

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

CASE NO:

In the matter between:

UNIVERSITY OF CAPE TOWN

Applicant

and

SANCHIA DAVIDS

First Respondent

KIRSTEN WHITFIELD

Second Respondent

MOGEZI MAYEPI

Third Respondent

NEO REILOE MANCAPA

Fourth Respondent

DE WAAL HUGO

Fifth Respondent

ITUMELENG NKULULEKO MOLEFE

Sixth Respondent

DUMISANI NCUBANI

Seventh Respondent

ATHABILE NONXUBA

Eighth Respondent

ALEX HOTZ

Ninth Respondent

PAM DHLAMINI

Tenth Respondent

MASIXOLE MLANDU

Eleventh Respondent

CHUMANI MAXWELE

Twelfth Respondent

SLOVO MAGIDA

Thirteen Respondent

ZOLA SHOKANE

Fourteenth Respondent

BRIAN KAMANZI

Fifteenth Respondent

RU SLAYEN

Sixteenth Respondent

**THOSE PERSONS WHO ASSOCIATE
THEMSELVES WITH ANY UNLAWFUL CONDUCT**

Fairbridges Wertheim Becker
Ms Adela Petersen
Tel: 021 4057337
Fax: 086 639 42 11
Email: apetersen@fairbridges.co.za

NOTICE OF MOTION

PART A

PLEASE TAKE NOTICE that application will be made on behalf of the University of Cape Town ('the applicant') on **17 FEBRUARY 2016** at 16h30 or so soon thereafter as Counsel may be heard for the following orders:

1. Dispensing with the forms and service provided for in the Uniform Rules of Court and directing that this application be heard on an urgent basis in terms of Rule 6(12)(a).
2. Interdicting and restraining the first to sixteenth respondents from entering, or remaining on, any of the applicant's premises until 14h00 on Friday 26 February 2016; save that those of the respondents that formally, and with the consent of UCT, reside in a UCT residence, may return to and remain at their respective residences for the limited purpose of residing thereat.
3. Interdicting and restraining all of the respondents from any action that obstructs or frustrates the effective rendering of university services or decision-making processes of the applicant, including, but not limited to:

- 3.1. entering or occupying any of the applicant's premises other than for the transaction of university business that requires their attendance in the building (including the attendance of lectures, tutorials, and examination venues and for occupying student housing for which they are lawfully registered), but subject that the first to sixteenth respondents may not enter any of the applicant's premises for any reason until 25 February 2016, as set out in paragraph 2 above;
 - 3.2. erecting any unauthorised structures on the applicant's premises;
 - 3.3. destroying or defacing any of the applicant's property;
 - 3.4. participating in, or inciting others to participate in, violent protest;
 - 3.5. inciting violence.
4. In respect of the relief sought in Part B of this notice of motion, that:
 - 4.1. the applicant file its founding affidavit on or before Monday 22 February 2016;

4.2. that in the event of any of the respondents opposing the relief sought in Part B of this application, that they:

[i] deliver to the applicant a notice of opposition and to appoint in such notice an address, within 15km of the office of the Registrar of this court, at which they will accept notice and service of all process in these proceedings by not later than 10h00 on Tuesday 23 February 2016.

[ii] deliver any affidavits they may desire to make in answer to the allegations made by and on behalf of the applicant by no later than 16h00 on Wednesday 24 February 2016.

5. Further and/or alternative relief.

TAKE NOTICE FURTHER that the oral evidence of **ROYSTON PILLAY** and **STEVEN GANGER** will be used in support of the relief sought in Part A of this application.

PART B

PLEASE TAKE NOTICE FURTHER that application will be made on behalf of the above-named applicant on **26 FEBRUARY 2016** at 10h00 or so soon thereafter as Counsel may be heard for the following orders:

6. Dispensing with the forms and service provided for in the Uniform Rules of Court and directing that this application be heard on an urgent basis in terms of Rule 6(12)(a).

7. That a *rule nisi* be issued calling on the respondents to show cause on a date to be determined by the Court why the following order should not be made final:
 - 7.1. Interdicting and restraining the first to sixteenth respondents from entering, or remaining on, any of the applicant's premises; save that those of the respondents that formally, and with the consent of UCT, reside in a UCT residence, may return to and remain at their respective residences for the limited purpose of residing thereat.

 - 7.2. Interdicting and restraining all of the respondents from any action that obstructs or frustrates the effective rendering of university services or decision-making processes of the applicant, including, but not limited to:

- 7.2.1. entering or occupying any of the applicant's premises other than for the transaction of university business that requires their attendance in the building (including the attendance of lectures, tutorials, and examination venues and for occupying student housing for which they are lawfully registered), but subject that the first to sixteenth respondents may not enter any of the applicant's premises for any reason until 25 February 2016, as set out in paragraph 2 above;
 - 7.3. erecting any unauthorised structures on the applicant's premises;
 - 7.4. destroying or defacing any of the applicant's property;
 - 7.5. participating in, or inciting others to participate in, violent protest;
 - 7.6. inciting violence.
8. That paragraph 7 above shall operate as an interim order with immediate effect and remain operative until the final determination of the matter.

9. Costs against any of the respondents that oppose the application.
10. Further and/or alternative relief.

TAKE NOTICE FURTHER that the applicant has appointed the offices of Fairbridges Wertheim Becker at the address indicated below as the address at which it will accept notice and service of all process in these proceedings.

Per: Ms Adela Petersen
Fairbridges Wertheim Becker
16th Floor Main Tower
Standard Bank Centre
Heerengracht
Cape Town
8001
Attorneys for the Applicant
Tel: 021 4057337/083 414 2635
Fax: 086 639 42 11
Email: apetersen@fairbridges.co.za

TO: THE REGISTRAR
High Court
Cape Town

AND TO:

SANCHIA DAVIDS (First Respondent)

KIRSTEN WHITFIELD (Second Respondent)

MOGEZI MAYEPI (Third Respondent)

NEO REILOE MANCAPA (Fourth Respondent)

DE WAAL HUGO (Fifth Respondent)

ITUMELENG NKULULEKO MOLEFE (Sixth Respondent)

DUMISANI NCUBANI (Seventh Respondent)

ATHABILE NONXUBA (Eighth Respondent)

ALEX HOTZ (Ninth Respondent)

PAM DHLAMINI (Tenth Respondent)

MASIXOLE MLANDU (Eleventh Respondent)

CHUMANI MAXWELE (Twelfth Respondent)

SLOVO MAGIDA (Thirteen Respondent)

ZOLA SHOKANE (Fourteenth Respondent)

BRIAN KAMANZI (Fifteenth Respondent)

RU SLAYEN (Sixteenth Respondent)

**THOSE PERSONS WHO ASSOCIATE
THEMSELVES WITH ANY UNLAWFUL CONDUCT
AT ANY OF THE UNIVERSITY'S PREMISES** (Seventeenth Respondent)