

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NUMBER: _____

In the matter between:

ADV J.C. PRINSLOO NO

As curator ad litem to

JAN HENDRIK ABRAHAM VAN ZYL

(Identity Number [REDACTED])

Plaintiff

And

FLUOR SOUTH AFRICA (PTY) LTD

First Defendant

SASOL LIMITED

Second Defendant

ROHR REIN CHEMIE RSA (PTY) LTD


Third Defendant



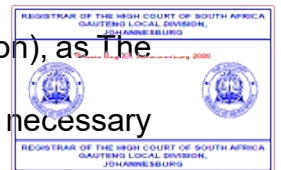
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NOTICE IN TERMS OF RULE 16A

BE PLEASED TO TAKE NOTICE THAT the above Action by the abovenamed Plaintiff

against the abovenamed Defendants has raised the following constitutional issues: -

1. Whether the Defendants in their refusal to provide **JAN HENDRIK ABRAHAM VAN ZYL** (Identity Number [REDACTED]) ("the Patient") with a copy of the detailed report as to how the accident which occurred on 17th August 2017 at the SASOL Plant ("the Secunda Plant") situated at the Corner of Oliver Tambo Drive and PDP Kruger Street Secunda Mpumalanga in which the Patient was seriously injured by:-
 
 - 1.1. Conspiring with each other to and preventing/obstructing/infringing the Patient from claiming damages from the first and the second defendants in terms of section 36 of COIDA;
 - 1.2. Infringing the following Constitutionally guaranteed rights of the plaintiff/Patient, being the rights to
 - 1.2.1. Equality (Section 9 of The Constitution), as The Patient is being treated differently than other victims of industrial accidents;

- 1.2.1. Property (Section 25 of The Constitution), as The Patient is being deprived of a legal claim for damages;
- 1.2.2. Access to information (Section 32 of The Constitution), as The Patient is being deprived of information which is necessary to enforce a legal claim for damages;
- 1.2.3. Fair administration (Section 33 of The Constitution), as The Patient is being deprived of statutory remedies necessary to enforce a legal claim for damages;
- 1.2.4. Access to court (Section 34 of The Constitution) as The Patient is being deprived of legal recourse.



2. Whether in the event that the abovementioned Honourable court should hold that any of the defendants are not jointly and severally liable to the plaintiff as pleaded supra, the limitation set by section 35 of COIDA on the plaintiff's right of action against the third defendant for damages due to The Accident and The Injuries offends The Constitution of The Republic of South Africa, being:

- 2.1. Not justifiable in an open democratic society forged upon freedom, equality, and human integrity;
- 2.2. The rights to:

- 2.2.1. Equality (Section 9 of The Constitution), as The Patient is being treated differently than other victims of industrial accidents;
- 2.2.1. Property (Section 25 of The Constitution), as The Patient is being deprived of a legal claim for damages;
- 2.2.2. Access to information (Section 32 of The Constitution), as The Patient is being deprived of information which is necessary to enforce a legal claim for damages;
- 2.2.3. Fair administration (Section 33 of The Constitution), as The Patient is being deprived of statutory remedies necessary to enforce a legal claim for damages;
- 2.2.4. Access to court (Section 34 of The Constitution) as The Patient is being deprived of legal recourse.

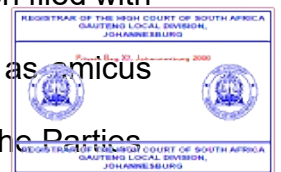


3. Whether Section 35 of COIDA

- 3.1. Infringes The Constitution of The Republic of South Africa;
- 3.2. Should be declared unconstitutional.

BE PLEASED TO TAKE NOTICE FURTHER THAT: -

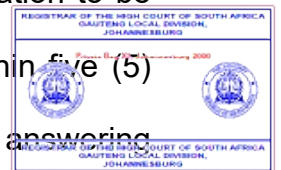
1. The Plaintiff will accept service of notices and all process in these proceedings at **BOVE ATTORNEYS INC** of **ORCHARDS LAW CHAMBERS 33 THE AVENUE ORCHARDS JOHANNESBURG** and by electronic mail at address process@boveattorneys.co.za.
2. Any interested Party may with the written consent of all the Parties to this Action given nota less that 20 (twenty) days after this Notice has been filed with the Registrar of the above Honourable Court, be admitted therein as *amicus curiae* upon such terms and conditions as may be agreed upon by the Parties
3. That the written consent referred to above shall within 5 (five) days of it having been obtained be lodged with the Registrar of the above Honourable Court and the *amicus curiae* shall, in addition to any other provision of the Uniform Rules of the above Honourable Court, comply with the time frames agreed upon for the lodging of written argument,
4. That, if the interested Party is unable to obtain written consent as contemplated herein, he or she may within 5 (five) days of the expiry of the twenty-day period above, apply to the above Honourable Court to be admitted as an *amicus curia* in the proceedings. Such Application shall-
 - 4.1. Briefly describe the interest of the prospective *amicus curiae* in the proceedings, and,
 - 4.2. Clearly and succinctly set out the submissions which will be advanced by the prospective *amicus curiae*, the relevance thereof to the proceedings,



and his or her reasons for believing that the submissions will assist the above Honourable Court, and which are different from those of the Parties hereto,

4.3. Be served upon all Parties to the proceedings, and,

4.4. Any Party to the proceedings who wishes to oppose an application to be admitted as amicus curiae shall file an answering affidavit within five (5) days of the service of such application upon such Party. The answering affidavit shall clearly and succinctly set out the grounds of such opposition.



DATED AT JOHANNESBURG ON THIS 9th JANUARY 2024

L.M. KOBRIN

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**BOVE ATTORNEYS INC
PLAINTIFF'S ATTORNEYS
ORCHARDS LAW CHAMBERS**

33 The Avenue
Orchards

JOHANNESBURG

Tel: 011-485-0424/26/27

E Mail: process@boveattorneys.co.za

Ref: Mr Kobrin

The Plaintiff consents to receive process in this Action at the above e mail address,

TO

The Registrar of the above
Honourable Court
Johannesburg

AND TO:

FLUOR SOUTH AFRICA (PTY) LTD
FIRST DEFENDANT

Woodmead North Office Park
50 Maxwell Drive
Jukskei Park
Woodmead
Sandton



SERVICE BY SHERIFF

AND TO:

SASOL LIMITED
SECOND DEFENDANT

50 Katherine Street
Sandton
Johannesburg

SERVICE BY SHERIFF

AND TO:

ROHR REIN CHEMIE RSA (PTY) LTD
THIRD DEFENDANT

14 Barium Street
Alrode Extension 7
Alberton

Gauteng

SERVICE BY SHERIFF

