

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

CASE NO:

In the matter between:

THE TRUSTEES FOR THE TIME BEING OF THE MEDIA MONITORING PROJECT BENEFIT TRUST	First Applicant
S.O.S SUPPORT PUBLIC BROADCASTING COALITION	Second Applicant
and	
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	First Respondent
MINISTER OF COMMUNICATIONS	Second Respondent
SOUTH AFRICAN BROADCASTING CORPORATION SOC LIMITED	Third Respondent
ECONOMIC FREEDOM FIGHTERS	Fourth Respondent
NOMVUYISO BATYI	Fifth Respondent
RACHEL KALIDASS	Sixth Respondent
KHANYISILE KWEYAMA	Seventh Respondent
BONGUMUSA MAKHATHINI	Eighth Respondent
MICHAEL MARKOVITZ	Ninth Respondent
JOHN MATISONN	Tenth Respondent
DINKWANYANE MOHUBA	Eleventh Respondent
KRISH NAIDOO	Twelfth Respondent
JACK PHALANE	Thirteenth Respondent
FEBE POTGIETER-GQUBULE	Fourteenth Respondent
VICTOR RAMBAU	Fifteenth Respondent
MATHATHA TSEDU	Sixteenth Respondent

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT the applicants will make application on **24 October 2017** at 10h00 or as soon thereafter as counsel may be heard for an order in the following terms:

- 1 The rules, time limits, forms, and service provided for in the Uniform Rules of Court are dispensed with, to the extent necessary, and leave is granted for this application to be heard on an urgent basis in terms of Rule 6(12).
- 2 It is declared that the President's failure to appoint and/or undue delay in appointing the Fifth to Sixteenth Respondents as non-executive members of the SABC Board is unlawful, unconstitutional and invalid.
- 3 The President is directed to appoint the Fifth to Sixteenth Respondents as non-executive members of the SABC Board within 48 hours of this order.
- 4 The costs of this application are to be paid, jointly and severally, by any respondents who oppose this application.
- 5 Further and/or alternative relief.

TAKE NOTICE FURTHER THAT the affidavit of **DUDUETSANG MAKUSE** and the accompanying annexures will be used in support of this application.

TAKE NOTICE FURTHER THAT the applicants have appointed **WILLEM DE KLERK ATTORNEYS** as their attorneys of record, and that the applicants will accept service of notices and other process in these proceedings at Le Val Office Park, North Block,

45 Jan Smuts Avenue corner The Valley Road, Westcliff, Johannesburg; alternatively willem@wdklaw.co.za, hugo@wdklaw.co.za, and tshegok@wdklaw.co.za.

TAKE FURTHER NOTICE THAT if any of the respondents intends to oppose this application, such respondent must:

- By **17h00 on Monday 16 October 2017** deliver its notice of intention to oppose; and
- By **17h00 on Tuesday 17 October 2017** deliver its answering affidavit(s), if any.

Provided that these time-frames are complied with, the applicants will deliver their replying affidavit by 12h00 on Thursday 19 October 2017.

TAKE NOTICE FURTHER THAT any respondent who opposes the relief is required to appoint in the notice of opposition addresses referred to in Rule 6(5)(b) at which such respondent will accept notice and service of all documents in these proceedings.

Kindly place the matter on the roll accordingly.

SIGNED AT JOHANNESBURG ON THIS DAY 13 OF OCTOBER 2017.

A handwritten signature in black ink, appearing to be 'W. de Klerk', written over a horizontal line.

WILLEM DE KLERK ATTORNEYS
Applicants' Attorneys
Le Val Office Park, North Block

45 Jan Smuts Avenue, Cnr The Valley
Road

Westcliff, Johannesburg

TEL: (011) 486 0242/3

FAX: 086 610 4240

P O Box 84162, Greenside, 2034

Email: info@wdklaw.co.za

Ref: WDK/MMA/P/079

C/O SANET DE LANGE INC

1 Ox Street,

Corner Ox & Brooks Streets,

Menlo Park

Pretoria

Tel: 012 362 3910

AND TO
THE REGISTRAR
HIGH COURT
PRETORIA

AND TO:
**PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND MINISTER OF
COMMUNICATION**

First and Second Respondents

c/o State Attorney, Pretoria

Old Mutual Centre

8th Floor

167 Andries Street

Pretoria

Per email: presidentrsa@presidency.gov.za

bongani@presidency.gov.za

Robert@presidency.gov.za

Abram@presidency.gov.za

Nomusa@presidency.gov.za

nene@doc.gov.za

AND TO:
SOUTH AFRICAN BROADCASTING CORPORATION SOC LIMITED

Third Respondent

SABC

Corner Artillery and Henley Roads

Auckland Park

Johannesburg

Per email: philisonp@sabc.co.za

AND TO:

ECONOMIC FREEDOM FIGHTERS

Fourth Respondent

78 De Korte Street

Braamfontein

Johannesburg

Per email: ggardee@effighters.org.za
admin@effighters.org.za

AND TO:

NOMVUYISO BATYI

Fifth Respondent

Per email: nomvuyiso.b@gmail.com

AND TO:

RACHEL KALIDASS

Sixth Respondent

Per email: rachel.kalidass@gmail.com

AND TO:

KHANYISILE KWEYAMA

Seventh Respondent

Per email: khan_ktk@yahoo.com

AND TO:

BONGUMUSA MAKHATHINI

Eighth Respondent

Per email: bongumusa.makhathini@gmail.com

AND TO:

MICHAEL MARKOWITZ

Ninth Respondent

Per email: michael@element36.co.za

AND TO:

JOHN MATISONN

Tenth Respondent

Per email: johnmatisonn@iafrica.com

AND TO:

DINKWANYANE MOHUBA

Eleventh Respondent

Per email: Kgalema.mohuba@ul.ac.za

AND TO:

KRISH NAIDOO

Twelfth Respondent

Per email: kirshn@mweb.co.za

AND TO:

JACK PHALANE

Thirteenth Respondent

Per email: jphalane@fluxmans.com

AND TO:

FEBE POTGIETER-GQUBULE

Fourteenth Respondent

Per email: potgieterf@icloud.com

AND TO:

VICTOR RAMBAU

Fifteenth Respondent

Per email: VictorR@nsfas.org.za

AND TO:

MATHATHA TSEDU

Sixteenth Respondent

Per email: mathatha.tsedu@wits.ac.za