



**IN THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION, CAPE TOWN**

REPORTABLE

CASE No: 2025-058552

In the matter between:

KEVIN WILLIAMS

Respondent/Applicant

and

**THOMSON WILKS INC / MR ELLIOT
THE S.A. LEGAL PRACTICE COUNCIL
OFFICE OF THE LEGAL SERVICES OMBUD**

Applicant/First Respondent
Second Respondent
Third Respondent

Heard: 27 November 2025 and 29 January 2026

Judgment: 4 February 2026

Summary: Application for security for costs and for declaration as a vexatious litigant in terms of the Vexatious Proceedings Act 3 of 1956 and the common law.

ORDER

1. Mr Kevin Williams is declared to be a vexatious litigant in terms of section 2(1)(b) of the Vexatious Proceedings Act 3 of 1956.

2. No legal proceedings shall be instituted by Mr Kevin Williams, acting in his personal capacity or in any representative capacity in terms of which he purports to represent any legal entity including Paper and Tissue Solutions (Pty) Ltd, against Thomson Wilks Inc and/or Mr Nicholas John Elliot, in any court or inferior court without the leave of the court, or any judge thereof, or that inferior court, as the case may be, and such leave shall not be granted unless the court or judge or the inferior court, as the case may be, is satisfied that the proceedings are not an abuse of the process of the court and that there is *prima facie* ground for the proceedings.
3. Mr Kevin Williams is declared to be a vexatious litigant in terms of the common law.
4. The application for the relief in prayers prayers 1, 2, 3, 7 and 10 to 13 of the Notice of Motion in the main application under the above case number against Thomson Wilks Inc and/or Mr Nicholas John Elliot is stayed until this court, on application to it, may order otherwise.
5. The application for security for costs of Thomson Wilks Inc and Mr Nicholas John Elliot is removed from the roll and may be re-enrolled for hearing should relevant circumstances change, or with the leave of this court, with the papers duly supplemented as required.
6. Mr Kevin Williams is to pay the costs of Thomson Wilks Inc and Mr Nicholas John Elliot in respect of the application in terms of the Vexatious Proceedings Act 3 of 1956, the common law in respect of vexatious litigation and the application for security for costs, on the scale as between attorney and client.

JUDGMENT

Handed down by email to the parties on 4 February 2026

Judgment handed down electronically by circulation to the parties' legal representatives by email and released to SAFLII.

KANTOR, AJ:

1. Kevin Williams (“Mr Williams”) is the applicant in the main application under the above case number (“the Main Application”). Thomson Wilks Inc/Mr Elliot is how the First Respondent in the Main Application is cited. They will be referred to as ‘Thomson Wilks’ and ‘Mr Elliot’. Together they will be referred to as ‘the TW Respondents’. The second and third respondents in the main application are ‘The S.A. Legal Practice Council’ (‘the LPC’) and the ‘Office of the Legal Services Ombud’ (‘the Ombud’).
2. The parties will be referred to by the above defined terms in order to avoid confusion between variations of who is an applicant and who is a respondent.
3. The Main Application is for very wide-ranging relief, much of which is for review under the Promotion of Administrative Justice Act 3 of 2000 (‘PAJA’). There is other varied relief, such as that Thomson Wilks’s alleged liability to Mr Williams for R11 million be transferred to the LPC. Later in this judgment, certain items of that relief will be considered in the light of the facts of the matter and the applicable legal principles.
4. The Main Application is not before the court. The essence of the relief sought by the TW Respondents is as follows:
 - 4.1. An order that the Main Application be dismissed unless Mr Williams furnishes security for costs in the amount of R250 000.00.

- 4.2. Alternatively, an order directing Mr Williams to furnish security for costs in an amount determined by the Registrar, and that all proceedings be stayed pending the provision of such security.
- 4.3. That the Main Application be stayed until the order to furnish costs has been complied with.
- 4.4. Granting Thomson Wilks leave to apply on the same papers (amplified if necessary) for the dismissal of the Main Application should Mr Williams fail to furnish any security so ordered.
- 4.5. An order in terms of section 2(1)(b) of the Vexatious Proceedings Act 3 of 1956 ('the Act') declaring Mr Williams to be a vexatious litigant and directing that he may not institute any legal proceedings without the prior written leave of the appropriate judicial officer.
- 4.6. That Mr Williams be declared to be a vexatious litigant in terms of the common law.
- 4.7. That Mr Williams be prevented from taking any further steps in relation to the Main Application and all legal proceedings instituted in his name or in his representative capacity when he purports to act on behalf of any legal entity, unless and until he has obtained the appropriate leave.

Legal principles: security for costs

5. In order for security for costs to be ordered to be furnished, it must be established that the relevant party is acting vexatiously in prosecuting the main application: Boost Sports Africa (Pty) Ltd v South African Breweries (Pty) Ltd 2015 (5) SA 38 (SCA) at paragraph 16, Crest Enterprises v Barnett and

Schlosberg 1986 (4) SA 19 (C) at 22A-E, Ramsamy v Maarman 2002 (6) SA 159 (C) at 173A-G.

6. This power is to be sparingly exercised and only in exceptional circumstances:

Ecker v Dean 1938 AD 102 at 111.

7. In Boost at paragraph 17 it was held as follows:

“In its legal sense vexatious means frivolous, improper: instituted without sufficient ground, to serve solely as an annoyance to the defendant (Shorter Oxford English Dictionary). Vexatious proceedings would also no doubt include proceedings which, although properly instituted, are continued with the sole purpose of causing annoyance to the defendant; abuse connotes a mis-use, an improper use, a use mala fide, a use for an ulterior motive.”

8. An action is vexatious if it is obviously unsustainable: Boost at 51D-E. At paragraph 27 of Boost the following *dictum* from Re Alluvial Creek Ltd 1929 CPD 532 at 535 was cited in relation to the meaning of ‘vexatious’:

“Now sometimes such an order is given because of something in the conduct of a party which the Court considers should be punished, malice, misleading the Court and things like that, but I think the order may also be granted without any reflection upon the party where the proceedings are vexatious, and by vexatious I mean where they have the effect of being vexatious, although the intent may not have been that they should be vexatious. There are people who enter into litigation with the most upright purpose and a most firm belief in the justice of their cause, and yet whose proceedings may be regarded as vexatious when they put the other side to unnecessary trouble and expense which the other side ought not to bear.”

9. If vexatiousness is established, the court retains a discretion whether or not to order security for costs to be furnished: Mystic River Investments 45 (Pty) Ltd v Zayeed Paruk Inc 2023 (4) SA 500 (SCA) at paragraphs 7 and 8.

Legal principles: vexatious litigant in terms of the common law and the Act

10. In Cohen v Cohen 2003 (1) SA 103 (C) at paragraph 17, it was held that, in order to obtain the relief sought in terms of the Act, it must be established that the litigant:

“... ‘persistently’ instituted legal proceedings and, secondly, that such proceedings have been ‘without reasonable grounds’.”

11. An applicant for relief in terms of the Act bears a “*stringent onus*”: Department of Co-Operative Governance and Traditional Affairs v Maphanga 2021 (4) SA 131 (SCA) at paragraph 26, Pieters N.O v Pienaar and Others [2025] 3 All SA 224 (WCC) at paragraph 9.

12. The court must “*proceed very cautiously*” and “*craft such order to meet only the immediate requirements of the particular case*”: Maphanga at paragraph 26.

13. At common law, the High Court has always possessed an inherent power to regulate its own process and to prevent abuse of that process by curtailing frivolous or vexatious proceedings before it. That jurisdiction remains: Maphanga at paragraphs 25 to 27.

14. The reach of this common law power was limited. The court could restrain an abuse within a particular extant matter but not issue a general prohibition against a litigant commencing further proceedings in other courts or against other parties: Corderoy v Union Government 1918 AD 512 at 517-8, In re Anastassiades 1955 (2) SA 220 (W) at 225H.

15. The SCA in Maphanga held as follows at paragraphs 25 to 27:

“[25] It was firmly established in the South African common law, long before the advent of the Constitution, that the Supreme Court had the inherent power to regulate its own process and stop frivolous and vexatious proceedings before it. This power related solely to proceedings in the Supreme Court and not to proceedings in the inferior courts or

other courts or tribunals. The following principles crystallised over the ages. It had to be shown that the respondent had 'habitually and persistently instituted vexatious legal proceedings without reasonable grounds. Legal proceedings were vexatious and an abuse of the process of court if they were obviously unsustainable as a certainty and not merely on a preponderance of probability. I must point out at this juncture that this definition applied to all litigation that amounted to an abuse of court process. The attempt by the MEC's counsel to distinguish the cases from which the principle derives on their facts was, therefore, mistaken.

[26] A court must, in granting this type of relief, proceed very cautiously and only in a clear case, make a general order prohibiting proceedings between the same parties on the same cause of action and in respect of the same subject matter where there has been repeated and persistent litigation, and craft such order to meet only the immediate requirements of the particular case. The stringent onus on the applicant who seeks the relief and the need for the court's caution in exercising this power obviously arise from the fact that the relief curtails a litigant's access to court.

[27] The Act has neither repealed nor changed these common law principles. It is important to note in this regard that, as foreshadowed above, the Act was promulgated in direct response to the decision in the *Anastassiades* case, which was cited with approval by the Constitutional Court in *Beinash*. This decision illustrated the inadequacies of the common law, in particular that the South African courts had no power under the common law, to impose a general prohibition that would curtail the plaintiff's right to litigate beyond the immediate requirements and the parties in the particular case. The contention made on the MEC's behalf that *Corderoy* 'did not attempt to define the limits of the kind of orders that can be granted in terms of a court's inherent powers' or 'state that other forms of 'persistent, vexatious conduct such as are present in this case [which] resulted in extra curial as opposed to judicial proceedings would' be excluded, was wrong. The court a quo correctly comprehended and applied the principles set out in the matter."

16. The meaning of 'vexatious' has been considered in the above section. A mental element of malice is not a requirement (it would, no doubt, be a further factor, if established). For the purposes of the common law, the enquiry relates in the main to the sustainability of the litigation. In essence, the litigation must be *obviously unsustainable as a certainty* (*Maphanga*) and this applies even where *parties enter into litigation with the most upright purpose and a most firm belief in the justice of their cause* (*Alluvial Creek*). For the purposes of the Act, the vexatiousness relates to legal proceedings having been persistently instituted 'without reasonable grounds'.

17. The inadequacy of the common-law was considered in Anastassiades at 222F-H in which an unrehabilitated insolvent, with no prospect of satisfying any costs orders, persistently launched unmeritorious litigation. The court found that South African courts do not possess the inherent power to impose a general prohibition. The Act broadened the court's authority by allowing it to prohibit further proceedings by any person who has "*persistently and without any reasonable ground instituted legal proceedings*" against the same or different parties.
18. The Act was promulgated to address the inadequacies of the common law, in particular the fact that the courts had no power under the common law to impose a general prohibition that would curtail the plaintiff's right to litigate beyond the immediate matter and the parties in that particular case.
19. Section 2 of the Act provides as follows:

"Powers of court to impose restrictions on the institution of vexatious legal proceedings

 - (1) (a) ...
 - (b) If, on an application made by any person against whom legal proceedings have been instituted by any other person or who has reason to believe that the institution of legal proceedings against him is contemplated by any other person, the court is satisfied that the said person has persistently and without any reasonable ground instituted legal proceedings in any court or in any inferior court, whether against the same person or against different persons, the court may, after hearing that person or giving him an opportunity of being heard, order that no legal proceedings shall be instituted by him against any person in any court or any inferior court without the leave of the court, or any judge thereof, or that inferior court, as the case may be, and such leave shall not be granted unless the court or judge or the inferior court, as the case may be, is satisfied that the proceedings are not an abuse of the process of the court and that there is prima facie ground for the proceedings.

(c) An order under paragraph ... (b) may be issued for an indefinite period or for such period as the court may determine, and the court may at any time, on good cause shown, rescind or vary any order so issued.

...

(3) The registrar of the court in which an order under subsection (1) is made, shall cause a copy thereof to be published as soon as possible in the Gazette.

(4) Any person against whom an order has been made under subsection (1) who institutes any legal proceedings against any person in any court or any inferior court without the leave of that court or a judge thereof or that inferior court, shall be guilty of contempt of court and be liable upon conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months."

[underlining added]

20. Section 2(1)(b) of the Act requires: (1) that the Respondent has persistently instituted legal proceedings, and (2) that such proceedings have been instituted without *reasonable ground*: Cohen at paragraph 17, Manfredi de Filippo v Alessandra Micillo 23724/2016 and 11709/2017 (WCC) (16 September 2024), at paragraph 15, Commissioner for the South African Revenue Service v Van der Merwe and Others (7255/2019) [2021] ZAWCHC 197; 83 SATC 19 (21 September 2021) at paragraph 46.
21. The Act does not displace the common law. Rather, it complements the inherent power of the court by creating a statutory screening mechanism to safeguard both individual litigants and the proper functioning of the judicial system. The purpose of the Act is thus preventative rather than punitive. It enables a court to place a procedural barrier between a serial litigant and the court process, while still preserving access to justice by allowing new proceedings to be instituted with the leave of a judicial officer.

22. Absa Bank Ltd v Dlamini 2008 (2) SA 262 (T) at paragraph 32 (approved by this court in Manfredi de Filippo at paragraph 16) described the interplay between the Act and the common law:

“Consequently, in summary, the following appears to be the position: The only manner by which the institution of future vexatious proceedings can be prevented, is to rely on the provisions of the Act; the only manner to stay, strike out or otherwise deal with vexatious proceedings which have already been instituted, or to deal with any process or action or inaction leading up to, or during or subsequent to any legal proceeding or proceedings already instituted, and which constitutes an abuse of process, or generally brings the administration of justice into disrepute, shall be done in terms of the applicable common law principles and the court’s inherent power to apply same.”

23. In short, the Act empowers the court to prevent the future institution of vexatious proceedings, while the common law allows it to control and, where appropriate, stay or dismiss existing abusive proceedings. Accordingly, the Act supplements the common-law jurisdiction by authorising broader, forward-focused relief.
24. Both the statutory and common-law remedies are discretionary in nature, and that discretion must be exercised judicially, on clear facts, and with due regard to the constitutional right of access to courts in section 34 of the Constitution. As the Court held in Dlamini, there was no basis to withhold relief where the evidence revealed persistent, unmeritorious, and disruptive litigation that threatened the integrity of the judicial process.
25. South Africa’s constitutional framework guarantees access to justice under section 34 of the Constitution, which ensures that everyone may have disputes determined in a fair and public hearing. The Act has nevertheless survived constitutional scrutiny because it balances that right against the need to protect others – and the courts themselves – from relentless, groundless litigation. As

explained in Beinash and Another v Ernst & Young and Others 1999 (2) SA 116 (CC) at paragraph 15 to 20, the screening mechanism of the Act is necessary to protect two important interests: (1) The interest of parties repeatedly subjected to the cost, harassment, and embarrassment of unmeritorious litigation and (2) the public interest that the courts and the administration of justice function unimpeded by the clog of groundless proceedings.

26. The import of Beinash and the requirements of section 2(1)(b) of the Act (referred to as the 'VPA') were summarised by this court in SARS v Van der Merwe as follows:

"[45] The Constitutional Court in *Beinash and Another v Ernst & Young and Others* found that while section 2(b) of the VPA limits the right of access to courts, such limitation is reasonable and justifiable having regard to section 36 of the Constitution. The purpose of the section is to impose a procedural barrier to litigation on persons who are found to be vexatious litigants so as to restrict their access to courts to stop "*persistent and ungrounded institution of legal proceedings*" and "*the making of unjustified claims against another or others, to be judged or decided by the Courts*". Such an order is not an immutable bar to litigation, but aimed at regulating access to courts to protect the interests of those at the receiving end of the vexatious litigant who have repeatedly been subjected "*to the costs, harassment and embarrassment of unmeritorious litigation as well as the public interest that the functioning of the Courts and the administration of justice*". The VPA does not afford protection against vexatious proceedings, or an abuse of process in respect of legal proceedings, which have already been instituted.

[46] The jurisdictional requirements for an order in terms of section 2(1)(b) are that legal proceedings must in the past have been instituted, or there is reason to believe that proceedings will in the future be instituted, against the applicant; and that the court is satisfied that the respondent has persistently instituted legal proceedings without any reasonable ground in a court, or inferior court, whether against the same person or against different persons."

27. In Pieters, it was held as follows at paragraph 68:

"It is clear from what is set out above that Mr Pienaar has persistently instituted proceedings without having reasonable grounds for believing that they would meet with success. The bases upon which he litigates are without merit, bad in fact and in law. The litigation is obviously unsustainable as a certainty, not merely on the

probabilities. No case is made out in any of his papers, which comprise of densely-composed conspiracy theories and defamatory allegations against everyone who does not agree with him, including the courts.”

28. The circumstances in this matter are similar.

29. The TW respondents seek relief under both the common law and the Act.

Background

30. Approximately ten years of litigation of vast ambit, including action proceedings, various judicial reviews, and numerous applications for direct access to the Constitutional Court, finds its font in a Magistrates’ Court action for the amount of R55 971.97. In addition, Mr Williams launched numerous court applications against the LPC and filed numerous complaints with the LPC against various attorneys. This history will be considered below.

31. On 13 November 2014, Coleman Street Properties (Pty) Ltd (“CSP”) caused summons to be issued out of the Goodwood Magistrates’ Court under case number 9706/14 claiming inter alia two months’ arrear rental in the amount of R55 971.97 against Mr Williams and his son. The summons also contained an automatic rent interdict in terms of section 32(1) of the Magistrates’ Courts Act 32 of 1944 (“the MCA”) which provides:

“Attachment of property in security of rent

- (1) Upon an affidavit by or on behalf of the landlord of any premises situate in the district, that an amount of rent not exceeding the jurisdiction of the court is due and in arrear in regard to the said premises, and that the same rent has been demanded in writing for the space of seven days and upwards, or, if not so demanded, that the deponent believes that the tenant is about to remove the movable property upon the said premises in order to avoid the payment of such rent, and upon security being given to the satisfaction of the clerk of the court to pay all damages, costs and charges which the tenant of such premises, or any other person, may sustain or incur by reason of the attachment hereinafter mentioned, if the said attachment be thereafter set aside the court may, upon application, issue an order to the messenger requiring him to attach so much of the movable property on the premises in question and subject to the landlord’s hypothec for rent as may be sufficient to satisfy the amount of such rent, together with the costs of such application and of any action for the said rent.”
32. The issuing of the aforesaid summons resulted in the automatic attachment of the movable assets of Paper and Tissue Solutions (Pty) Ltd (“PTS”), a company controlled by Mr Williams, on the premises in question, which were accordingly prohibited from being removed from those premises pending finalisation of the dispute. CSP also pursued cancellation of the lease and ejectment of PTS from the premises.
33. Mr Williams was initially represented by another attorney, Jacques Viljoen. That relationship soured and Mr Viljoen was accused by Mr Williams of fraud and collusion with the attorneys acting for CSP against him.
34. On 25 January 2015, Mr Williams concluded a written mandate and fee agreement with Thomson Wilks to represent him in the litigation arising from the lease dispute with CSP. The dispute concerned arrear rentals in respect of premises occupied by PTS. Mr Williams paid funds into the First Respondent’s trust account, including in respect of fees and disbursements to be incurred in the CSP/PTS litigation.

35. Thomson Wilks corresponded with Mr Williams in regard to the aforesaid Magistrates' Court action. Mr Williams responded to this correspondence but declined to engage with the requests from Thomson Wilks for instructions and to follow its advice to prepare the matter for trial. In this regard, the following email correspondence was exchanged between Mr Williams and Thomson Wilks on 3 and 4 June 2015:

35.1. Thomson Wilks: *"Kindly confirm if we are to proceed with this matter as the pleadings have closed. We must therefore begin pre-trial proceedings, this includes discovery, pre-trial conference and trial preparation."*

35.2. Mr Williams:

"Numerous criminal acts have been perpetrated during the cause of this civil litigation that has implications that will be of great assistance. I want this process to play itself out independant of my case.

I am going to show patience and respond at whatever pace. I have provided enough evidence of serioust criminality and Basil and Pienaar is fucked along with Viljoen.

I will let you have the documentation during next week."

The references to Pienaar and Viljoen were to CSP's attorney and Mr Williams's previous attorney, on whom he had turned and was accusing of fraud and collusion against him. His resort to accusations of this extreme nature commenced even as far back as 2015 and, as will be shown below, appears to be his standard recourse, with no regard for whether they are truthful or grounded in any objective and verifiable facts.

- 35.3. Thomson Wilks: *“Noted, however that does not address the query. Shall we continue with the civil litigation?”*
- 35.4. Mr Williams: *“I am in no rush. It is there case let them continue and at that point I will respond. Either way they screwed they dont have a winnable case. We will wait.”*
- 35.5. Thomson Wilks: *“While we note your instructions we highly recommend that we continue to set the matter down for trial. In the absence of an order of court we will be unable to release the funds held under the order or undertaking. We suggest that we issue the required discovery requests, enter our discovery affidavit and apply for a trial date. Once received we suggest that a final order of settlement be sent. Hopefully they will be more acceptable with the risk of trial costs.”*
- 35.6. Mr Williams: *“The fight is personal for me now i want all three .i will now play with my rules.”*
- 35.7. Thomson Wilks: *“Noted, we shall take no further court action. Kindly confirm if we should submit a settlement proposal in an attempt to have the funds released.”*
- 35.8. Mr Williams: *“No i am going to be patient and enjoy this.”*
36. In compliance with these instructions, no further steps were taken. This culminated in an order being taken and the sale in execution of PST’s movable property.
37. The attorney/client relationship between Mr Williams and Thomson Wilks terminated. After the termination of its mandate, Thomson Wilks submitted a series of accounts for services rendered which Mr Willaims refused to pay. He

further demanded a refund of the monies paid into trust, which Thomson Wilks declined to release unless and until the outstanding fees were settled, relying on the fee agreement which entitled it to retain such funds and to exercise a lien over the files.

38. From then on Mr Williams embarked on numerous instances of litigation against Thomson Wilks and numerous others.
39. He also submitted a series of formal complaints against Thomson Wilks and Mr Elliot (and other attorneys) to the Cape Law Society and later to the LPC.
40. I requested Ms Samkange, who appeared for the TW respondents, and Mr Williams, who appeared personally, to identify the core factual aspects underpinning Mr Williams's contentions in the Main Application insofar as they pertain to the TW Respondents. The four core aspects raised by them are considered below.

(1) The allegation of no hearing before the LPC in respect of any of Mr Williams's complaints

41. Mr Williams' core submission expressed in regard to his complaints to the LPC is the fact that he never had a hearing which *per se* entitles him to a review. In my view, this is incorrect and misconceived. The LPC Rules deal with discipline in paragraphs 38 to 45. Relevant for present purposes are sub-paragraphs 40.5 and 40.6 which provide as follows:

“40.5 If after investigating allegations of misconduct against the respondent the investigating committee is satisfied:

...

40.5.2 that the complaint should be dismissed on the grounds that the

conduct in question does not necessarily warrant misconduct proceedings, it must dismiss the complaint and inform the Council, the complainant and the respondent of its decision and the reasons for it. Without limiting the discretion of the investigating committee, the following may be grounds for determining that the conduct in question does not warrant misconduct proceedings:

- 40.5.2.1 that the respondent is not guilty of misconduct; or
- 40.5.2.2 that the respondent has given a reasonable explanation for his or her conduct; or
- 40.5.2.3 that the conduct of which the respondent may be guilty is of an inconsequential nature; or
- 40.5.2.4 that there is no reasonable prospect of success in preferring a charge of misconduct against the respondent;
- 40.5.2.5 that the complaint is vexatious or that in all the circumstances it is not appropriate to charge the respondent with misconduct.

40.6 If a complainant is aggrieved by:

- 40.6.1 the manner in which the investigating committee conducted its investigation; or
 - 40.6.2 the outcome of the investigation,
- he or she may appeal to the appeal tribunal in terms of section 41 of the Act.”

42. Accordingly, there is no requirement for a hearing if paragraph 40.5.2 is the outcome of any investigation.

43. Correspondence from the LPC records the status and outcome of each complaint as follows:

43.1. Complaint 734/2015/Elliot/CWR was investigated and dismissed on 9 May 2016, with written reasons furnished on 10 August 2016.

43.2. Complaint 2188/2017/Elliot/RA was investigated and dismissed on 9 July 2018, with written reasons provided on 13 December 2018.

43.3. This decision was taken on review under case number 18762/2019 of this court. The review was dismissed by Van Zyl AJ with punitive costs on 31 October 2022.

- 43.4. The LPC further records a complaint referenced which forms part of the issues addressed in the abovementioned judgment delivered on 31 October 2022. No adverse finding was made against Thomson Wilks and Mr Elliot in relation to this complaint.
- 43.5. Complaint 5456/2022/RA was investigated and dismissed on 21 February 2023 and marked closed.
- 43.6. Complaint 6292/2023/RA was investigated and dismissed on 27 May 2024 by an Investigating Committee comprising Advocate Nyman and Mr Barnard.
- 43.7. Mr Williams appealed this finding under appeal number 8329/2024/Elliot/RA. On 23 December 2024 the appeals tribunal held that
- “6. The only live issue before us relates to the allegations of fraud, as relates to the issuance of a warrant of execution by [Mr Elliot].
 - 7. We are of the considered view that there exists currently insufficient evidence before us to come to a considered finding on whether to uphold or to dismiss the appeal.
 - ...
 - 9. After considering the evidence placed before it, the Appeals Tribunal recommends that the matter be referred for further investigation by a new Investigating Committee, as per Rule 44.8.3.”
- 43.8. To date, the matter remains pending, as recorded by the LPC in its letter to Mr Williams dated 26 June 2024. This is one of two instances (the second is mentioned below) which I consider to be a technical success for Mr Williams in the sense that it did not involve any success on any issues of substance in relation to the merits of any of his assertions and allegations.
- 43.9. No adverse finding has been made against Thomson Wilks/Mr Elliot in any of the above complaints.

44. Each of Mr Williams's complaints were investigated and dismissed, with one having been taken on appeal by him and which was referred for further investigation by a differently constituted investigating committee and is still pending. As mentioned in that appeal ruling (quoted above), "The only live issue before us relates to the allegations of fraud, as relates to the issuance of a warrant of execution by [Mr Elliot]." The substance of this issue is considered in detail below.
45. Mr Williams' core submission expressed in regard to his complaints to the LPC, namely the fact that he never had a hearing which *per se* entitles him to a review, is therefore, in my view, *obviously unsustainable as a certainty* and made *without reasonable grounds*, and therefore vexatious for the purposes of both the Act and the common law.

(2) The allegation of a forged/fraudulent allocatur in the Magistrates' Court

46. Thomson Wilks drew up its bills of costs in respect of its fees due by Mr Williams which were subsequently set down for taxation on 25 July 2016. Although drafted on an attorney and own client basis in accordance with the mandate and fee agreement, the Taxing Master reduced the bills substantially by applying the party and party tariff. This error resulted in a further completely unnecessary proliferation of opposed litigation, chronicled below.
47. Thomson Wilks successfully reviewed this decision of the Taxing Master before Magistrate Visagie of the Goodwood Magistrates' Court, who set aside the allocatur and directed that the bills be taxed on the correct attorney/client scale. Upon re-taxation, the Taxing Master again applied the incorrect tariff, resulting

in a second review. On 29 October 2017, Magistrate Page set aside the second allocatur and held that the Taxing Master had disregarded the earlier order. She confirmed that the bills were to be on the agreed attorney/client basis. Magistrate Page also found that Thomson Wilks's fees were easily explained and not unreasonably high. This was also recorded later by Sher J in his judgment under case number 19055/17 which was a second application for a taxation review brought by Mr Williams in terms of section 81 of the MCA (more on which below).

48. Despite the obvious error in the taxation which Thomson Wilks sought to correct, Mr Williams opposed the attempts to correct it at every turn.
49. The disputes concerning the Thomson Wilks fees generated the following:
 - 49.1. A first taxation under case numbers 9706/14 and 222/15 held on 25 July 2016 before the Taxing Master in the Goodwood Magistrates' Court which was carried out on the incorrect party/party scale.
 - 49.2. This was taken on review before Magistrate Visagie because the Taxing Master had taxed the fees on the wrong scale. The review was successful with the decision being handed down on what appears to have been 1 September 2016 (there were conflicting recordals of dates, as mentioned in paragraph 4 of the judgment of Cloete J referred to below, but this is immaterial). It confirmed that the bills were to be taxed on the agreed attorney/client scale and that the fees were neither unclear nor unreasonably high.

- 49.3. A second taxation on 26 October 2016 before the Taxing Master in the Goodwood Magistrates' Court which was again carried out on the incorrect party/party scale.
- 49.4. This was taken on review before Magistrate Page because the Taxing Master had taxed the fees on the wrong scale (party/party). The review was successful with the decision being handed down on 29 August 2017. It confirmed that the bills were to be taxed on the agreed attorney/client scale and that the fees were neither unclear nor unreasonably high.
- 49.5. Mr Williams then brought a review of Magistrate Page's decision in terms of Rule 35(3) of the Magistrates' Court Rules under case number 19055/2017 of this court.
- 49.6. That review was allocated to Kusevitsky J for hearing. In an order dated 19 March 2018, she struck the matter from the roll with no order as to costs because of uncertainty as to documents before the court and the *"unacceptable manner in which the record is presented"*.
- 49.7. Mr Williams's application under case number 19055/2017 was argued before Cloete J who handed down judgment on 25 June 2018. The review succeeded because the order made by Magistrate Visagie was already in place which rendered the decision by Magistrate Page unnecessary and on the basis of that order Thomson Wilks should have challenged individual items taxed by the Taxing Master. Again, while Mr Williams was successful in this review, this was due to a largely procedural aspect and did not involve any success on any issues of substance in relation to the merits and had nothing to do with the merits

of the costs. On the contrary, the review of the taxation of the costs on the incorrect scale remained in place and of effect.

49.8. Subsequent to the judgment of Cloete J, Thomson Wilks delivered a *“Notice of Review of Taxation in terms Rule 35 of Magistrates Court Rules read with section 81 of the Magistrates Court Act”* dated 2 August 2018 which was described as being *“In accordance with the Order of Court by the Honourable Ms. Justice Cloete granted on 25 June 2018”*. In essence, this was grounded in the Taxing Master having applied the party/party tariff instead of the attorney and own client scale as provided for in the written mandate and fee agreement entered into between Mr Williams and Thomson Wilks.

49.9. Magistrate Rousseau handed down a detailed *“Outcome of Review of Taxation”* upholding the review on the aforesaid basis on 8 November 2018. He specifically referred to the incorrect tariff amounts being applied for attendances and gave an example of time attendance being at R133 in terms of the fee agreement and R37 in terms of the party/party tariff (paragraph 37 and 38 of the *Outcome*). He also recorded in paragraph 17 that it was *“... not for the taxing master to determine the manner in which the mandate was performed, i.e. negligently or otherwise, as was contended throughout by [Mr Williams], but rather to determine the reasonableness or otherwise of the attendances, and consequently, the amounts claimed in terms of the fee agreement.”* and that Mr Williams *“... did not place in dispute the reasonableness of the fees charged or that it had in fact been executed, but rather that since [his] expectations were not met, he maintained that*

the Applicant is not entitled to any fees and disbursements.” (paragraph 32; see also paragraph 40).

49.10. Mr Williams did not accept this result and again escalated the dispute to this court by launching a further review under section 81 of the MCA.

49.11. This came before Sher J who dismissed the application on 19 February 2018 (there was no order as to costs because the respondents therein had abided). It was ordered that *“The revised net total amounts owing in lieu of fees and disbursements ... shall be endorsed on each of the revised bills of costs which were accepted by magistrate Rousseau (in respect of the matters under case nos. 9706/14; and 222/15) whereafter the taxing master of the Magistrate’s Court, Goodwood shall append his/her allocaturs to such bills.”*

49.12. The Taxing Master then issued the allocaturs in accordance with the judgment of Sher J and the ‘outcome’ of Magistrate Rousseau.

49.13. Mr Williams contends that this was done fraudulently by Thomson Wilks and Mr Elliot. He averred that *“In June 2019, the allocatur granted by Magistrate Rousseau and Judge Sher **MR54**, was fraudulently changed in respect of **MR59** and upon discovering this, **I lodged a complaint in person on 17 July 2019 annexed MR63 with the Second Respondent.**”*

49.14. These are the grounds for one of his complaints to the LPC and is one of the main underpinnings of the Main Application under the above case number. I have compared the annexure MR54 referred to by Mr Williams (the bill of costs as taxed on the party/party scale) and the annexure MR59 referred to by Mr Williams (the bill of costs as adjusted in

accordance with the Outcome of Magistrate Rousseau and the judgment of Sher J). On my inspection thereof, the items are the same. What changed was the amounts for each of these items being adjusted from what had previously been on the party/party scale, which I consider to be the precise basis of the findings of Magistrate Rousseau, as confirmed by Sher J on review. The item for R133 (fee agreement basis) and R37 (party/party tariff) referred to above appears in these annexures. I therefore do not see any reasonable grounds for any allegations of fraud in the obtaining of the writ in the adjusted amount. On the contrary, I consider there to be a complete absence of any indication thereof.

50. Mr Williams's allegations of fraud and forgery are therefore, in my view, *obviously unsustainable as a certainty* and made *without reasonable grounds*, and therefore vexatious for the purposes of both the Act and the common law.

(3) The order under case number 3267/2017 of this court on 13 March 2018

51. Mr Williams caused an application to be launched under case number 3267/2017 of this court against Thomson Wilks for delivery of its full file in the CSP matters under Goodwood case numbers 9706/2014, 10012/2014 and 222/2015, payment of R57 627.36 and a punitive costs order.
52. Thomson Wilks delivered an opposing affidavit relying on the written fee agreement between it and Mr Williams in terms of which the former was entitled to retain the files and funds in trust until its fees were paid. This agreement was not in dispute.

53. In my view, the application under case number 3267/2017 held no prospect of success because of the undisputed fee agreement.
54. Mr Williams failed to apply to have his application under case number 3267/2017 set-down for hearing. In terms of Rule 6(5)(f)(ii), Thomson Wilks enrolled the matter by delivering a Notice of Enrolment on 25 April 2017. A Notice of Set Down was issued by the Court for hearing on 5 September 2017 and addressed to both Dixon Attorneys, Mr Williams's then attorneys of record, and Thomson Wilks. Thomson Wilks delivered a further Notice of Set Down and practice note to Dixon attorneys, and filed its heads of argument on 28 August 2017.
55. On the eve of the hearing, it came to Thomson Wilks's attention that Mr Williams, the applicant in that matter, had not filed the required practice note for purposes of the allocation of the matter to a Judge for hearing. Thomson Wilks addressed correspondence to Dixon Attorneys on 4 September 2017 proposing either a withdrawal with wasted costs or, alternatively, that a postponement date be obtained from the Judge President.
56. After no response was received, a second letter was sent to Dixon attorneys on 5 September 2017, expressly raising that the failure to provide a postponement date would result in Thomson Wilks having no option but to re-enrol the matter and seek a punitive order for costs *de bonis propriis* against them. Dixon Attorneys replied on 6 September 2017, asserting that their client was of the view that the matter was not ripe for hearing without providing any further details.

57. In accordance with its letter dated 5 September 2017, Thomson Wilks re-enrolled the matter for hearing and a fresh Notice of Set Down was issued by the court for hearing on 13 March 2018. Thomson Wilks again delivered a Notice of Set Down to Dixon attorneys. There was no appearance for or by Mr Williams on the hearing date. The application under case number 3267/2017 was dismissed with attorney/client costs on 13 March 2018 by Salie-Hlophe J.
58. Mr Williams contends that the order of Salie-Hlophe J was obtained fraudulently, with Mr Elliott setting it down secretly.
59. The papers before me were vast, running to over 1000 pages. On the facts set out in the papers, I do not see any evidence or case made out for fraud or any other misconduct on the part of Thomson Wilks and Mr Elliot in regard to the obtaining of the Salie-Hlophe Order. On the contrary, in my view, the above facts establish an absence of any case of fraud and instead a rather cavalier approach by Mr Williams to litigation instituted by him in this court.
60. Mr Williams' allegations are therefore, in my view, *obviously unsustainable as a certainty* and made *without reasonable grounds*, and therefore vexatious for the purposes of both the Act and the common law.

(4) The writ of execution for the costs order under case number 3267/2017

61. A notice of taxation in respect of the costs of Thomson Wilks awarded by Salie-Hlophe J under case number 3267/2017 was issued and served on Mr Williams's then attorneys, Dixon Attorneys, on 15 March 2018. The costs were

taxed on 25 July 2018. A writ of execution was issued on 6 August 2018 which could not be satisfied.

62. On 11 September 2024, Mr Elliot caused the writ of execution in respect of the costs award made by Salie-Hlophe J under case number 3267/2017 to be re-issued in the amount of R164 257.49, which included interest. The Sheriff was instructed to attach the Capitec bank account of Mr Williams, but it only had a credit balance of R305.96.
63. Mr Williams's complaint in this regard is that he claims that Thomson Wilks, Mr Elliott and Mr Cameron John Gumbrill, an attorney employed by Thomson Wilks, forged the allocatur which was a copy. A complaint was laid against Mr Gumbrill to the LPC. Mr Gumbrill had deposed to an affidavit explaining that the original allocatur could not be found despite a diligent search and stated that "*In the circumstances, the original document may be considered lost and I humbly request that the copy of the allocatur be used to issue the Warrant of Execution ... I confirm that the documents contained herewith are true copies of the originals.*" Mr Williams accused Mr Gumbrill of fraud in "*claiming that he had personal and direct knowledge that the copy in the court file had in fact been produced from the original allocatur*" because he was at university when the original allocatur had been produced. The problem with this allegation of fraud is that Mr Williams did not seem to aver that there was not an original allocatur, nor that the content of the copy differed from the original. In oral argument, I asked him whether his complaint was limited to the fact that Mr Gumbrill could not have had knowledge of the original allocatur when it was produced, and he confirmed that it was, saying that Mr Gumbrill did not have the 'authority by law'

to sign an affidavit saying that it is lost, but he was not saying that there was no taxed bill.

64. In my view therefore, no case for fraud or forgery has been made out.
65. I might add that a further problem with this is that, as confirmed by Mr Elliot in paragraph 25 of the replying affidavit before this court, the copy of the allocatur was printed from Thomson Wilks's computer system and is a data message as defined in the Electronic Communications and Transactions Act 25 of 2002 ("ECTA") since it is stored by electronic means.
66. The decision under LPC appeal number 8329/2024/Elliot/RA LPC to refer the matter back to another Investigating Committee in terms of Rule 44.8.3, referred to above, identified this aspect as the only live issue before it, and was based on a lack of evidence resulting in an inability to make a decision. I am unaware of the evidence which was before that panel, but it was plainly not the vast papers of over 1000 pages which were before this court from which I was able to extract the facts referred to in this judgment.
67. In my view, there is no case of fraud or forgery on which to challenge the writ.
68. Mr Williams' allegations of fraud and forgery are therefore, in my view, *obviously unsustainable as a certainty* and made *without reasonable grounds*, and therefore vexatious for the purposes of both the Act and the common law.

Litigation over the past decade in summary

69. Ms Samkange produced a consolidated chronology of proceedings involving Mr Williams over the past decade as appears from the record before the court in this application. The LPC delivered an affidavit containing a chronology of litigation instituted by Mr Williams against it. The former is copied, with adjustments I consider appropriate on my consideration of the papers, into this judgment below (on my consideration thereof against the papers it appeared to me to be accurate), and the latter is itemised thereafter:

No	Date	Court/ Forum	Case No. Presiding Officer	Nature of Proceedings	Outcome
1.	Date of Judgment 19 Feb 2018	WCHC Second High Court Taxation Review	19055/17; [Goodwood Court: 9706/14; 222/15] Sher J	Review brought by Mr Williams under s81 of the Magistrates' Courts Act read with Rule 35(3) of the Magistrates' Court Rules, challenging the revised bills accepted by Acting Magistrate Rousseau.	Review dismissed. Revised net totals owing were to be endorsed on each of the revised bills upheld by Acting Magistrate Rousseau, after which the Goodwood taxing master was directed to append all of the allocaturs issued.
2.	Date of Order 13 March 2018	WCHC	3267/2017 Salie-Hlophe J	Application launched by Mr Williams against the First Respondent seeking (i) delivery of the First Respondent's full file in the Coleman Street Properties matters (Goodwood case nos. 9706/2014; 10012/2014; 222/2015); (ii) payment of R57 627.36 to him; and (iii) a punitive costs order.	Mr Williams did not appear. The application was dismissed with costs on an attorney/client scale.
3.	Date of Order 19 March 2018	WCHC Review under s81 of the MCA	Arising from issues in Goodwood 9706/2014 and 222/2015 Kusevitsky J	The taxation review brought by Mr Williams under case number 19055/2017. The Court recorded that the file was not in order. Despite inviting the parties to agree a proper bundle, the applicant's proposed index inserted documents that had not served before the Magistrate in the court a quo.	Matter struck from the roll, no order as to costs.
4.	Date of order 27 March 2018	WCHC	22116/2017 Langa AJ	Irregular step.	By agreement, Mr Williams to cure defect within 30 days. Plaintiffs, including Mr Williams, to pay costs.
5.	Date of order 12 June 2018	WCHC	22116/2017 Hack AJ	Irregular step	Irregular step set aside Plaintiffs, including Mr Williams, to pay costs.
6.	Date of judgment 25 June	WCHC Review under S81 MCA	19055/2017 Cloete J	Review launched by Mr Williams challenging Magistrate Page's taxation ruling.	Ruling set aside because there was already an order in place granting the

No	Date	Court/ Forum	Case No. Presiding Officer	Nature of Proceedings	Outcome
	2018				same relief. Cloete J did not find the magistrate's substantive ruling to be wrong.
7.	8 Nov 2018	Goodwood Magistrates' Court.	225/2015; 9706/2014 Magistrate Rousseau	Review instituted by the First Respondent pursuant to Cloete J's order directing the filing of revised, itemized bills.	Review succeeded; Mr Williams ordered to pay the costs of opposing the review.
8.	Date of hearing 6 and 7 May 2019 Date of judgment 5 Sept 2019	WCHC	22116/2017 Gamble J	R11-million-rand damages action instituted by Williams <i>inter alia</i> against First Respondent.	Exceptions of third to fifth defendants upheld; Mr Williams given one month to amend but took no steps. Two cost orders granted against him and a tender for wasted costs issued.
9.	8 November 2018	WCHC	3267/2017	Application launched by Mr Williams seeking rescission of the order of Salie-Hlophe J handed down on 13 March 2018.	Not proceeded with by Mr Williams.
10.	6 August 2020	Constitutional Court	128/2020	Direct access application in which Mr Williams sought extensive structural and declaratory relief against the first respondent and <i>inter alia</i> the Minister of Justice, the Legal Practice Council, the South African Board for Sheriffs and various other respondents, relating to alleged failures in legal aid, oversight, independence of regulatory bodies, and past complaint processes	No recordal of any success in the papers.
11.	31 May 2021	Constitutional Court	172/21	Urgent application launched by Mr Williams seeking direct access; allegations of constitutional infringements due to non-functional Ombud; structural relief compelling appointment of interim Ombud; declaratory relief challenging LPC independence and wide-ranging other relief.	No recordal of any success in the papers.
12.	22 November 2021	Constitutional Court	363/2021	Application launched by Mr Williams for direct access seeking orders to appoint an interim Ombud; declarations that the LPA is unconstitutional without a functioning Ombud and other wide-ranging other relief.	Not pursued.
13.	24 May 2023	Constitutional Court	347/2021	Application launched by Mr Williams for leave to appeal order of Van Zyl AJ under case number 18762/2019 of this court directly to the Constitutional Court and for other wide-ranging other relief.	Refused with costs.
14.	27 March 2023	Constitutional Court	7/2023	Application launched by Mr Williams for leave to appeal order of Van Zyl AJ under case number 18762/2019 of this court directly to the Constitutional Court and for other wide-ranging other relief.	Refused with costs.
15.	3 June 2024	Constitutional Court	50/2024	Application launched by Mr Williams for direct access seeking orders compelling LPC and the Office of the Legal Services Ombud to investigate complaints, disclose investigation records, declare s14 of the Legal Practice Act unconstitutional, and require Minister to consider dissolving the LPC; extensive	Dismissed with costs.

No	Date	Court/ Forum	Case No. Presiding Officer	Nature of Proceedings	Outcome
				structural and declaratory relief sought.	
16.	14 August 2024	Constitutional Court	50/2024	Further application launched under the same case number by Mr Williams seeking direct access to the Constitutional Court.	Dismissed with costs.
17.	31 October 2022	WCHC	18762/2019	PAJA application brought by Mr Williams against the Legal Practice Council seeking to review (inter alia) the LPC's decision of 9 July 2018 arising from its investigation into the conduct of the First Respondent.	Application refused; Mr Williams ordered to pay the costs of the application on the attorney-and-client scale.
18.	30 October 2024	WCHC	3267/2017	Application brought by Mr Williams against <i>inter alia</i> first respondent seeking rescission and suspension of the order granted by Salie-Hlophe J; declarations that related writs (R102 660.93 and R164 257.49) are invalid; allegations of fraud, forgery and misconduct.	
19.	9 December 2024	WCHC	3267/2017 Savage J	Urgent application under Rule 45A seeking, inter alia, to suspend the operation of the 2018 order granted by Salie-Hlophe J; to reinstate a rescission application in respect of that order; to set aside the order on the basis of alleged unlawful and fraudulent conduct and other relief.	Struck roll with costs against Thomson Wilks) and dismissed against the LPC.
20.	29 April 2025	WCHC	2025-058552	The Main Application.	Pending
21.	22 May 2025	WCHC	3267/2017 Mayosi AJ	Second urgent application under Rule 45A, citing the Thomson Wilks and three others (Coleman Street Properties, the Legal Practice Council of South Africa, and the Office of the Legal Services Ombud).	Application dismissed with costs on an attorney and client scale

70. The applications launched by Mr Williams against the LPC as summarised by the LPC in its affidavit are:

70.1. Case number 4072/2019 of this court which was withdrawn by Mr Williams.

70.2. Case number 18762/2019 of this court which was dismissed with attorney client costs.

70.3. Case number CCT 128/2020 in the Constitutional Court which was not proceeded with by Mr Williams.

70.4. Case number CCT 172/2021 in the Constitutional Court for direct access which was refused.

- 70.5. Case number 10097/2021 of this court which was struck from the roll with costs.
- 70.6. Case number CCT 363/2021 in the Constitutional Court not proceeded with by Mr Williams.
- 70.7. Application for leave to appeal the dismissal of the application under case number 18762/2019 dismissed with costs.
- 70.8. Case number CCT 347/2021 in the Constitutional Court dismissed with costs.
- 70.9. Case number CCT 7/2023 in the Constitutional Court for direct access which was refused.
- 70.10. Case number CCT 50/2024 in the Constitutional Court dismissed with costs.
- 70.11. Second case number CCT 50/2024 in the Constitutional Court dismissed with costs.
- 70.12. Case number 3267/2017 not proceeded with by Mr Williams.
- 70.13. Urgent application under case number 3267/2017 of this court which was dismissed with costs as against the LPC.
- 70.14. Second urgent application under case number 3267/2017 of this court which was dismissed with attorney client costs.
- 71. The statistics in regard to the litigation and complaints in which Mr Williams has been involved are, in my view, vastly out of the ordinary.
- 72. Since 2017, Mr Williams has launched an array of High Court applications, a High Court action and other proceedings, which include:
 - 72.1. Three urgent applications under the same case number (3267/2017).

- 72.2. The main application under the above case number launched on 29 April 2025.
- 72.3. At least five separate PAJA or review-type applications.
- 72.4. One damages action (for R11 million). An exception taken by the Third to Fifth Defendants therein against the claim was upheld by Gamble J on 5 September 2017 and Mr Williams was granted leave to amend. He failed to do so. The consequence of this in terms of paragraph B of the Order of Gamble J was that the claims against those defendants was dismissed with costs. Mr Williams has not persisted with the claims against any of the other defendants in that action, including Thomson Wilks. On the contrary, in the Main Application he seeks novel relief of transferring that liability to the LPC (paragraph 23.1 of the Notice of Motion therein).
- 72.5. Multiple formal complaints to the Legal Practice Council and the Office of the Legal Services Ombud.
- 72.6. Mr Williams has initiated at least six separate Constitutional Court applications or intended applications, each alleging wide-ranging constitutional violations by the LPC, the Sheriffs' Board, the Minister of Justice, the President and the Office of the Legal Services Ombud. None has resulted in relief. All have either been dismissed, many with costs, or not persisted with.
- 72.7. The application before Cloete J dealt with above was successful on the basis that a second review after the second incorrect taxation was unnecessary because the first review stood. There was no success on any issues of substances, including the merits of the costs in question.

72.8. The appeal against the dismissal of one of the numerous complaints lodged by Mr Williams with the LPC was upheld on the basis of insufficient evidence for the appeal tribunal to make a decision and the matter was referred to a new investigation committee. No decision on the merits was made in favour of Mr Williams.

72.9. The position is therefore that none of these very numerous proceedings have succeeded on the merits of any complaints. Other than the two referred to in the two above sub-paragraphs, they have been either struck from the roll, dismissed with costs, including attorney-and-client costs, or simply not persisted with by Mr Williams. The Main Application remains extant.

73. The LPC has experienced the same recurring behaviour across multiple matters, as recorded above.

74. In all of these matters, Mr Williams made repetitive allegations of fraud, corruption, conspiracy and collusion against a plethora of individuals and various institutions, and has repeatedly attempted to re-open or re-litigate issues arising from the same factual matrix dating back more than 10 years, mentioned above. No reasonable grounds for these allegations appear from the voluminous and repetitive papers filed by him. In my view, what emerges from what is before the court is the serial institution of litigation without reasonable grounds.

75. On his own version, Mr Williams's cumulative adverse costs exposure exceeds R500 000.00. Taking into account the extensive array of litigation mentioned

above, there can be little doubt that it is much more substantial than that, with there being no reasonable hope of recovery.

76. Thomson Wilks argued that what emerges from the above is a clear and persistent pattern of litigation which satisfies the requirements of the Act.

77. Mr Williams repeatedly alleges fraud, corruption, collusion, dishonesty, bias, incompetence and procedural impropriety against Thomson Wilks, Mr Elliot and numerous other targeted parties.

78. I agree with the following conclusions of this court made in other judgments in respect of Mr Williams:

78.1. *“... he expended an inordinate amount of time and effort on engaging in an acrimonious and long-running battle with them [Thomson Wilks], which has escalated beyond reason.”* (paragraph 2 of the judgment of Sher J dated 19 February 2018 under case number 19055/2017).

78.2. *“He lists conclusion upon conclusion without engaging with objective facts and reasons underlying those conclusions ...”* (paragraph 32 of the judgment of Van Zyl AJ dated 31 October 2022 under case number 18762/2019)

78.3. He *“... lodged a number of complaints against Thompson Wilks and Mr Elliott with the then Cape law society, over a number of years, all of which were found to be devoid of any merit.”* (paragraph 17 of the judgment of Sher J dated 19 February 2018 under case number 19055/2017)

- 78.4. “... he resorted to vituperative and baseless accusations of a grossly defamatory nature.” (paragraph 18 of the judgment of Sher J dated 19 February 2018 under case number 19055/2017)
- 78.5. “... has shown scant regard for the applicable rules and process of court.” (paragraph 23 of the judgment of Sher J dated 19 February 2018 under case number 19055/2017)
- 78.6. Relies on “... sweeping statements of a conclusory nature but provides little by way of objective facts.” (paragraph 23 of the judgment of Van Zyl AJ dated 31 October 2022 under case number 18762/2019)
- 78.7. He advanced allegations of “... the corrupt nature of and criminal conspiracies perpetrated by the legal profession and various institutions of justice, including the courts and even judges.” (paragraph 42 of the judgment of Van Zyl AJ dated 31 October 2022 under case number 18762/2019)
- 78.8. He expressed “... frustration with the system and contempt for those associated with it.” (paragraph 36 of the judgment of Van Zyl AJ dated 31 October 2022 under case number 18762/2019)
- 78.9. He will be “... dissatisfied with any finding made against what he perceives as the truth and as justice. Left with little recourse after all these years, he appears in this application to be “litigating” his allegations against whomever he can reach in the hope that it would give him a further bite at the cherry.” (paragraph 46 of the judgment of Van Zyl AJ dated 31 October 2022 under case number 18762/2019)
- 78.10. He “... made unsubstantiated and, frankly, scandalous comments about and accusations against no fewer than 22 persons ...”

(paragraph 62 of the judgment of Van Zyl AJ dated 31 October 2022 under case number 18762/2019)

78.11. Advanced applications that were “... *fundamentally flawed* ...” (page 2 of the judgment of Mayosi AJ dated 22 May 2022 under case number 3267/2017)

79. The courts are not spared from the attacks of Mr Williams, which include:

79.1. “... *it is statistically impossible for the outcomes of related matter to have gone for 6 years consistently against me if justice was applied lawfully, fairly, reasonably and independently. This statistic becomes more improbable when viewing the racial demographics and the roles of the key players ie. attorneys, judges, magistrates, the law society, Sheriffs Board, Legal Practice Council, the Western Cape Public Protector and the Director of Legal Services for the Western Cape, both the latter being approached – the entire list being white.*” (as recorded in paragraph 46 of the judgment of Van Zyl AJ dated 31 October 2022 under case number 18762/2019)

79.2. “*The orders of Judges Sher, Gamble and ... Wille ... are mere consequences of a criminal conspiracy to deny me justice ...*” (as recorded in paragraph 62.9 of the judgment of Van Zyl AJ dated 31 October 2022 under case number 18762/2019). I might add that Wille J’s involvement was limited to recusing himself because he had been an attorney with Thomson Wilks before being elevated to the Bench.

79.3. He averred that judges of this Court displayed “*an unhealthy bias*” against him and regarding the members of the Judicial Conduct Committee who exonerated the judges: “... *it became patently clear that*

they had absolutely no idea about critical aspects of the case, rendering their decisions arbitrary and capricious”. (as recorded in paragraph 62.8 of the judgment of Van Zyl AJ dated 31 October 2022 under case number 18762/2019)

80. The TW Respondents submitted that this sustained pattern of conduct confirms that Mr Williams persists in instituting and pursuing proceedings without any reasonable grounds. I tend to agree, including in the sense that his pattern of conduct shows that he engages in litigation and makes allegations on a random shotgun or machine gun basis with no regard for whether the allegations are justified but rather with a hope that something will hopefully stick against someone. In my view, that satisfies the test for an order in terms of section 2(1)(b) of the Act.

Some of the relief sought in the Main Application considered

81. Only certain of the relief in the Main Application is sought against the TW Respondents. This is considered below. All of the relief will nonetheless be briefly considered.

82. Prayer 1:

- 82.1. The relief sought in prayer 1 is as follows:

“Directing that the Court give recognition to the fact that I am appearing in person in matter related to the enforcement of the LPA, where my rights to due process thus far has already been compromised by the conduct of the First, Second and Third Respondents who have sought to prevent me from obtaining finality and legal certainty on this matter which has broad public interest.”

- 82.2. A court does not give recognition to the fact that a person is appearing in person in an order.

82.3. The order sought has no effect and ought not to be granted.

83. Prayer 2:

83.1. The relief sought in prayer 2 is as follows:

“Directing that the above Honourable Court prevent the abuses of court process specifically in this matter, by denying that Respondents file any interlocutory motions which are extraneous to the pursuit of justice and the spirit of the LPA.”

83.2. The relief sought is vague and cannot be granted.

83.3. The respondents cannot be denied (which I assume means prevented) from filing interlocutory applications.

83.4. No case is made out for any of the respondents to be declared vexatious litigants, whether in terms of the common law or the Act.

83.5. No case is made out for abuse of court process by the Respondents.

83.6. The order sought has no effect and ought not to be granted.

84. Prayer 3:

84.1. The relief sought in prayer 3 is as follows:

“I am seeking that the Honourable Court review and set aside administrative decisions and costs orders granted against me, in respect of associated matters bearing Case No. 3267/2017, Case No. 19055/2017 Case No. 22116/2017 and in reference thereto provide relief for the failure of Second Respondent to enforce my rights and to have costs orders estopped I will be reliant upon estoppel and the provisions of the following: [Mr Williams then lists various provisions of the Promotion of Administrative Justice Act 2 of 2000 and the Constitution as well as a reliance “upon estoppel to claim for damages and in my defence of various cost orders which were attained by committing unlawful acts.”]

84.2. The relief sought is wholly misconceived and cannot be granted.

84.3. It is reminiscent of Mr Williams’s shotgun approach.

84.4. A Judge cannot review a costs order granted by another Judge. The remedy is to appeal the cost order (which is very unusually granted) or to apply for its rescission, as applicable.

- 84.5. Administrative decisions are not made by Judges of the High Court.
- 84.6. A case for estoppel is not attempted to be made out. It appears that the concept is not understood by Mr Williams.
- 84.7. Further, estoppel does not ground a case – it is a defence or a reply.
- 84.8. The cost order under case number 22116/2017 was in respect of an exception which was upheld over six years ago (on 5 September 2019) against a claim for damages and Mr Williams did not seek to amend his claim. That exception taken by the Third to Fifth Defendants therein (not any of the respondents in the Main Application) against the claim was upheld by Gamble J on 5 September 2019 and Mr Williams was granted leave to amend. He failed to do so. The consequence of this in terms of paragraph B of the Order of Gamble J was that the claims against those defendants was dismissed with costs. Mr Williams has not persisted with the claims against any of the defendants in that action, which includes Thomson Wilks. The costs order in that matter was in favour of the Third to Fifth Defendants therein (not any of the respondents in the Main Application) and they are not parties to the Main Application. That costs order cannot be set aside in the absence of them being joined as parties.
- 84.9. The 180 day maximum time period for the launching of reviews in terms of section 7 PAJA ('Any proceedings for judicial review in terms of section 6(1) must be instituted without unreasonable delay and not later than 180 days after ...') has not been complied to vast degree, which is not addressed in any respect, including as to why it should be extended.
- 84.10. No case is made out for any of the cost orders to be set aside.

84.11. The order sought cannot be granted.

85. Prayer 4:

85.1. The relief sought in prayer 4 is as follows:

“That the Court recognise the existence of SLAPP as a tool used by the LPC and the Ombud, which undermines the enforcement provisions of the LPA where their abuses of authority and public trust has denied me due process.”

85.2. The relief sought is wholly misconceived, confusing, garbled and cannot be granted.

85.3. There is no evidence that the LPC and the Ombud have used SLAPP (Strategic Litigation Against Public Participation) in any respect. It is Mr Williams who has resorted to a wide shotgun approach to litigations.

85.4. No case as to “*abuses of authority and public trust has denied me due process*” has been established.

85.5. The order sought cannot be granted.

86. Prayers 5 to 9 (Claim A):

86.1. These prayers are lengthy and seek *inter alia* the reviewing and setting aside of the decision taken by the LPC on 21 January 2025 in the appeal brought by Mr Williams as well as a request that the court find that Thomson Wilks/Mr Elliot are guilty of the criminal acts of fraud and forgery in respect of three of the instances considered in detail above (the Salie-Hlophe Order under case number 3267/2017, the writ issued in terms thereof and the writ issued out of the Goodwood Magistrates’ Court in respect of taxed fees). Other related relief is also sought.

86.2. The decision sought to be set aside was granted in Mr Williams's favour in that the rejection of his complaint to the LPC was set aside on appeal.

86.3. The appeal committee found that there was insufficient evidence and referred the matter back for further investigation by another investigation committee.

86.4. In my view, as considered above, there is no basis before this court to establish the conduct alleged against Thomson Wilks/Mr Elliot, and, further, that there are no reasonable grounds for the relief sought in Claim A to be granted.

87. Prayers 10 to 13 (Claim B):

87.1. This is another example of seeking an estoppel, for this court to declare the cost order granted by another Judge to be estopped or invalidated and is another attempt to set aside the Salie-Hlophe Order and the writ in respect of case number 3267/2017.

87.2. The same considerations in relation to prayer 3 above apply.

87.3. In my view, there is no basis before this court to establish the conduct alleged against Thomson Wilks/Mr Elliot, and, further, that there are no reasonable grounds for the relief sought in Claim B to be granted.

88. Prayers 14 to 19 (Claim C):

88.1. These seek *inter alia* the setting aside on a general level decisions of the LPC, setting aside the investigations and findings of the LPC in respect of various complaints against various attorneys (Viljoen, Pienaar, Robertson and Elliot) and that the LPC pay 'appropriate

damages' to Mr Williams. They also refer to 'SLAPP' which is averred to have been undertaken by the LPC and that the court declare there to be a common purpose between the LPC and its members to deny Mr Williams his rights.

88.2. In my view, there is no basis before this court to establish that the LPC has engaged in SLAPP, that it has a common purpose to deny Mr Williams his rights, for the setting aside of the various investigations and findings of the LPC and for any claim for damages against the LPC.

88.3. Attorneys Viljoen, Pienaar and Robertson have an obvious direct and substantial interest in the relief which relates to them, but they have not been joined.

88.4. In my view, there are no reasonable grounds for the relief sought in Claim C to be granted.

89. Prayers 20 and 21 (Claim D):

89.1. This is for various declaration against the Ombud.

89.2. The LPC has heavily and regularly engaged with Mr Williams's complaints.

89.3. In my view, there are no reasonable grounds for the relief sought in Claim D to be granted.

90. Prayers 22 and 23 (Claim E):

90.1. This is in effect a claim to transfer liability for the R11 million in damages claimed by Mr Williams against Thomson Wilks (among others) under case number 22116/2017, ancillary relief for loss and

mental anguish for the ten years spent fighting for his rights and that the court estop all costs orders granted against Mr Williams.

- 90.2. Costs orders cannot be estopped. The question of the court dealing with costs orders has already been canvassed.
- 90.3. A claim for damages against a party cannot be transferred to another party.
- 90.4. The claim for damages was the subject of an exception which was upheld over six years ago (on 5 September 2019) in respect of the claim against certain parties and Mr Williams did not seek to amend his claim and has not persisted with the claim against any of the defendants.
- 90.5. Any claim against the LPC would have prescribed long ago.
- 90.6. In my view, there are no reasonable grounds for the relief sought in Claim E to be granted.

Conclusion on vexatiousness and relief in respect of litigation

- 91. The Constitutional Court in Beinash at paragraph 23 quoted the following with approval:

“I have already pointed to the fact that the respondents appear to be impervious to their abysmal failures and adverse judicial comment. They remain undeterred. I am satisfied that the facts of this matter demonstrate amply that the respondents have persistently and without any reasonable ground instituted the various legal proceedings referred to herein.” [my emphasis]

- 92. This *dictum* appears tailor-made for this matter. In addition, the unnecessary detention of scarce judicial, magisterial and other public related resources in this matter is tragic colossal in scope and scale.

93. In my view, Mr Williams is persistent, undeterred by failure, litigates without reasonable grounds, and plainly meets the requirements of both section (2)(1)(b) of the Act and the common law.
94. It is accordingly found that the TW Respondents have clear rights to the relief sought by them in terms of the Act and the common law.
95. To the extent necessary to find, these rights have been infringed, there is a reasonable apprehension of further infringement thereof and there is no adequate alternative remedy to protect these rights.
96. An order in terms of section 2(1)(b) of the Act will therefore be made, together with declaratory relief.
97. As to the Main Application, that would require an order in terms of the common law.
98. Paragraph 8 of the Notice of Motion in the application before the court seeks relief in terms of the common law to stay all legal proceedings instituted by the Respondent “*against the Applicant*” [i.e. the TW Respondents]. I requested Ms Samkange to identify which prayers for relief in the Notice of Motion in the Main Application were not against the TW Respondents. She identified paragraphs 4, 17.1, 17.2, 18, 19, 23. I agree that this relief is not instituted “*against the Applicant*” [i.e. the TW Respondents]. In other words, any relief in terms of the common law cannot be granted in respect of these paragraphs of the Notice of Motion.

99. I raised with Ms Samkange that there was further relief sought in the Notice of Motion in the main application against other respondents and not against the TW Respondents, for example the various PAJA reviews sought. She submitted that that relief also affected the TW Respondents and therefore should be subject to an order in terms of the common law. The problem I perceive with this is that there is no application by those other respondents to stay that relief and therefore the application for that relief will proceed against those other respondents. I do not consider it feasible for that to happen and at the same time to order that it not proceed against the TW Respondents. This is a recipe for confusion and a lack of clarity in regard to the impact of the order to be granted in this matter. Further, strictly speaking, that type of relief is against the LPC or the Ombud and not against the TW Respondents even though it may affect them, requiring their joinder.
100. The Main Application is well advanced and what remains is for it to be set down for hearing, for heads of argument to be delivered and the matter to be argued (although one cannot completely rule out any interlocutory applications). I consider that it will be in the interests of the parties were finality in the Main Application to be reached on the aspects which are not subject to the order to be granted in this matter (i.e. the aspects of the relief identified below to be only against either or both of the TW Respondents).
101. The result of this is that, in my view, any order which I may be disposed to grant in terms of the common law (i.e. in respect of extant litigation) will only apply to the following paragraphs of the Notice of Motion in the Main Application which I consider to be against the TW Respondents only, being prayers 1, 2, 3, 7 and

10 to 13. While prayer 3 makes reference to the LPC (Second Respondent), the relief in effect pertains only to Thomson Wilks, relating, as it does, to seeking the court to “*review and set aside administrative decisions and cost orders granted against me*”, which are costs orders in favour of Thomson Wilks, relying on estoppel and provisions of PAJA and the Constitution. Aspects of the relief sought in the Main Application not exclusively specific to the TW Respondents only will be excluded from the order to be granted, being prayers 4, 5, 6, 8, 9 and 14 to 23.

102. As to the ambit of the common law relief in paragraph 8 of the Notice of Motion extending to litigation other than the Main Application under the above case number, no case has been made as to any other extant litigation satisfying the requirements of the common law and any order is to be limited to the Main Application.

103. For the sake of completeness, Mr Williams requested leave to hand up what he called a ‘refined’ Notice of Motion which he said did not change the substance of any relief sought. I explained to him that it was not before the court because the Notice of Motion had not been amended and the TW Respondents objected to the document. I also explained procedure for amendment in terms of Rule 28. Although Ms Samkange objected to the document being handed up, I allowed it. It could not take the matter any further.

Security for costs

104. Boost Sports Africa (Pty) Ltd v South African Breweries (Pty) Ltd 2015 (5) SA 38 (SCA) at paragraph 15 applied the following *dictum* from Ecker v Dean 1937 AD 254 at 259:

“In *Western Assurance Co v Caldwell's Trustee* (1918 AD 262) this court laid down that a court of law had inherent jurisdiction to stop or prevent a vexatious action as being an abuse of the process of the court; one of the ways of doing so is by ordering the vexatious litigant to give security for the costs of the other side, and I know of no reason why the court below should not have [exercised] such an inherent jurisdiction.” (emphasis added)

105. I have already found that Mr Williams is vexatious. An order in terms of the Act will constitute a barrier to further vexatious litigation.

106. Mr Williams appears to be insolvent and unable to satisfy costs orders.

107. He will not be able to furnish security for the costs of the Main Application.

108. As mentioned, the Main Application is well advanced.

109. In the exercise of my discretion, security for costs will not be ordered at this stage. I will, however, not dismiss that application but will rather simply remove it from the roll and order that it may be re-enrolled for hearing should relevant circumstances change, or with the leave of this court, with the papers duly supplemented as required.

Costs

110. There is no reason why the TW Respondents, having been successful in the application for relief in terms of the Act and the common law, should not be awarded their costs in respect thereof. As to the application for security for costs, although this was not granted, this was solely due to an exercise of a

discretion. In the result costs are to be awarded in favour of the TW Respondents.

111. As to scale, the TW respondents requested a punitive scale. Bearing in mind the unsubstantiated and serious allegations made by Mr Williams on a serial basis as well as the absence of any basis for the substance of the allegations made against the TW Respondents, costs on the scale as between attorney and client fall to be awarded. Further, the considerations in Alluvial Creek quoted above apply perforce to this matter. As this punitive scale is to be awarded, a scale in terms of section 67A does not apply.

Order

112. In the premise, the following order is granted:

1. Mr Kevin Williams is declared to be a vexatious litigant in terms of section 2(1)(b) of the Vexatious Proceedings Act 3 of 1956.
2. No legal proceedings shall be instituted by Mr Kevin Williams, acting in his personal capacity or in any representative capacity in terms of which he purports to represent any legal entity including Paper and Tissue Solutions (Pty) Ltd, against Thomson Wilks Inc and/or Mr Nicholas John Elliot, in any court or inferior court without the leave of the court, or any judge thereof, or that inferior court, as the case may be, and such leave shall not be granted unless the court or judge or the inferior court, as the case may be, is satisfied that the proceedings are not an abuse of the process of the court and that there is *prima facie* ground for the proceedings.
3. Mr Kevin Williams is declared to be a vexatious litigant in terms of the common law.
4. The application for the relief in prayers prayers 1, 2, 3, 7 and 10 to 13 of the Notice of Motion in the main application under the above case number against Thomson Wilks Inc and/or Mr Nicholas John Elliot is stayed until this court, on application to it, may order otherwise.

5. The application for security for costs of Thomson Wilks Inc and Mr Nicholas John Elliot is removed from the roll and may be re-enrolled for hearing should relevant circumstances change, or with the leave of this court, with the papers duly supplemented as required.
6. Mr Kevin Williams is to pay the costs of Thomson Wilks Inc and Mr Nicholas John Elliot in respect of the application in terms of the Vexatious Proceedings Act 3 of 1956, the common law in respect of vexatious litigation and the application for security for costs, on the scale as between attorney and client.

A Kantor

Acting Judge of the High Court

APPEARANCES

Applicant:

In person

kevwilliams231@gmail.com

Counsel for the Respondent:

Adv Gugulethu Samkange

gugz@capebar.co.za

Instructed by:

Thomson Wilks Inc.

