

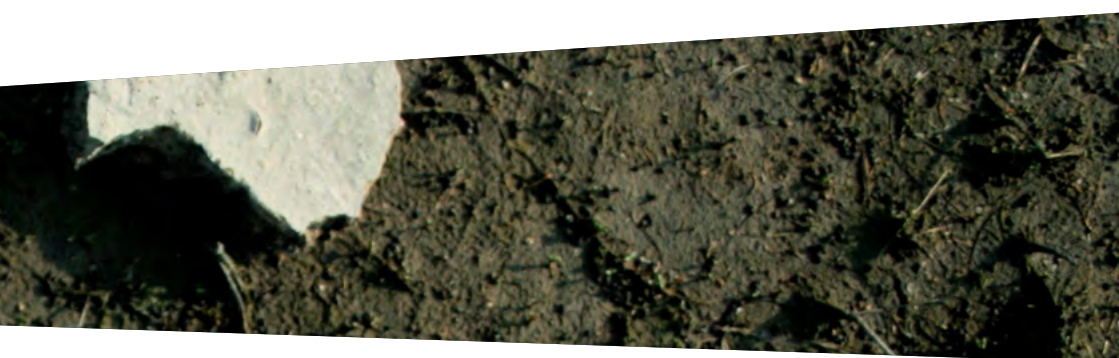


## ENSafrica dispute resolution

*clients recognise the outstanding quality  
of the firm and agree that you can  
always rely on them to deliver*

Chambers Global 2018





ENSafrica's large dispute resolution team has extensive experience in advising local and international corporations, financial institutions, governments and regulatory bodies in respect of a wide range of disputes that require proactive and effective solutions across the African continent.

Our dedicated team focuses on dispute avoidance and risk management, with an emphasis on early assessment of the matter and a careful consideration of all aspects before taking action, in order to ensure that we adopt the right strategy to meet your expectations. This means that counsel and advice is obtained before any litigation process is considered.

Our key differentiator is that we have represented numerous clients in prominent, ground-breaking litigation, as well as in cross-border litigation.

These high-profile market firsts have involved very complex aspects that are without precedent.



**>200 YEARS**  
experience



**12**

OFFICES  
IN 7 COUNTRIES



By way of example, we have advised and represented clients in relation to every class action in South Africa to date.

Although the matters we deal with vary in size, complexity and risk profile, we are primarily recognised as lead attorneys in large and complex matters.

We have the unique advantage, as part of Africa's largest law firm, of being able to harness the expertise of more than 600 practitioners throughout the continent. ENSafrica has a significant breadth and depth of experience and specialist expertise that spans all commercial areas of law, tax, forensics and IP.

As such, we regularly partner with specialists across the firm, meaning that we are able to assist with all aspects of all matters across all sectors in all African jurisdictions, ensuring that your legal requirements are handled quickly and seamlessly.

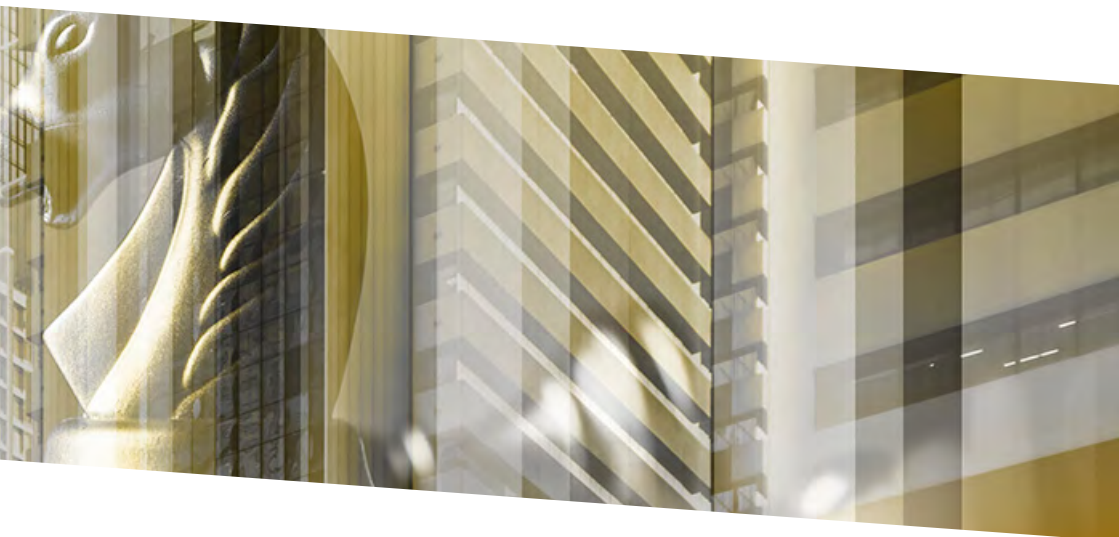


We act in, and advise on, all aspects of commercial litigation and dispute resolution, both before and after the start of any litigation process, including:

- advising on alternative dispute resolution processes, including mediation
- advising on, and representing clients in, settlement negotiations
- assisting with administrative appeals in relation to decisions by regulatory bodies, including reviews of such decisions
- assisting with, and representing clients in relation to, draft legislation and regulations submissions
- furnishing opinions to clients on all aspects of dispute resolution
- liaising with foreign legal counsel on behalf of clients in relation to cross-border litigation and coordinating the management of such matters
- representing clients before the statutory ombuds of various industries
- representing clients in arbitrations and regulatory tribunals (local and international)
- representing clients in courts throughout Africa
- representing clients in regulatory tribunals and hearings convened in terms of statutes

We advise extensively on issues and disputes throughout Africa in a variety of areas, including:

- administrative and regulatory
- banking and finance
- business fraud
- class actions
- companies
- constitutional
- construction and engineering
- contracts
- customs
- energy and natural resources
- fishing and marine resources
- information technology
- insurance and professional indemnity insurance
- international trade
- mining
- pension funds
- product liability
- property
- tax and exchange control



*they are very responsive to our needs, have a good understanding of intricate underlying issues and are good at formulating the correct strategic approach*

Chambers Global 2018

*very strong technical service, tactical and strategic approach to matters*

Chambers Global 2018

*the firm is recognised for its mining sector work, including silicosis claims, and has a fine record in pension fund class actions and transfer pricing disputes*

Legal 500 2018

## ZAR80-BILLION CLASS ACTION

ZAR80-billion settlement in a class action brought by 60 000 pensioners against the Transnet Second Defined Benefit Fund and the Transport Pension Fund.

## ZAR5-BILLION CLASS ACTION

ZAR5-billion settlement in South Africa's largest ever class action brought against 32 mining companies by half a million employees who had contracted silicosis and/or tuberculosis.

## USD63-MILLION LAND CLAIMS

USD63-million settlement following land claims affecting Sun International's Wild Coast Sun in the former Transkei.

## USD51-MILLION LITIGATION

USD51-million litigation after the South African Government planned to close Interwaste's landfill when residents complained.

## USD42-MILLION DAMAGES

USD42-million court case in the High Court of Justice in which a Ghanaian company which stores petroleum products sued the International Finance Corporation and the OPEC Fund for International Development for damages for alleged wrongful retention of securities.

## ZAR173-MILLION PAYMENT

ZAR173-million payment by the Passenger Rail Agency of South Africa (PRASA) to the BAA Consortium (Bombardier Transportation South Africa, ERB Technologies, R&H Railway Consultants, Bakara Engineering, Stimela Infrastructure Management Services, Basil Read, and Tension Overhead Electrification), as ordered by the High Court after PRASA failed to comply with a Dispute Adjudication Board award.

## ZAR106-MILLION LITIGATION

ZAR106-million litigation in the High Court between the South African Bank of Athens and Everton Construction and others, examining the extent to which banks should be liable for electronic transactions that appear to be validly authorised.

## DEFENCE IN HIGH COURT

Defence of Thobela Telecoms in the High Court which allowed it to continue providing fibre optic cable after a new political party took over the Tshwane municipality and wanted to halt the project, despite Thobela already having spent USD37-million.

## SETTLEMENT OF DEBT

Settlement of debt owed by a Ghanaian warehousing and commodity dealing company to ED&F Man Sugar, a British sugar producer and exporter, after successful representation in a Ghanaian court before proceeding to the arbitration tribunal of the Refined Sugar Association in London.

## CONSUMER TRIBUNAL JUDGEMENT

Judgement in favour of Lewis Stores and its club fees by the South African National Consumer Tribunal, which dismissed an application by the National Credit Regulator.



*ENSAfrica has excelled in public law and class actions*

Legal 500 2018



**George van Niekerk**  
executive  
[gvanniekerk@ENSAfrica.com](mailto:gvanniekerk@ENSAfrica.com)



**Sue Hayes**  
executive  
[shayes@ENSAfrica.com](mailto:shayes@ENSAfrica.com)

