

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg

CASE NO: **2024-023832**

In the matter between:

Leon Amos Schreiber

Plaintiff / Applicant / Appellant

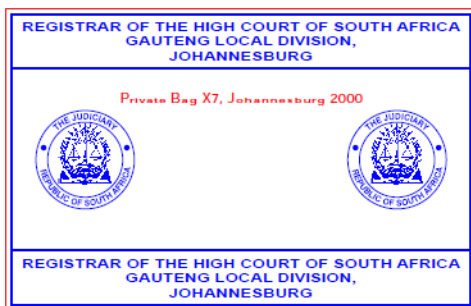
and

**The African National Congress, Fikile
April Mbalula, Thapelo Masilela**

Defendant / Respondent

Notice of Motion (Long Form)

NOTE: This document was filed electronically by the Registrar on 4/3/2024 at 11:18:20 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:



**Registrar of High Court , Gauteng
Local Division, Johannesburg**

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

Case No:

In the matter between:

LEON AMOS SCHREIBER

Applicant

and

THE AFRICAN NATIONAL CONGRESS

First Respondent

FIKILE APRIL MBALULA

Second Respondent

THAPELO MASILELA

Third Respondent



NOTICE OF MOTION

PLEASE TAKE NOTICE THAT the applicant intends to make application on **TUESDAY, 19 MARCH 2024 at 10h00** or as soon thereafter as counsel may be heard for an order in the following terms:

- 1 The forms, service and time periods prescribed in the Uniform Rules of Court are dispensed with and the application is heard as one of urgency in terms of Rule 6(12) of the Uniform Rules of Court.

- 2 It is declared that the first respondent ("the ANC") is in contempt of the Court Order handed down by Wepener J on 2 February 2023 under case number 2021/26339 ("**the Court Order**").
- 3 It is declared that ANC is in breach of the Court Order.
- 4 The respondents are directed, within five days of this order, to give effect to the Court Order by:
- 4.1 Providing to the applicant all of the information that has already been disclosed and which is further required to be disclosed in terms of the Court Order in unredacted form so as to ensure all names of persons are legible.
- 4.2 Providing to the applicant all of the information relating to the processes and decisions of the Cadre Deployment Committee ("**the Committee**") during the period 1 January 2013 to 1 January 2021 including but not limited to:
- 4.2.1 minutes, draft minutes, notes, attendance registers, communications and decisions of the Committee whether prepared by or communicated to staff members of the first respondent, members of the Committee, chairpersons of the Committee, and government officials;
- 4.2.2 emails, WhatsApps and other social media communications between and among members of the Committee, and between Committee members, Committee chairpersons and other government officials;



4.2.3 all such information for the following periods and / or dates:

(a) January 2013 to May 2018;

(b) 21 May 2018;

(c) 6 August 2018;

(d) 22 March to 19 August 2019; and

(e) 12 November 2019.

4.3 Providing legible copies to the applicant of all of the information required to be disclosed.



4.4 Providing the applicant with copies of all attachments to Emails, WhatsApps and other social media communications.

4.5 Making available the following items to a neutral third-party information technology expert agreed to by the applicant for the purposes of extracting information required to be disclosed by the Court Order:

4.5.1 the hard drive and laptop of the third respondent;

4.5.2 the personal email of the third respondent; and

4.5.3 the laptop of Mr Lungi Mtshali.

5 The ANC is directed to report to this Court and the applicant's attorneys in writing and under oath of its compliance with paragraph 4 above and the Court Order.

6 The ANC is ordered to pay the costs of this application on the attorney and client scale.

7 The applicant is granted further and / or alternative relief.

TAKE NOTICE FURTHER THAT the applicant intends to rely on his affidavit and the annexures thereto.

TAKE NOTICE FURTHER the applicants have appointed **MINDE SHAPIRO & SMITH INC, care of CHRISTODOULOU & MAVRIKIS INC.** at the address set out below as their attorneys of record at which address they will accept service of all notices and process in these proceedings.



TAKE NOTICE FURTHER THAT if you oppose this application, you are required to:

- a) Serve and file a notice of opposition by **WEDNESDAY, 6 MARCH 2024.**
- b) In the notice of opposition to appoint attorneys with an address with 15 (fifteen) kilometres from the High Court, as envisaged by Rule 6(5)(b) of the Uniform Rules of Court.
- c) File your answering affidavit by **FRIDAY, 8 MARCH 2024.**
- d) The applicants will file their replying affidavit, if any, by **MONDAY, 11 MARCH 2024.**
- e) The parties will file heads of argument by no later than **THURSDAY, 14 MARCH 2024.**

KINDLY enrol the matter accordingly.

DATED at Johannesburg on this 4th day of MARCH 2024


MINDE SHAPIRO & SMITH INC

Applicants' Attorneys

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Ref: Mr Protulis/rv

Tel.: 011 325 4201

Email: alex@cm-attorneys.com

(Ref: DEM16/0768/E Jonker/ks)



**TO : THE REGISTRAR
 JOHANNESBURG**

AND TO: THE AFRICAN NATIONAL CONGRESS

The first respondent
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C/O Mafetsa Attorneys

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AND TO: FIKILE MBALULA

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C/O Mafetsa Attorneys

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AND TO: THAPELO MASILELA
The third respondent
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