

**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE LOCAL DIVISION, PORT ELIZABETH)**

Case Number: **2723/2021**

In the matter between:

PIETER VAN AARDE FERREIRA	First Plaintiff
ENDULINI FRUIT (PTY) LTD	Second Plaintiff
ENDULINI SUNDAYS RIVER FRUIT (PTY) LTD	Third Plaintiff
GALACTIC DEALS 138 (PTY) LTD	Fourth Plaintiff
and	
NATHAN GEFFEN	First Defendant
JOSEPH CHIRUME	Second Defendant
GROUNDUP	Third Defendant
COMMUNITY MEDIA TRUST (PTY) LTD (NPC)	Fourth Defendant

DEFENDANTS' RULE 35(3) REPLY

I, the undersigned,

NATHAN GEFFEN

do hereby affirm the following:

1. I am the abovenamed First Defendant, the facts herein contained are within my own personal knowledge and are, to the best of my belief, true and correct, save where the contrary has been stated.

2. I am also authorised to make this affidavit on behalf of the Second to Fourth Defendants.
3. The Third Defendant is an online news agency which does not have a front page. All articles are usually posted on the Third Defendant's website in chronological order and with the latest article at the top and the other articles follow in chronological order of posting. Articles are accessed by scrolling down to an article or by conducting a specific search on the search engine used by the website. As new articles are posted, older articles automatically move to a lower position.
4. Insofar as "pages" exist on the website, an average of 16 articles appear on a page whereafter the next page is accessed by clicking on the hyperlink "next" at the bottom of the "page".
5. All articles are posted with:
 - 5.1 A picture;
 - 5.2 The headline and sub-headline;
 - 5.3 The by-line; and
 - 5.4 The date of publication.
6. Save for the fact that the 5 most read articles are listed at the bottom of the homepage, there are no "teasers" on the Third Defendant's website.
7. No document of the nature requested by the Plaintiff's in terms of Rule 35(3) exists.

NATHAN GEFFEN

Thus deposed to and signed at _____ on this ____ day of **MARCH 2022**, the Deponent having acknowledged: -

- a. that he knows and understands the contents hereof;
- b. that he has no objection to making the prescribed affirmation;
- c. that he considers the affirmation binding on his conscience.

Having uttered the following words, "I truly affirm that the contents of this declaration are true."

COMMISSIONER OF OATHS SIGNATURE

FULL NAMES AND SURNAME

ADDRESS

OFFICE/RANK