



CONFLICT DYNAMICS

AMPLIFIED RULE 41A NOTICE - NOTICE OF AGREEMENT OR OPPOSITION TO MEDIATION



**CONFLICT
DYNAMICS**

TRAINING
& DISPUTE
RESOLUTION
SERVICES

AMPLIFIED RULE 41A NOTICE - NOTICE OF AGREEMENT OR OPPOSITION TO MEDIATION

This Amplified Rule 41A Notice is for guidance only. It is based on Form 27 and Section 4.6 of the Protocol. It should be adapted to the particular circumstances and legal requirements of the dispute to which it relates. Wherever possible this form should be drafted/approved by each party's lawyer.

AMPLIFIED NOTICE IN TERMS OF MEDIATION RULE 41A SUB-RULE 2 OF THE HIGH COURT

THE HIGH COURT OF SOUTH AFRICA

(.....)

CASE NO: _____

In the matter between:

.....

Plaintiff/Applicant

and

.....

Defendant/ Respondent

AMPLIFIED NOTICE OF AGREEMENT OR OPPOSITION TO MEDIATION

TAKE NOTICE THAT the Plaintiff/Applicant/Defendant/Respondent agrees / does not agree to the referral of this matter to mediation.

The Plaintiff/Applicant/Defendant/Respondent does so for the following reasons:

.....

TAKE FURTHER NOTICE THAT in the event that their mutual agreement to refer the matter to mediation the Plaintiff/Applicant/Defendant/Respondent:

1. Propose preferred administrative processes: (PARTIES TICK RELEVANT OPTION)

1.1. A Recognised Mediation Organisation (RMO) or

1.2. The TGS platform

2. Propose preferred mediators:

NAME	RELEVANT DETAILS

3. Provide the facts of the matter deemed as:

3.1. Common cause

3.2. In dispute

4. Identify disputed fact and which might be reasonably be resolved by admissions

DISPUTED FACTS	THOSE REASONABLY RESOLVED BY ADMISSIONS

5. If expert evidence in the matter is reasonably anticipated:

5.1. Expert nature already available, if any.

5.2. The party's position regarding the appointment of a single expert on a given issue, as well as its preferred expert to be appointed, if any.

6. The procedural aspects and timelines applicable to the further conduct of the matter that can potentially be addressed and agreed upon.

7. The time period within which the adversary party should respond to the Amplified Rule 41A Notice, if not within the default period provided for in the Mediation Directive (no less than 5 (five) court days and no more than 15 (fifteen) court days)

8. Any other issue of material relevance to a mediation engagement.

DATED at on theday of.....

Plaintiff/Applicant/Defendant/Respondent Attorney

Address

TO: THE REGISTRAR OF THE ABOVE COURT

AND TO: Defendant/Respondent/Attorney