



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

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: 5 March 2026

Judgment: 6 March 2026

Summary: Application for leave to appeal: in 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
Application for Leave to Appeal

1. The application for leave to appeal is dismissed with costs on the scale as between attorney and client.

JUDGMENT

Application for Leave to Appeal

Handed down by email to the parties on 6 March 2026

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

KANTOR, AJ:

1. Mr Williams applies for leave to appeal against the Order and Judgment which were handed down in this matter on 4 February 2026 ('the Order' and 'the Judgment'). The application which served before me which is the subject of this application for leave to appeal shall be referred to as the 'Application'.
2. The parties shall be referred to as they were in the Judgment and the defined terms therein will be employed.
3. In terms of section 17(1)(a) of the Superior Courts Act 10 of 2013 ("the SC Act"), *"Leave to appeal may only be given where the judge or judges concerned are of the opinion that –*
 - (a) (i) *the appeal would have a reasonable prospect of success;*
 - (ii) *there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration;"*

4. I have considered the application for leave to appeal and the submissions made by Mr Williams and by Ms Samkange who acted for the TW Respondents.
5. On a benevolent approach, the application for leave to appeal ('the LTA') consisted of two documents running to a total of 109 pages (Ms Samkange contended that the LTA ran to more than 200 pages). With the line spacing required by practice directive 11 of this court, the LTA would likely have exceeded 150 pages. I mention this not to criticise Mr Williams for his line spacing (he is unrepresented which is given recognition in practice directive 11), but to place in perspective the extraordinary length of the LTA. The one LTA document was headed 'Notice of Application for Leave to Appeal' and consists of 10 pages ('the 10 Page LTA'). The second LTA document was headed 'Application for Leave to Appeal' and consists of 99 pages ('the 99 Page LTA'). Together these shall be referred to as 'the LTA Documents'.
6. Ms Samkange submitted that the LTA did not comply with Rule 49(1)(b) which requires that an application for leave to appeal clearly sets out the grounds upon which leave is sought. There is no question that Ms Samkange is correct in her submission. She submitted that the applicant be dismissed on this basis alone. Regard must be had to the fact that Mr Williams appears in person, albeit that this has worn thin with his extended involvement in litigation over more than the past decade. I am almost certainly being far too lenient, but the application will not be dismissed on this basis. It will, however, play a role as to costs.

7. A leave to appeal index running to 340 pages was filed. It included the LTA Documents, the Judgment and the heads of argument of the parties. This was permissible. It included other documents containing evidence not before the court in the Application which were impermissibly placed before the court.
8. The Application in respect of which the Judgment and Order were handed down was brought by the TW Respondents in the context of the Main Application under the above case number. In the Application, the TW Respondents sought against Mr Williams (1) security for costs, (2) relief in terms of the Vexatious Proceedings Act 3 of 1956 ('the Act') and (3) relief in respect of the Main Application in terms of the common law as to vexatious litigation.
9. I declined to order security for costs (contrary to the assertion on more than five occasions in the LTA that it was granted) and ordered both aspects of the vexatious litigation relief.
10. I have considered the LTA Documents and am of the view that they do not disclose a basis for leave to appeal. In my view, the content thereof reinforces compellingly the case for the relief which was granted and that Mr Williams is a vexatious litigant. I will deal with certain limited examples in this regard below.
11. In regard to the merits of the vexatious litigation relief, there are two general areas of focus: (1) the allegations of fraud and forgery against the TW Respondents and (2) the persistent institution of legal proceedings by Mr Williams without reasonable grounds.
12. It is to be born in mind that the impact of the Order in regard to the relief in the Main Application is limited to 8 out of the 23 prayers in the Notice of Motion

(prayers 1, 2, 3, 7 and 10 – 13). The relief sought in the other 15 prayers relate to either the LPC and/or the Ombud only or to one or both of them and the TW Respondents. The Main Application for the extremely wide-ranging relief in those 15 paragraphs against the LPC and the Ombud is not covered by the Order and the litigation in respect thereof may be proceeded with by Mr Williams at will. He seemed to think that the effect of the Order is that the TW Respondents are no longer respondents in the Main Application which is plainly incorrect (this is dealt with briefly below).

The allegations against the TW Respondents

13. In an attempt to bring some focus and discipline to the proceedings, the parties were requested to identify the allegations against the TW Respondents. In this regard, in paragraph 40 of the Judgment it is recorded that *“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.”*
14. That paragraph of the Judgment is not attacked by Mr Williams. In argument, the four areas raised were addressed and canvassed in detail with Mr Williams and the TW Respondents over two days of argument.
15. The Judgment addressed in detail why it was considered that the tests for the purposes of the relief sought by the TW Respondents in terms of the common law and the Act had been satisfied in respect of each of these four areas. In oral argument Mr Williams indicated that he did wish to address those merits. It

suffices for present purposes to refer to the Judgment in these four respects (paragraphs 41 to 68) and there is no need to repeat what is said there. I have considered the LTA Documents and am of the view that they do not disclose a basis for leave to appeal (in my view, as mentioned, the content thereof reinforces compellingly that the relief should have been sought and granted). In my view an *appeal would not have a reasonable prospect of success*.

16. That being said, Mr Williams did subsequently in oral argument aver that the LPC was obliged to provide a hearing. He referred repeatedly to section 37 of the LPA, as he had also done in the LTA Documents. For example, at page 10 of the 99 Page LTA he states in paragraph 6.16 that “... *section 37(3) requires hearings before findings can be made ...*” This is incorrect in law. There is no obligation for a hearing to be held if the investigating committee dismisses the complaint, as provided for in Rule 40.6 of the LPC Rules which is quoted in paragraph 41 of the Judgment. The opposite actually applies in that in law the investigating committee ‘must’ dismiss a complaint if it does not necessarily warrant misconduct proceedings. This is mirrored in section 37(3) of the LPA.
17. Mr Williams argued that the Order and Judgment disposes of his review in the Main Application and remaining complaint to the LPC on a final basis. He averred that the Judgment expresses views (on the evidence before the court) on the relief sought in the Main Application and thereby ‘*pre-judged*’ the review, and ‘*The Court simultaneously made final findings disposing of the Applicant’s claims*’ and that ‘*the presiding judge simultaneously disposes of claims*’. This is repeated time and again in the LTA Documents.
18. I explained to him that this loses sight of what has to be decided in an

application of the kind brought by the TW Respondents in terms of the common law and the Act. The court perforce must consider the merits of the case of the party against whom the vexatious litigation is contended and the relief sought and make findings as to whether the legal tests for vexatious litigation are satisfied ('the Tests'). This is what was done in the Judgment. It had to be done therein in order to determine the Application. No claims were pre-judged or disposed of. The Judgment and Order do not purport to do that, and nor could they do so. The claims can only be finally determined in the Main Application. The Main Application remains pending before the Court and Mr Williams may pursue at will the relief in the fifteen prayers which are not covered by the Order. Even the eight prayers covered by the Order have not been disposed of. They remain before the court. The effect of the order (paragraph 4 thereof) is that it "... *is stayed until this court, on application to it, may order otherwise.*"

19. In oral argument, Mr Williams then repeatedly emphasised paragraph 66 of the Judgment, averring that it disposed of his last remaining complaint to the LPC against the TW Respondents. Paragraph 66 does not do so. It is simply part of an example of the application of the Tests, in this instance to his allegation against the TW Respondents of fraud and forgery in respect of the writ of execution under case number 3267/2017 (the fourth aspect dealt with in paragraphs 61 to 68 of the Judgment). That aspect is the subject matter of his last remaining complaint against the TW Respondents. In oral argument, I pointed out paragraph 44 of the Judgment to Mr Williams which specifically recorded that this complaint "*is still pending.*" I asked Mr Williams to read the first sentence of paragraph 44. When he got to the words "*is still pending*" he stopped reading, which speaks volumes. What was pointed out in paragraph 66

of the Judgment was that I did not know what evidence was before the appeal panel of the LPC, but it was plainly not the vast papers before me. On those papers, as I have indicated above, and explained in the Judgment, the allegations on the merits had perforce to be considered by the court for it to apply the Tests for vexatious litigation. That, however, does not dispose of any pending complaint to the LPC against the TW Respondents. That is still to be determined by the LPC.

The relief in the Notice of Motion against the TW Respondents alone

20. As mentioned, this is limited to prayers 1, 2, 3, 7 and 10 to 13, while the other 15 prayers relate to either the LPC and/or the Ombud only or to one or both of them and the TW Respondents. The Main Application for the extremely wide-ranging relief in those 15 paragraphs against the LPC and the Ombud is not covered by the Order and the litigation in respect thereof may be proceeded with by Mr Williams at will. He seems to think that the effect of the Order is that the TW Respondents are no longer respondents in the Main Application which is plainly incorrect.

21. The Judgment (in paragraphs 82, 83, 84, 86 and 87) considers each of these prayers directed against the TW Respondents. Briefly:

21.1. Prayer 1 is for a direction that Mr Williams appears in person and his rights have been compromised. A court does not give recognition in orders to the fact that a person is appearing in person in an order. As dealt with above and in the Judgment, no case is made out for a compromise of any of his rights.

- 21.2. Prayer 2 is for a direction against filing any interlocutory motions which are extraneous to the pursuit of justice and the spirit of the LPA. The relief sought is vague. 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. No case is made out for abuse of court process by the Respondents.
- 21.3. Prayer 3 is to review and set aside cost orders made in other matters by other Judges and to have those cost orders estopped. The relief sought is wholly misconceived. It is reminiscent of Mr Williams's shotgun approach. A Judge cannot review a costs order granted by another Judge. The remedy is to appeal the cost order (which is very rarely granted) or to apply for its rescission, as applicable. Numerous other intractable problems with this relief are set out in the Judgment.
- 21.4. Prayer 7 seeks a direction that Thomson Wilks is guilty of fraud, theft of trust funds, forging a writ or execution, forging an allocatur and fraudulently acquiring an order under case number 3267/2017, and all in motion proceedings which is a most tall order even in the best of circumstances. As dealt with above and in the Judgment, no case is made out for this on any level.
- 21.5. Prayers 10 to 13 are further examples of seeking this court to declare the cost orders granted by other Judges to be estopped or invalidated and is another attempt to set aside the Order and the writ in respect of case number 3267/2017. The same considerations in paragraph 22.3 above apply.
22. As mentioned, the other 15 prayers for wide-ranging relief sought against the

LPC and/or Ombud only or one or both of them and the TW Respondents are not covered by the Order and Mr Williams can pursue that relief at will, in respect of which the TW Respondents remain respondents.

The persistent institution of legal proceedings by Mr Williams without reasonable grounds

23. As to whether Mr Williams has persistently instituted litigation, the table at paragraph 69 of the Judgment sets out 19 instances of litigation commenced by Mr Williams, 17 of which have been unsuccessful (and none of which have been successful on the merits). The two others are the Main Application which is pending and the application under case number 19055/2107 (item 6 on the table) in which he was successful but that, as pointed out in paragraph 43.8 of the Judgment, I considered this “... *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.*”
24. Accordingly, he has failed 17 out of 18 times where a result has been forthcoming and not once has he been successful on any issues of substance in relation to the merits of any of his assertions and allegations.
25. Mr Williams tries to defend this in paragraph 12 on page 23 of the 99 Page LTA by saying he was acting defensively in instituting the litigation. Even if that were to be so (which it plainly is not), it is of no moment, the persistent lack of success and absence of reasonable grounds for the litigation being what is relevant.
26. He also resorts to an unambiguous attack on the court, alleging that it

abdicated its judicial function by accepting the content of the table produced by the TW Respondents and attached to their heads of argument. He knows that to be false:

26.1. On the first day of the hearing (27 November 2025), I pointed out to Ms Samkange that, on my consideration of that table of litigation against the papers, it contained errors. She undertook to correct those errors. A corrected table was later handed up.

26.2. In the table in the Judgment (at paragraph 69), the court made over 40 changes to this corrected table which had been handed up. These were in the main involved correcting dates and inserting unabbreviated references to the Constitutional Court and months of the year, but also some changes of substance. Those arose from my consideration of the table handed up against the papers (as mentioned in paragraph 69 of the Judgment). Anyone who may have perused and compared the two documents would have picked up that there were these numerous changes. It seems that Mr Williams did not do so and was rather content to simply make wild and reckless allegations against the court. This is symptomatic of a vexatious litigant.

27. The Judgment also sets out in detail the extensive complaints to the LPC arising from Mr Williams's allegations against the TW Respondents and others.

28. I have considered what is contained in the LTA Documents in these respects. For the reasons set out in the Judgment and herein, I do not consider that an appeal on this aspect would have a reasonable prospect of success. Nor is there any other compelling reason as contemplated in section 17(1)(a)(ii) of the

SC Act simply because the relief sought against the LPC and the Ombud is not covered by the Order. This aspect need not be considered further.

29. The LTA Documents are lengthy in the extreme but, in my view do not raise anything which satisfies the tests for leave to appeal.
30. There are many aspects in the LTA Documents which further indicate vexatiousness and that the Order should have been granted. Limited examples will be mentioned.

The TW Respondents remain respondents and the relief against the LPC and the Ombud is not covered by the Order

31. The relief granted in the Application relating to the relief in the Main Application was limited to the relief sought against the TW Respondents. The very wide and varied relief against the LPC and the Ombud, contended by Mr Williams to be of public importance, was not covered by the Order and the Judgment. The Main Application continues in that respect and the TW Respondents remain respondents in the Main Application.
32. Vast swathes of what is contended in the prolix LTA Documents concern that case against the LPC and the Ombud. The TW Respondents remain respondents therein.
33. Mr Williams's contentions in the LTA Documents that the TW Respondents are not respondents in the main application is incorrect. Similarly, his contention that in 2022 it was insisted (by the LPC) that the TW Respondents be respondents and now it is insisted otherwise, is incorrect. This is because it confuses joinder with relief against a vexatious litigant. The Order does not

terminate the status of the TW Respondents as respondents in the Main Application.

34. Mr Williams alleges aspects involving the LPC and the Ombud which he claims to be of great public importance. What he loses sight of is that the relief in the Main Application sought against the LPC and the Ombud is not the subject of the Order and the Judgment. In other words, Mr Williams is not prevented from proceeding with the Main Application against the LPC and the Ombud to raise therein what he considers to be of public importance.

Misrepresentation of content of the Judgment

The order for security for costs

35. Mr Williams repeatedly alleged that the Order security for costs had been ordered to be furnished by him in the amount of R250 000 (for example, paragraph 3 of the 10 Page LTA and Ground 9 on page 22 of the 99 Page LTA). This is incorrect. No order for security for costs to be furnished was made, whether for R250 000 or any other amount.
36. An error of this nature strikes one as being typically symptomatic of Mr Williams's approach to litigation in general as identified in the Judgment and by other Judges of this Court, an approach which is indicative of vexatiousness.

Recordal of findings of other Judges

37. In relation to what other Judges have held in his respect as recorded in the Judgment, Mr Williams contends for some form of 'AI' component in the Judgment. This too is incorrect. What other Judges said in judgments was

quoted directly from their judgments (all were part of the papers) with reference to the paragraphs thereof and the case numbers (paragraphs 78 and 79 of the Judgment). Had Mr Williams checked this he would have seen so – it was easy to do so because the references were provided in the mentioned paragraphs of the Judgment.

38. It is yet another reckless throw-away allegation made with no concern for whether it is true or not, a hallmark of a vexatious litigant.
39. If one compares the quoted portions in the Judgment with those in the TW Respondent's heads of argument, one would note that the Judgment in fact, in most instances, quotes extracts from the judgments verbatim in different extents, which could only be taken from the judgments themselves.

Misquoting the Judgment

40. Paragraph 43 on page 81 of the 99 Page LTA misquotes the Judgment at paragraph 49.7, contending that it reads "*a mere technical victory because the order of Magistrate Visagie was in place which had rendered the decision by Magistrate Page unnecessary*".
41. Paragraph 49.7 actually reads: "*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.”

42. This is not a matter of a typographical error. It is another instance of a reckless approach to litigation in making allegations with no concern for whether they are true or not, and in crudely misrepresenting what is said, even in a judgment of the High Court, all of which are hallmarks of a vexatious litigant.
43. Another example is that Mr Williams argues (see, for example, page 5 of the 10 page LTA) that the court’s “*central finding*” is “*that the allocatur figures were ‘identical’*”. This is plainly wrong and crudely misrepresents the Judgment (which he actually quotes some 88 pages further into a different time zone of the LTA, on page 83 of the 99 Page LTA) which in fact records the exact opposite, namely that the items on the allocaturs were the same, but it was the figures which changed because of the incorrect scale which had been applied. This was explained in the simplest terms in paragraph 49.14 of the Judgment (this is what was quoted 88 pages later in the LTA Documents): “*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.*”

Technical success in sense of no finding on the merits

44. Mr Williams contends that the Judgment regards the success he had in the application under case number 19055/2017 to be technical.
45. This, too, misrepresents the Judgment which expressly stated that it was using

the word *technical* in the specific sense of there having been no success on the merits of his assertions and allegations: in paragraph 43.8 of the Judgment it was stated that there were two instances “... *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.*”

46. The point that was made is that in all of the 19 instances of litigation commenced by him, and in all his numerous complainants to the LPC, there was never a decision which involved any ‘*success on any issues of substance in relation to the merits of any of his assertions and allegations*’.

The litigation narrative

47. In paragraph 57.7 of the 99 Page LTA it is alleged that “*The court simply adopted the TW/LPC consolidated narrative because it “appeared” accurate. This is abdication of judicial function ... This is no longer judicial assessment but prosecutorial collaboration.*” This misrepresents the Judgment, in paragraph 69 of which what was actually stated in this regard was that the chronology “... *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) ...*”
48. As mentioned, on the first day of the hearing I had pointed out to Ms Samkange that I had picked up errors in the table prepared by the TW Respondents setting out instances of litigation. A further corrected table has handed up in court by them on the second day of the hearing. That table, too, was not accepted at face value by the court. A comparison of it with that which appears

in the Judgment reveals at least 40 differences between the two. These were the '*adjustments I consider appropriate on my consideration of the papers*' being a function of my '*consideration thereof* [the chronology handed up] *against the papers*'.

49. Had anyone perused and compared the two documents they would have picked up that there were many changes. Plainly, Mr Williams did not do so and was rather content to simply make wild, reckless and scandalous allegations against the court, in this instance of the "*abdication of judicial function*" and "*prosecutorial collaboration*". History has shown this to be his want. This is symptomatic of a vexatious litigant.

Marking the judgment reportable

50. Much is made of the fact that the Judgment was marked '*reportable, thereby creating national precedent*'. Marking a judgment reportable makes no difference to its status as a judgment and a precedent. Judges (including myself as an acting Judge) have written judgments which have been marked reportable which have not been reported and vice versa. They remain judgments either way and for that reason alone – their status as judgments – they are precedents.

Knights of Da Gama

51. Much was made by the parties of the subsequent '*Knights of da Gama*' matter (case number 2026 – 024042 of this court) and why it is not subject to the Order in this matter (ground 29 at page 59 of the 99 Page LTA Document). This can have no relevance to the application for leave to appeal.

Request for consolidation

52. Mr Williams asked for this application for leave to appeal to be consolidated with the Knights of Da Gama matter. That unorthodox request cannot even be considered without the five respondents in that matter being given notice thereof.

Costs

53. There is no reason why the TW Respondents, having been successful in opposing the application for leave to appeal, should not be awarded their costs in respect thereof.
54. 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. Added to this is the non-compliance with Rule 49(1)(b) referred to above. Further, the considerations in Alluvial Creek, quoted in paragraphs 8 and 111 of the Judgment, apply perforce to this matter. As this punitive scale is to be awarded, a scale in terms of section 67A does not apply.

Order

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

1. The application for leave to appeal is dismissed with costs on the scale as between attorney and client.

A Kantor

Acting Judge of the High Court

APPEARANCES

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In person

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