

**IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG  
(REPUBLIC OF SOUTH AFRICA)**

CASE NO: 17978/2012

In the application of:

BRETT MURRAY

Applicant for Joinder

In the matter between:

JACOB GEDLEYIHLEKISA ZUMA

First applicant

AFRICAN NATIONAL CONGRESS

Second applicant

and

GOODMAN GALLERY

First respondent

CITY PRESS

Second respondent

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**NOTICE OF MOTION**

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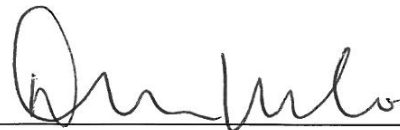
**TAKE NOTICE THAT** at the commencement of the hearing of the main matter on 23 May 2012, the applicant will make application to the above Honourable Court for an order in the following terms:

1. Granting the applicant leave to intervene as the third respondent;
2. Ordering that such respondents as oppose this application are directed to pay the costs of the applicant jointly and severally, the one paying the other to be absolved; and
3. Granting the applicant further and/or alternative relief.

**TAKE NOTICE FURTHER THAT** if you intend opposing this application, you are required, prior to the hearing of this matter, to file a notice of intention to oppose and such answering affidavits as you desire in answer to this intervention application.

**TAKE NOTICE FURTHER THAT** the accompanying affidavit of **BRETT MURRAY** will be used in support of this application.

**TAKE NOTICE FURTHER** that the applicant has appointed the address of the applicant's attorneys, **Webber Wentzel**, of 10 Fricker Road, Illovo Boulevard, Johannesburg at which the applicant will accept notice and service of all process in these proceedings.



**WEBBER WENTZEL**  
First Respondent and Applicant for  
Joinder's Attorneys  
10 Fricker Road  
Illovo Boulevard  
Johannesburg 2196  
Tel : 011 530 5895  
Fax : 011 530 6895

Ref : Mr D Milo / Ms P Stein /  
Ms E Sadleir  
[emma.sadleir@webberwentzel.com](mailto:emma.sadleir@webberwentzel.com)

To:  
**The Registrar of the High Court**  
South Gauteng High Court

And to:

**MCHUNU ATTORNEYS**  
Attorneys for First and Second Applicants  
2<sup>nd</sup> Floor  
South Wing  
160 Jan Smuts Avenue  
Rosebank, 2196  
Ref:Mr Mpilo Sekhakhane

Service by e-mail: [sikhakhanempilo@gmail.com](mailto:sikhakhanempilo@gmail.com) and [mpilo@mchunu.co.za](mailto:mpilo@mchunu.co.za)

And to:

**WILLEM DE KLERK ATTORNEYS**  
Attorney for Second Respondent  
Garratt Mbuyisa Neale Attorneys  
15 6<sup>th</sup> Street  
Parkhurst  
JOHANNESBURG

Service by e-mail: [wdeklerk@telkomsa.net](mailto:wdeklerk@telkomsa.net)

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**AFFIDAVIT IN SUPPORT OF JOINDER APPLICATION**

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I, the undersigned

BRETT MURRAY

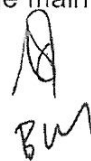






do hereby state under oath:

1. I am an adult male self-employed artist.
2. The facts contained herein are within my personal knowledge and belief, unless the context indicates otherwise, and are true and correct.
3. I am the creator of the artwork known as "The Spear" which is currently displayed at the Goodman Gallery and which forms the subject matter of the main application.
4. I have a material interest in the outcome of this matter as my right to freedom of artistic expression will be adversely affected if the main application succeeds and the Goodman Gallery is interdicted from continuing to display "The Spear".
5. I am advised that, in light of the above, I have a right to be joined as a party in this matter.
6. I have already deposed to an affidavit in this matter, which was filed in support of the first respondent as I support the stance adopted by the first respondent in this matter. I am advised that the content of my supporting affidavit forms sufficient basis for my opposition to the main



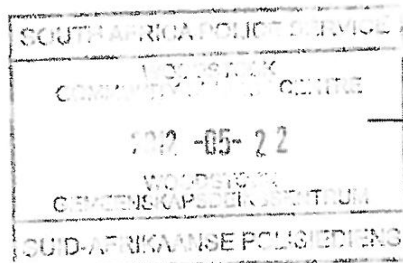
application and the content of that affidavit should be read as incorporated herein.

7. Accordingly, I pray that I be joined as a respondent in this matter in accordance with the relief requested in the notice of motion to which this affidavit is attached.

*B. Murray*

DEPONENT

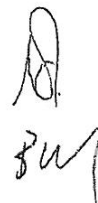
The deponent acknowledged that he knows and understands the contents of this affidavit which was signed and sworn to before me at Sandton on this the 20<sup>th</sup> day of May 2012, the regulations contained in Government Notice No. 1258 of 21 July 1972, as amended and Government Notice No. R1648 of 17 August 1977, as amended, having been complied with.



*[Signature]*  
7050890-9  
CST (f) W.K. FLIN

COMMISSIONER OF OATHS

*[Signature]*  
BWM

A handwritten signature in black ink, consisting of a stylized capital 'A' followed by a cursive 'm'.