

## Learning Units

### Learning Units

#### Learning unit 08: Pleading stage: Drafting replications and further pleadings

##### Prescribed reading

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Read chapter 8 of Marnewick (prescribed textbook).

According to Marnewick: "A replication is an answer to the defendant's plea... Since its purpose is to reply, it may not contradict the statement of claim. Further pleadings such as rejoinders, surrejoinders, rebutters and surrebutters, are also in the nature of a reply to prior pleading..."

In chapter 8, Marnewick discusses the form and content of replication, further pleadings and reaching *litis contestatio*.

##### Learning outcomes

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On completion of Learning Unit 08, you should be able to:

- identify the nature, scope and content of replication
- define at what stage pleadings are considered closed

##### Activity

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Draft a rejoinder to the replication appearing in table 8.1 of chapter 8 on the basis that the defendant alleges that the plaintiff had been informed, prior to the conclusion of the contract, that Smith was no longer employed by the plaintiff. Discuss your answers on myUnisa under **Forum 4 (discussion 9)**.

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