

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

CASE NO:

In the matter between:

UNIVERSITY OF CAPE TOWN

Applicant

and

ALL THOSE PERSONS
PARTICIPATING, OR INTENDING
TO PARTICIPATE, IN UNLAWFUL
CONDUCT AT THE APPLICANT'S
PROPERTIES

Respondent

NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE THAT the applicant will apply to the above Honourable Court at **15h45** on **26 October 2017**, or so soon as the matter may be heard for an order in the following terms:

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

2. That a rule *nisi* be issued calling on the respondent to show cause at **10h00 on 12 December 2017** as to why a final order should not be granted in the following terms:

2.1. Interdicting and restraining the respondent from taking or attempting to take any action that obstructs or frustrates (i) the effective rendering of university services or decision-making processes of the applicant, (ii) the ability of the applicant's employees to do their work, and (iii) student/s from pursuing their studies, such action to include, but not to be limited, to the following actions:

2.1.1. entering or occupying any of the applicant's properties or buildings 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);

2.1.2. disrupting or interfering with any lectures, tutorials or similar activities, or preventing the continuation of lectures or any other learning or studying activities, including learning activities or studying in any of the applicant's libraries or other facilities, in any manner whatsoever;

2.1.3. preventing any student or member of the applicant's staff from accessing or remaining on any of the applicant's

properties or any building on the properties, or from accessing any form of transport arranged by the applicant;

2.1.4. destroying, damaging in any way or defacing any of the applicant's property;

2.1.5. erecting any form of barricade, preventing access to any roads, buildings or transport on the applicant's property or any public road on campus or adjoining it;

2.1.6. carrying any weapons, including, but not limited to sticks, whips, rocks and stones;

2.1.7. activating any of the fire alarms in any of the applicant's properties including student residences, save for legitimate reasons;

2.1.8. participating in, or inciting others to participate in, violent protests;

2.1.9. inciting violence;

2.1.10. intimidating any person on the applicant's properties or seeking to access the applicant's properties, including at any of the applicant's student residences;

- 2.1.11. seeking to persuade or coerce any person, using intimidation, duress or threats, from continuing with their work (in the case of any of the applicant's employees or contractors) or, in the case of students, from studying, attending lectures, or pursuing any other learning or studying activity.
 - 2.2. Interdicting and restraining the respondent from unlawfully gathering in protest or protesting unlawfully in any manner within 200 metres from any entrance to the university and/or the following venues:
 - 2.2.1. all of the examination venues that will be determined and published by the applicant;
 - 2.2.2. all of the applicant's libraries, located at the upper and satellite campuses;
 - 2.2.3. the applicant's computer laboratories including those located at the following buildings: Leslie, Computer Science, Menzies and Masingeni;
 - 2.2.4. the applicant's research laboratories.
3. That paragraphs 2.1 and 2.2 above shall operate as an interim interdict with immediate effect until the final determination of this matter.

4. Directing the members of South African Police Service and local law enforcement to forthwith assist the applicant with the enforcement of the interim order.
5. Granting the applicant leave to file supplementary and confirmatory affidavits, if necessary, on or before 17 November 2017.
6. That service of this order shall be effected on the respondent by the applicant:
 - 6.1. publishing copies thereof on the applicant's website and Facebook page;
 - 6.2. appending a copy to the doors outside of each of the applicant's libraries;
 - 6.3. emailing a copy to the Student Representative Council.
7. That the court condones service of the application on 26 October 2017 by the applicant:
 - 7.1. publishing copies thereof on the applicant's website and Facebook page;
 - 7.2. emailing a copy to the president and secretary-general of the Student Representative Council.

8. That the respondent may anticipate the return day hereof on 48 hours' written notice to the applicant's attorneys of record, Ms A Petersen at Fairbridges Wertheim Becker, 16th Floor, South Tower, The Towers, Heerengracht, Cape Town and can do so by email to apetersen@fairbridges.co.za.
9. Further and/or alternative relief.

TAKE FURTHER NOTICE that the affidavit of **ROYSTON NATHAN PILLAY** and the annexures thereto, will be used in support of this application.

TAKE FURTHER NOTICE that if the respondent intends opposing the final relief sought, they are required (a) to deliver to the applicant's attorneys, Fairbridges, by **20 November 2017** a notice of their intention to oppose the application and to appoint in such notice an address within 15 kilometres of the office of the registrar of this court at which they will accept notice and service of all processes in these proceedings; and (b) to deliver their answering affidavits, if any, by **4 December 2017**.

TAKE NOTICE FURTHER that the applicant has appointed the offices of Fairbridges Wertheim Bekker Attorneys, 16th Floor, South Tower, The Towers, Heerengracht, Cape Town as an address referred to in rule 6(5)(b) at which it will accept notice and service of all notice and documents filed by in these proceedings.

TAKE FURTHER NOTICE that the application will be made on **12 December 2017** for a final order in terms of the prayers set out in the notice of motion.

DATED AT CAPE TOWN THIS 26th DAY OF OCTOBER 2017.

FAIRBRIDGES WERTHEIM

BEKKER

Per  _____

Adela Petersen

Attorneys for applicant

16th Floor

South Tower

The Towers

Heerengracht

CAPE TOWN

TO: THE REGISTRAR

High Court

CAPE TOWN