

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION, PIETERMARITZBURG**

CASE NO: 1118/2016P

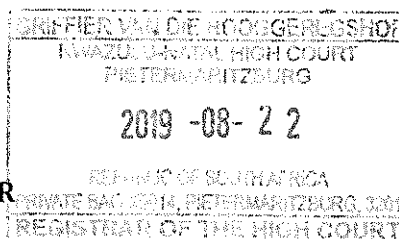
In the matter between:

ANTHONY BRINK

Applicant

and

**THEMBILE MTATI N.O.
DEPUTY INFORMATION OFFICER
LEGAL AID SOUTH AFRICA**



Respondent

NOTICE OF APPLICATION TO STRIKE OUT

TAKE NOTICE THAT the respondent will object to, and will apply, at the hearing of this application on **30 August 2019** to strike out the following paragraphs the applicant's founding affidavit (together with an order for costs) on the grounds that such material is scandalous, vexatious and/or irrelevant for the reasons identified in the respondent's answering affidavit and heads of argument, summarised as follows:

1. paragraphs 29-30 of the founding affidavit amount to inadmissible hearsay evidence as well as unwarranted abusive personal attacks and defamatory material against various Legal Aid South Africa officials as well as the integrity of the Judge President of the Gauteng Division;
2. paragraph 31 of the founding affidavit amounts to irrelevant material as well as inadmissible hearsay evidence;
3. paragraph 32 of the founding affidavit amounts to irrelevant material;

4. paragraphs 33-34 of the founding affidavit amount to irrelevant material as well as unwarranted abusive personal attacks and defamatory material against constitutional institutions;
5. paragraphs 38-42 of the founding affidavit amount to inadmissible hearsay evidence as well as unwarranted abusive personal attacks and defamatory material against various Legal Aid South Africa officials as well as the integrity of the Judge President of the Gauteng Division;
6. paragraphs 44-47 of the founding affidavit amount to irrelevant material as well as unwarranted abusive personal attacks and defamatory material against various Legal Aid South Africa officials;
7. paragraph 55 of the founding affidavit amounts to unwarranted abusive personal attacks and defamatory material against various Legal Aid South Africa officials;
8. paragraphs 64-75 of the founding affidavit amount to irrelevant material as well as unwarranted abusive personal attacks and defamatory material against various Legal Aid South Africa officials and constitutional institutions as well as the integrity of the Judge President of the Gauteng Division;
9. paragraphs 76-78 of the founding affidavit amount to irrelevant material as well as unwarranted abusive personal attacks and defamatory material against various Legal Aid South Africa officials;
10. Annexure "F" to the founding affidavit contains irrelevant material as well as unwarranted abusive personal attacks and defamatory material against various


Legal Aid South Africa officials and constitutional institutions.

TAKE NOTICE FURTHER that the respondent contends that these allegations are prejudicial in that:

1. The averments are irrelevant to the present application;
2. The averments do not in any way contribute to the determination of the issues between the parties in this application;
3. The Applicant has inserted these averments purely with the intent to harass, annoy and cloud the real issues;
4. The averments are unsubstantiated and amount to inadmissible hearsay;
5. The averments render the founding affidavit unnecessarily prolix;
6. The averments have the potential to cause irreparable harm to the integrity and reputation of individuals and institutions, who are not parties to this application; and
7. Considerable time and resources must be expended to answer all of these allegations.

TAKE NOTICE FURTHER that the respondent will seek the costs of the striking out including the costs of two counsel on the attorney client scale.

DATED at PIETERMARITZBURG on this the 20 of AUGUST 2019.



LEGAL AID SOUTH AFRICA

RESPONDENT

LEGAL AID HOUSE

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TO:

**THE REGISTRAR OF THE
ABOVE HONOURABLE COURT
PIETERMARITZBURG**

AND TO:

ANTHONY ROBIN BRINK

APPLICANT

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PRESTBURY

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KWAZULU NATAL

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