

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

CASE NO.: 32881/22

In the application of: -

ANIMAL LAW REFORM SOUTH AFRICA NPC

First Applicant

EMS FOUNDATION

Second Applicant

CHIEF STEPHEN FRITZ

Third Applicant

and

JOHANNESBURG CITY PARKS AND ZOO NPC (RF)

First Respondent

**THE CITY OF JOHANNESBURG
METROPOLITAN MUNICIPALITY**

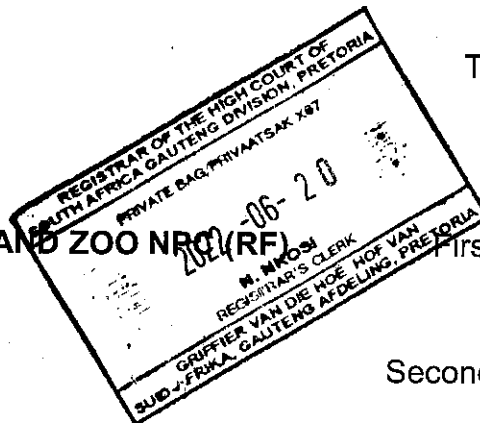
Second Respondent

**MEC: ECONOMIC DEVELOPMENT, AGRICULTURE,
ENVIRONMENT AND RURAL DEVELOPMENT,
GAUTENG PROVINCIAL GOVERNMENT**

Third Respondent

**MINISTER OF FORESTRY,
FISHERIES AND THE ENVIRONMENT**

Fourth Respondent



NOTICE OF MOTION

TAKE NOTICE THAT the applicants intend to make application to this Court for an order in the following terms:

- 1 The continued confinement of the elephants Lammie, Mopani and Ramadiba (collectively, "**the Elephants**") at the Johannesburg Zoo is declared unlawful and unconstitutional.
- 2 The decision/decisions ("**Decisions**") of the first and/or the second respondents to continue to keep the Elephants in captivity in the Johannesburg Zoo is reviewed and set aside.
- 3 In the alternative to prayer 2, the failure of the first and/or the second respondents to make a decision to release the Elephants into a suitable and appropriate rewilding facility is reviewed and set aside.
- 4 The first and/or second respondents are directed to:
 - 4.1 release from the Johannesburg Zoo the three Elephants known as "Lammie", "Mopani" and "Ramadiba", held under standing permit 20351, registration certificate 06683 and ordinary permit 03027, into the care of the second applicant, for purposes of the relocation, rehabilitation and re-wilding of the Elephants in accordance with a relocation and reintegration plan to be prepared and submitted to the Court;
 - 4.2 grant the second applicant, its appointed wildlife veterinarians, other medical experts and its relocation and reintegration specialists unfettered access to the Elephants in order to:

- 4.2.1 assess the Elephants, including at least to perform such medical, physical or other examinations as may be necessary to determine the physical and mental fitness of the Elephants;
 - 4.2.2 prepare the Elephants for relocation; and
 - 4.2.3 effect the transfer, relocation and re-wilding of the Elephants.
- 4.3 provide the applicants access to and/or to execute any documentation in relation to the Elephants which may be required for purposes of the assessment and preparation of the Elephants for transfer, and ultimately to effect the transfer, relocation and re-wilding of the Elephants; and
- 4.4 engage meaningfully with the applicants to commence the process immediately for the release, relocation and re-wilding of the Elephants.
- 5 The respondents are ordered to pay the costs of this application, jointly and severally, in the event of opposition.
- 6 Such further and / or alternative relief as this Court deems appropriate.

TAKE NOTICE FURTHER THAT the affidavits of **MICHELE PICKOVER, DAVID ISRAEL BILCHITZ** and **CHIEF STEPHEN FRITZ**, together with the annexures thereto, as well as accompanying expert and confirmatory affidavits, will be used in support of this application.

TAKE NOTICE FURTHER THAT:

(a) The first to fourth respondents, as the case may be, are called on to show cause why the decisions referred to in paragraphs 2; alternatively 3 above should not be reviewed and set aside, and to show cause why the further and/or alternative relief referred to in paragraph 6 above should not be granted.

(b) The first to fourth respondents, as the case may be, are called on to dispatch to the Registrar of this Court, within 15 days of receipt of the notice of motion, the record of decision in respect of all and any of the Decisions together with reasons for each such decision, and to notify the applicant's attorneys that they have done so.

TAKE NOTICE FURTHER THAT the applicants have appointed the address of their attorneys of record, whose details have been set out hereunder, at which they will accept notice and service of all documents in this application.

TAKE NOTICE FURTHER that if any of the respondents intend to oppose the relief sought in this notice of motion, they are required:

- (a) To notify the applicants' attorneys in writing on or before _____;
- (b) And within fifteen (15) days after they have so given notice of their intention to oppose the application, to file their answering affidavit(s) (if any);
- (c) And further that they are obliged to appoint in such notification an address referred to in Rule 6(5)(b) at which they will accept notice and service of all documents in these proceedings.

TAKE NOTICE FINALLY that, if no such notice of intention to oppose is delivered, application will be made on _____ at 10h00 or so soon thereafter as counsel may be heard.

TAKE NOTICE FURTHER THAT the applicant consents to electronic service of all processes in this application in terms of Rule 4A(1)(c) at the following email addresses:

sarah@greencounsel.co.za

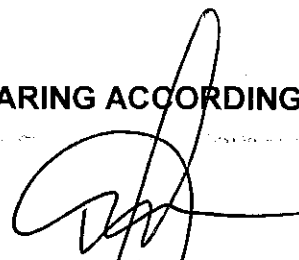
info@greencounsel.co.za

Subject to the following:

1. Service may only take place to all of the abovementioned e-mail addresses;
 2. All electronically served pleadings must be numbered and the covering e-mail must clearly indicate the number of pages in the attachment;
 3. Attachments to such e-mails must be in Portable Document Format (PDF) only;
 4. Messages and the attachments thereto may not be larger than 25MB; and
 5. Service must be confirmed within 24 hours after transmission.
- 7 Any service of documents herein which does not comply with these restrictions will not be accepted and will not be regarded as having been served.

KINDLY PLACE THE MATTER ON THE ROLL FOR HEARING ACCORDINGLY.

DATED at CAPE TOWN this 20th day of JUNE 2022



CULLINAN & ASSOCIATES

Attorneys for the Applicants

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CAPE TOWN

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sarah@greencounsel.co.za

**c/o MACROBERT
ATTORNEYS**

MacRobert Building

1060 Jan Shoba St

Brooklyn

Pretoria

0181

Ref: Waseem Gani

Tel: 012 425 3455

wgani@macrobert.co.za

To: **THE REGISTRAR
GAUTENG HIGH COURT
PRETORIA**

And to: **JOHANNESBURG CITY PARKS AND ZOO NPC (RF)**
First Respondent
City Parks House,
40 De Korte Street,
Braamfontein
Johannesburg

And to: **THE CITY OF JOHANNESBURG METROPOLITAN
MUNICIPALITY**
Second Respondent
c/o The City Manager
Metropolitan Centre,
1st Floor Council Chamber Wing
158 Civic Boulevard

Braamfontein
Johannesburg

And to:

**MEC: ECONOMIC DEVELOPMENT, AGRICULTURE,
ENVIRONMENT AND RURAL DEVELOPMENT
GAUTENG PROVINCIAL GOVERNMENT**

Third Respondent
56 Eloff Street
Marshalltown
Johannesburg

c/o THE STATE ATTORNEY
Old Mutual Centre, 8th Floor
167 Andries Street
Pretoria

And to:

MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

Fourth Respondent
Cnr 473 Steve Biko & Soutpansberg Roads
Arcadia
Pretoria

c/o THE STATE ATTORNEY
Old Mutual Centre, 8th Floor
167 Andries Street
Pretoria