

Acknowledgement of receipt of application for a protection by clerk of the court


(Take note: This acknowledgement of receipt must be handed to the person who lodges the application with the clerk of the court)

Application number: HA 618-20-15

Name of complainant: JOAN MELODY BURGER

I, S. MANGALE, the clerk of the Magistrate's Court for the District of PRETORIA, hereby acknowledges receipt of the application for a protection order against harassment.

Name and surname of clerk of the court: S. MANGALE NYOSI

Signature of clerk of the court: 

Date: 16/04/15 Time: _____

CLERK: HARASSMENT
DIE MAGISTRAT/DIE LANSKERS
PRIVAT BAC/PRIVATSAK N61 (HARASSMENT)
2015-04-16
HARASSMENT/TOESTERNG
MAGISTRAT/TOESTERNG

Office stamp

APPLICATION NUMBER: HA / 618 / 2015

CASE PLACED ON THE ROLL FOR, DATE 07/05/2015 at TIME: 8.30 a.m.

Traffic dept, Rondalla b/d, 174 Visagie street, 2nd floor

I, (full names, rank of official serving documents) Komagani Tshepo

FORCE NUMBER: 19257941

Stationed at Wierdabrug POLICE STATION,

Hereby certify THAT:

(1) A copy of the INTERIM HARASSMENT ORDER (FORM 3) / NOTICE TO RESPONDENT TO SHOW CAUSE (FORM 4)***, together with the attached copy of the APPLICATION FOR HARASSMENT ORDER (FORM 2), was served on

Mr. / Ms. C. Van Der Merwe
Personally, after the contents were explained to him/her.

OR

(2) A copy of the INTERIM HARASSMENT ORDER (FORM 3) / NOTICE TO RESPONDENT TO SHOW CAUSE (FORM 4)***, together with the attached copy of the APPLICATION FOR HARASSMENT ORDER (FORM 2), was served on

Mr. / Ms. _____
a person not less than 16 years of age, at the respondents place of residence/ employment in the temporary absence of the respondent, after the nature and the contents thereof were explained to him/her.

OR

(3) A copy of the INTERIM HARASSMENT ORDER (FORM 3) / NOTICE TO RESPONDENT TO SHOW CAUSE (FORM 4)***, together with the attached copy of the APPLICATION FOR THE INTERIM HARASSMENT ORDER (FORM 2) was affixed to the main door of the respondent's residence/place of employment, seeing that the respondent hindered the service by keeping the premises locked.

TIME: 12:16 DAY: 17th MONTH: April
YEAR: 2015 PLACE: _____ OF SERVICE.

Komagani Tshepo
SIGNATURE OF POLICE OFFICIAL

C. Van Der Merwe
SIGNED BY RESPONDENT

PLEASE NOTE:

1. *** PLEASE DELETE WHICHEVER IS INAPPLICABLE
2. IT IS PREFERABLE BUT NOT STRICTLY NECESSARY THAT THE RESPONDENT SIGNS THIS PROOF OF SERVICE.
3. PLEASE INDICATE CLEARLY IN WHICH OF THE THREE MANNERS THE DOCUMENT WAS SERVED ON THE RESPONDENT

THREE MANNERS OF SERVICE
GEMEENSKAPDIENSBENTRUM
2015-04-17
WIERDABRUG
COMMUNITY SERVICE CENTRE
SOUTH AFRICAN POLICE SERVICE



REPUBLIC OF SOUTH AFRICA

FORM 3
[Regulation 4]

INTERIM PROTECTION ORDER

SECTION 3(2) OF THE PROTECTION FROM HARASSMENT ACT, 2011 (ACT NO. 17 OF 2011)

162
AS DIE OORSPRONKELIKE WERKE AFSKRIF VAN DIE OORSPRONKELIKE DOKUMENT
GEBEEL 'N WERKE AFSKRIF VAN DIE OORSPRONKELIKE DOKUMENT. THERE IS NO
KOPIE GEBEEL AANVAARDING DAT DIE OORSPRONKELIKE DOKUMENT DEUR
BEWAKTER VAN DIE OORSPRONKELIKE DOKUMENT HAS BEEN AMENDED BY
ONBEVOEGTE PERSONE GEWYSIG IS DIE
UNAUTHORISED PERSONS.
LADDEROS, MAGISTRATE, PRETORIA
KLERK VAN DIE REGERING VAN DIE OORSPRONKELIKE DOKUMENT, PRETORIA

(*Delete whichever is not applicable)

Take note: In terms of section 10(4) of the Protection from Harassment Act, 2011, the physical, home and work address of the complainant or related person must be omitted from the protection order (including any reference to such an address in documents annexed to the interim protection order), unless the nature of the terms of the order necessitates the inclusion of the address.

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF PRETORIA

HELD AT 174 VICARIE STREET, PRETORIA APPLICATION NO. HA 618 /15

In the matter between:

JOAN MELODY BURGER (Complainant)

AND

CORNELIA VAN DER MERWE (Respondent)

1. PARTICULARS OF RESPONDENT

Name and surname: CORNELIA VAN DER MERWE

Address: 7 DOMICILE,

14 DIANES PLACE,

ELDO GLEN - CENTURION,

Contact number (telephone number/cellular phone number/facsimile number/e-mail address (whichever is available)):

2. PARTICULARS OF APPLICATION

The complainant applied for a protection order against the respondent in terms of the Protection from Harassment Act, 2011 (Act No. 17 of 2011). This court, after considering the application, issued an interim protection order against the respondent.

3. PARTICULARS OF INTERIM PROTECTION ORDER

In terms of the interim protection order:

3.1 The respondent is prohibited by this court from —

- (a) engaging in or attempting to engage in harassment of —
 - * (i) the complainant; and/or
 - * (ii) the following related person/s:

-
-
-
-
-

(b) enlisting the help of another person to engage in harassment of the complainant and/or above related person/s; and/or

(c) committing any of the following act/s:

- (i) To desist from contacting or communicating with the complainant, her husband or her employers.
- (ii) Not to post anything on any social media platforms concerning the complainant and related persons.
- (iii) To remove all pictures and comments from all social media platforms concerning the complainant and related persons.

*3.2 The court imposes the following additional conditions that are necessary to protect and to provide for the safety and well-being of the complainant or related person/s:

- (a)
- (b)
- (c)

*3.3 The court orders:

*(a)	That a member of the South African Police Service is to seize the following weapon(s):
*(b)	That a member of the South African Police Service is to accompany the complainant or related person to the following residence:..... to supervise the collection of the complainant's or related person's personal property set out in paragraph 8 of the application for a protection order, and such member is authorised to take all reasonable steps to effect the collection of the said property.

4. The respondent is called upon to show cause on 07/05/2015 (the return date) at 08:30 (time) at the abovementioned court, why the court should not issue a final protection order.

5. The return date specified in paragraph 4, above, may be anticipated by the respondent on not less than 24 hours' notice to the applicant and the court.

6. If the respondent does not appear on the return date and if the court is satisfied that —
(a) proper service has been effected on the respondent; and
(b) the application contains *prima facie* evidence that the respondent has engaged or is engaging in harassment,
the court must issue a final protection order.

7. A copy of the application of the complainant and the record of any evidence noted during proceedings are attached for the information of the respondent.

8. In terms of section 16 of the Act the court may make an order as to costs against a party if it is satisfied that the party in question has acted frivolously, vexatiously or unreasonably.

9. In terms of sections 3(3) and 15(a) of the Protection from Harassment Act, 2011,
.....(name and surname), who is a *clerk of court/*sheriff/ *peace officer is hereby directed to serve the interim protection order, a copy of the application for a protection order and the record of evidence noted on the respondent in accordance with regulation 28 of the Protection from Harassment Regulations, 2013.

.....
MAGISTRATE

17.04.2015
DATE

Office stamp
2015-04-17

TAKE NOTE:
(a) A warrant of arrest has been authorised for the arrest of the respondent, the execution of which is suspended subject to the respondent's compliance with any specified prohibition, condition, obligation or order contained in this protection order.
(b) A respondent who contravenes any specified prohibition, condition, obligation or order contained in the protection order is in terms of section 18(1)(a) of the Protection from Harassment Act, 2011, guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding five years.

6. INFORMATION REGARDING URGENCY OF APPLICATION
Submit the reasons why the Court has to consider the application as a matter of urgency:

X: I fear for the safety of my minor child and my husband

u A

COMPLAINANTS AFFIDAVIT IN SUPPORT OF A PEACE ORDER

I, the undersigned,

JOAN MELODY BURGER

do hereby make oath and say that:

1. Save where otherwise stated, the contents hereof are within my personal knowledge and are to the best of my belief both true and correct.
2. I am a major female of full legal capacity currently employed at the law offices of Ronald Bobroff and Partners situated at 37 Ashford Road, Rosebank, Johannesburg.
3. I am employed in the capacity of "Secretary" to the legal directors of the firm.
4. I do not disclose my home address in this application for fear of the Respondent and her conduct.

JB JS

THE PARTIES

5. I am the complainant in this matter.

6. The respondent is CORA VAN DER MERWE,
 - 6.1. a major female of full legal capacity;

 - 6.2. currently residing at 7 Domicile, 14 Diannes Place, Eldo Glen, Centurion (as disclosed by her)

 - 6.3. whose full details are unknown to me; and who is referred to as the "Respondent" hereinafter.

PURPOSE OF THIS APPLICATION

7. I seek a protection order and peace order against the Respondent.

8. I need the protection of the law against her as she has been disturbing the peace in that :

JB
TS

- 8.1. She has been making unsubstantiated allegations as to my fidelity to my husband;
- 8.2. Accusing me of being unfaithful to my husband;
- 8.3. Insinuating that I have been receiving monies for sexual favours to my employers;
- 8.4. Insinuating that the paternity of my child born in wedlock is disputable;
- 8.5. Disturbing my peaceful work environment
- 8.6. Disturbing my peaceful home and social environment.

BACKGROUND

9. I am currently employed at the law offices of Ronald Bobroff and Partners (the "firm"). I have been employed at the offices since 2009.

JB 7.5

10. The partners at the firm are :

10.1. Mr Ronald Bobroff;

10.2. Mr Darren Bobroff; and

10.3. Mr Steven Bezuidenhout.

11. The Respondent was initially associated with the firm as a legal cost consultant. She was subsequently employed as a candidate attorney during 2012 - 2014.

12. I had very little to no personal interaction with the Respondent whilst she was employed by the firm, other than greetings.

13. The Respondent was recently released from her employment at the firm under less than amicable circumstances which fall outside my personal knowledge and which are irrelevant for purposes of this application. Suffice to say that her relationship with the directors is strained.

JB
FS

14. I again state that up to the point that Respondent left the firm, we had no personal interaction other than office greetings. I did not even know her mobile phone number or where she lives.
15. There was no animosity between the Respondent and me.

EVENTS OF 20 MARCH 2015

16. For reasons unknown to me and uninitiated or unprovoked by me the Respondent began sending me "whatsapp" messages to my mobile phone.
17. I know that it is the Respondent who published these messages as the messages emanate from her mobile cellphone number and she has subsequently demonstrated knowledge of these messages.
18. I annex hereto as annexure **JB1** a copy of the messages sent to my husband on whatsapp. I can make the original messages (still on his phone available for inspection to the court) but confirm under oath that the contents of annexure **JB1** accords with the original.

JB
T.S

19. The messages state (I have underlined the relevant portions) :

"Joan will feature in the show. Bobroff said Joan is not a good secretary, but good with other things" (10h12)

"You can ask Joan how much money did Darren gave her to have a baby and why" (18h17)

"Bobroff also found out about her mother and used that to manipulate Joan" (18h18)

20. The Respondent also published accusations about me to other people, inter alia Mr Darren Bobroff :

2015/03/19, 7:08:23 PM: cora: I know about you and Joan. I may even have recordings.

...

2015/03/19, 7:14:50 PM: cora: I have ALL the proof that's needed for your wife to make her own decision"

JB
73

21. The Respondent has also obtained a photograph of my baby.
22. The Respondent then amended an office photo of Mr Darren Bobroff and me (along with other staff members) to add a photograph of my daughter which she has now published and is distributing. A copy of the photograph is annexed as annexure JB2.
23. The Respondent has gone to great length and detail to create this spectacle, which only further demonstrates how unstable she is.
24. The only inference to be drawn from the Respondent going to the trouble of electronically altering photographs of my child and me is to create the impression that Mr Darren Bobroff fathered my child.
25. I deny the implication of this infidelity and am traumatised by the lasting effect that this will cause to my family and particularly my child and my employment.
26. I am also aware that Respondent has likewise communicated with Mr Darren Bobroffs' wife and perpetuated her falsehood.

CJB
13

27. Of particular concern is that the Respondent went so far as to send messages to my husband, _____ on his cellphone.
28. The effect of her correspondences is that my marriage and work life is becoming intolerable.
29. I also fear that she appears to be obsessive and I have learnt that she is on psychiatric drugs from psychiatrists.
30. I fear that she will act irrationally and harm my family and me.

FURTHER UNLAWFUL CONDUCT OF THE RESPONDENT

31. It has now become public knowledge and was further advertised by the Respondent that her ex husband had to obtain a peace order against her.
32. After investigating further, I annex hereto a copy of such peace order obtained by the Respondents husband as annexure JB3.

JB
7/9

33. What is disturbing is that the Respondent appears to be mentally unstable and is on psychiatric medication.
34. I have a reasonable fear for the safety of my child and my own personal safety.
35. The Respondent is a loose cannon and is liable to act irrationally and unpredictably. I am in fear and need the protection of the law against the Respondent.

ORDER SOUGHT

36. I seek an order restraining the Respondent, inter alia from :
 - 36.1. contacting my husband, work associates and employers with regard to any matter concerning myself, my child, my husband and/or my employment;
 - 36.2. publishing or disseminating any further correspondence, images and insinuations relating to me;

UB
7.5

- 36.3. Removing from her face book, twitter or any social media site any correspondence, images and insinuations relating to me;
37. Given the Respondents prior flouting of the law and her propensity to commit unlawful acts and not take the law seriously, I specifically ask that the court issue a suspended warrant of arrest against the Respondent.
38. I want nothing to do with the Respondent and I want her to leave me alone.

Rurger

DEPONENT

SIGNED AND SWORN TO BEFORE ME AT Rosebank
ON THIS 15 DAY OF April 2015
2015, THE DEPONENT HAVING ACKNOWLEDGED IN MY PRESENCE
THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS
AFFIDAVIT, THE PROVISIONS OF GOVERNMENT GAZETTE R1478 OF
11 JULY 1980 AS AMENDED BY GOVERNMENT GAZETTE R774 OF 20

JB 7-5

APRIL 1982, CONCERNING THE TAKING OF THE OATH, HAVING BEEN
COMPLIED WITH.

1982-04-15

Shawso Melaris
2008 SW 3

COMMISSIONER OF OATHS:

CAPACITY: *AIC*

FULL NAMES: *Shawso Melaris*

PHYSICAL ADDRESS: *18 STURGEON AVENUE
ROSBARK*

JB T.S

+27 71 712 9453
last seen today at 21:06

BLOCK

ADD

20 MARCH 2015

Carte Blanche's Bobroff insert is definitely this Sunday at 7pm on M-Net.

If you miss it, it can be viewed from Monday onwards on <http://carteblanche.dstv.com>

10:10

Joan will feature in the show. Bobroff said Joan is not a good secretary, but good with other things

10:12

Im telling your prison warden everything and I am being serious.
Any more interdicts against you this year?

19:29

19:31



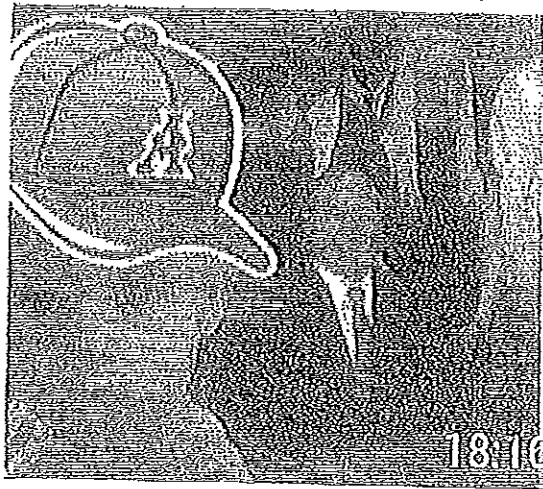
JB
7-3

Im telling your prison warden everything
and i am being serious.

19:29

Any more interdicts against you this
year?

19:31



You can ask Joan how much
money did Darren gave her to have
a baby and why.

18:17

Bobroff also found out about her
mother and used that to
manipulate Joan.

18:18

You can ask Joan how much
money did Darren give her to have
a baby and why.

18:31



JB
7.9