

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

CASE NO 26911/2016

In the application of:

AIR LIQUIDE (PTY) LTD

Applicant

and

**EVRAZ HIGHVELD STEEL AND VANADIUM
LIMITED
(IN BUSINESS RESCUE)**

First Respondent

**THE CREDITORS OF THE FIRST RESPONDENT
LISTED IN ANNEXURE A TO THIS NOTICE OF
MOTION**

Second Respondents

**THE EMPLOYEES OF THE FIRST RESPONDENT
LISTED IN ANNEXURE B TO THIS NOTICE OF
MOTION**

Third Respondents

**NATIONAL UNION OF METALWORKERS OF
SOUTH AFRICA**

Fourth Respondent

SOLIDARITY

Fifth Respondent

**THE SHAREHOLDERS OF THE FIRST
RESPONDENT LISTED IN ANNEXURE C TO THIS
NOTICE OF MOTION**

Sixth Respondents

In the matter between:

DANIEL TERBLANCHE N.O.

First Applicant

PIERS MICHAEL MARSDEN N.O.

Second Applicant

and

AIR LIQUIDE (PTY) LTD

Respondent

**NOTICE OF MOTION
(APPLICATION FOR SUBSTITUTED SERVICE)**

TAKE NOTICE that application will be made on behalf of Air Liquide (Pty) Limited on **MONDAY, 27 FEBRUARY 2017** at 10h00 or so soon thereafter as counsel may be heard for an order in the following terms: -

1. Air Liquide (Pty) Limited ("**Air Liquide**") is granted leave to serve its application to join the first to sixth respondents in its counter-application under case number 26911/2016 against the first respondent ("**the joinder application**") and its counter-application ("**the counter-application**") as follows:
 - 1.1. By publication by the Business Rescue Practitioners ("**BRPs**") of a notice in the form annexed as "**X**" to this notice of motion ("**the notice**") on the first respondent's website within 2 (two) days of this order;
 - 1.2. By publication by the BRPs of the counter-application on the first respondent's website within 2 (two) days of this order;
 - 1.3. By publication by the BRPs of the joinder application on the first respondent's website within 2 (two) days of this order;
 - 1.4. By Air Liquide emailing a copy of the notice, the notice of motion in the main application (without the founding affidavit and annexures) together with the counter-application and the notice of motion in the joinder application (excluding annexures) to the second respondents where such email service can be effected, within 14 (fourteen) calendar days of this order;

- 1.5. By publication of the notice, the notice of motion in the main application (without the founding affidavit and annexures) together with the counter-application and the notice of motion in the joinder application (excluding annexures) in the Witbank News and in the Star newspaper within 14 (fourteen) calendar days of this order.
2. In addition, Air Liquide is granted leave to serve the joinder application and the counter-application upon the third respondents as follows:
 - 2.1. By publication by the BRPs of the notice on the first respondent's website within 2 (two) days of this order;
 - 2.2. By publication by the BRPs of the counter-application on the first respondent's website within 2 (two) days of this order;
 - 2.3. By publication by the BRPs of the joinder application on the first respondent's website within 2 (two) days of this order;
 - 2.4. By Air Liquide emailing a copy of the notice, the notice of motion in the main application (without the founding affidavit and annexures) together with the counter-application and the notice of motion in the joinder application (excluding annexures) to the employees other than those belonging to the fourth and fifth respondents (the trade unions) by way of email where such email service can be effected within 14 (fourteen) calendar days of this order;
 - 2.5. By Air Liquide affixing a copy of the notice, the notice of motion in the main application (without the founding affidavit and annexures) together

with the counter-application and the notice of motion in the joinder application (excluding annexures) to such notice boards to which the employees of the first respondent have access or such other prominent place in their workplace to which they have access within 14 (fourteen) calendar days of this order;

2.6. By service of the main application, Air Liquide's answering affidavit and the counter-application and the joinder application per sheriff upon the fourth and fifth respondents within 14 (fourteen) calendar days of this order;

2.7. By publication of the notice, the notice of motion in the main application (without the founding affidavit and annexures) together with the counter-application and the notice of motion in the joinder application (excluding annexures) in the Witbank News and in the Star newspaper within 14 (fourteen) calendar days of this order.

3. Air Liquide is granted leave to serve the joinder application upon the sixth respondents as follows:

3.1. By publication by the BRPs of the notice on the first respondent's website within 2 (two) days of this order;

3.2. Insofar as is practically possible, by publication of the notice by way of a SENS announcement to be transmitted by Computershare within 14 (fourteen) calendar days of this order;

- 3.3. By publication by the BRPs of the counter-application on the first respondent's website within 2 (two) days of this order;
- 3.4. Insofar as is practically possible, by publication of the counter-application by way of a SENS announcement to be transmitted by Computershare within 14 (fourteen) calendar days of this order;
- 3.5. By publication by the BRPs of the joinder application on the first respondent's website within 2 (two) days of this order;
- 3.6. By publication of a copy of the notice, the notice of motion in the main application (without the founding affidavit and annexures) together with the counter-application and the notice of motion in the joinder application (excluding annexures) in the Witbank News and in the Star newspaper within 14 (fourteen) calendar days of this order.
4. Granting the second, third and sixth respondents 10 (ten) days after the substituted service to oppose the counter-application.
5. Any further notices (not process) that may need to be delivered in any proceedings under this case number can be effected by way of the appropriate notification being published on the first respondent's website.
6. The costs of this application shall be costs in Air Liquide's counter-application.

TAKE NOTICE that the attached affidavit of **Amine Houssaim**, together with the attachments thereto, shall be used in support of this application.

KINDLY PLACE THE MATTER ON THE ROLL FOR HEARING ACCORDINGLY.

DATED AT JOHANNESBURG ON THIS THE 9TH DAY OF FEBRUARY 2017.

VAN HULSTEYNS ATTORNEYS

*Attorneys for the Respondent
in the main application/Applicant in
the substituted service application*
3rd Floor, Katherine & West Building
Cnr. Katherine and West Streets
Sandton

Email: andrew@vhlaw.co.za

Ref: Mr Legg/MAT10034

**TO: THE REGISTRAR OF THE
ABOVE HONOURABLE COURT
JOHANNESBURG**

AND TO: EDWARD NATHAN SONNENBERGS INC
Attorneys for the Applicants in the main application
150 West Street
Sandton
Email: lfield@ens.co.za
Ref: L Field

Received a copy hereof on this the
____ day of February 2017.

For: Applicants' Attorneys

**“ANNEXURE A
TO
NOTICE OF MOTION”**

**“THE CREDITORS
OF THE
FIRST RESPONDENT”**

**“ANNEXURE B
TO
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**“THE EMPLOYEES
OF THE
FIRST RESPONDENT”**