

CRIMINALS ADORNED IN JUDICIAL ROBES - Mike Stainbank

FRAUD UPON THE COURT is our allegation in JSC Complaint 489/2016, a 250-page dossier with appendices. Our complaint covers a period of 19 years having passed through all three Superior Courts, more than once. The primary object of this information is to demonstrate – on the version of Gold Reef City Casino – collusion with the Judiciary which presently falls under the Office of Chief Justice Mogoeng. The allegation, succinctly stated, is that there has never ever been a JURISTIC PERSON, named The South African Apartheid Museum at Freedom Park. That being so, no court, under our constitution, had the authority to grant audience to a NON-EXISTENT PERSON; no court had the authority to grant any orders in favour of a NON-EXISTENT PERSON; no court had the authority to corrupt statutory law; no court had the authority to usurp the Human Rights we hold in the Registered Trademark: THE APARTHEID MUSEUM®

**This EXPLANATION must be read with the two attachments that follow:*

- 1. 11 SEPTEMBER 2003 MEETING AT GOLD REEF CITY CASINO**
- 2. AFFIDAVIT OF ATTORNEY LESEGO WA LESEGO**

EXPLANATION

In or about November/December 2001, Gold Reef City Casino issued a press release which, on 02 December 2001, was published in the *Sunday Times*:

“The Apartheid Museum was conceived by business tycoons Solly and Abe Krok, as a carrot to be dangled before the Gambling Board in the hope of securing a gambling licence for the Gold Reef City Casino”

Following my reading of this public claim by Gold Reef City Casino, I brought a lawsuit against them, under Case Number: 26295/2002 TPD, for infringement of the exclusive rights I hold in the registered trademark The Apartheid Museum®

On or about 01 November 2002, Advocate Richard Moloko, a Director of Gold Reef City Casino, **acting on the authority of the owners of the Gold Reef City Casino Licence**, in their answering affidavit averred:

"At the outset however, I wish to confirm that the organization that actually trades as The Apartheid Museum is an entirely separate entity, namely, a company registered in terms of Section 21 of the Act, with effect from 14 August 2001 under registration number 2001/019108/08 under the name of The South African Apartheid Museum at Freedom Park."

To this day, NINETEEN YEARS LATER, the South African Revenue Services, does not have a record of this company having traded for a single day. This is the averment that Moloko referred to when they submitted a supplementary affidavit a month later, stating that, their legal representative, Mr Don MacRobert, had advised them that if my trademark was being infringed it was not the liability of the casino, but that of the company named **The South African Apartheid Museum at Freedom Park.**

Advocate Richard Moloko then averred that it was unnecessary to amend the papers, because, the application for expungement of my trademark brought by **The South African Apartheid Museum at Freedom Park**, would be based upon "**the same set of facts**" filed in the Gold Reef City Casino answering affidavit. The first case was heard on FRIDAY 20 June 2003 in the Pretoria High Court. Judgment in favour of **The South African Apartheid Museum at Freedom Park** was handed down by Justice Brian Southwood on 17 July 2003, under Case Number:32239/2002. Southwood J ordered the Registrar of Trademarks, to expunge my Class 41 Trademark Certificate Number: 1990/03560. Advocate Owen Salmon, on behalf of Gold Reef City Casino, introduced Mr Don MacRobert, a Director of the NEDBANK owned, Law Consultancy Firm: Edward Nathan Friedland (Pty) Ltd as his *instructing attorney*.

The appeal was heard by Justice Roger Claassen on FRIDAY 21 November 2003, because, according to MacRobert and Salmon, Southwood J was on temporary duty at the Supreme Court of Appeal in Bloemfontein.

MOST IMPORTANTLY however, on 11 September 2003, *two months and eleven days* BEFORE leave to appeal was heard by Claassen J, a very important meeting was held at Gold Reef City Casino to discuss, among other things, the contract with the OWNERS of the building that the casino, chose to name The Apartheid Museum.

Although there are other items on the agenda, a full reading of the minutes clearly shows that the most important business of that Board Meeting is the dissolution of the Board of **The South African Apartheid Museum at Freedom Park**.

Because *“it was noted with concern”* and because *“profuse apologies”* were only offered to Steven Joffe and Richard Moloko, it becomes abundantly clear that ALL the Directors of **The South African Apartheid Museum at Freedom Park** were present in this very important meeting. Moreover, the minutes do not record apologies from any other Board Member, that may not have been able to attend.

Herewith then the eight Directors who, according to these minutes, must be the same eight Members of the Board who, through Advocate Moloko, authorised **The South African Apartheid Museum at Freedom Park**, to apply for the expungement of my registered trademark in Case Number: 32239/2002 TPD, which was heard by Southwood J on FRIDAY 20 June 2003. (*Advocate Brian Southwood was the former legal representative of Solly and Abe Krok: Hollywood Curl vs Twin Products SCA 1988*)

JOHN KANI, SOLOMON KROK, SIDNEY ABRAMOWITCH, KIM FEINBERG
CHRISTIAN KROESE, CHRISTOPHER TILL, RICHARD MOLOKO & STEVEN JOFFE

The secretary is R. DAVY. One of these eight Directors provided these minutes years later, claiming innocence because; *“the Board was dissolved on 11 September 2003.”*

ACTING JUDGE RAYLENE KEIGHTLEY

This meeting of 11 September 2003, provides evidence of exactly why I refused to sign that apology, prepared for me by Gold Reef City Casino in Case No: 37609/2014 JHB GLD. I will not traverse all the criminality in that judgment because it will detract from that single point in law that Keightley AJ, criminally refused to hear: “**Mr Stainbank opposes the application. He relies, in the first instance, on what may for convenience be described as a point in limine in which he contests the jurisdiction of the court**” . . . to grant audience to a non-existent person.

Keightley AJ, proceeds, and at Paragraph 26 she boldly asserts: “**The fact of the matter is that the applicant was incorporated as a section 21 company in 2001 and remains so incorporated.** Her bold contention, given the prohibitive clauses of the Companies Act, corrupts the statutory laws that protect the EXCLUSIVE rights of a registered trademark. Moreover, damaging to her finding, is her direct reference to Mr George Bizos as a Director of The South African Apartheid Museum at Freedom Park.

For ease of reference, herewith selected extracts from that Keightley judgment.

Paragraph 2: *Other well-known people who were in one or other way associated with the project include Dr Reuel Khoza, who was the CEO of Akani Egoli (Pty) Ltd at the time, and Mr George Bizos, who is on the applicant’s board of directors.*

Paragraph 14.2 “*Looking for George Bizos*”.

Paragraph 20: *The second artwork is a satirical piece, depicting Mr George Bizos sitting on gold ingots crushing what appear to be black people . . . (The judges) are labelled “the Cabal” and they are offered “For Sale”. In the covering document, Mr Stainbank tells the reader that: “**George Bizos, his co-directors Solly Krok, Christopher Till, Kim Feinberg, Steven Joffe, Christian (or Christopher) Kroese, John Kani, Richard Moloko, Sidney Abramowitch have made arrangements for Mike Stainbank, to go to prison for 3 months.***

LOOKING FOR GEORGE BIZOS

Based on these minutes, that was indeed the title of one of the documents which I distributed, to demonstrate, on this hard evidence, that there has NEVER EVER been a company registered in terms of Section 21 of the Companies Act, named: **The South African Apartheid Museum at Freedom Park**. Clearly, not one of the eight Directors noted that Senior Advocate George Bizos was also not notified. Strange; the “*concern*” for forgetting Joffe and Moloko was so great; it required, “*profuse apologies*”

Mr Donald Lindsay MacRobert, a Director of the NEDBANK owned, Edward Nathan Friedland (Pty) Ltd who, with Advocate Owen Salmon, litigated this case for Gold Reef City Casino, to this day, insists that Advocate George Bizos SC became a Director on 15 August 2001. They also insist, to this day, that Mr Lesego wa Lesego became a Director on 14 August 2001.

Christopher Till and Richard Moloko who were the deponents to the very first affidavit for **The South African Apartheid Museum at Freedom Park**, concur with MacRobert, even though Lesego wa Lesego and George Bizos, are nowhere near Gold Reef City Casino on 11 September 2003 and are certainly not party to the agreement to dissolve the Board. Curiously so, the astute reader will note that these minutes provide no reason whatsoever for the Board to be dissolved.

ATTORNEY LESEGO WA LESEGO, under oath, vehemently denied that he ever was a Director and or Subscriber to **The South African Apartheid Museum at Freedom Park**. In 19 years of litigation, not one of these eight Board Members challenged his version; neither have they been able to provide evidence of him or George Bizos, having attended a single meeting of the Board of Directors of: **The South African Apartheid Museum at Freedom Park**. **SEE AFFIDAVIT ATTACHED**

THE INESCAPABLE CONCLUSION

These minutes form part of our JSC Complaint 489/2016, which refers to Advocate George Bizos, as *the linchpin* in the fraud of the owners of the Gold Reef City Casino License. The inescapable conclusion, drawn from the Minutes of the Board of Directors, is that George Bizos and Lesego wa Lesego were never Directors of **The South African Apartheid Museum at Freedom Park**. The criminality grows from perjury to fraud. In May 2012, after the intervention of the Public Protector, the Registrar of Companies is compelled to provide a copy of the inception file for **The South African Apartheid Museum at Freedom Park**. Astonishingly, on inspection of the file, one finds all eight of the Directors that had accepted, without reason, the dissolution of the Board, on 11 September 2003. **John Kani, Solomon Krok, Christopher Till, Sidney Abramowitch, Kim Feinberg, Christopher Kroese, Richard Moloko and Steven Joffe**

Astonishingly, Lesego wa Lesego is noted as a Director as of 14 August 2001 and George Bizos, as a Director, as of 15 August 2001. The 81 pages of that inception file is a PALPABLE FORGERY, fabricated in the Office of the Registrar of Companies, eleven years later, in or about the year 2012.

My imprisonment, the expungement of our trademarks, the financial loss, justice delayed that has brought about, loss of dignity, physical and mental torture, trauma and destitution begins when Southwood J, against argument and against statutory law, declares that The South African Apartheid Museum at Freedom Park, *has locus standi*.

Acting Judge Keightley: **“The fact of the matter is that the applicant was incorporated as a section 21 company in 2001 and remains so incorporated.”** On the evidence, on statutory law and the duty of every court to act independently; Raylene Keightley is a Violent, White, Racist, Liar.

To overcome our allegations of fraud upon the court, after 19 years, Chief Justice Mogoeng, beyond all other acts of criminality that followed the Southwood judgment, is duty bound to explain where, under our constitution, the Registrar of Companies found the discretion to ignore the prohibitive clauses of the Companies Act. Thereafter, the Chief Justice, will have to overcome the BLATANT FORGERY that presents itself so defiantly, in the 81-page inception file secured by the Public Protector in May 2012.

"Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function; where the impartial functions of the court have been directly corrupted."

Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985)