

J. HARRISON KINYANJUI
& CO. ADVOCATES

J. Harrison Kinyanjui
LLB (NBO) Dip. In Law (KSL)

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Our Ref: JHK/DM/3005/2012

Your Ref: SEN/DISSC/SCLSW/2025/45

APRIL 8TH, 2025

Date:
MR. JEREMIAH NYEGENYE
CLERK OF THE SENATE
SENATE OF KENYA
NAIROBI

Email: clerk.senate@parliament.go.ke Tel: 2848000

Dear Sir,/Madam,

**RE: UNFOUNDED ALLEGATIONS BY UNSPECIFIED PETITIONERS
IN RESPECT OF CLAIM AGAINST KENYA BREWERIES LIMITED,
KAPLAN & STRATTON ADVOCATES & HARRISON KINYANJUI
ADVOCATE**

We refer to the above and express deep shock at the manner in which the above matter has come to our attention on this April 8th, 2025 when we have NEVER been served with ANY Petition, Letter, or even Summons from your esteemed Office to proffer our rejoinder.

At about 1.20p.m on this April 8th, 2025 some members of the media contacted Mr. Harrison Kinyanjui on a proceeding in respect of the above matter, before the Labour Committee when Mr. Harrison Kinyanjui Advocate's name and law firm were adversely mentioned, as they were seeking to have our comments on the same.

Mr. Kinyanjui was utterly stunned, as there was NO notice of any such allegations served on us to respond to at any given time. Please note the following:

- a) Our email address is greatharrison@yahoo.com. It is officially on all our documents including the Law Society of Kenya website. NO email of ANY communication, Petition, Summons, or even notice of such a Parliamentary Petition has been emailed to us in that regard.

When Replying to this Mail Please cite our Reference

- b) Our Post Office address is P.O. BOX 10024-00100 GPO NAIROBI. NO mail in respect of the above subject has been POSTED (by ordinary or registered mail) to us. We do NOT have ANY other Postal Address.
- c) Our Office is on 4th Floor, St. Ellis House, Wabera Street, Nairobi and NO hard copy of ANY letter, or ANY Petition or Summons from the Senate has been delivered to us on the above matter. We do not have any other office for receipt of documents.
- d) Mr. Harrison Kinyanjui's phone numbers are as officially indicated on the Law Society of Kenya website, and we have NOT had ANY telephone call or ANY WhatsApp Messenger communication in respect of the referenced issue for us to attend or respond.

Please note that accordingly, we are in total darkness as to WHAT the issue is before the Senate, or in WHAT manner our rejoinder would be required and in respect of WHAT issue.

Further note that the issue of Kenya Breweries Ltd compensating its former employees is pending before the High Court as SOME individuals seek to set aside the Judgement of Hon. Justice Serگون in NAIROBI HCC 279/2003 in which some persons have hitherto made applications to have the case heard afresh. The matter is therefore sub judice.

(Please see attached Court CTS printout of the same, for adjudication of an application CURRENT as lodged by Namada & Co. Advocates representing some of the 6,000 Plaintiffs).

We also wish to bring to your kind attention the following:

1. The fact is that there were alleged to be about 6,000 or so former employees of Kenya Breweries subject of the said suit, some represented by Gitobu Imanyara & Co. Advocates, some by Namada & Co. Advocates, and some by O.P. Ngoge & Co. Advocates in the primary suit, NAIROBI HCC 279 of 2003. Some of the said Plaintiffs left Gitobu Imanyara & Co. Advocates and sought representation from my law firm. They were in penury and I offered to act for ONLY identifiable Plaintiffs from M/S Gitobu Imanyara Advocate.
2. About 125 of the said individuals approached my law firm through the 1st-named Plaintiff, one Lawrence Nduttu to so represent them in the cited suit. O.P. Ngoge & Co. Advocates were unhappy about this and when the matter was called before Hon. Lady Justice Ang'awa she formally listed the said individuals as being aligned under my law firm and those aligned under Namada & Co. Advocates separately.
3. Unhappy, O.P. Ngoge Advocate sued my law firm as well as Namada & Co. Advocates to appeal against a Ruling of the High Court dated 16th December, 2011 (Ang'awa, J) that had allowed some parties joined in the suit as plaintiffs to be represented by the firm of M/s J.

Harrison Kinyanjui & Co. Advocates, instead of M/s O.P. Ngoge & Associates who were representing all the plaintiffs jointly.

4. NONE of the 125 Plaintiffs paid the cost of defending these proceedings. It was ALL at my own cost, to secure justice for the said Plaintiffs.
5. The Objection by O. P. Ngoge Advocate in the said proceedings was overruled by a 3 Judge Court of Appeal Bench of Hon. Mr. Justice Githinji, Warsame & Musinga (JJA) by an Order dated 19th November, 2013 in Nairobi Court of Appeal Civil Application No. NAI 51 of 2013.
6. NONE of the said Plaintiffs paid my law firm a SHILLING to defend them in the Court of Appeal in those proceedings. None of them could even lawfully allege that we “**failed to provide any/adequate professional service**” in this instance despite NO fee being remitted.
7. Unhappy with the Court of Appeal’s decision against him, O. P. Ngoge Advocate then lodged and Appeal in the Supreme Court, vide Supreme Court Petition No. 13 of 2013. My law firm was sued as the 3rd Respondent therein while the 4 in the Supreme Court Appeal and the SAME parties I represent were also sued and they entirely relied on my representation BEFORE the Supreme Court.
8. The Supreme Court DISMISSED the said appeal entirely by learned Counsel O.P. Ngoge. NONE of the 125 persons under Lawrence Nduttu paid my law firm a SHILLING for that entire span of Supreme Court proceedings. To date. Can anyone allege that we “**failed to provide any/adequate professional service**” in this instance despite NO fee being remitted?
9. The stated decision of the Supreme Court which details the matter in extenso, including our representations before the Apex Court can be found here for verification: Peter Odiwuor Ngoge t/a O P Ngoge & Associates Advocates & 5379 others v J Namada Simoni t/a Namada & Co Advocates & 725 others [2014] eKLR
10. I appeared during the entire Hearing of the High Court trial before the Hon. Mr. Justice Serгон, and they also did not remit the legal fee on the conclusion of the trial. No getting up fee of a shilling was remitted.
11. No one compelled ANY of the Claimants to execute the Discharge Vouchers which enabled payments of what they were demanding from Kenya Breweries. Mr. Lawrence Nduttu was tasked by the Hon. Lady Justice Ang’awa with representing the Claimants hence Mr. Lawrence Nduttu by order of the Court in the cited suit thus arranged for each of them to be

furnished with a copy of their respective Discharge Voucher from Kenya Breweries' advocates on record M/S. Kaplan & Stratton Advocates, and each of them executed the same.

- 12. Was ANY of them placed under the barrel of a gun to execute the same, or tortured, or subjected to ANY form of duress of compulsion? Were ANY of them subjected to ANY form of coercion by myself or ANY employee in my law firm? NO!!!!*
- 13. They each voluntarily and without any compulsion executed the same after being informed by Lawrence Nduttu and myself of the contents and ramifications thereof. Their payments were made by bankers checks to EACH of them, collected by the persons individually apart from one or two who called our office and categorically directed us to hand their cheque to Mr. Njigu or Mr. Lawrence Ndutu as the case was. This was also documented.*
- 14. It was on the bases of these Discharge Vouchers that the pro-rated sums were remitted to THEM. NONE of the said persons REJECTED the cheques, or even received ANY of the cheques on a without prejudice basis.*
- 15. Note that the individuals were to receive each according to their Discharge Voucher. As a Client binds an Advocate to a commitment made which the Advocate has to abide by, these Discharge Vouchers are categorical and clear in their terms. How could we be accused of overriding the same?*
- 16. Each of the said persons under our representation READ and UNDERSTOOD what the Discharge Vouchers stated BEFORE executing the same.*
- 17. Mr. Lawrence Nduttu as indicated above was appointed by Order of the Hon. Lady Justice Ang'awa to swear all depositions on behalf of the Plaintiffs under my law firm and hence when he convened the said persons and ALL matters were disclosed to the said persons NONE of them objected, or sought to be excluded, or otherwise removed themselves from our representation. How then have we failed to execute their wishes?*
- 18. We then forwarded each of the said duly executed Discharge Vouchers to Kaplan & Stratton Advocates by our letter dated June 5th, 2023. They cannot be heard to resile from their own commitments therein contained.*
- 19. Note further that a Schedule of payments was received by my law firm from Lawrence Nduttu under a forwarding letter from an entity christened "KEN-BREX SACCO GROUP" whose signatory was Lawrence Nduttu as the ostensible chairperson. The said communication was indicating that I should pay ALL the 125 persons' remittances amounts to Equity Bank Ltd from my stated Client Account into which the dues had been made.*

20. I totally disagreed with that course of action as it was not only unlawful but altogether fraudulent, and I immediately instructed Mr. Lawrence Nduttu to rectify the sums indicated on the remittance Schedule should be to EACH of the 125 Plaintiffs I represent and I declined to remit any sums to the KEN-BREX SACCO GROUP stated Bank Account insisting that I would pay each beneficiary through the Bankers Cheques. This is the genesis of ALL the malice by the said Mr. LAWRENCE NDUTU and a Mr. NJIGU.
21. After Mr. Lawrence Thoithi agreed to re-do the Schedule of payments he made an error in the final remittances so that he failed to factor into the schedule the bank charges of Ksh.300/= per Bankers Cheque as well as the Ksh.600,000/= to be retained in the said Client Account to cover for the expenses of the pending Appeal. This fact was known to Lawrence Nduttu and all the other Claimants I represented in the said Matter.
22. To date, no one has written to my law firm (NOT even Lawrence Nduttu) to complain that I have in any manner misappropriated a penny of their funds.
23. It is important that I state that each of the returned Banker's Cheques with the erroneous sums and of which Lawrence Nduttu (as the lead person) had misspelt names attracted a fee of Ksh. 300/= drawn from the same Account.
24. I wish to state that payments agreeable to all the former employees of KBL whom I represented, were paid through Bankers Cheques. I must also state that I still hold in my possession some Bankers' Cheques drawn in the name of former KBL employees whom I was representing that are since demised, awaiting Grant of Letters of Representation which Lawrence Nduttu is fully aware of.
25. I have NOT (I repeat: NOT) retained a SHILLING or any amount of the monies remitted to my stated Clients Account by M/S Kaplan & Stratton in respect of the settlement done under the stated Judgement, relating to this matter as I had the specific Bankers Cheques drawn in favor of each beneficiary according to the list from KBL Advocates as cross checked and verified by Lawrence Nduttu with my Accountant Mr. Lawrence Thoithi. None of the persons on the list of the 125 Plaintiffs I represented have claimed (formally or otherwise) that I have not paid any amounts to them under the said settlement.
26. I refer you kindly to paragraph 19 and 20 above to comprehend the context of the bitter allegations herein raised by the said persons. Surely, it is unfair that we should be deprived of the opportunity to demonstrate the sheer malice by this Lawrence Nduttu.
27. By our Letter dated 4th April 2024 to the 125 Plaintiffs represented by Lawrence Nduttu, we informed them that we had BEEN SERVED on their behalf with process in NAIROBI

COURT OF APPEAL CIVIL APPEAL NO. E069 OF 2024 LAWRENCE NDUTTU & OTHERS vs. KENYA BREWERIES LIMITED.

28. They acknowledged receipt of our said letter and promised to call on us on April 19th 2024 and on April 22nd 2024. They did not.
29. In light of the stated NAIROBI COURT OF APPEAL CIVIL APPEAL NO. E069 OF 2024 LAWRENCE NDUTTU & OTHERS vs. KENYA BREWERIES LIMITED, they did NOT withdraw instructions from us or appointed ANOTHER Advocate to act in lieu of ourselves in the said Appeal.
30. We appeared in the Court of Appeal for the hearing of the said appeal lodged by the other group of persons claiming under Namada & Co. Advocates on the 3RD March, 2025 before the Hon. Lady Justice Achode, Mr. Justice Kiage and Mr. Justice Joel Ngugi when the Appeal was withdrawn by the said Lawrence Nduttu. Enclosed is a copy of the Order therefrom.
31. How can we be blamed for this when Lawrence Nduttu elected to change advocates without the professional courtesy of informing us? We enclose a copy of the said Order.

All said, we have elaborately attempted to clarify some issues germane to the spurious allegations as we have been made to respond to this issue 3 times now separately, including with the DCI, and the Advocates Complaints Commission.

With respect, these Complaints are levied by only 4 or so isolated persons because of their BITTERNESS at NOT pocketing the monies meant for their colleagues and the curtailing of the scheme to swindle their colleagues. Out of the 125 Plaintiffs we represented in the span of the proceedings from the High Court to the Supreme Court and back, we have faithfully endeavored to represent them professionally in the way explicated above, rendering first class legal services at no fee.

We shall be happy to receive the Petition and respond to the same ASAP. Thank you.

Very Sincerely,


J. HARRISON KINYANJUI & CO. ADVOCATES

Attachments

(Court Of Appeal Order & Sub Judice CTS posting in HCC 279/2003)

c.c. Chairman, Labour Relations Committee Senate of Kenya

**IN THE COURT OF APPEAL
AT NAIROBI**

(CORAM: KIAGE, ACHODE & JOEL NGUGI, JJ.A.)

CIVIL APPEAL NO. E069 OF 2024

BETWEEN

LAWRENCE NDUTU & 156 OTHERS APPELLANTS

AND

KENYA BREWERIES LIMITED RESPONDENT

*(An appeal against the ruling and order of the High Court of Kenya at Milimani
(Ongeri, J.) dated 25th July 2023*

in

HCCC No. 279 of 2003)

ORDER OF THE COURT

This appeal was listed for hearing today. Mr. Anyona, learned counsel holding brief for Mr. Manwa for the appellants, now says that this appeal ought to be withdrawn, and prays that it be.

Mr. Kahura, learned counsel for the respondents, is not objecting to such withdrawal and has been magnanimous enough to not insist on his costs. In the circumstances, this appeal be and is thereby withdrawn with no order as to costs.

Made at Nairobi this 3rd day of March 2025.

P. O. KIAGE

.....

JUDGE OF APPEAL

L. ACHODE

.....

JUDGE OF APPEAL

JOEL NGUGI

.....

JUDGE OF APPEAL

*I certify that this is a
True copy of the original*

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THE JUDICIARY

Justice be our Shield and Defender



Tracking Number: BJK A2003

Case Number: HCCC/279/2003

Citation: LAWRENCE NDUTU & OTHERS VS KENYA BREWERIES LTD & ANOTHER

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Case Activities

NO.	Activity	Activity Date	Court Room	Actioned To	Outcomes
1.	Hearing	06 May 2025	RRI COURT 17	Hon. Mr. Justice Prof. (Dr.) Sifuna Nixon	

NO.	Activity	Activity Date	Court Room	Actioned To	Outcomes
2.	Mention	23 Apr 2025	Chamber 129 - First Floor	Hon. Eric Otieno Wambo-PM	
3.	Mention	23 Apr 2025	Chamber 129 - First Floor	Hon. Eric Otieno Wambo-PM	
4.	Mention	17 Mar 2025	Chamber 129 - First Floor	Hon. Eric Otieno Wambo-PM	Mention date set (in court)
.					
5.	Mention	17 Mar 2025	Chamber 129 - First Floor	Hon. Eric Otieno Wambo-PM	Directions given
.					
6.	Issuance of Orders & Decrees	11 Mar 2025	Not Defined	Not Defined	Directions given
ORDER SIGNED					
7.	Mention	11 Mar 2025	Chamber 129 - First Floor	Hon. Eric Otieno Wambo-PM	Mention date set (in court)

mention

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NO.	Activity	Activity Date	Court Room	Actioned To	Outcomes
8.	Mention	10 Mar 2025	RRI COURT 17	Hon. Mr. Justice Prof. (Dr.) Sifuna Nixon	Adjournment Court on Leave
rescheduled to 10/3/2025 Date					
9.	Mention	13 Feb 2025	Chamber 129 - First Floor	Hon. Eric Otieno Wambo-PM	Mention date set (in court)
MENTION					
10.	Mention	11 Feb 2025	Chamber 129 - First Floor	Hon. Eric Otieno Wambo-PM	Mention date set (in court)
MENTION					
11.	Mention Date for compliance	27 Jan 2025	RRI COURT 17	Hon. Mr. Justice Prof. (Dr.) Sifuna Nixon	Directions given
.					
12.	Mention	19 Dec 2024	Chamber 129 - First Floor	Hon. Eric Otieno Wambo-PM	Directions given
.					
13.	Issuance of Orders & Decrees	17 Dec 2024	Chamber 129 - First Floor	Hon. Eric Otieno Wambo-PM	Directions given

NO.	Activity	Activity Date	Court Room	Actioned To	Outcomes
MENTION DATE GIVEN					
14.	Issuance of Orders & Decrees	13 Dec 2024	CHAMBER 129	Hon. Silvia Motari	Directions given
wrong input					
15.	Mention Date for compliance	09 Dec 2024	RRI3	Hon. Lady Justice Ouya Tabitha Wanyama	Mention date set (in court)
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16.	Mention	21 Nov 2024	RRI3	Hon. Lady Justice Ouya Tabitha Wanyama	Mention date set (in court)
.					
17.	Directions	07 Nov 2024	RRI3	Hon. Lady Justice Ouya Tabitha Wanyama	Mention date set (in court)
.					
18.	Certificate of urgency	02 Oct 2024	RRI3	Hon. Lady Justice Ouya Tabitha Wanyama	Not Certified Urgent

NO.	Activity	Activity Date	Court Room	Actioned To	Outcomes
THIS MATTER coming up on 4th October 2024 for directions on the Notice of Motion dated 1st October 2024 before Honourable Justice T. W. Ouya UPON HEARING the Counsel for the Applicant ; IT IS HEREBY ORDERED: 1. THAT Matter NOT certified urgent 2. THAT Applicant to serve the Respondent within 7 days from the date hereof 3. That parties to appear before court for directions on 7th November 2024 GIVEN under my hand and seal of the Honourable court on this 4th October 2024					

19.	Notice of Motion	25 Jul 2023	RRI COURT 19	Lady Justice Asenath Onger	Ruling delivered- case closed
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PROCEEDINGS TO BE TYPED

20.	Certificate of urgency	12 Jun 2023	RRI COURT 19	Lady Justice Asenath Onger	Hearing date set (in court)
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N/A

21.	Mention	26 May 2023	RRI COURT 19	Lady Justice Asenath Onger	Directions given
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CASE CLOSED

22.	Mention	26 Apr 2023	RRI COURT 19	Lady Justice Asenath Onger	Mention date set (in court)
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for directions

23.	Notice of Motion	29 Mar 2023	RRI COURT 19	Lady Justice Asenath Onger	Mention date set (in court)
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NO.	Activity	Activity Date	Court Room	Actioned To	Outcomes
N/A					
24.	Mention	07 Mar 2023	Courtroom 30	Hon. Lady Justice C. Meoli	Hearing date set (in court)
25.	Mention	26 Jan 2023	COURTROOM 2 3RD FLOOR	Hon. Lady Justice Janet Mulwa	Mention date set (in court) Court on Leave
26.	Mention	08 Nov 2022	Not Defined	Not Defined	Mention date set (in court)
27.	Mention	03 Nov 2022	Not Defined	Not Defined	Adjournment Court on Official Duty
28.	Mention	25 Oct 2022	Not Defined	Not Defined	Adjournment Court not sitting
29.	Mention	11 Oct 2022	RRI COURT 20	Hon. Justice Jesse Nyagah	Mention date set (in court)

NO.	Activity	Activity Date	Court Room	Actioned To	Outcomes
30.	Mention	26 Sep 2022	RRI COURT 20	Hon. Justice Jesse Nyagah	Adjournment Court not sitting
31.	Certificate of urgency	25 Jul 2022	Courtroom 30	Hon. Lady Justice C. Meoli	Directions given
hearing on 26/9/2022 before Hon sergon j					
32.	Mention	19 Jul 2022	RRI COURT 20	Hon. Justice Jesse Nyagah	Mention date set (in court)
33.	Notice of Motion	29 Jun 2022	Not Defined	Not Defined	Mention date set (in court)
34.	Notice of Motion	26 May 2022	Not Defined	Not Defined	
35.	Notice of Motion	26 May 2022	Not Defined	Not Defined	Adjournment Court not sitting
36.	Notice of Motion	28 Mar 2022	Not Defined	Not Defined	Hearing date set (in court)

NO.	Activity	Activity Date	Court Room	Actioned To	Outcomes
37.	Certificate of urgency	07 Feb 2022	Not Defined	Not Defined	Certified urgent
38.	Ruling	25 Jun 2021	Not Defined	Not Defined	Ruling delivered
39.	Mention	24 May 2021	Not Defined	Not Defined	Ruling date given
40.	Mention	10 May 2021	Not Defined	Not Defined	Mention date set (in court)
41.	Mention	15 Apr 2021	Not Defined	Not Defined	Mention date set (in court)
42.	Certificate of urgency	22 Jan 2021	Not Defined	Not Defined	Directions given
43.	Mention	15 Oct 2020	Not Defined	Not Defined	Adjournment Court not sitting

NO.	Activity	Activity Date	Court Room	Actioned To	Outcomes
44.	Notice of Motion	02 Mar 2020	Not Defined	Not Defined	Adjournment Court not sitting
45.	Notice of Motion	18 Feb 2020	Not Defined	Not Defined	Adjournment Court not sitting
46.	Notice of Motion	05 Nov 2019	Not Defined	Not Defined	Hearing date set (at the registry)
47.	Hearing of Applications	03 Oct 2019	Not Defined	Not Defined	Hearing date set (in court)
48.	Ruling	26 Feb 2019	Not Defined	Not Defined	Ruling delivered- case closed
49.	Highlighting of Submissions	20 Dec 2018	Not Defined	Not Defined	Ruling date given
50.	Mention	19 Dec 2018	Not Defined	Not Defined	Adjournment Submission not ready

NO.	Activity	Activity Date	Court Room	Actioned To	Outcomes
51.	Directions	05 Dec 2018	Not Defined	Not Defined	
52.	Mention	19 Nov 2018	Not Defined	Not Defined	
53.	Mention	08 Oct 2018	Not Defined	Not Defined	
54.	Mention	19 Sep 2018	Not Defined	Not Defined	
55.	Mention	26 Jul 2018	Not Defined	Not Defined	
56.	Mention	24 Jul 2018	Not Defined	Not Defined	
57.	Mention	18 Jul 2018	Not Defined	Not Defined	
58.	Mention	10 Jul 2018	Not Defined	Not Defined	

NO.	Activity	Activity Date	Court Room	Actioned To	Outcomes
59.	Mention	27 Jun 2018	Not Defined	Not Defined	
60.	Mention	26 Apr 2018	Not Defined	Not Defined	
61.	Mention	20 Mar 2018	Not Defined	Not Defined	
62.	Mention	09 Nov 2017	Not Defined	Not Defined	Mention date set (in court)
63.	Hearing	24 Oct 2017	Not Defined	Not Defined	
64.	Mention	11 Oct 2017	Not Defined	Not Defined	
65.	Mention	19 Sep 2017	Not Defined	Not Defined	
66.	Hearing	11 Jul 2017	Not Defined	Not Defined	

NO.	Activity	Activity Date	Court Room	Actioned To	Outcomes
67.	Hearing	10 Jul 2017	Not Defined	Not Defined	
68.	Mention	15 Jun 2017	Not Defined	Not Defined	
69.	Hearing	27 Apr 2017	Not Defined	Not Defined	
70.	Mention	26 Apr 2017	Not Defined	Not Defined	
71.	Part Heard Hearing	22 Feb 2017	Not Defined	Not Defined	
72.	Part Heard Hearing	21 Feb 2017	Not Defined	Not Defined	
73.	Part Heard Hearing	20 Feb 2017	Not Defined	Not Defined	
74.	Hearing	22 Nov 2016	Not Defined	Not Defined	

NO.	Activity	Activity Date	Court Room	Actioned To	Outcomes
75.	Mention	25 May 2016	Not Defined	Not Defined	