

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

CASE NO:

In the matter between:

GROUNDUP NEWS NPC	First Applicant
NATHAN GEFFEN	Second Applicant
RAYMOND JOSEPH	Third Applicant

and

THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL	First Respondent
CHAIRPERSON OF THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL	Second Respondent
MR Y MAYET	Third Respondent
THE GAUTENG PROVINCIAL LEGAL PRACTICE COUNCIL	Fourth Respondent
LESLEY NKHUMBULENI RAMULIFHO	Fifth Respondent

NOTICE OF MOTION

TAKE NOTE THAT, on a date to be arranged with the Registrar of this Honourable Court, the above-named applicants intend to make application to this Court in terms of Rule 53 of the Uniform Rules of Court for an order in the following terms:

- 1 It is declared that the following conduct of the first respondent and/or the third respondent and/or the fourth respondent is unlawful, invalid and unconstitutional:
 - 1.1 the failure of the first respondent and/or the third respondent and/or the fourth respondent to investigate the applicants' complaint against the fifth respondent, Mr Ramulifho (complaint number 5192/2020) ("**the complaint**");
 - 1.2 the decision of the third respondent and/or the first respondent and/or the fourth respondent, dated 13 October 2020, to dismiss the complaint;
- 2 Reviewing and correcting or setting aside the decision of the third respondent and/or the first respondent and/or the fourth respondent, dated 13 October 2020, to dismiss the complaint;
- 3 Remitting the matter to the first respondent and directing the first respondent to –
 - 3.1 convene an investigative committee, in terms of section 37(1) of the Legal Practice Act 28 of 2014, to investigate the complaint afresh; and
 - 3.2 conduct a proper investigation into the complaint, in accordance with the requirements of the Legal Practice Act 28 of 2014, read with the Legal Practice Council Rules, 2018.

- 4 Directing that no person who was in any way involved in making the decision in paragraphs 1 and 2 above shall be involved in the fresh investigation required under paragraph 3 above;
- 5 Directing any respondents who oppose the relief sought herein to pay the costs on a joint and several basis, the one paying the others to be absolved;
- 6 Granting the applicant further and/or alternative relief.

TAKE NOTICE FURTHER that the accompanying affidavit of **NATHAN GEFFEN** (together with the annexures thereto) will be used in support of the application, and will be supplemented in terms of Uniform Rule 53(4).

The respondents are called upon, in terms of Uniform Rule of Court 53(1)(a), to show cause why the above-mentioned decisions should not be set aside.

In terms of Uniform Rule of Court 53(1)(b) the first to fourth respondents are called upon, within fifteen days of receipt of this Notice of Motion, to despatch to the Registrar the record of all documents and all electronic records that relate to the making of the decisions sought to be set aside in paragraphs 1 and 2 above, together with such reasons as the first to fourth respondents are by law required or may require to give or make, and to notify the applicant's attorney that they have done so.

In terms of Uniform Rule of Court 53(4), the applicant may within 10 days of receipt of the record from the Registrar, amend, add to, or vary the terms of its notice of

motion and supplement its founding affidavit, by delivery of a notice and accompanying affidavit.

TAKE NOTICE FURTHER that the applicant appoints the address of its attorneys, detailed below, as the address at which it will receive notice and service of all process in these proceedings, alternatively, the electronic and facsimile addresses of the applicant's attorneys detailed below.

If any of the respondents wish to oppose the relief sought in this notice of motion, they are required:

- 1 Within 15 days of receipt of this notice of motion or any amendment thereto as contemplated in Rule 53(4), to deliver a notice to the applicant's attorneys that such respondents intend to oppose, and appoint an address within fifteen kilometres of the office of the Registrar at which the respondents will accept notice and service of all process in such proceedings; and
- 2 Within 30 days of the expiry of the time period referred to in Uniform Rule of Court 53(4), deliver such affidavits as they may desire in answer to the allegations made by the applicant.

DATED AT JOHANNESBURG ON THIS _____ DAY OF _____ 2021.

**LIONEL MURRAY
SCHWORMSTEDT & LOUW**

Per:

J F LOUW

Applicants' Attorney
2nd Floor, General Building
42 Burg Street
Cape Town

Ref: JFL/ca/W15175

Email: jflou@iafrica.com

Tel. 021 4248960

Fax. 021 4243592

Cell. 0825654714

**C/o FULLARD MAYER
MORRISON**

4 Morris Street West
Rivonia
Johannesburg
Ref: Mr. Mayer

**TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT
JOHANNESBURG**

AND TO: THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL
First Respondent
THORNHILL OFFICE PARK
94 BEKKER ROAD
VORNA VALLEY
MIDRAND

AND TO: CHAIRPERSON OF THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL
Second Respondent
H K MATOLO-DLEPU
THORNHILL OFFICE PARK
94 BEKKER ROAD
VORNA VALLEY
MIDRAND

AND TO: MR Y MAYET
Third Respondent
PROCFORUM BUILDING
123 PAUL KRUGER STREET
PRETORIA

AND TO: THE GAUTENG PROVINCIAL LEGAL PRACTICE COUNCIL
Fourth Respondent
PROCFORUM BUILDING
123 PAUL KRUGER STREET
PRETORIA

AND TO: LESLEY NKHUMBULENI RAMULIFHO
Fifth Respondent
21A GARSFONTEIN OFFICE PARK
645 JACQUELINE DRIVE
GARSFONTEIN
PRETORIA