

IN THE MAGISTRATES COURT FOR THE DISTRICT OF ESHOWE

In the matters between:

ANTHONY ROBIN BRINK

Applicant

and

The respondents in the following five applications:

HOPE BAMBISO N.O., DEPUTY INFORMATION OFFICER, EASTERN
CAPE REGION, LEGAL AID SA ('LASA'): Case 257/14;

VIDHU VEDALANKAR N.O., INFORMATION OFFICER, LASA: Case 258/14;

ZANELE MSWELI N.O., DEPUTY INFORMATION OFFICER, FREE STATE
AND NORTH WEST REGION, LASA: Case 259/14;

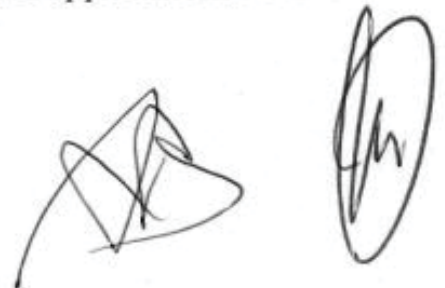
BRIAN NAIR N.O., DEPUTY INFORMATION OFFICER, LASA:
Case 1005/15; and,

VIDHU VEDALANKAR N.O., INFORMATION OFFICER, LASA:
Case 1432/15

SETTLEMENT AGREEMENT

The parties record their settlement of the above applications on the following basis.

1. The applications are to be adjourned sine die with no order as to costs.
2. By 12 February 2016, the applicant will email CSE Mtati a consolidated list of all requested documents that are the subject of the above applications. The



consolidated list is to comprise (i) an assembly of the several annexures to the PAIA requests in question, extracted from the applicant's Form A PAIA requests, and (ii) the applicant's amendments to certain of his requests made by letter; and these several documents are to be assembled into a single document (the applicant's several lists will not be redrawn).

3. By 15 February 2016, CSE Mtati will furnish the applicant by email by with a copy of his written delegation as deputy information officer by LASA information officer Vidhu Vedalankar. In the event that such written delegation is not furnished as agreed, the obligation to perform under this agreement shall fall upon information officer Vedalankar.
4. By 15 April 2016, LASA Corporate Services Executive Thembile Mtati will deliver to the applicant all documents requested in his requests for such that are the subject of the above cases. In the event that any requested documents do not exist or cannot be found, Mtati will furnish the applicant with an affidavit in this regard made under section 23 of PAIA. The affidavit will contain all the detailed information prescribed by that section.
5. In the event that the respondents, through CSE Mtati, fail to deliver any requested document(s) and the applicant is not satisfied with Mtati's evidence on affidavit under section 23 that it/they does/do not exist or cannot be found, the applicant shall be entitled to apply to this court to compel the production of such document(s) within 180 days of delivery of the said affidavit.
6. This agreement is made without any admission of wrongdoing by the respondents.
7. Upon delivery of the documents requested, and the section 23 affidavit, the applicant shall have one further opportunity to request records in regard to the Senior Litigator posts, and records his waiver of his rights to make further requests in relation to the said posts, *and shall do so within 60 days.*
8. Insofar as it relates to compliance with this agreement, the applicant undertakes not to engage the interventions of the following institutions including but not limited to the Minister of Justice and Correctional Services,



the Portfolio Committee for the same department, the Public Protector and the SAHRC, but limit his recourse to an application directly to court as contemplated above.

Signed at Eshowe on 11 February 2016

APPLICANT


TEMBILE MTATI

Attorney for the respondents

9. Where the information belongs to a third party, the parties agree that CSE Mtati shall demonstrate to the applicant that he has sought consent from that third party and the said third party's reaction thereto.