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Your reference: M Mariano/DR/mm/RM5296

Our reference: JFL/ca/W15371

7 December 2021

Biccari Bollo Mariano Inc
Oxford & Glenhove
Building 1, Ground Floor
116 Oxfrrod Road
Melrose Estate
2196

By Email: dreddy@bbmlaw.co.za

Dear Mr Mariano

RE: GROUNDUP AND OTHERS// FA MBALULA

We act on behalf of GroundUp, Mr R Joseph and Mr M Mafata. Your letter of 6 December 2021, addressed to our above clients (amongst other) has been handed to us.

We do not intend to respond to you letter seriatim, and our omission to address any specific allegation is not an admission thereof.

Our instructions are:

1. GroundUp, has, since 2018, published a series of articles relating to the links between the company Upbrand Properties Proprietary Limited (Upbrand), a company that has been linked to grants from the National Lotteries Commission (NLC), and its Chief Operating Officer, Phillemon Letwaba (Letwaba).
2. The affairs of the NLC are matters of state and accordingly matters of public interest.
3. The publication by our clients has led to questions raised in Parliament, investigations by the SIU, as well as investigation by independent attorneys. Certain of these investigations are directly related to the relationship between Upbrand and Letwaba.

Partners: Jacques F. Louw BA LLB, Pieter Van Der Riet BA (Hons) LLB & Leroy Villet BCom LLB

Assisted By: Klara Cronje BA LLB and Laura Nicholson BSocSci LLB

Consultant: Sara Scheiner BA LLB

4. During our clients' investigations, the facts contained in the article published by GroundUp on 29 November 2021 (the article), and subsequently Daily Maverick, came into our clients' possession.
5. The article was based on:
 - 5.1. Documents obtained by our clients;
 - 5.2. Matters of public record, such as the report from the Public Protector;
 - 5.3. Interviews with witnesses; and
 - 5.4. The responses provided by those persons who agreed to answer questions, including your client, whose response was published in full.
6. The curious involvement of his (with his wife's) offer and sudden disappearance from the scene, are matters of the public interest, and relevant in the context of an article that dealt with Upbrand's acquisition of the property shortly after your client's offer. The facts that a company which is closely related to Letwaba and a charity that received funding from the NLC were involved in the sale process (in part by funding the purchase and in part guaranteeing the purchase price) are matters of public interest.
7. The article does not make any allegation that your client is in any other way associated with persons who are mentioned in the article, other than as referred to in the article. The article specifically does **not** allege that your client:
 - 7.1. was in any way involved in the business ventures of Messrs Letwaba and Siweya;
 - 7.2. was in any way financially associated with Messrs Letwaba and Siweya; or
 - 7.3. benefitted from or influenced questionable lottery grants.
8. Our clients specifically stated that your client is not accused of any wrongdoing.
9. The allegation in paragraphs 4 to 6 of your letter is accordingly denied.
10. It is noted that your client has not given any indication, whether it be in his responses to our clients or in your letter, in which respects the article is false.
11. Therefore, our clients cannot agree to publish a rectification, as the facts contained in the article, as it would be interpreted by the reasonable reader, are correct.

Accordingly, our instructions are that our clients will not comply with your demand as contained in paragraph 7 of your letter.

The action threatened in paragraph 8 of your letter will be defended.

Yours faithfully

**Lionel Murray Schwormstedt
& Louw**

Per:

JF LOUW

This letter has been sent electronically
and is not signed by the writer