

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

CASE NO: 2024-133963

In the matter between:

WARWICK DAVID SNEIDER

Plaintiff

and

MONEYWEB (PTY) LTD

First Defendant

RYK VAN NIEKERK

Second Defendant

TORI NEWBY

Third Defendant

THIRD DEFENDANT'S PLEA

The third defendant pleads to the plaintiff's particulars of claim as follows:

Ad paragraphs 1 to 3:

1. The contents of these paragraphs are admitted.

Ad paragraph 4:

2. The third defendant is Victoria (Tori) Leigh Newby, of 18141 Darnell Drive, Olney, Maryland, United States of America.
3. The Court does not have jurisdiction over the third defendant as she is—
 - 3.1 domiciled in the United State of America; and
 - 3.2 a foreign *peregrinus*.
4. The third defendant pleads to the particulars of claim conditionally on a finding that the Court has jurisdiction over her, and does not by pleading consent to such jurisdiction.
5. At the time of publication of the article and until 12 November 2024, the third defendant was employed as an intern by GroundUp News.
6. Save for any admission in paragraphs 2 to 4 above, the contents of this paragraph are denied.

Ad paragraphs 5 to 19:

7. The third defendant pleads that she has no knowledge of the allegations contained in these paragraphs, makes no admissions and puts the plaintiff to the proof thereof, insofar as it may be relevant to her.
8. The third defendant nevertheless pleads that the allegations in these paragraphs do not pertain to the third defendant.

Ad paragraphs 20 and 21:

9. The third defendant admits that:

9.1 she authored an article substantially in accordance with annexure “**TN1**” attached hereto;

9.2 “**TN1**” contains certain edits, which she is not possible to distinguish from her own words, performed by the editors of GroundUp. She nevertheless aligns herself as co-author of those edits.

9.3 She authored “**TN1**” knowing that an edited version would be published.

10. The third defendant specifically denies that she authored any other portion of Second Article other than “**TN1**”.

11. The remainder of the allegations in this paragraph are denied.

Ad paragraph 22:

12. The third defendant admits that “**POC3**” was widely read by members of the public.

13. Save for the admission in above, the contents of this paragraph are denied.

Ad paragraph 23:

14. The third defendant admits that the publication of the Second Article took place *inter alia* in Johannesburg.
15. Save for the admission in above, the contents of these paragraphs are denied.
16. In amplification of the denial, and without derogating from the generality thereof, the third defendant reiterates what is pleaded in paragraphs 2 to 4 above.

Ad paragraph 24:

17. Insofar as the allegations in this paragraphs accord with annexure “**POC3**” (i.e. the Second Article), they are admitted. Insofar as the allegations do not, they are denied

Ad paragraphs 25 and 26:

18. The allegations in these paragraphs are denied.
19. In amplification of the foregoing denial, but without derogating from the generality thereof, the third Defendant denies that:
 - 19.1 the reasonable reader of the Second Article would have understood it to have the meanings, innuendo, or sting contended for by the plaintiff in paragraphs 25.1 to 25.10 or paragraphs 26.1 and 26.2 of the particulars of claim;

19.2 the reputation of the plaintiff would have been lowered – in the eyes of the reasonable reader – by the content of the Second Article;

19.3 The Second Article carried an attack on the *dignitas* of the plaintiff.

20. In the alternative to paragraph 19 above, and to the extent that the Second Article may be found to be defamatory or to constitute an attack on the *dignitas* of the plaintiff, the third defendant alleges that the Second Article was not wrongfully published, more particularly in that:

20.1 To the extent that it published facts, these facts were true and published in the public interest in relation to matters which affect potential investors in financial instruments.

20.2 To the extent that it published opinions, it constituted fair comment on matters of public interest which affect potential investors in financial instruments

20.3 In the alternative to paragraphs 20.1 and 20.2, the publication of the Second Article constituted reasonable journalism, in that:

20.3.1 the statements were in essence true;

20.3.2 the third defendant was unaware of the falsity of any averments made in the Second Article;

20.3.3 the third defendant did not act negligently or recklessly in authoring of the Second Article;

20.3.4 the information contained in the Second Article was verified by, amongst other things, witnesses and public documents;

20.3.5 publication of the Second Article was objectively reasonable; and

20.3.6 the Second Article concerned matters of public interest.

Ad paragraph 27:

21. The third defendant admits that the first defendant published the Second Article.

22. Save to the extent admitted in paragraphs 9 and 10 above, the third defendant denies that she wrote the Second Article.

23. The remainder of the allegations in this paragraph are denied.

Ad paragraph 28:

24. The contents of this paragraph are denied.

Ad paragraph 29 thereof:

25. The contents of this paragraph are denied.

WHEREFORE the third defendant prays that the plaintiff's claim against her be dismissed with costs, including the costs of counsel on scale C.

DATED AT CAPE TOWN THIS DAY OF DECEMBER 2024.

MITCHELL DE BEER

Third defendant's counsel

LIONEL MURRAY

SCHWORMSTEDT & LOUW

Per:

J.F. LOUW

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AND TO: SWARTZ WEIL VAN DER MERWE

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BY ELECTRONIC SERVICE

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