

IN THE COMPETITION APPEAL COURT OF SOUTH AFRICA

CAC CASE NO: 186/CAC/JUN20

CT CASE NO: 186CR008APR20

CC CASE NO.: 2020APR0035

In the application to adduce expert evidence:

HEALTH JUSTICE INITIATIVE

Applicant

OPEN SECRETS NPC

Second Applicant

In the appeal of:

BABELEGI WORKWEAR AND INDUSTRIAL

Appellant

SUPPLIES CC

and

COMPETITION COMMISSION OF SOUTH AFRICA

Respondent

HEALTH JUSTICE INITIATIVE

First Amicus Curiae

OPEN SECRETS NPC

Second Amicus Curiae

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Amicus Curiae

NOTICE OF MOTION

TAKE NOTICE that the Health Justice Initiative and Open Secrets NPC (the applicants in this application, and the first and second amicus curiae in the appeal) intend to make an application to the above Honourable Court on 04 September 2020 for an order on the following terms:

1. HJI and Open Secrets are granted leave to adduce the evidence of Andy Gray, Dr Noncayana Tracey Dawn Naledi, Ihsaan Bassier and Professor David Bilchitz as described in the founding affidavit attached to this notice of motion.
2. HJI and Open Secrets are granted leave to submit written argument in respect of this application.
3. HJI and Open Secrets are granted leave to advance oral argument on the merits of the appeal and this application at the hearing on 4 September 2020.
4. Any party that opposes this application is to pay the costs.
5. Further or alternative relief.

TAKE NOTICE FURTHER that the founding affidavit of **FATIMA HASSAN**, and the annexed affidavits of **ANDY GRAY, DR NONCAYANA TRACEY DAWN NALEDI, IHSAAN BASSIER AND PROFESSOR DAVID BILCHITZ** will be used in support of this application.

TAKE NOTICE FURTHER THAT the first and second applicants have appointed the address of **Webber Wentzel** as the address and electronic mail address, as set out below, at which they will accept service of all documents in these proceedings.

TAKE NOTICE FURTHER THAT any party who wishes to oppose this application must:

- a. Within 2 days after receipt of this application, give notice to the applicants' attorney of its intention to oppose the application and in such notice appoint an address within 15 kilometres of the office of the Registrar and/or an electronic mail address where it will accept service of documents; and
- b. Within 4 days after giving notice referred to above, file such answering affidavit, if any, together with any relevant documents.

DATED ON THIS THE _____ DAY OF _____ 2020 AT _____

WEBBER WENTZEL

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TO:

The Competition Appeal Court

The Registrar of the Competition Appeal Court

Email: CAC@comptrib.co.za; Tebogom@comptrib.co.za

AND TO:

Klagsbrun Edelstein Bosman Du Plessis Inc.

Attorneys for Appellant: Babelegi Workwear and Industrial Supplies CC
(186/CAC/Jun20)

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The Competition Commission

Ref: 186/CAC/Jun20

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Buang Jones

Attorney for the Third Amicus Curiae: South African Human Rights Commission

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