

Dear Ms. Bezuidenhout

Thanks for clearing up the context. When it comes to the Stein Scop-related piece I would be grateful if you would give us an opportunity to address any specific points arising from that specific article as and when it may be opportune to do so. Will do our best to ensure that we don't hold up any deadline you may have. In regard to the broader article, hopefully some of our more general responses have been useful.

Our further responses are:

*In point 3 of your response you refer to factual/legal principles that could help ensure more accurate reporting. Would be great if you could refer me to the sections in question so that I may ensure I am on the same page:)*

I think it is important to understand the exact nature of the preservation order procedure, the scope of the order and what the empowering legislation contemplated in Chapter 6 says. ~We are not aware of any media outlet that has reported on the exact terms of the order and the process to be followed by the curator. This really would help the public to understand how this works and to follow proceedings.

It is also important to distinguish the role that the legal profession plays as distinct from other service providers such as accountants and consultants. As indicated, we do act for unpopular clients from time to time. Our job, as attorneys, is to ensure that even these clients are entitled to protect or enforce their rights under law including the right to present their cases and to ensure that any actions brought against them are in accordance with the legal principles underpinning these actions. This is enshrined in the Constitution.

Large litigation matters are run as teams between attorneys and counsel, often including experts and correspondents. A legal bill is the agglomeration of all of the fees of these respective parties. This is the nature of the legal system. It is therefore incorrect and unfair to refer to the attorneys in a matter as being the sole recipient of legal fees paid by a client in a particular matter.

*In your response to my previous set of questions you state that your firm has withdrawn as the attorneys of record for Trillian, but I need to check whether, during the course of your engagement with TCP, whether you acted for the entire group and whether this included Trillian Holdings as the main shareholder of TCP.*

We acted for certain companies in the group and in some instances Trillian Holdings.

It is correct that we withdrew as Trillian's attorneys of record across the entire group.

*Thanks muchest for the facts around other firms, it has made things a bit easier. I wondered if you may be in a position to help me understand the role played by Jones Day, the US law firm. Did Stein Scop engage the firm for work on the declaratory order involving former finance Minister, Pravin Gordhan or was the US firm engaged by your client directly?*

It is not unusual to seek advice from a global firm with broader skills and expertise particularly where foreign jurisprudence may be instructive in a matter.

As we understood the position from client's representative, Jones Day were briefed by us in certain instances and by other parties to the litigation for a variety of pieces of litigious and commercial advice.

Without breaching client confidentiality as to the specific nature and scope of the advice given by Jones Day, we advise that the advice that Jones Day furnished was broader than, and in other instances unrelated to, the Minister of Finance matter.

We do not think that we were the exclusive briefing party interacting with Jones Day in the Minister of Finance litigation or other matters.

*In your response, 4.3.2, you emphasize issues of client confidentiality. I fully understand and kindly note that such references would be broadly based on cases in the public domain insofar as it involves Stein Scop (apart from any additional matters confirmed by the firm)*

Thanks we are grateful for this.

*In 4.4.2 of your response you refer to "fee notes". May I just ask, for clarity sake, whether you mean payments to service providers by Stein Scop on behalf of entities in the Trillian stable or Trillian Holdings.*

"Fee Notes" is a term used to describe narratives issued to clients which detail the services rendered to such clients and are accompanied when invoices are sent to clients. Where invoices include disbursements, such as counsels' fees, then these would be included in the fee notes to clients.

Any such fees were paid to other service providers by us where we were asked to brief service providers on behalf of our clients in connection with a particular matter only and for no other reason. This would include senior and junior advocates, experts, foreign lawyers, correspondent attorneys and cost consultants. The scope and range of these service providers and what they were asked to advise on remains privileged and would require our clients to waive this privilege in particular in relation to the range of litigious matters in which our clients had an interest.

The preservation order, as we understand it, is in relation to those parties who may be holding or in possession of funds which might have flowed from Trillian and related entities and which are capable of preservation pending a civil forfeiture. We understand further that Eskom has indicated that they will challenge this forfeiture as Eskom has instituted its own proceedings for review of its decision and recovery of funds against McKinsey and Trillian.

Nonetheless, in the conduct of his investigation, we have interacted with the curator to the extent that we could provide him with information required in terms of the court order. To be clear we hold no funds on behalf of Trillian or any of its shareholders.

It is our understanding that the Act and existing established case law does not extend to recoveries of funds paid to service providers (and certainly we are aware of a number of such service providers in litigation proceedings for and against Trillian). By the same token you might argue that the Melrose Arch landlord or staff who did work for the company would be subject to the same constraints. This is certainly not how we read the court order and it would be unfair to report it as such.

It would also be in the interests of balanced reporting to include in any article that the monies that are the subject matter of the preservation order have not yet been declared unlawful by a court - even McKinsey's proposed repayment appears to be contingent upon this.

*In point 4.5.2 you refer to engagements with a curator. Are you able to provide a reason for such?*

See above

*In point 6.1.4 you emphasize that Stein Scop has not been drawn into the state capture scandal.*

*a)Are you aware that the bank account in terms of which the AFU obtained a preservation order in December no longer exists?*

*b)Are you aware that investigators have extended their recovery efforts beyond Trillian and that such efforts have brought a range of service providers to the company under scrutiny.*

*c)Do you disagree that such extended recovery efforts may include Stein Scop?*

Stein Scop has not been drawn into the state capture scandal. Stein Scop acted as lawyer for clients in a number of matters as it was entitled to do as are a number of other firms across the country at present.

We are unaware of the extent and scope of the efforts to preserve funds pursuant to the Trillian preservation order.

If your question is whether Stein Scop might be called upon to provide information in regard to recovery of funds where the firm was acting for a Trillian client, we would obviously comply with an appropriate order of court.

If your question is whether Stein Scop or the plethora of counsel, experts and other advisors that were called upon during our tenure as litigation lawyers for Trillian should be the subject matter of any suggested recovery efforts, for reasons set out above this would be inconsistent with the prevailing law and the preservation order.

*Finally, with regards to the Mosilo Mothepu issue: Thank you for a fairly detailed response.*

Pleasure. Once again, we were attorneys briefed in acrimonious litigation discharging our obligation to defend our erstwhile client.

Finally from our side, please make this response available together with my prior response as a link to any article you may publish.

12 April 2018