

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

Case number: 20183 |

In the matter between:

STELLENBOSCH UNIVERSITY

Applicant

and

OPEN STELLENBOSCH

First Respondent

LWAZI PHAKADE

Second Respondent

SIKHULEKILE DUMA

Third Respondent

AKHONA KUALI

Fourth Respondent

BRADLEY FROLICK

Fifth Respondent

ATHINI GIFT MZAYIYA

Sixth Respondent

NEIL DU TOIT

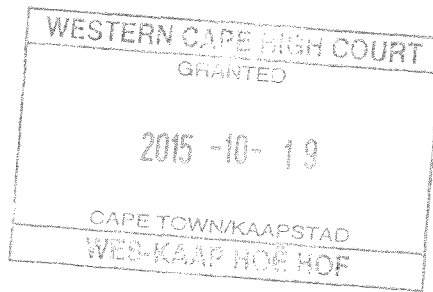
Seventh Respondent

JODI WILLIAMS

Eighth Respondent

LEONARD LE ROUX

Ninth Respondent



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**THE OTHER PERSONS UNLAWFULLY OCCUPYING
THE ADMINISTRATION BUILDING OF THE
UNIVERSITY OF STELLENBOSCH**

Tenth and Further Respondents

NOTICE OF MOTION

TAKE NOTICE that at 23h30 on 19 October 2015, or so soon thereafter as counsel may be heard, the above-named Applicant intends making application to the above Honourable Court for relief in the following terms:

1. Directing that the usual forms and processes may be dispensed with, and this matter may be heard as one of urgency in terms of Rule 6(12).
2. An order restoring the Applicant's possession of the building known as Administration B situate in Victoria Street, Stellenbosch, commonly known as Admin B.
3. An order directing the Respondents forthwith to vacate the said building.
4. An order that, should the Respondents not vacate the said building within 30 minutes of service of this order in the manner described in paragraph 8.4 below, the Sheriff of this Court, assisted insofar as may be necessary by the South African Police Service, shall be authorised and directed to remove the Respondents from the said building.
5. An order directing that a Rule *nisi* be issued calling upon the Respondents to appear and show cause, if any, to the above Honourable Court on Tuesday 1 December 2015 at 10h00 or so soon thereafter as the matter may be heard, why an order should not be granted:

- 5.1. Interdicting and restraining the Respondents from re-occupying the said building or entering or occupying any other building of the Applicant without lawful right to do so;
- 5.2. Disrupting or otherwise interfering unlawfully in any way with the normal activities of the Applicant, including but not limited to:
 - 5.2.1. the administration of the Applicant;
 - 5.2.2. all lectures, tutorials, official meetings and official events, including sporting and cultural events, on all campuses;
 - 5.2.3. the work of all libraries;
 - 5.2.4. graduation ceremonies; and
 - 5.2.5. examinations and tests;
- 5.3. Barricading any entrances to campuses or buildings of the Applicant;
- 5.4. Barricading any streets leading to campuses or buildings of the Applicant;
- 5.5. Damaging any buildings or other property of the Applicant;
- 5.6. Damaging any other property, including motor vehicles, present on any of the Applicant's campuses;
- 5.7. Intimidating, threatening, harassing, harming or detaining, or attempting to detain:
 - 5.7.1. any employees of the Applicant;
 - 5.7.2. any students of the Applicant; and

- 5.7.3. any persons present on any of the Applicant's campuses;
- 5.8. Inciting persons to re-occupy the said building or enter or occupy any other building of the Applicant without lawful right to do so or commit any of the acts described in paragraphs 5.2 to 5.7 above;
- 5.9. Directing the Respondents and any other persons opposing the confirmation of the rule *nisi* to pay the costs of this application, including the costs of two counsel;
- 5.10. Granting the Applicant such further and/or alternative relief as this Court may deem fit;
6. Directing that, pending the return day of the rule *nisi*, paragraphs 5.1 to 5.8 above shall operate as an interim interdict;
7. Directing that the Respondents may anticipate the return day of the rule *nisi* on 72 hours' written notice to the Applicant;
8. Directing that service of this Order shall be effected as follows:
- 8.1. By posting a copy to the First Respondent on its Facebook page at <https://www.facebook.com/openstellenbosch?fref=ts>;
- 8.2. By sending copies to the Second to Ninth Respondents at their email addresses on the Applicant's server;
- 8.3. By posting it on the Applicant's website; and
- 8.4. By service by the Sheriff on the Respondents by reading it aloud by loudhailer outside the entrance to the said building.

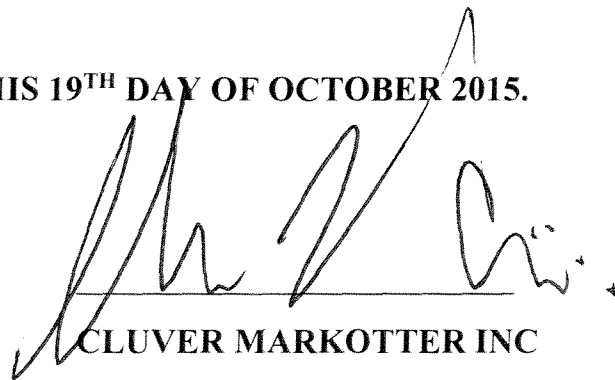
9. Directing that a transcript of the hearing on 19 October 2015 served on the Respondents in the manner set out in paragraphs 8.1 and 8.2 above.
10. Granting the Applicant such further and/or alternative relief as this Court may deem fit.

TAKE NOTICE FURTHER THAT at the hearing the Applicant will adduce the evidence of the following witnesses **LEOPOLDT VAN HUYSSTEEN, VILJOEN VAN DER WALT, GERHARD CHARLES STUART LIPP** and **HERMANUS ALBERTUS JACOBUS LOMBARD**.

TAKE NOTICE FURTHER THAT the Applicant has appointed the offices of Walkers Inc as the address at which it will accept service of all documents in this matter.

KINDLY PLACE THE MATTER ON THE ROLL FOR HEARING ACCORDINGLY.

DATED AT CAPE TOWN THIS 19TH DAY OF OCTOBER 2015.



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Attorneys for Applicant

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Stellenbosch

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Fax: (021) 886 5420

(Ref: Mr Peter Hill)

C/O WALKERS INC

15th Floor, Plein Park Building

Plein Street

CAPE TOWN

TO: THE REGISTRAR

Western Cape High Court
CAPE TOWN

AND TO: OPEN STELLBOSCH

First Respondent

<https://www.facebook.com/openstellenbosch?fref=ts>

AND TO: LWAZI PHAKADE

Second Respondent

Email: 18194796@sun.ac.za

AND TO: SIKHULEKILE DUMA

Third Respondent

Email: 18182429@sun.ac.za



AND TO: AKHONA KUALI
Fourth Respondent
Email: 17869072@sun.ac.za

AND TO: BRADLEY FROLICK
Fifth Respondent
Email: 18294081@sun.ac.za

AND TO: ATHINI GIFT MZAYIYA
Sixth Respondent
Email: 18357768@sun.ac.za

AND TO: NEIL DU TOIT
Seventh Respondent
Email: 18672892@sun.ac.za

AND TO: JODI WILLIAMS
Eighth Respondent
Email: 17671094@sun.ac.za

AND TO: LEONARD LE ROUX
Ninth Respondent
Email: 16180429@sun.ac.za

