



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

Case No.:

In the matter between:

MPHO PHALATSE

First Applicant

DEMOCRATIC ALLIANCE

Second Applicant

and

**THE SPEAKER OF THE CITY OF
JOHANNESBURG**

First Respondent

COLLEEN MAKHUBELE

Second Respondent

**THE EXECUTIVE MAYOR OF THE CITY OF
JOHANNESBURG**

Third Respondent

DADA MORERO

Fourth Respondent

**THE CITY MANAGER OF THE CITY OF
JOHANNESBURG**

Fifth Respondent

COUNCIL OF THE CITY OF JOHANNESBURG

Sixth Respondent

**NOTICE OF MOTION:
URGENT APPLICATION**

PLEASE TAKE NOTICE that the Applicants will make application to this Honourable Court at **10:00 on Tuesday 11 October 2022**, or as soon thereafter as counsel may be heard, for an order in the following terms:

1. Dispensing with the ordinary rules for time limits and service as provided for in the Uniform Rules of Court, and directing that this application be heard on an urgent basis in terms of rule 6(12).
2. Declaring that the decision of the First Respondent (**the Speaker**), taken on 29 September 2022 to schedule an extraordinary meeting of the Sixth Respondent (**the Council**) for 30 September 2022 was unlawful, unconstitutional, and invalid.
3. Reviewing and setting aside the decision in paragraph 2.
4. Declaring that the decision of the Programming Committee of the Council, taken on 29 September 2022 to place a motion of no confidence in the First Applicant as the Executive Mayor of the City of Johannesburg on the agenda for the extraordinary council meeting on 30 September 2022 was unlawful, unconstitutional, and invalid.
5. Reviewing and setting aside the decision in paragraph 4.
6. Declaring that the decision of the Council, taken on 30 September 2022, to adopt a motion of no confidence in the First Applicant as the Executive Mayor of the City of Johannesburg, was unlawful, unconstitutional, and invalid.
7. Reviewing and setting aside the decision in paragraph 6.
8. Declaring that the decision of Council, taken on 30 September 2022, to elect the Fourth Respondent as the Executive Mayor of the City of Johannesburg, was unlawful, unconstitutional, and invalid.

9. Reviewing and setting aside the decision in paragraph 8.
10. Declaring that the First Applicant is the Executive Mayor of the City of Johannesburg.
11. Declaring that all decisions taken by the Fourth Respondent as Executive Mayor are unconstitutional, unlawful and invalid, and are reviewed and set aside.
12. Directing that the Second Respondent, in her personal capacity, shall pay the costs of the application on an attorney and client scale, including the costs of two counsel.
13. Further and/or alternative relief.

TAKE NOTICE FURTHER that the affidavit of **MPHO PHALATSE** will be used in support of this application.

TAKE NOTICE FURTHER that the Applicants have appointed the address of their Attorneys of Record, as set out below, as the address at which they will accept service of all further notices, process and documents in these proceedings. The Applicants hereby consents to electronic serve at the following email addresses: elzanne@mindes.co.za; shannon@mindes.co.za; karin@mindes.co.za.

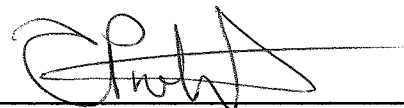
TAKE NOTICE FURTHER that if a Respondent intends opposing this application you should:

1. Deliver a notice of their intention to oppose by **Tuesday 4 October 2022** by email to elzanne@mindes.co.za, and appoint an address for the service of documents in these proceedings.
2. File their answering affidavits, if any, by **12:00 on Wednesday 5 October 2022**.

TAKE NOTICE FURTHER that if the Respondents do so, the Applicants will file their replying affidavit by **12:00 on Thursday 6 October 2022**.

Kindly enroll the matter accordingly.

DATED AT JOHANNESBURG ON THIS 3rd DAY OF OCTOBER 2022



MINDE SCHAPIRO & SMITH INC.
Attorneys for Applicants
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11-9th Street
Houghton Estate
Johannesburg
Ref: Alex Protulis/rv
Tel.: 011 325 4201
(Ref: DEM16/0847/E JONKER/ks)

TO: THE REGISTRAR
High Court, Johannesburg

AND TO: THE SPEAKER OF THE CITY OF JOHANNESBURG

First Respondent

Per email: Colleen.makubele@gmail.com; colleenmak@joburg.org.za; joburgconnect@joburg.org.za

158 Metropolitan Centre, Loveday Street
Braamfontein

AND TO: COLLEEN MAKHUBELE

Second Respondent

Per email: Colleen.makubele@gmail.com; colleenmak@joburg.org.za

158 Metropolitan Centre, Loveday Street
Braamfontein

AND TO: THE EXECUTIVE MAYOR OF THE CITY OF JOHANNESBURG

Third Respondent

Per email: executivemayor@joburg.org.za; joburgconnect@joburg.org.za

158 Metropolitan Centre, Loveday Street
Braamfontein

AND TO: DADA MORERO

Fourth Respondent

Per email: executivemayor@joburg.org.za

158 Metropolitan Centre, Loveday Street
Braamfontein

AND TO: THE CITY MANAGER OF THE CITY OF JOHANNESBURG

Fifth Respondent

Per email: BryneMa@joburg.org.za; joburgconnect@joburg.org.za; citymanager@joburg.org.za;

158 Metropolitan Centre, Loveday Street
Braamfontein

AND TO: COUNCIL OF THE CITY OF JOHANNESBURG

Sixth Respondent

Care of: The Speaker of the City of Johannesburg

Per email: Colleen.makubele@gmail.com; colleenmak@joburg.org.za; joburgconnect@joburg.org.za

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