

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CCT Case No:

LAC Case No: DA8/2018

In the matter between:

NATIONAL UNION OF METAL WORKERS OF SOUTH AFRICA (KZN) Applicant

and

LUFIL PACKAGING (ISITHEBE) First Respondent
(A division of Bidvest Paperplus (Pty) Ltd)

COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION Second Respondent

LEON PILLAY N.O. Third Respondent

**NOTICE OF MOTION
APPLICATION FOR LEAVE TO APPEAL**

Take notice that the above-named applicant intends to make application to this Court for an order in the following terms:

1. That leave to appeal to this Honourable Court be granted against

the whole of the judgment handed down by the Honourable Justices Murphy, Musi and Savage on 13 June 2019 in the Labour Appeal Court of South Africa held at Durban.

2. That the costs of this application be costs in the appeal.

Take notice further that the accompanying affidavit of Njabulo Mncube will be used in support hereof.

Take notice further that the applicant has appointed the address of its attorney as set out hereunder, as the address at which it will accept notice and service of all process in these proceedings.

Take notice further that if you intend opposing this application you are required (a) to notify the applicant's attorney in writing within 5 days of this application having been served on you and (b) within 15 days after you have so given notice of your intention to oppose the application, to file your answering affidavit, if any; and further that you are required to appoint in such notification an address at which you will accept notice and service of all documents in these proceedings.

If no such notice of intention to oppose is given, the Registrar shall place the matter before the Chief Justice to be dealt with in terms of rule 11(4).

Dated at Durban, this _____ day of June 2019.

HARKOO, BRIJLALL & REDDY

Applicant's Attorney

HBR Chambers

155 Mathews Meyiwa Road

Durban

Ref: Mr R. Harkoo/N1878/087/15

Email: HarkooR@hbr.co.za;

jesse@hbr.co.za

C/o Finger Phukubje Inc

83 Albertina Sisulu Street

Cnr Albertina Sisulu &

Von Brandis Streets

4th Floor, Bradlows Building

Johannesburg

Ref: Chris Phukubje

TO: THE REGISTRAR OF THE CONSTITUTIONAL COURT

AND TO: EDWARD NATHAN SONNENBERGS INC.

First Respondent's Attorneys

1 North Wharf Square, Loop Street

Foreshore

Cape Town

Email: hrossouw@ensafrica.com; eellis@ensafrica.com

Ref: EELLIS/HROSSOUW/0390041

**AND TO: COMMISSION FOR CONCILIATION, MEDIATION AND
ARBITRATION**

Second Respondent
Aquasky Towers
275 Anton Lembede Street
Durban

AND TO: LEON PILLAY N.O.

Third Respondent
C/o Commission for Conciliation, Mediation and Arbitration
Aquasky Towers
275 Anton Lembede Street, Durban