

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

Case 12835/2018

In the matter between:

**MOTHLA WELHEMINA NGOBENI AND OTHERS**

Plaintiffs

and

**TIGER BRANDS LIMITED**

First Defendant

**ENTERPRISE FOODS (PTY) LTD**

Second Defendant

**TIGER CONSUMER BRANDS (PTY) LTD**

Third Defendant

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**DEFENDANTS' PLEA**

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**INTRODUCTION**

**1 Paragraph 1**

The defendants admit these allegations.

**THE PLAINTIFFS**

**2 Paragraphs 2 to 15**

The defendants do not have knowledge of these allegations and accordingly deny them.

**3 Paragraphs 16 to 19**

The defendants admit these allegations.

## **THE DEFENDANTS**

### **4 Paragraphs 20 to 23**

4.1 In this plea:

4.1.1 the first defendant, Tiger Brands Limited, shall be referred to as "Tiger Brands";

4.1.2 the second defendant, as it appears on the face of the summons (Enterprise Foods (Pty) Ltd), shall be referred to as "Enterprise Foods";  
and

4.1.3 the third defendant, as it appears on the face of the summons (Tiger Consumer Brands Limited), shall be referred to as "Consumer Brands";

4.2 Enterprise Food's registered office is at 3010 William Nicol Drive, Bryanston, Sandton.

4.3 The defendants admit the remaining allegations.

## **THE RELATIONSHIP BETWEEN THE DEFENDANTS**

### **5 Paragraphs 24.1 to 24.5**

5.1 The defendants admit that Tiger Brands is a listed holding company of the Tiger group of companies.

5.2 Enterprise Foods and Consumer Brands are wholly owned subsidiaries of Tiger Brands.

5.3 The Tiger group of companies comprises Tiger Brands, Enterprise Foods, Consumer Brands, Haco Industries Kenya Limited, Chocolaterie Confiserie

Camerounaise, Deli Foods Nigeria Limited, and Davita Trading (Pty) Ltd (collectively referred to as “the Tiger Group”).

5.4 The Tiger Group is one of the largest manufacturers and marketers of fast-moving consumer goods in South Africa, has interests in food business in Chile, Nigeria and Zimbabwe and exports to elsewhere in Africa. Each subsidiary in the Tiger Group prepares its own financial statements which are then incorporated in the group’s consolidated financial statements.

5.5 The defendants deny the remaining allegations.

5.6 The defendants deny in particular that Tiger Brands or Enterprise Foods carries on any manufacturing or trade.

## **6 Paragraph 24.6**

6.1 The Tiger Group’s revenue for the year ending 30 September 2017 was R31 297 900 000 from its continuing operations and R561 200 000 from its discontinued operations.

6.2 The Tiger Group’s revenue for the half-year ended 31 March 2018 was R15 685 200 000 from its continuing operations and R42 900 000 from its discontinued operations.

6.3 The Tiger Group employed 13 817 persons as at 30 September 2017 and 14 286 persons as at 31 March 2018. The figure as at 31 March 2018 excludes the employees of Haco Industries Kenya Limited because it was disposed of in December 2017.

6.4 Enterprise Foods has no employees.

**7 Paragraph 24.7**

7.1 Tiger Brands appoints the directors of its subsidiaries.

7.2 The remaining allegations are denied.

**8 Paragraphs 24.8 to 24.11**

8.1 The defendants admit that Consumer Brands organised and conducted its business in the manner described in these paragraphs.

8.2 The defendants deny the remaining allegations.

**9 Paragraphs 24.12 to 24.14**

9.1 The defendants admit that Consumer Brands owned and operated the Polokwane Facility and marketed and distributed its output in the manner described in these paragraphs.

9.2 The defendants deny the remaining allegations.

**10 Paragraph 24.15**

10.1 The defendants admit that the branded "*ready-to-eat*" products produced at the Polokwane Facility were meant to be safe to be eaten without further cooking, heating or processing.

10.2 The defendants deny the remaining allegations.

**11 Paragraphs 24.16 and 24.17**

The defendants deny these allegations.

## **LISTERIA AND LISTERIOSIS**

### **12 Paragraph 25**

The defendants admit these allegations.

### **13 Paragraph 26**

13.1 Listeriosis is commonly caused by ingesting *Listeria monocytogenes* ("L. mono") by various known and unknown means.

13.2 *L. mono* abounds in the environment and is commonly found in soil, water, plants, food, animals and animal products and in the faeces of humans and animals. *L. mono* is commonly and readily transmitted between these substances by cross-contamination.

13.3 *L. mono* is commonly transmitted to humans who eat, drink or otherwise ingest such substances infected by the pathogen or who ingest the pathogen by various other vectors and means associated with poor hygiene.

13.4 The defendants deny the remaining allegations.

### **14 Paragraph 27**

The defendants admit these allegations.

### **15 Paragraph 28**

15.1 Lifelong harm from invasive listeriosis occurs only or largely in infants born with listeriosis.

15.2 The defendants admit the remaining allegations.

**16 Paragraphs 29 and 30**

16.1 In susceptible groups of people, the overall mortality rate from listeriosis can be as high as 20 to 30%.

16.2 The mortality rate can be higher in untreated cases involving an infection of the central nervous system.

16.3 Susceptible groups, being those at risk of severe illness, are the elderly, pregnant women and their unborn babies, infants and persons who have compromised immune systems.

16.4 The remaining allegations in these paragraphs are denied.

**17 Paragraph 31**

17.1 The defendants deny that listeriosis in pregnant women commonly causes pre-term birth.

17.2 The defendants admit the remaining allegations.

**18 Paragraphs 32 and 33**

The defendants admit these allegations.

**19 Paragraph 34**

19.1 The defendants admit that the late diagnosis and treatment of listeriosis increases the risk of harm.

19.2 The defendants deny the remaining allegations.

**20 Paragraphs 35 to 38**

The defendants admit these allegations.

**21 Paragraph 39**

21.1 The defendants admit that ready-to-eat meat products are susceptible to *L. mono* because it can grow and multiply when refrigerated.

21.2 The defendants deny the remaining allegations.

**22 Paragraph 40**

22.1 Recontamination of ready-to-eat processed meat products can be prevented with appropriate food hygiene measures.

22.2 The defendants deny the remaining allegations.

**23 Paragraph 41**

23.1 Appropriate food hygiene measures include implementing and maintaining:

23.1.1 a risk-based personnel hygiene standard;

23.1.2 risk-based cleaning and sanitation procedures for the production equipment and facility;

23.1.3 a risk-based final product microbiological sampling and testing regime;  
and

23.1.4 a risk-based listeria management program.

23.2 The defendants deny the remaining allegations.

**24 Paragraph 42**

24.1 Consumer Brands was aware of the matters described in paragraphs 25 to 41 of the particulars of claim in so far as the averments in those paragraphs have been admitted above.

24.2 The defendants deny the remaining allegations.

## **THE LISTERIOSIS OUTBREAK**

### **25 Paragraph 43**

25.1 The defendants admit that South Africa experienced an unprecedented listeriosis outbreak during 2017 and 2018.

25.2 The defendants deny the remaining allegations.

### **26 Paragraph 44**

The defendants deny these allegations.

### **27 Paragraphs 45 to 46**

The defendants admit that the NICD issued reports on the listeriosis outbreak and that it is a division of the National Health Laboratory Service but deny the remaining allegations.

### **28 Paragraph 47**

The defendants note this explanation.

### **29 Paragraph 48**

29.1 The defendants admit that the NICD issued a report that made these statements.

29.2 The defendants deny the remaining allegations.

### **30 Paragraph 49**

30.1 Consumer Brands was a custodian member of SAAFoST.



30.2 The defendants admit the remaining allegations.

**31 Paragraphs 50 to 52**

The defendants do not have knowledge of these allegations and accordingly deny them.

**32 Paragraph 53**

32.1 The defendants admit that the NICD issued a report that made these statements.

32.2 The defendants deny the remaining allegations.

**33 Paragraph 54**

33.1 The defendants admit that the NICD issued a report that made these statements.

33.2 The defendants deny the remaining allegations.

**34 Paragraph 55**

34.1 The defendants admit that the NICD issued a report that made these statements.

34.2 The defendants deny the remaining allegations.

**35 Paragraph 56**

35.1 Consumer Brands is a member of the CGCSA.

35.2 The defendants admit the remaining allegations.

**36 Paragraph 57**

36.1 The defendants admit that, on 20 December 2017, Dr Lucia Anelich, the president of SAAFoST, released a statement in her personal capacity which included the quoted paragraph.

36.2 The defendants deny the remaining allegations.

**37 Paragraph 58**

37.1 The defendants admit that the NICD issued a report that made these statements.

37.2 The defendants deny the remaining allegations.

**38 Paragraphs 59 to 61**

38.1 The defendants admit that, on 4 March 2018, the Minister of Health issued a press statement that included statements similar to these allegations.

38.2 The defendants otherwise do not have knowledge of these allegations and accordingly deny them.

**39 Paragraphs 62 and 63**

39.1 Officials of the Department of Health, the NICD and the Centre for Enteric Diseases inspected the Polokwane Facility on 2 February 2018. They took product samples and environmental swabs.

39.2 The defendants deny the remaining allegations.

**40 Paragraphs 64 and 65**

The defendants do not have knowledge of these allegations and accordingly deny them.

**41 Paragraphs 66 and 67**

41.1 The defendants admit that an official of the Department of Health collected product samples from Consumer Brands' factory shop in Germiston on 15 February 2018.

41.2 The defendants do not have knowledge of the remaining allegations and accordingly deny them.

**42 Paragraph 68**

42.1 The defendants admit that the NICD issued a report that made these statements.

42.2 The defendants deny the remaining allegations.

**43 Paragraph 69**

43.1 The defendants admit that the Minister of Health made this announcement on 4 March 2018.

43.2 The defendants deny the remaining allegations.

**44 Paragraph 70**

44.1 In a letter to Tiger Brands dated 4 March 2018, the Deputy Commissioner of the National Consumer Commission ("the NCC") requested the urgent recall of Enterprise polony, smoked russians and frankfurters *"in order to exercise caution"*.

44.2 Consumer Brands immediately suspended all emulsion production at the Polokwane Facility and all production at the Germiston Facility and recalled all cold meats and frozen products.

44.3 The defendants deny the remaining allegations.

**45 Paragraph 71**

45.1 The defendants admit that the NICD issued a report that made these statements.

45.2 The defendants deny the remaining allegations.

**46 Paragraph 72**

46.1 On 24 April 2018, Tiger Brands reported as follows:

*"On 24 April, Tiger Brands received independent laboratory tests which confirm the presence of LST6 in samples of finished ready-to-eat processed meat products from its Polokwane Enterprise Foods manufacturing facility. This follows a previous announcement that the presence of the ST6 strain in a batch of previously tested products could not be confirmed, and that the relevant samples had been sent to an external laboratory for retesting. The results pertain to the detection of listeria in samples of product found on the 14th of February."*

46.2 The defendants deny the remaining allegations.

**47 Paragraph 73**

47.1 The defendants admit that the Minister of Health announced the end of the listeriosis outbreak on 3 September 2018.

47.2 The defendants deny the remaining allegations.

**48 Paragraph 74**

48.1 The defendants admit that the NICD issued a report that made these statements.

48.2 The defendants deny the remaining allegations.

**THE HARM THE CLASS MEMBERS SUFFERED**

**49 Paragraphs 75 to 84**

The defendants deny these allegations.

**THE CLAIM UNDER THE CONSUMER PROTECTION ACT**

**50 Paragraph 85**

50.1 The defendants acknowledge the provisions of section 61 of the Consumer Protection Act.

50.2 The defendants deny the remaining allegations.

**51 Paragraphs 86 and 87**

51.1 The defendants admit that Consumer Brands produced, distributed and sold the products of the Polokwane Facility under its own brand names and certain private label products.

51.2 The defendants deny the remaining allegations.

**52 Paragraph 88**

52.1 The defendants admit that the products of the Polokwane Facility were “goods” as defined in section 1 of the CPA.

52.2 The defendants deny the remaining allegations.

**53 Paragraph 89**

The defendants deny these allegations.

**54 Paragraph 90**

54.1 The defendants admit that Consumer Brands marketed the products of the Polokwane Facility on the basis that they were safe and ready to eat without further heating or cooking, provided they were stored and used according to their use and storage requirements.

54.2 The defendants deny the remaining allegations.

**55 Paragraphs 91 to 93**

The defendants deny these allegations.

**56 Paragraph 94**

The defendants admit this allegation.

**57 Paragraph 95**

The defendants deny these allegations.

## THE CLAIM IN DELICT

### 58 Paragraphs 96 to 105

#### 58.1 Consumer Brands:

58.1.1 produced and distributed ready-to-eat meat products at its Polokwane Facility;

58.1.2 knew that ready-to-eat meat products were susceptible to the presence of *L. mono*;

58.1.3 was aware of methods to detect the presence of *L. mono*; and

58.1.4 was aware of methods to reduce the risks and levels of *L. mono* below the limits allowed by the relevant food safety rules and standards.

58.2 Consumer Brands' production, packaging, distribution and sale of the ready-to-eat meat products were in compliance with the following rules and standards:

58.2.1 The Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972.

58.2.2 The Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food promulgated in terms of the Foodstuffs Act.

58.2.3 The Microbiological Standards for Foodstuffs and Related Matters Regulations (regulation 692 published on 16 May 1997) ("R692").

58.2.4 The South African National Standard for Processed Meat Products ("SANS 885").

58.2.5 The South African National Standard 10330:2007 ("SANS 10330").

- 58.3 SANS 885 provided that products shall comply with the following requirements:  
*L. mono* - <100 cfu/g (less than 100 colony forming units per gram).  
Accordingly, the presence of *L. mono* in quantities of less than 100cfu/g is considered acceptable.
- 58.4 Consumer Brands took all reasonable steps to ensure that the ready-to-eat meat products of the Polokwane Facility were acceptable in accordance with the standard prescribed in SANS 885. They included the following steps below.
- 58.5 Consumer Brands substantially upgraded the Polokwane Facility in 1999 and from time to time thereafter modified and upgraded the equipment in the Polokwane Facility.
- 58.6 Consumer Brands ensured that the Polokwane Facility and its equipment were designed and maintained in accordance with good manufacturing practice.
- 58.7 Consumer Brands made structural and protocol changes to the food safety and hygiene systems at the Polokwane Facility in 2012.
- 58.8 Consumer Brands' management visited international food manufacturers and attended equipment exhibitions to ensure the introduction of best-in-class technology and processes.
- 58.9 Consumer Brands established, implemented and maintained physical cleaning procedures and/or protocols for the cleaning of the Polokwane Facility and its equipment.
- 58.10 Consumer Brands appointed an independent cleaning company, Advanced Cleaning Services CC, for the physical cleaning of the Polokwane Facility and its equipment.



- 58.11 Consumer Brands established, implemented and maintained a pest control procedure and/or protocol.
- 58.12 Consumer Brands established, implemented and maintained a personal hygiene procedure and/or protocol.
- 58.13 Consumer Brands established, implemented and maintained an allergen management procedure and/or protocol.
- 58.14 Consumer Brands established, implemented and maintained a traceability procedure and/or protocol for the identification of product lots and their relation to raw materials.
- 58.15 Consumer Brands established, implemented and maintained a procedure and/or protocol for the collection, receipt, storage and shipment of samples for the microbiological examination of product samples and environmental samples.
- 58.16 Consumer Brands established, implemented and maintained a food safety management procedure and/or protocol.
- 58.17 Consumer Brands established, implemented and maintained a Hazard Analysis and Critical Control Point ("HACCP") system at the Polokwane Facility in 2004, even though the establishment of such a system was not required for processed meat producers until March 2019.
- 58.18 The HACCP system at the Polokwane Facility complied with the requirements of Application of the Hazard Analysis and Critical Control Point System prescribed by Government Notice R908 on 27 June 2003 and with SANS 10330.
- 58.19 The HACCP system was regularly reviewed and improved.

- 58.20 The HACCP system was subjected to internal and external verification and auditing to ensure it was efficient and served its intended purpose.
- 58.21 The HACCP system was subjected to a recertification audit every three years and surveillance audits every year. These audits were conducted by the SABS from 2004 to 2017. In mid-2017, Consumer Brands appointed the certification body DQS CFS GmbH to replace the SABS to perform such audits on its facilities, whose first audit on the Polokwane Facility was performed in March 2018. All the audits found that the HACCP system met the requirements of SANS 10330.
- 58.22 The HACCP system and other food safety systems employed at the Polokwane Facility were subjected every year to "Supplier Audits", which included cleaning, hygiene and food safety audits by external auditors appointed by Consumer Brands' customers including Woolworths and Pick 'n Pay.
- 58.23 Between 2004 and May 2018, Consumer Brands regularly improved its food safety systems in accordance with the reports produced by the internal and external auditors.
- 58.24 Consumer Brands conducted regular testing for the presence of *L. mono* in the products manufactured at the Polokwane Facility and in the environment at the Polokwane Facility.
- 58.25 During the relevant period, Consumer Brands engaged duly accredited independent laboratories to test samples for the presence and enumeration of various pathogens including *L. mono*.
- 58.26 The defendants deny the remaining allegations.

The defendants deny these allegations.

**60 Paragraph 110**

60.1 The defendants note this prediction.

60.2 The defendants deny the remaining allegations.

**61 Paragraph 111**

The defendants deny these allegations.

**THE CLAIM FOR CONSTITUTIONAL, EXEMPLARY OR PUNITIVE DAMAGES**

**62 Paragraph 112**

62.1 The Tiger Group's consolidated revenues were some R30 billion for the year ended 30 September 2016.

62.2 The defendants deny the remaining allegations.

**63 Paragraph 113**

63.1 Consumer Brands ready-to-eat meat products were consumed by about two million people every day.

63.2 The defendants deny the remaining allegations.

**64 Paragraph 114**

64.1 The defendants admit that the listeriosis outbreak in 2017 and 2018 was the biggest ever reported outbreak in South Africa.

64.2 The defendants deny the remaining allegations.

**65 Paragraph 115**

65.1 The defendants admit that, during the outbreak, many people were diagnosed with listeria, that some of them died and that a number of pregnant women suffered miscarriages or stillbirths.

65.2 The defendants deny the remaining allegations.

**66 Paragraphs 116 to 124**

66.1 Consumer Brands took the steps described in paragraphs 58.4 to 58.25 above.

66.2 To the best of the defendants' knowledge, the NICD's September 2017 Communicable Diseases Communiqué ("CDC") was the NICD's first published notice of an increase in cases of listeriosis. This CDC did not come to the attention of the defendants at the time.

66.3 The September 2017 CDC did not require Consumer Brands to take any action.

66.4 To the best of the defendants' knowledge, the November 2017 CDC was the first communication by the NICD that *L. mono* isolates had been sent for whole genome sequencing and that 71% of the isolates belonged to a single sequence type called "ST6". This CDC did not come to the attention of the defendants at the time.

66.5 On or about 5 December 2017, the Minister of Health declared a national listeriosis outbreak.

66.6 On the same day, Consumer Brands' Value-Added Meat Products factories (which included the Germiston and Polokwane facilities) increased the amount of swabbing and product testing for *L. mono*.

- 66.7 On or about 15 December 2017, the Minister of Health declared listeriosis to be a notifiable disease.
- 66.8 On or about 31 January 2018, a person who claimed to represent the Capricorn municipality, but who did not have the necessary official credentials, attended at the Polokwane Facility and said he wished to take product samples of the ready-to-eat meat products. He was not permitted entry in the absence of the necessary credentials.
- 66.9 On or about 24 January 2018, officials of the Department of Health collected nine ready-to-eat meat product samples from the Germiston Facility. All of these later tested negative for *L. mono*.
- 66.10 On 2 February 2018, officials of the Department of Health, the NICD and the CED attended at the Polokwane Facility. They collected product samples and environmental swabs.
- 66.11 On or about 3 February 2018, Consumer Brands collected extensive product samples and environmental swabs from the Polokwane Facility.
- 66.12 Swabs taken from two product casings on 3 February 2018 tested positive for *L. mono*.
- 66.13 Consumer Brands continued to increase its product sampling and environmental swabbing and testing for *L. mono*.
- 66.14 On or about 8 February 2018, Consumer Brands received positive *L. mono* test results from samples collected in two of the three polony water coolers. Consumer Brands implemented water treatment measures and thereafter took further samples from the cooling water. All of them tested negative for *L. mono*, indicating that the water treatment intervention had been successful.

- 66.15 On or about 8 February 2018, and upon receiving the positive *L. mono* test results in the cooling water and on the product casing samples, Consumer Brands caused an accredited laboratory to perform whole genome sequencing on those samples.
- 66.16 On or about 13 February 2018, Consumer Brands received a positive test result for *L. mono* in a product sample collected from Mielie Kip polony manufactured at the Polokwane Facility (but at less than 10 CFU/g). The test results for all other product samples collected were *L. mono* negative.
- 66.17 Based, inter alia, on the positive *L. mono* test result received in the Mielie Kip polony, Consumer Brands stopped production of Mielie Kip polony.
- 66.18 The Mielie Kip polony that tested positive was linked to a batch produced on 29 January 2018. This batch was quarantined. Tiger Brands took steps to identify any product from the batch that was already in the market in order to implement a trade recall.
- 66.19 On or about 16 February 2018, Tiger Brands established a crisis committee to determine whether any of its facilities or products may be implicated in the outbreak, to support the public health authorities in their investigation and otherwise to take any further or other reasonable precautionary steps to protect consumers and to ensure its products were safe.
- 66.20 On or about 24 February 2018, Tiger Brands and Consumer Brands convened a meeting with representatives of the Department of Health to update it on Consumer Brands' own investigations, on its findings and on the additional testing and controls and other precautionary steps it had taken and proposed to take, to determine whether its facilities may be implicated in the outbreak and to ensure its products met all safety and legal requirements.

- 66.21 On or about 1 March 2018, Consumer Brands delivered a "corrective action plan" to the Capricorn Municipal Manager who confirmed that he was satisfied with the plan.
- 66.22 On 4 March 2018, the Minister of Health issued a press statement that "*the source of the outbreak has been discovered*" and that it was the Polokwane Facility.
- 66.23 In a letter to Tiger Brands dated 4 March 2018, the NCC required the urgent recall of Enterprise polony, smoked russians and frankfurters "*in order to exercise caution*".
- 66.24 Consumer Brands immediately suspended all emulsion production at the Polokwane Facility and all production at the Germiston Facility and recalled all cold meats and frozen products.
- 66.25 On or about 8 March 2018, Consumer Brands received a summary report from the NICD of the results of whole genome sequencing conducted on the sampling and swabs taken on 2 February 2018 at the Polokwane Facility. This was the first date on which the defendants were advised that any of their swabs had tested positive for ST6.
- 66.26 On or about 16 March 2018, Consumer Brands received the results of the whole genome sequencing conducted on the sampling and swabs it had taken on 3 February 2018 at the Polokwane Facility.
- 66.27 The defendants deny the remaining allegations.

## 67 Paragraph 125

- 67.1 The defendants admit that incidents of the kinds described in this paragraph occurred in the course of the listeriosis outbreak.

67.2 The defendants do not have knowledge of the remaining allegations and accordingly deny them.

**68 Paragraph 126**

68.1 The defendants admit that parents who lost their children or miscarried would have suffered severe pain and grief.

68.2 The defendants do not have knowledge of the remaining allegations and accordingly deny them.

**69 Paragraphs 127 and 128**

The defendants deny these allegations.

**70 Paragraph 129**

The defendants do not have knowledge of these allegations and accordingly deny them.

**71 Paragraphs 130 to 134**

71.1 This is not an appropriate case for the development of the common law to provide for an award of exemplary or punitive or constitutional damages for various reasons including the following.

71.2 The South African common law is not penal in character.

71.3 The available civil and criminal remedies are adequate.

71.4 The deterrent effect of any damages award is difficult to assess.



- 71.5 Awards of these types of damages are inappropriate in class actions where it is not feasible, necessary or desirable to attempt any assessment of the damages suffered by each claimant.
- 71.6 These types of damages exact punishment without the protections which the criminal law provides.
- 71.7 If these damages are awarded, they can result in multiple sanctioning or double compensation.
- 71.8 The defendants require no incentive to implement measures to ensure their products are safe. The defendants are already legally obliged to do so and where they fail, the law affords those affected a remedy.
- 71.9 The defendants do not "monopolise food production in South Africa" and even if they did, this would not be a basis for awarding these damages against them.
- 71.10 The defendants deny the remaining allegations.

**72 Paragraph 135**

The defendants note this explanation.

**PRAYER**

- 73 The defendants ask that the plaintiffs' claims be dismissed with costs.

SIGNED at Sancton on 8 August 2019.



WIM TRENGOVE SC



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AND TO:  
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