



IN THE HIGH COURT OF SOUTH AFRICA **[Insert jurisdiction]**

CASE NO:

In the matter between :

[Insert name of plaintiff]

PLAINTIFF

and

[Insert name of defendant]

DEFENDANT

DISCOVERY AFFIDAVIT

I, the undersigned,

do hereby make oath and say that:

1. I am an adult **[insert gender]** and the Plaintiff in this matter. The facts deposed to herein, are within my personal knowledge and belief and are true and correct save where the context indicates otherwise.
2. The Plaintiff has in its possession or power the documents relating to the matters in question in this action as set forth in the first and second parts of the First Schedule hereto.

3. The Plaintiff has in its possession or under its control the books and documents relating to this action as set forth in the first and second parts of the first schedule hereto.
4. The Plaintiff objects to disclosure of the books and documents specified in the second part of the said first schedule hereto for the reason that such documents are lawfully privileged in that they, *inter alia*, constitute communications prepared for the purpose of concluding the litigation of this case.
5. According to the best of my knowledge and belief, the Plaintiff has not now or ever had in its possession, power or control of my attorneys or agents or any other person on its behalf any document or copy or extract from any document, relating to any matter in question in this cause other than documents set forth in the first schedule hereto.

DEPONENT

[insert name]

I certify that the Deponent has acknowledged that he knows and understands the contents of this Affidavit which was signed and sworn to before me at **[insert place]** on this **[insert day]** day of **[insert month]** **[insert year]**, under compliance with the Regulations contained in Government Notice No. R1258 dated 21 July 1972 (as amended) and Government Notice R1648 of 19/8/77 (as amended).

COMMISSIONER OF OATHS

FIRST SCHEDULE

PART ONE

ITEM	DATE	DESCRIPTION	COPY/ ORIGINAL
1.	Various	All processes and pleadings under High Court Case No. 2178/2003	C & O

FIRST SCHEDULE

PART TWO

1. Correspondence between attorney and client containing communication of a confidential nature with the object of obtaining legal advice in relation to the matter in question in this action prior to and in contemplation of and during the continuance of these proceedings.
2. Statements of witnesses and reports brought into existence prior to and in contemplation of and during the continuance of these proceedings and correspondence and documents relating to the evidence to be used in relation to information which might lead to obtaining of such evidence or otherwise to enable the Plaintiff's case in this action to be conducted, which statements, reports, correspondence and documents are by their very nature privileged.
3. Instructions to Counsel, cases for the opinion of Counsel, notes and opinions thereon and Counsel's advice and drafts of documents given upon such information and brief to Counsel which came into existence prior to or in contemplation of during the continuation of these proceedings solely for the purpose of obtaining for or furnishing to the Plaintiff or its attorneys legal advice in relation to these proceedings or which have been made in relation to these proceeding or which have been made confidential

in relation to the matters in question in this action which said documents are by their nature privileged.

4. Correspondence between Plaintiff's attorney and Defendant's attorney written without prejudice in relation to the matter in question prior to and in contemplation of and during the continuation of these proceedings.
5. All other documents and correspondence brought into existence to enable the Defendant case in this action to be conducted which are by their very nature privileged in respect of proceedings between parties.

SECOND SCHEDULE

ITEM	DATE	DESCRIPTION	COPY/ ORIGINAL
1.	Various	The originals of letters written by the Plaintiff and the Plaintiff's attorneys copies whereof are lists in the first and second parts of the First Schedule.	C & O