

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

Case number:

**(C21 | 2-0**

In the matter between:

STELLENBOSCH UNIVERSITY

and

OPEN STELLENBOSCH

MATHEW WESLEY BERGSTEEEDT

THANDO JAKO

HLAMULO JEFFREY NGOBENI

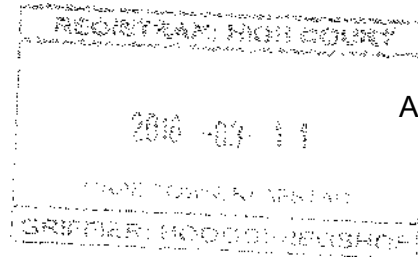
**JODI MELISSA WILLIAMS**

SIKHULEKILE DUMA

BRYAN JASON BERGSTEEEDT

ATHINI MZAYIYA

**LWAZI PHAKADE**



Applicant

First Respondent

Second Respondent  
Third Respondent

Fourth Respondent

Fifth Respondent

Sixth Respondent

Seventh Respondent

Eighth Respondent

Ninth Respondent

**BONGIMPILO BANDILE MONDLANE**

Tenth Respondent

**THE PERSONS PRESENTLY UNLAWFULLY  
OCCUPYING, AND/OR PARTAKING IN  
UNLAWFUL ACTIVITIES IN, THE STUDENT  
CENTRE OF STELLENBOSCH UNIVERSITY**

Eleventh Respondent

**THE PERSONS PRESENTLY UNLAWFULLY  
OCCUPYING, AND/OR PARTAKING IN  
UNLAWFUL ACTIVITIES IN, OR AT THE ADMINISTRATION  
BUILDING OF STELLENBOSCH UNIVERSITY**

Twelfth Respondent

**THE PERSONS PRESENTLY UNLAWFULLY  
OCCUPYING, AND/OR PARTAKING IN UNLAWFUL  
ACTIVITIES IN, OR AT THE WILCOCKS BUILDING  
OF STELLENBOSCH UNIVERSITY**

Thirteenth Respondent

**THE PERSONS PRESENTLY UNLAWFULLY  
OCCUPYING, AND/OR PARTAKING IN  
UNLAWFUL ACTIVITIES IN, OR AT THE ARTS  
AND SOCIAL SCIENCES BUILDING OF  
STELLENBOSCH UNIVERSITY**

Fourteenth Respondent

**THOSE PERSONS ASSOCIATING THEMSELVES  
WITH THE CONDUCT OF THE FIRST TO THE**

**FOURTEENTH RESPONDENTS**

Fifteenth Respondent

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**NOTICE OF MOTION**

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**TAKE NOTICE** that at 14h30 on 11 March 2016, or so soon thereafter as counsel may be heard, the above-named Applicant intends making application to

e 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 directing the Respondents forthwith to vacate the Administration Building situate in Victoria Streets, Stellenbosch, and or the Student Centre of the Applicant, and or the Wilcocks building situate in Ryneveld Street, Stellenbosch, and or the Arts and Social Sciences Building, situate at the corner of Merriman Lane and Ryneveld Streets, Stellenbosch.

3. 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 19 April 2016 at 10h00 or so soon thereafter as the matter may be heard, why an order should not be granted:

3.1. Interdicting and restraining the Respondents from entering or occupying any building of the Applicant without lawful right to do so, including but not limited to:

3.1.1. The Arts and Social Sciences building situate at the corner of Merriman Lane and Ryneveld Street;

3.1.2. The Wilcocks building situate in Ryneveld Street;

3.1.3. The Administration buildings situate in Victoria and Ryneveld Streets;

3.1.4. The Student Centre of the Applicant.

3.2. Disrupting or otherwise interfering unlawfully in any way with the activities of the Applicant, including but not limited to:

3.2.1. the administration of the Applicant;

3.2.2. all lectures, tutorials, official meetings and official events, including sporting and cultural events, on all campuses;

3.2.3. the work of all libraries;

3.2.4. graduation ceremonies;

3.2.5. examinations and tests; and

3.2.6. the Woordfees-festival.

3.3. Barricading any entrances to campuses or buildings of the Applicant;

3.4. Barricading any streets leading to campuses or buildings of the Applicant;

3.5. Damaging any buildings or other property of the Applicant;

3.6. Damaging any other property, including motor vehicles, present on any of the Applicant's campuses;

3.7. Intimidating, threatening, harassing, harming or detaining, or attempting to detain:

3.7.1. any employees of the Applicant;

3.7.2. any students of the Applicant; and

- 3.7.3. any persons present on any of the Applicant's campuses;
- 3.8. Inciting persons to re-occupy or to enter or occupy any building of the Applicant without lawful right to do so, including but not limited to the buildings described in paragraphs 3.1.1 and 3.1.4 above
- 3.9. Inciting persons to commit any of the acts described in paragraphs 3.2 to 3.8 above;
- 3.10. 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;
- 3.11. Granting the Applicant such further and/or alternative relief as this Court may deem fit;
4. Directing that, pending the return day of the rule nisi, paragraphs 3.1 to 3.9 above shall operate as an interim interdict;
5. Directing that the Respondents may anticipate the return day of the rule nisi on 72 hours' written notice to the Applicant;
6. Directing the South African Police Services to assist the Applicant in enforcing this Order;
7. Directing that service of this Order shall be effected as follows:
- 7.1. By posting a copy on the First Respondent's Facebook page at [https:// wwfacebook.comiopenstellenbosch?fref=ts](https://wwfacebook.comiopenstellenbosch?fref=ts);
- 7.2. By posting it on the Applicant's website; and

7.3. By service by the Sheriff on the Respondents by reading it aloud by loudhailer outside the entrance to the buildings referred to in 3.1.1 to 3.1.4 above.

7.4. By sending a copy thereof to the email addresses of the Second - to Tenth Respondents.

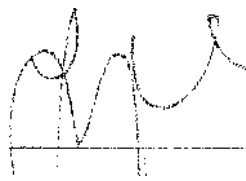
8. Granting the Applicant such further and/or alternative relief as this Court may deem fit.

TAKE NOTICE FURTHER THAT at the hearing the Applicant will adduce the evidence of the following witnesses: LEOPOLDT VAN HUYSSTEEN and VILJOEN VAN DER WALT.

TAKE NOTICE FURTHER THAT the Applicant has appointed the offices of Cluver Markotter Inc, care of Walkers Inc, 15th Floor, Pleinpark, Plein Street, Cape Town 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' DAY OF MARCH 2016.



CLUVERJAARKOTTER INC

Attorneys for Applicant

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Mill Street

Stellenbosch

Tel: (021) 808 5600

Fax: (021) 886 5420

(Ref: UNI/0485)

**C/O WALKERS INC**

15th Floor, Plein Park Building

Plein Street

CAPE TOWN

**TO:**

**THE REGISTRAR**

Western Cape High Court

CAPE TOWN