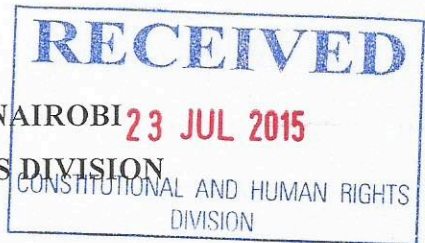


REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA AT NAIROBI  
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION  
PETITION NO. 606 OF 2014



IN THE MATTER OF THE ENFORCEMENT OF THE BILL OF RIGHTS UNDER  
ARTICLE 22(1) OF THE CONSTITUTION OF KENYA 2010

AND

IN THE MATTER OF THE ALLEGED CONTRAVENTION OF ARTICLES 19, 20, 21,  
28, 29, 31, 33, 35, 43 AND 46 OF THE CONSTITUTION OF KENYA 2010

BETWEEN

L.A.W.....1<sup>ST</sup> PETITIONER  
KENYA LEGAL AND ETHICAL ISSUES NETWORK ON HIV & AIDS  
(KELIN).....2<sup>ND</sup> PETITIONER

VERSUS

MARURA MATERNITY & NURSING HOME.....1<sup>ST</sup> RESPONDENT  
COUNTY EXECUTIVE COMMITTEE MEMBER IN CHARGE OF HEALTH  
SERVICES, NAIROBI COUNTY.....2<sup>ND</sup> DEFENDANT  
CABINET SECRETARY, MINISTRY OF HEALTH.....3<sup>RD</sup> RESPONDENT

AND

PRICEWATERHOUSECOOPERS.....1<sup>ST</sup> INTENDED INTERESTED PARTY  
PROJECT MANAGER, OBA-RH.....2<sup>ND</sup> INTENDED INTERESTED PARTY

GROUND OF OPPOSITION

(In respect of the Notice of Motion dated 13<sup>th</sup> April, 2015)

TAKE NOTICE that the 1<sup>st</sup> intended interested party will oppose the Notice of Motion dated 13<sup>th</sup> April, 2015 on the following grounds amongst others:

1. THAT the Petition makes no allegation of any infringement or violation of the Petitioners' rights by the 1<sup>st</sup> Intended Interested Party.



2. THAT the 1<sup>st</sup> Respondent has not filed any cross-petition or shown precisely what provision of the Constitution has been infringed by the 1<sup>st</sup> Intended Interested Party that would in turn violate the 1<sup>st</sup> Respondent's Constitutional rights.
3. THAT the 1<sup>st</sup> Respondent has also failed to plead any particulars of such infringement as required for a case to meet the Constitutional threshold.
4. THAT the 1<sup>st</sup> Respondent has no basis in law to apply to join a third party in a Petition. A party may only be joined as an interested party by filing such an application itself or if the Court joins such party on its own motion.
5. THAT it has not been shown that the 1<sup>st</sup> Intended Interested Party has an identifiable legal interest or duty in these proceedings.
6. THAT the 1<sup>st</sup> Intended Interested Party's presence is not necessary for the court to adjudicate on the constitutional claims as between the Petitioners and the Respondents or to decide on whether the 1<sup>st</sup> Respondent breached the Petitioners' Constitutional rights.
7. THAT the 1<sup>st</sup> Respondent's Application dated 13<sup>th</sup> April, 2015 is therefore bad in law, an abuse of the Court process and ought to be dismissed with costs to the 1<sup>st</sup> Intended Interested Party.

DATED at Nairobi this 23<sup>rd</sup> day of July 2015.

  
KAPLAN & STRATTON

ADVOCATES FOR THE 1<sup>ST</sup> INTENDED INTERESTED PARTY

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