

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG PROVINCIAL DIVISION, PRETORIA**

**CASE NO: 96625/2015**

In the matter between:

**EAST METALS AG** First Applicant

**MASTERCROFT S.A.R.L** Second Applicant

and

**EVRAZ HIGHVELD STEEL AND VANADIUM LIMITED  
(IN BUSINESS RESCUE)** First Respondent  
(Registration Number: 1960/001900/06)

**PIERS MARSDEN N.O.** Second Respondent

**DANIEL TERBLANCHE N.O.** Third Respondent  
(in their representative capacities as the joint  
business rescue practitioners of Evraz Highveld  
Steel and Vanadium Limited in business rescue)

**MAPOCHS MINE PROPRIETARY LIMITED (IN  
BUSINESS RESCUE)** Fourth Respondent  
(Registration Number: 2008/009382/07)

**JOHN EVANS N.O.** Fifth Respondent

**JOHN LIGHTFOOT N.O.** Sixth Respondent  
(in their representative capacities as the joint  
business rescue practitioners of Mapochs Mine  
Proprietary Limited in business rescue)

---

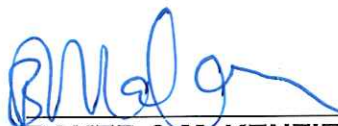
**INDEX**

---

| ITEM | DESCRIPTION  | PAGE      |
|------|--|-----------|
| 1.   | Notice of Motion dated 27 November 2015  | 1 - 6     |
| 2.   | Appendix "X" to the Notice of Motion   | 7 - 8     |
| 3.   | Founding Affidavit of Tania Mostert  | 9 - 48    |
| 4.   | Annexure "FA1" : Revised Final Offer of the International Resources Project Limited    | 49 - 63   |
| 5.   | Annexure "FA2" : Business Rescue Plan for Mapochs Mine Proprietary Limited ("Mapochs") | 64 - 111  |
| 6.   | Annexure "FA3" : Letter from Baker & McKenzie to ENSafrica dated 24 November 2015      | 112 - 115 |
| 7.   | Annexure "FA4" : Letter from Baker & McKenzie to ENSafrica dated 26 November 2015      | 116 - 117 |
| 8.   | Annexure "FA5" : Letter from ENSafrica to Baker McKenzie dated 26 November 2015        | 118 - 119 |
| 9.   | Annexure "FA6" : Letter from Baker & McKenzie to ENSafrica dated 26 November 2015      | 120 - 121 |
| 10.  | Annexure "FA7" : Letter from ENSafrica to Baker & McKenzie dated 27 November 2015      | 122       |
| 11.  | Filing Sheet for the Fourth to Sixth Respondents' Answering Affidavit                  | 123 - 124 |
| 12.  | Fourth to Sixth Respondents' Answering Affidavit sworn by John Dymoke Lightfoot        | 125 - 145 |
| 13.  | Annexure "JL1": Letter from Mapochs to Affected Persons dated 16 October 2015          | 146       |
| 14.  | Confirmatory Affidavit of John Francis Evans   | 147 - 148 |

|     |   |           |
|-----|---|-----------|
| 15. | Filing Sheet for the First to Third Respondents' Answering Affidavit  | 149 - 150 |
| 16. | First to Third Respondents' Answering Affidavit sworn by Piers Michael Marsden  | 151 - 169 |
| 17. | Annexure "A": Draft Order   | 170 - 178 |
| 18. | Annexure "B": First to Third Respondents' Answering Affidavit and Supplementary Answering Affidavit in the Main Application sworn by Piers Michael Marsden          | 179 - 274 |
| 19. | Annexure "C": First to Third Respondents' Answering Affidavit and the Supplementary Answering Affidavit in the Interdict Application sworn by Piers Michael Marsden | 275 - 348 |
| 20. | Fourth to Sixth Respondents' Notice in Terms of Rule 47(1) in the Urgent Application dated 28 November 2015   | 349 - 352 |
| 21. | First to Third Respondents' Notice in Terms of Rule 47(1) in the Urgent Application   | 353 - 355 |
| 22. | Replying Affidavit of Tania Mostert   | 356 - 374 |
| 23. | Annexure "RA1": Affidavit of Berna Malan dated 29 November 2015   | 375 - 385 |
| 24. | Annexure "RA2": Letter from ENSafrica to Baker & McKenzie dated 28 November 2015  | 386 - 389 |
| 25. | Annexure "RA3": Letter from Fluxmans Attorneys to Baker & McKenzie dated 28 November 2015; Notice of Intention to Oppose and Notice in terms of Rule 47(1)          | 390 - 400 |

DATED AT SANDTON ON THIS <sup>14<sup>th</sup></sup> DAY OF DECEMBER 2015



**BAKER & MCKENZIE ATTORNEYS**

Applicants' Attorneys  
1 Commerce Square  
39 Rivonia Road  
Sandhurst, Johannesburg  
(011) 911-4300  
Ref: G Rudolph/JB/CO/BM  
E-mail:  
[john.bell@bakermckenzie.com](mailto:john.bell@bakermckenzie.com)  
[callum.oconnor@bakermckenzie.com](mailto:callum.oconnor@bakermckenzie.com)  
c/o **Adams & Adams**  
Lynwood Bridge  
4 Daventry Street  
Lynwood Manor

TO:  
**THE REGISTRAR**  
PRETORIA HIGH COURT

AND TO:  
**EVRAZ HIGHVELD STEEL AND VANADIUM  
(IN BUSINESS RESCUE)**  
c/o ENSafrica, attorneys for Evraz Highveld Steel And Vanadium Limited (in  
business rescue)

SERVICE BY HAND AND VIA EMAIL  
[goertel@ens.co.za](mailto:goertel@ens.co.za)  
[lfield@ens.co.za](mailto:lfield@ens.co.za)

**PIERS MARSDEN N.O.**  
c/o ENSafrica, attorneys for Evraz Highveld Steel And Vanadium Limited (in  
business rescue)

SERVICE BY HAND AND VIA EMAIL  
[goertel@ens.co.za](mailto:goertel@ens.co.za)  
[lfield@ens.co.za](mailto:lfield@ens.co.za)

**DANIEL TERBLANCE N.O.**  
c/o ENSafrica, attorneys for Evraz Highveld Steel And Vanadium Limited (in  
business rescue)

SERVICE BY HAND AND VIA EMAIL  
[goertel@ens.co.za](mailto:goertel@ens.co.za)  
[lfield@ens.co.za](mailto:lfield@ens.co.za)

**MAPOCHS MINE PROPRIETARY LIMITED (IN BUSINESS RESCUE)**

c/o Fluxmans Inc, attorneys for Mapochs Mine Proprietary Limited (in business rescue)

SERVICE BY HAND AND VIA EMAIL

[pkemp@fluxmans.com](mailto:pkemp@fluxmans.com)

[cstrime@fluxmans.com](mailto:cstrime@fluxmans.com)

**JOHN EVANS N.O.**

c/o Fluxmans Inc, attorneys for Mapochs Mine Proprietary Limited (in business rescue)

SERVICE BY HAND AND VIA EMAIL

[pkemp@fluxmans.com](mailto:pkemp@fluxmans.com)

[cstrime@fluxmans.com](mailto:cstrime@fluxmans.com)

AND TO

**JOHN LIGHTFOOT N.O.**

c/o Fluxmans Inc, attorneys for Mapochs Mine Proprietary Limited (in business rescue)

SERVICE BY HAND AND VIA EMAIL

[pkemp@fluxmans.com](mailto:pkemp@fluxmans.com)

[cstrime@fluxmans.com](mailto:cstrime@fluxmans.com)