



## **Namibian Brahman Breeders Society**

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### **NAMIBIAN BRAHMAN BREEDERS' SOCIETY**

#### **PRESS RELEASE**

- In the High Court case between the Namibian Brahman Breeders' Society (NBBS) and 9 other defendants and the plaintiff Danie Botes, the matter has been settled out of court. This case was about the bull **Lared Shepard** being deregistered from the database of the NBBS as a stud animal in 2015 due to the failure by Daniel Botes to provide the required proof of the animal's correct sire and, as a consequence, Shepard being stripped of its title as the **Southern African Breedplan Bull of the Year**. In 2011, Botes first registered Shepard with the NSBA. Smoke was reflected as Shepard's sire. This incorrect registration detail remained unchanged for years because Botes did not accept DNA test results (proving that Smoke could not be the sire of Shepard) and instead relied on advice of his farm workers regarding the identity of Shepard's sire.
- In 2014 Botes entered the Breedplan competition with Smoke as the sire of Shepard. He knew that the Estimated Breeding Values (EBV) used in the scoring of the competition would be based on the lineage of Shepard. Because of the information given on the show entry form the show catalogue reflected Smoke as its sire. After the show entries had closed he changed the sire of Shepard with the NSBA to reflect another sire (DB 09-0180). This was also the incorrect sire. According to the manager of the NSBA, Botes knew, by the end of August, that the scoring would be done on the information given on the show entry form (in which Smoke was reflected as the sire of Shepard). Shepard was therefore scored on the basis that Smoke (a previous winner of the award) was his sire.

Despite being aware of this, Botes received the award at the presentation ceremony without drawing anyone's attention to the huge mistake with Shepard's sire, not even when the main Judge specifically disclosed to the audience that Shepard's sire was the previous award winner, Smoke. Subsequent analysis undertaken by agreement between us, demonstrated, that neither of the aforementioned bulls (including, in particular, Smoke) was the sire of Shepard.

- It was because of the role that the Society played in investigating this, that Botes sued.
  - He instituted action against the NBBS for:
    - payment of the sum of N\$3 500 000.00 for reputational and other damages claimed to have been suffered for defamation and the wrongful and malicious failure of the Society's to recognize registration of the bull **SHEPARD** and the withdrawal of its title as the **Southern African Breedplan Bull of the Year**;
    - reinstatement of the bull and its progeny on the Namibian Stud Breeders' Association's database;
    - costs.
  - We denied all claims, maintained that the bull had incorrectly received the award because Botes had entered Shepard with the wrong sire and asked that his claims be dismissed, with costs.
5. For us the most important issue in the action was Botes's claim for damages.
6. We were told that, in terms of the Rules of the Court, the parties had to try and settle the disputes between them.

7. Discussions followed between our Counsel. We then concluded the settlement agreement. Botes abandoned his claims for damages. (It is important to note that this included his claims for defamation). In turn we undertook to re-register Shepard and his progeny with its correct sire (DB 08- 0043) **not Smoke**. Each side undertook to pay their own costs.
8. We decided to agree to the re-registration of the bull and its progeny with its correct sire by considering the interests of the members of the Society, the reputation of the breed, the substantial costs associated with a long trial involving experts from everywhere and, importantly, Botes's decision to abandon what, to us, represented the biggest part of the case.
9. The implication is that Shepard remains stripped of its title and that the Society has been vindicated in the role it played in the bull being so stripped. (Publication to the contrary in the Republikein of 16 June 2020 is incorrect).