

Yaniv Kleitman

Director



Yaniv Kleitman is a Director in our Corporate & Commercial practice and operates as a Professional Support Lawyer (PSL). He specialises in company and securities law.

About Yaniv

Yaniv began his career as a Candidate Attorney at Cliffe Dekker Hofmeyr and was appointed as an Associate in January 2009. He was promoted to Senior Associate in January 2011. In 2015 Yaniv was appointed as a Director.

Credentials

Education

- LLB (cum laude), University of Johannesburg
- LLM (Commercial Law) (cum laude), University of Johannesburg
- Year of admission as an attorney: 2009
- Enrolled with the Legal Practice Council

Experience

• Vodacom

Part of the team that advised Vodacom in its BEE transaction, Vodacom's acquisition of StorTech and Vodacom's acquisition of Gateway Communications in 2008/2009 (due diligence aspects).

• Foskor and Industrial Development Corporation

Part of the team that advised Foskor and Industrial Development Corporation in Foskor's BEE transaction in 2008/2009.

• Batho Bonke Capital

Part of the team that advised Batho Bonke Capital in the latter's conversion of its "A" Preference Shares in Absa Group into a 5% shareholding in Absa Group, in 2009.

• Pareto

Part of the team that advised Pareto in its acquisition of a 50% ownership interest in each of Menlyn Park Shopping Centre and Cavendish Square and Cavendish Connect Shopping Centres, in 2010.

Contact Yaniv

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Expertise

Corporate & Commercial Law

The Companies Act

Corporate Governance

Listings, Stock Exchanges & Public Documents

Location

Johannesburg

Language

English

- **Mvelaserve**

Part of the team that advised on the unbundling and listing of Mvelaserve, then a subsidiary of Mvelaphanda Group, in 2010.

- **Batho Bonke**

Advised in the unwind of Batho Bonke, in 2012 / 2013.

- **Mvelaserve and Mvelaphanda Group**

Part of the team that advised Mvelaserve and Mvelaphanda Group (now New Bond Capital) in their respective takeovers by Bidvest and Blackstar Group, in 2012 / 2013.

- **Pepkor**

Advised on a number of listed acquisitions and combinations including Steinhoff / Pepkor (as well as the subsequent Steinhoff scheme of arrangement and Frankfurt listing), Mediclinic / Al-Noor, Ascendis / Remedica and Ascendis / Scitec, in 2014 - 2016.

- **Department of Energy**

Advised extensively in the numerous renewable energy projects that were initiated by the Department of Energy and which are underway in South Africa.

- **Parastatals**

Advised a number of parastatals on compliance and governance aspects.

- **Due diligence**

General corporate and commercial, advisory and due diligence work.

- **Company and commercial law**

Advises extensively in the field of company and commercial law, and provides training and seminars in these fields.

News

[To survive, or not to survive? Some conditions precedent pitfalls to look out for](#)

One of the important aspects of written agreements being subject to the fulfilment or waiver of certain agreed conditions precedent, or suspensive conditions, (CPs) before the substantive provisions of the agreement become of force and effect, is the so-called "surviving provisions/clauses" (also known as "immediately effective provisions/clauses"). In the ordinary course, the crux of the transaction contemplated in such an agreement and the clauses relating to it are suspended from the signature date until all of the CPs are fulfilled or waived (if permissible and applicable) by an agreed date or dates (fulfilment date). If all of the CPs are not fulfilled or waived by the fulfilment date, the agreement effectively falls away and will be of no force or effect. However, it should be borne in mind that the parties to an agreement with CPs may very well intend for certain of the clauses in the agreement to come into force and effect from the signature date of the agreement and to survive the falling away of the substantive provisions due to non-fulfilment of the CPs.

[Rogue directors counting the grains in the hourglass](#)

There are many famous quotes about the passage of time, and miscreant directors may well be pondering a number of these in light of recent developments regarding the time-barring of claims based on breach of duty.

[Should I ask my lawyer or should I just ChatGPT it?](#)

Have you heard of the powerful tool that is taking the world by storm? ChatGPT, a large language model developed by OpenAI, has been making waves lately for its ability to generate human-like responses to natural language prompts. Numerous recent articles on the internet report how ChatGPT passed the law bar exam in the US – although various commentators and journalists do acknowledge that this is very different from actually practicing and applying the law. But just how reliable is this technology? We put ChatGPT to the test by asking it some legal questions and were impressed by its capabilities.

[The devil is in the detail: tacit terms and provisos](#)

Analysing several of the recent Supreme Court of Appeal (SCA) judgments on contract law, it seems some of the "flavour of the year" topics that have emerged are the reading in of tacit terms into written contracts, the attempt to resort to prior negotiations in interpreting written contracts, and the vital distinction between conditions and terms in a contract. These issues were (again) raised before the SCA in the case of *City of Tshwane Metropolitan Municipality v Brooklyn Edge (Pty) Ltd* and another ZASCA 23.

[COVID-19 and the doctrine of supervening impossibility of performance](#)

There have been numerous learnings that have come out of COVID-19, one lesson in particular is, like any other rarely occurring global catastrophe, pandemics have happened in the past and will continue to happen in the future. Whilst we cannot control and prevent dangerous situations from emerging, we should at least educate ourselves as to the defenses available.

Videos

[Companies Act Developments Seminar](#)

On Tuesday, 30 January 2024, our Corporate & Commercial practice hosted a seminar on Companies Act Developments.

[All news by Yaniv Kleitman →](#)

Recognition

- IFLR1000

The IFLR1000 2019, 2020, and 2022 recommended Yaniv as a notable practitioner in M&A.