**IN THE HIGH COURT OF SOUTH AFRICA,
FREE STATE DIVISION, BLOEMFONTEIN**

PRACTICE DIRECTION 2/2019

THE JUDGE PRESIDENT HEREBY ISSUES THE FOLLOWING PRACTICE DIRECTIVE, EFFECTIVE IMMEDIATELY, IN RESPECT OF JUDICIAL CASE MANAGEMENT:

1. The Practice Directive dated 6 January 2015 is hereby rescinded and substituted with the rules set out herein.

2. The new High Court rule 37A shall not be applied to applications, but in respect of all defended civil actions.

3. Parties involved in defended civil actions shall be expected to strictly comply with the provisions of rule 37A and in particular rules 37A(8) – (10) and exact statements instead of vague generalities will be required.

4. The registrar shall issue a notice in terms of rule 37A(6) after closure of pleadings and the application for a trial date by any of the parties.

5. Once the parties have been notified by the registrar in terms of rule 37A(6), they are expected to comply fully therewith as provided for in rule 37A(7), subject to the following:
    5.1   the court file shall be suitably ordered, secured, paginated and indexed in the manner described in the next sub-

paragraph not less than **seven** days before the time appointed for the case management conference;

5.2   the court file shall consist of separate bundles for the full set of pleadings, the discovery affidavits in a single bundle, a single bundle of documents to be used by the parties in a chronological order, a set of expert reports together with, as far as possible, joint minutes of like experts and a bundle containing all other notices and documents not falling in one of the above categories;

5.3   although rule 21 has not been amended, the parties shall be expected to confirm in writing that they do not intend to request further particulars for trial (if they have not requested trial particulars before), or if a request was filed to which there was no response, that the requesting party either abandons the right to insist on a reply, or intends to seek compliance in which last-mentioned instance the matter should not be declared trial-ready;

5.4   the signed minutes of the parties' pre-trial conference in terms of rule 37, complying strictly with rule 37A(10), shall be filed and contained in the pleadings bundle;

5.5   the signed minutes of the parties' pre-trial conference shall also contain a statement that no interlocutory applications are outstanding or anticipated;

5.6   in the event of non-compliance by a party with rule 37A, the other party shall be entitled to inform the registrar in writing of such failure within the time frame set out in paragraph 5.1 above and the steps taken by that party to ensure compliance by the other party in which case the letter shall be filed and bound in the pleadings bundle.

6.   The case management judge may in his/her discretion certify a matter trial-ready without the necessity of the parties appearing at

a case management conference if he/she is satisfied, upon receipt of the court file indicating full compliance with the relevant provisions of rule 37A, that such a conference is not required and will merely lead to unnecessary costs.

7. Case management conferences shall be

    7.1 conducted on Mondays in G court, starting at 14h15;

    7.2 attended by legal practitioners with the right of appearance in the High Court who shall be robed;

    7.3 recorded mechanically.

8. The decisions made at the case management conference shall be entered in the minutes of the conference by the case management judge if he/she prefers it, or in all other instances by the plaintiff's legal practitioner to be submitted to the case management judge for approval within five days and such minutes shall also be filed as part of the pleadings bundle.

9. A matter may be certified as trial-ready in exceptional cases where it is evident that one of the parties is trial-ready, but the other party, notwithstanding the utilization of all available pre-trial measures, remains in default.

Dated and signed on this 16th day of August 2019.

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C.J. Musi, JP