to multi-task, and these skills appear to have been compromised by the accident and the brain injury he sustained.

- b) Decline in his memory following the accident suggest that he would struggle to learn and retain new information, and acquire new skills.
- c) Poor planning and problem-solving abilities suggest that he may have difficulty responding to novel situations, and finding solutions to problems.
- d) His very low mood, lack of confidence and ongoing symptoms of anxiety could hamper his levels of drive and motivation, and ultimately his productivity.'

[29] In an updated report by Ms Greeff, an Occupational Therapist, she concluded that the plaintiff, seven years' post-accident, continues to struggle coping with the demands of his everyday life and this is eroding his autonomy. She further opined that ongoing sequelae which have developed post-accident should be seen as confirmation of the accident being a watershed event in his life, also as his difficulties is expected to be of a permanent nature and there is a risk that his level of functioning will continue to decline. With regard to his work ability, she concluded as follows at paragraph 6 of her medico-legal report:

- '1. Sequelae from his brain injury will prevent him from becoming a commercial pilot.
- 2. The writer concluded in May 2020... that although Mr Roux retains the capacity to cope with some of the tasks and expectations of employment as a Pilot and Approach Radar Controller, extent of his difficulties constitute a compromise match.
- 2.1 ...
- 3. It thus remain relevant to conclude that sequelae from his accident injuries will continue to render him significantly vulnerable and compromised in his ability to compete in the labour market, especially performing employment in the aviation scope.'

[30] Ms A Wassermann, an Industrial Psychologist, indicated in her updated report that the plaintiff reported that his back injury worsened since the accident and that he remains in chronic pain. He has been experiencing pain daily. He has not been able to exercise as before and has gained a lot of weight as a result thereof.

[31] With regard to his cognitive and emotional challenges, the plaintiff indicated to Ms Wassermann that his job requires high levels of focus and concentration, which he struggles to maintain. He reportedly experiences frequent memory lapses, resulting in mistakes and forgotten tasks. Recurring thoughts about the accident, stress, anxiety and mood swings further complicate his work life. There has also

been an incident of aggressive behaviour towards a colleague. The plaintiff further expressed to Ms Wassermann that he must work significantly harder than his colleagues to achieve the same results which is a substantial mental challenge. He reportedly struggles with concentration, short-term memory and focus, which are critical for his high-stress job. The plaintiff's biggest concern is whether he will be able to perform his duties effectively, as he feels the accident's impact is a daily battle. The plaintiff worries that if he does not succeed in his current position, he has no other career path to fall back on and it has been a big mental challenge for him not to give up. Although he has not received any warnings about his performance in his prior employment, he feels there is a clear difference in his ability to do his job.

[32] With regard to the future employment functioning of the plaintiff, Ms Wassermann opined as follows in paragraph 6.2.4 of her report:

- 'f) From the expert reports, the prognosis for improvement of Mr Roux's functioning seems limited and it is foreseen that he will continue experiencing similar limitations in future.
- g) The author foresees that he will continue experiencing difficulties with his work tasks. His concentration and cognitive difficulties are specifically of concern as his work requires a great deal of focus, problem-solving and cognitively demanding tasks.
- h) Considering the aforementioned, together with his experience of pain and psychological difficulties... it seems less likely that he will be successful in securing employment at a prestige airport such as Dubai (as he aspired to).
- i) The author opines that he will remain at risk of poor performance outcomes throughout his career (including reduced work speed, forgetting instructions, mistakes, having abrupt interactions with co-workers; work disengagement, and lack of motivation. This could all affect his earnings progression. ...'

[33] Although it remains the task of the court to determine the relevant contingency, Ms Wassermann listed some contingency factors in her report. She opined that in the event that he makes a gross mistake he could lose his employment and even his licences to work. Should he lose his current employment, he will likely experience difficulty securing alternative employment (as he may perform poorly in the recruitment process), which may result in a period of unemployment or even under-employment. In a case where he develops epilepsy, he may have to

discontinue his work as an Air Traffic Controller, considering the safety risks it could pose to others in times when he has a seizure.

[34] In her heads of argument Ms Bornman submitted that it is also of importance that the HPCSA found that the injuries sustained by the plaintiff is classified as not being serious in terms of the narrative test. Although it is a factor which I take into consideration, the fact remains that it is my responsibility and discretion to decide upon the facts and circumstances of the matter what contingency is fair and reasonable in the circumstances. In my view, I am not to be influenced in this regard by the decision of the HPCSA.

Conclusion:

[35] Although the parties have agreed upon the respective amounts of damages as referred to earlier in this judgment, the total loss will be reduced by the CAP.

[36] Having considered all the relevant facts and circumstances of the case, I deem it fair and reasonable that a contingency deduction in respect of the plaintiff's post-morbid future loss of earnings of 22.5% be applied, as contended by Mr Thompson, who appeared on behalf of the plaintiff.

[37] The date of calculation by Mr Potgieter, the Actuary, was 18 June 2024. Mr Potgieter will consequently be requested to prepare an updated actuarial calculation on the present postulations, but with a 22.5% contingency for post-morbid future loss of earnings and updated to date of this order.

Costs:

[38] There is no reason why costs should not follow the outcome of the case.

[39] With reference to Uniform rule 67A(3), read with Uniform rule 69(7), I agree with *Ghubhelabm (Pty) Ltd v R.A.W. Truck Trading CC* (B3217/2023) [2024] ZAGPPHC 460 (26 April 2024), where the court found as follows at para 27 of the judgment:

'Costs orders, including the assessment of the appropriate Rule 69 scale, remain a matter for the exercise of judicial discretion.'

[40] In view of the totality of the factors to be considered in terms of Uniform Rule 67(A)(3)(b), as well as the facts and circumstances of the present matter, I consider scale B to be the appropriate scale for counsel's fees.

Order:

[41] The following order is made:

1. The defendant is liable to pay 80% (Eighty Percent) of the plaintiff's proven or agreed damages.
2. The defendant shall furnish the plaintiff within 180 (one hundred and eighty days) of date of this order with an Undertaking in terms of section 17(4)(a) of the Road Accident Fund Act, 56 of 1996, to compensate the plaintiff for 80% of the costs of future accommodation of the plaintiff in a hospital and/or nursing home or the treatment of or rendering of a service to him or the supplying of goods to him arising out of the injuries sustained by him in the motor vehicle collision which occurred on 8 August 2017, after such costs have been incurred and upon submission of proof thereof.
3. The plaintiff's attorney of record is ordered to forthwith request the actuary, Mr J Potgieter, to prepare an actuarial calculation on the postulations as agreed upon between the parties, but with a 22.5% contingency for plaintiff's post-morbid future loss of earnings, and updated to date of this order; hence:

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4. Leave is granted to the parties to approach Van Zyl, J in chambers, once the aforesaid calculation is received to obtain a further order for the payment by the defendant to the plaintiff of 80% (Eighty Percent) of the amount calculated as aforesaid.

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6. The aforesaid costs are also to include the additional costs for obtaining the newly calculated and updated report from Mr Potgieter, as well as any consequential costs incurred for it to be made an order of Court.

7. The plaintiff's claims for past medical- and hospital expenses and general damages are postponed to the pre-trial roll of 17 February 2024 for later adjudication.


C. VAN ZYL, J

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