IN THE HIGH COURT OF SOUTH AFRICA

(WESTERN CAPE DIVISION, CAPE TOWN)

Case No………………

In the matter between:

MAPETEKE TSHEGOFATJO MOGASHOA	First Applicant
MAX JOHN TEDDER	Second Applicant
KAIDEN WESSELS	Third Applicant
GIA HENSBURG	Fourth Applicant
POSTGRAD: DETAILS TO BE FURNISHED	Fifth Applicant

and

THE UNIVERSITY OF CAPE TOWN	Respondent

NOTICE OF MOTION

<u>PART A :</u>

KINDLY TAKE NOTICE that applicants intend to make application to this Honourable Court on **[INSERT]** at 10h00am in the forenoon or as soon thereafter as counsel may be heard, for an order in the following terms:

1. Dispensing with the forms and service provided for in the Rules of Court and directing that the matter be heard as an urgent application in terms of Rule 6(12) of the Uniform Rules of Court;

2. Suspending the operation of the vaccine mandate issued by respondent dated [INSERT], pending the final determination of the review application referred to in Part B hereof;

3. Alternatively, permitting applicants to register to commence and/or continue their studies either online or in person at any UCT campus, and if they are required to attend in person, subject to presentation of weekly negative Covid-19 tests and daily health screening, pending the final determination of the review application referred to in Part B hereof;

4. Ordering respondent, in the event it opposes to relief sought to pay the costs, including the costs of two counsel;

5. Granting applicants further or alternative relief.

TAKE NOTICE FURTHER that the affidavit of **MAPETEKE TSHEGOFATJO MOGASHOA**, together with the annexures thereto, will be used in support of this application.

TAKE NOTICE FURTHER that applicants have appointed the address of its attorneys of record set out below, as the address at which it will accept notice and service of all process in these proceedings.

AND TAKE NOTICE FURTHER that if you intend opposing this application you are required to :

a)   Notify applicants' attorney of such intention by [INSERT] on [INSERT]; and

b)   Deliver your answering affidavit, if any, by no later than [INSERT] on [INSERT].

c)   Applicants will deliver their reply, if any, by no later than [insert] on [insert].

KINDLY ENROL THE MATTER ACCORDINGLY

PART B :

KINDLY TAKE NOTICE that applicants intend to make application to this Honourable Court on a date to be determined by the Registrar, for an order in terms of Rule 53 of the Uniform Rules of Court, in the following terms:

1.   Reviewing and setting aside the vaccine mandate issued by respondent on [insert date];

2.   Remitting the matter to respondent for a fresh decision;

3.   Alternatively, reviewing and setting aside the vaccine mandate issued by respondent to the extent that it contains no exemptions for applicants to object to being vaccinated on constitutional grounds, on the basis that applicants continue their studies online, or if required to attend campus to present negative

Covid-19 tests when they attend campus and submit to daily health screenings, and remitting the matter to the respondent for a fresh decision.

4. Ordering respondent, in the event that it opposes the relief sought to pay the costs, including the costs of two counsel;

5. Granting applicants further or alternative relief.

TAKE NOTICE FURTHER that the affidavit of **MAPETEKE TSHEGOFATJO MOGASHOA**, together with the annexures thereto, will be used in support of this application, and will be supplemented in terms of Uniform Rule of Court 53(4).

TAKE NOTICE FURTHER that respondent is called upon, in terms of Uniform Rule of Court 53(1)(a), to show cause why the decisions mentioned above should not be reviewed, and set aside.

TAKE NOTICE FURTHER that in terms of Rule 53(1)(b) of the Uniform Rules of Court, respondent is required within 15 (fifteen) days after receipt of this notice of motion to dispatch to the Registrar of this honourable Court the record of all documents and all electronic records (including any correspondence, minutes of meetings, contracts, memoranda, advices, recommendations, evaluations and the like) that relate to the making of the decisions that are sought to be reviewed and set aside, together with such reasons as respondent is by law required or may require to give or make, and to notify applicants' attorneys that they have done so.

TAKE NOTICE FURTHER that within 10 (ten) days of receipt of the record from the Registrar, applicants may, by delivery of a notice and accompanying affidavit, amend, add to or vary the terms of its notice of motion and supplement its founding affidavit in terms of Rule 53(4) of the Rules of this honourable Court.

TAKE NOTICE FURTHER that applicants have appointed the contact details of its attorneys below as the address at which it will accept notice and service of all process in these proceedings.

AND TAKE NOTICE FURTHER that if respondent intends opposing this application for the relief, it is required to:

a)   within 15 (fifteen) days after receipt by them of the notice of motion or any amendment thereto as contemplated in Uniform Rule of Court 53(4) to deliver a notice to applicants' attorneys that respondent intends to oppose and in such notice to appoint an address within 15 kilometres of the office of the Registrar at which they will accept notice and service of all process in such proceedings; and

b)   within 30 (thirty) days after the expiry of the time referred to in Uniform Rule of Court 53(4), to deliver any affidavits respondent may desire in answer to the allegations made by applicants.

DATED at **[●]** on this the **[●]** day of **20__**.

BISSET BOEHMKE MCBLAIN
Attorneys for the Applicants
Per:

K PIETERSE
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Ref:

TO :

THE REGISTRAR OF
THE ABOVE HONOURABLE COURT

AND TO :

FAIRBRIDGES WERTHEIM BECKER
Attorneys for Respondent
16th Floor, South Tower
The Towers
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Heerengracht
CAPE TOWN
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