

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

CASE NO: 2018/30117

P/H NO: 0

JOHANNESBURG, 07 September 2018
BEFORE THE HONOURABLE JUDGE UNTERHALTER

In the matter between:-

**HYDROCORE LIMITED
THE NIR GUY DANIEL FAMILY TRUST**

**1st Applicant
2nd Applicant**

and

**HYDROMINE PROJECTS CC
HYDROMINE PROJECTS AND MARKETING (PTY)
LIMITED**

**1st Respondent
2nd Respondent**

HAVING read the documents filed of record and having considered the matter:-

IT IS ORDERED THAT:-

1. Draft Order marked "X" signed and dated 07 September 2018 is made an Order of Court.

BY THE COURT

REGISTRAR

/tp

2018-09-27

OLD-JUD-002

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG LOCAL DIVISION, JOHANNESBURG)

" X "
J. ...
7. 18. 18

ON 07 SEPTEMBER 2018

BEFORE THE HONOURABLE JUDGE UNTERHALTER

Case no: 2018/30117

In the matter between:

HYDROCORE LIMITED

First Applicant

(Reg No: 1512263, British Virgin Islands)

And

THE NIR GUY DANIEL FAMILY TRUST

Second Applicant

(Trust No: IT 0751/1999, South Africa)

and

HYDROMINE PROJECTS CC

First Respondent

And

HYDROMINE PROJECTS & MARKETING (PTY) LTD

Second Respondent



DRAFT ORDER

HAVING read the documents filed or record, heard counsel and having considered the matter
IT IS ORDERED:

1. The affidavits filed of record reveal disputes of facts which will be referred to trial.
2. The Notice of Motion will stand as a simple summons;
3. The Notice of Intention to oppose shall stand as a notice of intention to defend;

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4. The applicants shall be the plaintiffs in the action proceedings and the respondents shall be the defendants.
5. The plaintiffs shall file their declaration within 10 days of this order.
6. The defendants shall file a plea to the declaration within 10 days of the declaration being served.
7. Following the filing of the defendants' plea, the rules set out in the uniform rules of court relating to actions shall apply.
8. The matter is to be referred to Case Management to assist in an expeditious hearing of the action.
9. The first respondent is ordered to allow the first applicant to inspect its books of account which indicate all enquiries, transactions and proceedings relating the distributorship agreement marked as annexure "FA5";
10. Pending the final determination of the action: -
 - 10.1. The respondents are interdicted from directly or indirectly, for the period while the agreement attached hereto marked as annexure "FA5" is extant and for a period of 24 months calculated from the date that the agreement is cancelled from: -
 - 10.1.1. Directly or indirectly, competing with the business of the applicant, being the business of manufacturing, distributing and selling valves specifically, The Hydrocore symmetrical valve, The Hydrocore angle pattern isolating valve; the Hydrocore non-slam non-return valve, The NGD range of expansion joints, The NGD Range of energy Dissipaters, The U-Cone range of tapered pipe couplings (hereinafter referred to as "the products"), by: -
 - 10.1.1.1. Directly or indirectly, selling or distributing products which are substantially the same as the products or which are designed to perform the same function as the products;

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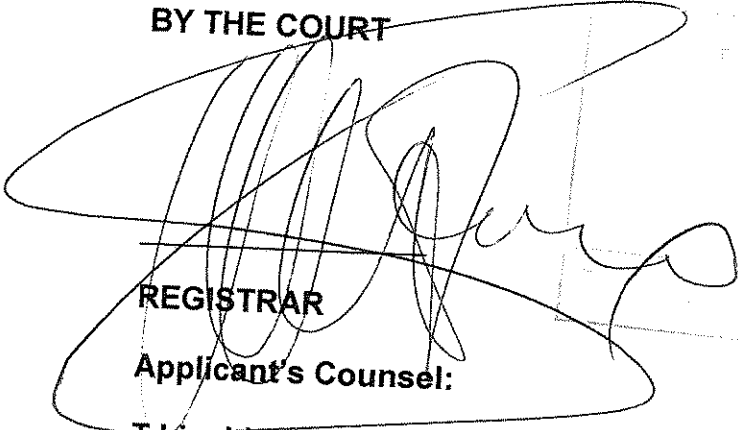
10.1.1.2. Manufacturing products which are substantially the products or designed to perform the same function as the products, whether alone or in conjunction with any other products

10.2. The respondent shall be interdicted and restrained in accordance with paragraphs 10.1 above in the Southern Africa;

11. In the event, that the plaintiff does not comply with paragraph 5 of this order, the interim order ceases to operate.

removed
12. Costs to be ~~in the cause~~.

BY THE COURT



REGISTRAR

Applicant's Counsel:

T Lipshitz (083 383 5511)

Respondent's Counsel: N De Villiers

2018-09-27

CLD-JHE-002

1/2P