Set of facts

Maya is a 20-year-old law student, and Xoliswa is Maya’s cousin’s wife. Xoliswa donated her egg and her husband (Stewart-the cousin) donated his sperm which was artificially inseminated into Maya so Maya can act as their surrogate.

Xoliswa and Stewart are paying for all the medical expenses associated with the pregnancy and Xoliswa is providing further support by attending all the medical appointments with Maya.

Maya’s first pregnancy was when she was 17 but the baby died as a result of covid at just 10 months of age. On the 20th of April 2023, Xoliswa fetched Maya in Xoliswa’s work car from The University of Johannesburg Auckland Park Campus to Park Lane Hospital for Maya’s 9-week checkup.

Xoliswa was supposed to be at work on the said day but called in sick. Shortly after parking the car and exiting the vehicle they hear an enormous crash and on turning around they see that someone had pushed a gurney into Xoliswa’s car causing severe damage to the front left and the passenger door. A man wearing a paramedic uniform runs towards the gurney and starts picking it up.

He is obviously agitated, saying “Who parks a car here, it is for ambulances only!” Xoliswa asks him why he pushed the gurney into her car and frantically she also exclaims “what am I going to do this is not even my car?!!!”

The man starts screaming at both her and Maya, saying: “Obviously I didn’t do it on purpose, these gurneys are in such bad condition and I battled to control it.

My shift just ended and I need to pack up so I can go home.

Instead of standing there making accusations, help me you stupid so-and-so” 7 When Xoliswa asks about the damage to her car, the man starts swearing at them, calling them derogatory

names and waving his fist at them. Xoliswa and Maya are scared that they will be injured and start to run away. Just then Maya trips over one of the medical supplies that fell off the gurney. Her left elbow is clearly broken and she has other injuries.

They make their way into the hospital and request immediate assistance. Maya’s gynaecologist, Dr. Ngubane does a sonar scan but is unable to tell whether there was any injury suffered by the fetus, he recommends that Maya go for an invasive procedure referred to as amniocentesis.

Unfortunately, this procedure is risky and may cause the fetus to be injured or die during examination. Xoliswa hears the news and is devastated, she immediately says that she is not in favour of the invasive test.

In addition, Xoliswa is also concerned about Stewart’s reaction since he has all his hopes and dreams pinned on this pregnancy.

Dr. Ngubane further advises Maya that if she does not conduct this invasive procedure the child may be born with birth deficiencies and there is a 9% chance that Maya’s life may be in danger if something is wrong with the fetus and not detected early enough.

Xoliswa breaks the news to Stewart who calls her to find out how the appointment went. Due to the stress associated with the news, Stewart suffers a fatal heart attack.

His will stipulates that Xoliswa and any of his children who are alive at the time of his death will inherit. Xoliswa and Stewart were married without any ante-nuptial contract.

Witness Speech:

When I walked into the hospital's hallway, I witnessed a chaotic sight. Staff members rushed past me, providing care to their patients.

I saw a gurney rolled quickly down the corridor in the midst of the chaos.

The workers were upset, and I followed them around a corner. The gurney suddenly swerved and began to tilt dangerously.

Maya, a pregnant lady, was on it, trying to balance herself. Then, in a terrifying moment, Maya fell to the ground as the gurney overturned.

Everything occurred so quickly. As the emergency crew quickly attended to her, I heard a terrifying scream echo down the hallway.

The circumstances building up to that terrifying scene felt urgent and chaotic.