

SUPREME COURT OF APPEAL OF SOUTH AFRICA

PRESS RELEASE

22 September 2008

STATUS: Immediate

***Digicore Fleet Management v Steyn***

*Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal*

The Supreme Court of Appeal today dismissed an appeal against a decision of the Durban High Court, refusing an interdict restraining Mrs Maryanne Steyn from working for a competitor after leaving the employment of Digicore. Although Steyn had signed an agreement in which she undertook not to work for a competitor of Digicore for two years after the termination of her employment, in the greater Durban area, the court found that Digicore did not have a proprietary interest that was threatened by Steyn. She had acquired no confidential information while in the employ of Digicore, and had taken with her when she left no more than she had brought to Digicore in the first place – her own experience, expertise and contacts. The restraint was thus not reasonable and was accordingly unenforceable.

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