${court}

CASE NO.: ${casenumber}

In the matter between:

**${onepname}** ${firstplaintiff}Plaintiff

${twop}

**${twopname}** Second Plaintiff

${/twop}

${threep}**${threepname}** Third Plaintiff

${/threep}

${fourp}**${fourpname}** Fourth Plaintiff

${/fourp}

${fivep}**${fivepname}** Fifth Plaintiff

${/fivep}

${sixp}**${sixpname}** Sixth Plaintiff

${/sixp}

${sevenp}**${sevenpname}** Seventh Plaintiff

${/sevenp}

and

**${onedname}** ${firstdefendant}Defendant

${twod}

**${twodname}** Second Defendant

${/twod}

${threed}**${threedname}** Third Defendant

${/threed}

${fourd}**${fourdname}** Fourth Defendant

${/fourd}

${fived}**${fivedname}** Fifth Defendant

${/fived}

${sixd}**${sixdname}** Sixth Defendant

${/sixd}

${sevend}**${sevendname}** Seventh Defendant

${/sevend}

${eightd}**${eightdname}** Eighth Defendant

${/eightd}

**${representcaps}’S****SPECIAL PLEA**

1. The ${party} has cited the ${represent} in this action as follows:

*“*[***${representcaps}****, a private company duly registered in accordance with the company laws of South Africa, with its registered address and/or main place of business situated at ...*]*”*

1. [The ${party} is claiming for injuries allegedly suffered by her as a result of an incident, which incident was more fully set out in paragraph 3 of her particulars of claim (“the incident”)].
2. [${party} furthermore alleges that the incident occurred on date, at store A situated in place (“the Store”).]
3. [At the time of the alleged incident, a juristic entity with the registered name of Company XYZ was the sole juristic entity in occupation and/or control of the Store*.*]
4. [At all material times, Company XYZ was a separate and distinct juristic entity to that of ${represent}, namely the legal entity cited as the ${represent} in this action.]
5. [In the premises, the ${represent} raises a special plea of misjoinder, in that it has been erroneously and improperly joined to this action.]

**WHEREFORE** the ${represent} prays that the ${party}’s claim against [him/her/it] be dismissed, with costs.

**DATED AT ${location} THIS \_\_\_ DAY OF ${month} ${year}.**

**MELLOWS & DE SWARDT INC.**

Attorneys for the ${represent}

${ourdetailsd}

${ourdetails}

${/ourdetailsd}

TO: **THE CLERK**

Magistrate’s Court

${province}

${attorneyoned}

AND

TO: ${attorneyone}

${/attorneyoned}

${attorneytwod}

AND

TO: ${attorneytwo}

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TO: ${attorneythree}

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TO: ${attorneyeleven}

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