

IN THE HIGH COURT OF SOUTH AFRICA(CAPE OF GOOD HOPE PROVINCIAL DIVISION)CASE NO: 2699/2008DATE: 29 FEBRUARY 2008

5 In the matter between:

DUDLEY WOLHUTER INSURANCE & ApplicantINVESTMENT BROKER CC

and

LYNETTE KNOTT Respondent

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J U D G M E N TTRAVERSO, DJP:

15 [1] This was an application in terms whereof the applicant
 applied for *inter alia* the following relief on an urgent
 basis:

20 "1. That the respondent be restrained and
 interdicted from in any way using or disclosing
 to any person any of the applicant's
 confidential information and more particularly
 the identity of any of the applicant's clients
 whose names appear on the applicant's client
 list, or its clients' database, or the identity of
 25 the contact person employed by those clients.

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2. Disclosing the details of the insurance policies held by any of the applicant's clients whose names appear on the applicant's client list or database to any person.

3. Disclosing the details of the applicant's client list or database or the contents thereof to any other person".

[2] It is common cause between the parties that the respondent was employed by the applicant in the insurance industry. It is common cause that she was retrenched and it is common cause that at one stage while she was on vacation she emailed the client list to her computer at home, according to her affidavits she did this because she had to service those clients while on holiday as the applicant did not have the infrastructure to do so. It is common cause that the client list was handed in as an Exhibit at the disciplinary hearing and clearly the applicant is not entitled to the return of that list.

[3] The respondent states on several occasions that she no longer has the list, on her computer nor does she have a hard copy thereof. She says she knows the list off by heart because these are old clients that followed her

from the place where she was previously employed in the same industry. Mr de Haan who appeared for the Applicant very fairly conceded that his client was not entitled to the relief claimed in the notice of motion that at best the applicant was entitled to some kind of undertaking from the Respondent that she will not use any of the information that she obtained from the data list unfairly, that she will delete such data from her computer and return any hard copies that she may have.

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[4] He also sought an undertaking that as regards the list which is in the possession of the Respondent's attorney, Mr Kulenkampff, he will only use the list for purposes of further steps that will be taken pursuant to the disciplinary enquiry.

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[5] Mr Kulenkampff, in his personal capacity and on behalf of his client, tendered such an undertaking in court. I note that such an undertaking has been made and I am not going to include it in any order. I have two respected legal practitioners before me and I accept unreservedly that their word is their bond.

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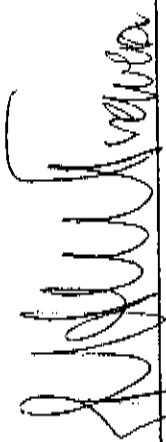
[6] From this it follows that the applicant is not successful in the application and in the circumstances, subject to the

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undertakings to which I have referred, the application is dismissed, with costs.



TRAVERSO, DJP