

**IN THE SUPREME COURT OF APPEAL OF  
SOUTH AFRICA**

**IN DIE HOOGSTE HOF VAN APPÈL VAN  
SUID-AFRIKA**



**FINAL ROLL  
NOVEMBER 2018**

**(20 September 2018)**

The number of the Judge to whom in each case the judgment  
has been allocated is designated by dark shading

## JUDGES - NOVEMBER 2018

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- 1 Maya P
- 2 Navsa ADP
- 3 Lewis JA
- 4 Ponnann JA
- 5 Cachalia JA
- 6 Tshiqi JA
- 7 Seriti JA
- 8 Wallis JA
- 9 Saldulker JA
- 10 Swain JA
- 11 Mbha JA
- 12 Zondi JA
- 13 Dambuza JA
- 14 Mathopo JA
- 15 Van der Merwe JA
- 16 Mocumie JA
- 17 Molemela JA
- 18 Makgoka JA
- 19 Schippers JA
- 20 Mokgohloa AJA
- 21 Matojane AJA
- 22 Carelse AJA
- 23 Mothle AJA
- 24 Nicholls AJA
- 25 Rogers AJA

Thursday: 01 November 2018

**COURT A**

**1. Swifambo Rail Leasing (Pty) Ltd v Passenger Rail Agency of South Africa  
1030/2017 (GJ)**

**3 4 12 18 19**

|              |
|--------------|
| Lewis JA     |
| Ponnan JA    |
| Zondi JA     |
| Makgoka JA   |
| Schippers JA |

**COURT B**

**2. Leonard Thandlibufile Ntuli v The State  
457/2018 (GP)**

**6 10 13 20 23**

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|---------------|
| Tshiqi JA     |
| Swain JA      |
| Dambuza JA    |
| Mokgohloa AJA |
| Mothle AJA    |

**AND**

**3. The Director of Public Prosecutions, Limpopo v Koketso Motloutsi  
527/2018 (LP)**

**6 10 13 20 23**

|               |
|---------------|
| Tshiqi JA     |
| Swain JA      |
| Dambuza JA    |
| Mokgohloa AJA |
| Mothle AJA    |

**COURT C**

**4. Kusaga Taka Consulting (Pty) Ltd v The Minister of Environmental Affairs  
1279/2017 and 187/2018 (WCC)**

**5 9 15 17 25**

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|---------------------|
| Cachalia JA         |
| Saldulker JA        |
| Van der Merwe<br>JA |
| Molemela JA         |
| Rogers AJA          |

**AND**

**5. Recycling and Economic Development Initiative of South Africa v The  
Minister of Environmental Affairs  
1260/2017 and 188/2018 (WCC)**

**5 9 15 17 25**

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|---------------------|
| Cachalia JA         |
| Saldulker JA        |
| Van der Merwe<br>JA |
| Molemela JA         |
| Rogers AJA          |

**Friday: 02 November 2018**

**COURT A**

**6. The Provincial Government of The Western Cape: Department of Social  
Development v Craig Charles Barley & others  
1220/2017 (WCC)**

**2 8 11 13 24**

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| Navsa ADP    |
| Wallis JA    |
| Mbha JA      |
| Dambuza JA   |
| Nicholls AJA |

**COURT B**

**7. Kusaga Taka Consulting (Pty) Ltd v The Minister of Environmental Affairs  
1279/2017 and 187/2018 (WCC)**

**5 9 15 17 25**

|                     |
|---------------------|
| Cachalia JA         |
| Saldulker JA        |
| Van der Merwe<br>JA |
| Molemela JA         |
| Rogers AJA          |

**AND**

**8. Recycling and Economic Development Initiative of South Africa v The  
Minister of Environmental Affairs  
1260/2017 and 188/2018 (WCC)**

**5 9 15 17 25**

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| Cachalia JA |
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| Saldulker JA     |
| Van der Merwe JA |
| Molemela JA      |
| Rogers AJA       |

**COURT C**

|                                 |
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| <b>Monday: 05 November 2018</b> |
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**COURT A**

**9. The Community of Grootkraal & others v Jacobus Du Plessis N O & others**  
1219/2017 (WCC)

3 8 10 14 16

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| Lewis JA   |
| Wallis JA  |
| Swain JA   |
| Mathopo JA |
| Mocumie JA |

**COURT B**

**10. Micawber 838 (Pty) Ltd v D D B South Africa (Pty) Ltd & another**  
1326/2017 (GJ)

4 5 9 11 12

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| Ponnan JA    |
| Cachalia JA  |
| Saldulker JA |
| Mbha JA      |
| Zondi JA     |

**COURT C**

**11. Attwell Sibusiso Makhanya v Minister of Water Affairs and Sanitation & others**  
796/17 (KZP)

6 18 19 20 23

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| Tshiqi JA     |
| Makgoka JA    |
| Schippers JA  |
| Mokgohloa AJA |
| Mothle AJA    |

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| <b>Tuesday: 06 November 2018</b> |
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**COURT A**

**12. The Milnerton Estates Limited v The Commissioner for the South African Revenue Service**  
1159/2017 (Tax Court)

2 8 14 21 24

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| Navsa ADP    |
| Wallis JA    |
| Mathopo JA   |
| Matojane AJA |
| Nicholls AJA |

**COURT B**

**13. Freedom Stationery (Pty) Ltd & others v Mahomed Zukeria Hassam & others**  
**921/2017 (KZD)**

4 6 15 19 22

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| Ponnan JA        |
| Tshiqi JA        |
| Van der Merwe JA |
| Schippers JA     |
| Carelse AJA      |

**COURT C**

**Wednesday: 07 November 2018**

**COURT A**

**14. The City of Tshwane Metropolitan Municipality v Blair Atholl Homeowners Association**  
**106/2018 (GP)**

2 10 13 20 23

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| Navsa ADP     |
| Swain JA      |
| Dambuza JA    |
| Mokgohloa AJA |
| Mothle AJA    |

**COURT B**

**15. Dark Fibre Africa (Pty) Ltd v City of Cape Town**  
**195/2018 (WCC)**

3 5 7 17 25

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| Lewis JA    |
| Cachalia JA |
| Seriti JA   |
| Molemela JA |
| Rogers AJA  |

**COURT C**

**Thursday: 08 November 2018**

**COURT A**

**16. Joey Haarhoff & another v The State**  
**1192/2017 (ECG)**

2 16 17 20 24

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| Navsa ADP     |
| Mocumie JA    |
| Molemela JA   |
| Mokgohloa AJA |
| Nicholls AJA  |

**COURT B****17. Sanele Selby Khumalo v The State****1262/2017 (GP)**

4 7 9 11 23

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| Ponnan JA    |
| Seriti JA    |
| Saldulker JA |
| Mbha JA      |
| Mothle AJA   |

**COURT C****18. Renio Moyo v The State****848/18 (GJ)**

5 8 18 21 22

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| Cachalia JA  |
| Wallis JA    |
| Makgoka JA   |
| Matojane AJA |
| Carelse AJA  |

**AND****19. Sandile Maerio Molefe v The State****676/18 (KZP)**

5 8 18 21 22

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| Cachalia JA  |
| Wallis JA    |
| Makgoka JA   |
| Matojane AJA |
| Carelse AJA  |

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| <b>Friday: 09 November 2018</b> |
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**COURT A****20. Minister of Home Affairs & another v Miriam Ali & others****1289/2017 (WCC)**

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| Lewis JA   |
| Seriti JA  |
| Wallis JA  |
| Mathopo JA |

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| Molemela JA |
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**COURT B****21. Lungisa Gwababa v The State****1290/2016 (GP)****5 9 11 21 25**

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| Cachalia JA  |
| Saldulker JA |
| Mbha JA      |
| Matojane AJA |
| Rogers AJA   |

**COURT C****22. Benny Betlane & others v Unlock Properties 15 (Pty) Limited****208/2018 (GJ)****6 13 15 18 24**

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| Tshiqi JA           |
| Dambuza JA          |
| Van der Merwe<br>JA |
| Makgoka JA          |
| Nicholls AJA        |

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| <b>Monday: 12 November 2018</b> |
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**COURT A****23. Seaspan Holdco Limited & others v Ms Mare Tracer Schiffahrts GmbH &****Co, Kg & another****376/2018 (KZD)****1 8 17 18 19**

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| Maya P       |
| Wallis JA    |
| Molemela JA  |
| Makgoka JA   |
| Schippers JA |

**COURT B****24. Louis Pasteur Holdings (Pty) Ltd & others v Absa Bank Limited & others****1119/17 (GP)****2 10 14 16 21**

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| Navsa ADP    |
| Swain JA     |
| Mathopo JA   |
| Mocumie JA   |
| Matojane AJA |



AND

**25. Louis Pasteur Holdings (Pty) Ltd & others v Absa Bank Limited & others**  
**1120/2017 (GP)**

**2 10 14 16 21**

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| Navsa ADP    |
| Swain JA     |
| Mathopo JA   |
| Mocumie JA   |
| Matojane AJA |

**COURT C**

**26. Jacobus Stephanus Meyer v Kenny Cooney N O & others**  
**047/2018 (ECG)**

**4 7 12 22 24**

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| Ponnan JA    |
| Seriti JA    |
| Zondi JA     |
| Carelse AJA  |
| Nicholls AJA |

AND

**27. Andrew Walter Stow v Regional Magistrate, P E NO & others**  
**911/2017 (ECG)**

**4 7 12 22 24**

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| Ponnan JA    |
| Seriti JA    |
| Zondi JA     |
| Carelse AJA  |
| Nicholls AJA |

**Tuesday: 13 November 2018**

**COURT A**

**28. Bongani Masuku & another v South African Human Rights Commission**  
**1062/2017 (GJ)**

**3 8 12 13 21**

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| Lewis JA     |
| Wallis JA    |
| Zondi JA     |
| Dambuza JA   |
| Matojane AJA |

**COURT B**

**29. Purlish Holdings (Pty) Ltd v Commissioner, South African Revenue Services**

**076/2018 (Tax Court)**

**4 14 15 17 25**

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| Ponnan JA           |
| Mathopo JA          |
| Van der Merwe<br>JA |
| Molemela JA         |
| Rogers AJA          |

**COURT C**

**30. James King N O & others v Cornelius Albertus De Jager & others**

**1180/2017 (WCC)**

**5 6 9 20 23**

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| Cachalia JA   |
| Tshiqi JA     |
| Saldulker JA  |
| Mokgohloa AJA |
| Mothle AJA    |

**Wednesday: 14 November 2018**

**COURT A**

**31. City of Tshwane Metropolitan Municipality & another v Roodepoort**

**Grondeienaars Vereniging & others**

**024/2018 and 046/2018 (GP)**

**2 8 9 10 18**

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| Navsa ADP    |
| Wallis JA    |
| Saldulker JA |
| Swain JA     |
| Makgoka JA   |

**COURT B**

**32. Allen Targhi Tavakoli & another v Bantry Bay Hills (Pty) Ltd & another**

**1251/2017 (WCC)**

**3 12 13 20 25**

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| Lewis JA      |
| Zondi JA      |
| Dambuza JA    |
| Mokgohloa AJA |
| Rogers AJA    |

**COURT C**

**33. Rahim Khan N O & another v Maxprop Holdings (Pty) Ltd & another**

**084/2018 (KZP)**

**5 6 11 14 15**

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| Cachalia JA |
| Tshiqi JA   |
| Mbha JA     |
| Mathopo JA  |

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| Van der Merwe<br>JA |
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| <b>Thursday: 15 November 2018</b> |
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**COURT A**

**34. Mr R P Jacobs v Communicare, a Non Profit Company & another**  
942/2017 (WCC)

6 11 12 13 24

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| Tshiqi JA    |
| Mbha JA      |
| Zondi JA     |
| Dambuza JA   |
| Nicholls AJA |

**COURT B**

**35. Thupane Joseph Makgoba & others v Maponya Lazarus Ledwaba N O & others**  
054/2018 (GP)

7 8 10 16 25

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| Seriti JA  |
| Wallis JA  |
| Swain JA   |
| Mocumie JA |
| Rogers AJA |

**COURT C**

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| <b>Friday: 16 November 2018</b> |
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**COURT A**

**36. Colchester Zoo SA Properties (Pty) Limited v Mantombi Maurine Mdakane & others**  
1108/2017 (LCC)

1 14 15 18 22

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| Maya P              |
| Mathopo JA          |
| Van der Merwe<br>JA |
| Makgoka JA          |
| Carelse AJA         |

**COURT B**

**37. Phillipus Marthinus du Buisson NO & others v Thakeli Thubaka Sidwell NO**  
*In re:*  
**Thakeli Thubaka Sidwell NO v Phillipus Marthinus du Buisson NO & others**

**134/2018 (FB)**

**4 9 10 20 21**

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| Ponnan JA     |
| Saldulker JA  |
| Swain JA      |
| Mokgohloa AJA |
| Matojane AJA  |

**COURT C**

**38. GCC Engineering (Pty) Ltd & others v Lawrence Maroos and others**

**901/2017 and 988/2017 (GP)**

**5 7 17 19 23**

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| Cachalia JA  |
| Seriti JA    |
| Molemela JA  |
| Schippers JA |
| Mothle AJA   |

**Monday: 19 November 2018**

**COURT A**

**39. Starways Trading 21 CC (CK 2005/010427/23) v Pearl Island Trading 714**

**(Pty) Ltd & another**

**232/2018 (WCC)**

**3 8 12 15 21**

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| Lewis JA            |
| Wallis JA           |
| Zondi JA            |
| Van der Merwe<br>JA |
| Matojane AJA        |

**COURT B**

**40. The Commissioner for the South African Revenue Service v Big G**

**Restaurants (Pty) Ltd**

**157/2018 (Tax Court)**

**4 11 14 19 25**

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| Ponnan JA    |
| Mbha JA      |
| Mathopo JA   |
| Schippers JA |
| Rogers AJA   |

**COURT C**

**41. Madzivhandila Royal Council v Khosi Vho-Tshimbiluni Madzivhandila**

**1205/17 (LT)**

**5 6 7 10 13**

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| Cachalia JA |
| Tshiqi JA   |
| Seriti JA   |
| Swain JA    |
| Dambuza JA  |

**Tuesday: 20 November 2018**

**COURT A**

**42. Pexmart CC & others v H Mocke Construction (Pty) Limited & another  
159/18 (GP)**

**2 3 16 17 18**

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| Navsa ADP   |
| Lewis JA    |
| Mocumie JA  |
| Molemela JA |
| Makgoka JA  |

**COURT B**

**43. Tembu Convenience Centre CC & another v City of Johannesburg & others  
270/2018 (GJ)**

**4 6 9 20 25**

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|---------------|
| Ponnan JA     |
| Tshiqi JA     |
| Saldulker JA  |
| Mokgohloa AJA |
| Rogers AJA    |

**COURT C**

**44. Arthur Pul Malebane v Albert Dykema & another  
1054/2017 (GP)**

**8 10 13 19 23**

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| Wallis JA    |
| Swain JA     |
| Dambuza JA   |
| Schippers JA |
| Mothle AJA   |

**Wednesday: 21 November 2018**

**COURT A**

**45. Jan Johannes Oranje (Johnny) & others v Rouxlandia Investments (Pty) Ltd  
915/2017 and 86/2018 (LCC)**

**1 10 14 22 24**

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| Maya P       |
| Swain JA     |
| Mathopo JA   |
| Carelse AJA  |
| Nicholls AJA |

**COURT B**

**46. The Law Society of the Northern Provinces v Pule Abram Morobadi**  
**1151/2017 (GP)**

**2 11 12 17 18**

|             |
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| Navsa ADP   |
| Mbha JA     |
| Zondi JA    |
| Molemela JA |
| Makgoka JA  |

**COURT C**

**Thursday: 22 November 2018**

**COURT A**

**47. Elan Boulevard (Pty) Ltd v FNYN Investments (Pty) Ltd**  
**228/2018 (GP)**

**4 13 16 19 23**

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| Ponnan JA    |
| Dambuza JA   |
| Mocumie JA   |
| Schippers JA |
| Mothle AJA   |

**COURT B**

**48. The Dombo Community v Tshakhuma Community Trust & others**  
**1078/2017 (LCC)**

**6 7 11 12 24**

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| Tshiqi JA    |
| Seriti JA    |
| Mbha JA      |
| Zondi JA     |
| Nicholls AJA |

**COURT C**

**49. Viziya Corporation v Collaborit Holdings (Pty) Ltd & others**  
**1189/2017 (GP)**

**8 9 14 15 25**

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| Wallis JA           |
| Saldulker JA        |
| Mathopo JA          |
| Van der Merwe<br>JA |
| Rogers AJA          |

**Friday: 23 November 2018**

**COURT A**

**50. Sandvliet Boerdery (Pty) Ltd v Maria Mampies & another**  
**107/2018 (LCC)**

**1 12 13 18 25**

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| Maya P     |
| Zondi JA   |
| Dambuza JA |
| Makgoka JA |
| Rogers AJA |

**COURT B**

**51. De Sousa, Sharon Ann Vas v De Sousa, Luis Manuel Rito Vas & others**  
**617/2017 (GP)**

**2 4 10 22 23**

|             |
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| Navsa ADP   |
| Ponnan JA   |
| Swain JA    |
| Carelse AJA |
| Mothle AJA  |

**COURT C**

**52. Dumisani Dlamini v The State**  
**72/2018 (Regional Court) (KZN)**

**7 14 15 16 21**

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|---------------------|
| Seriti JA           |
| Mathopo JA          |
| Van der Merwe<br>JA |
| Mocumie JA          |
| Matojane AJA        |

**Monday: 26 November 2018**

**COURT A**

**53. Director of Public Prosecutions, Limpopo v Mohale Ramalekana**  
**528/2018 (LP)**

**1 16 19 22 24**

|              |
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| Maya P       |
| Mocumie JA   |
| Schippers JA |
| Carelse AJA  |
| Nicholls AJA |

**COURT B****COURT C**

**Tuesday: 27 November 2018**

**COURT A**  
**COURT B**  
**COURT C**

**Wednesday: 28 November 2018**

**COURT A**  
**COURT B**  
**COURT C**

**Thursday: 29 November 2018**

**COURT A**  
**COURT B**  
**COURT C**

**Friday: 30 November 2018**

**COURT A**

**54. Masindi Clementine Mphephu v Regent Toni Peter Mphephu-Ramabulana**

**& others**

**948/2017 (LT)**

**1 10 14 16 23**

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| Maya P     |
| Swain JA   |
| Mathopo JA |
| Mocumie JA |
| Mothle AJA |

**COURT B**

**COURT C**