

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

Case number: 85549/15

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)

**COMPANIES AND INTELLECTUAL PROPERTY  
COMMISSION** Fourth Respondent

**THE CREDITORS OF THE FIRST RESPONDENT  
LISTED IN ANNEXURES "A" AND "B" TO THE  
NOTICE OF MOTION** Fifth Respondent

**THE EMPLOYEES OF THE FIRST RESPONDENT** Sixth Respondent

**NATIONAL UNION OF METALWORKERS OF SOUTH  
AFRICA** Seventh Respondent

**SOLIDARITY UNION** Eighth Respondent

**RMB SECURITIES** Ninth Respondent

**THE REMAINING SHAREHOLDERS OF THE FIRST  
RESPONDENT** Tenth Respondents

**SOUTH AFRICAN REVENUE SERVICES** Eleventh Respondent

**INTERNATIONAL RESOURCES PROJECT LIMITED** Twelfth Respondent

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**FIRST - THIRD RESPONDENTS' APPLICATION TO STRIKE OUT**

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**TAKE NOTICE THAT** the first to third respondents will apply at the hearing of the urgent application enrolled for **TUESDAY, 17 NOVEMBER 2015** for an order in the following terms:

1. That paragraphs 5, 6, 7, 8, 9, 19, 21, 22, 25, 31, 34, 35, 49, 51, 56, 62, 63 and 68 of the founding affidavit of Tania Mostert in the urgent application deposed to on 26 October 2015 be struck out for containing a reference to the main affidavit of Tania Mostert deposed to on 20 October 2015 without identifying the parts of that affidavit on which reliance is placed and purporting to incorporate it by reference. This does not constitute evidence properly before the court and is prejudicial to the first to third respondents who are not informed which parts of the main affidavit they have to respond to.
2. That the applicants pay the costs of this application.

DATED AT SANDTON ON THIS THE 3<sup>RD</sup> DAY OF NOVEMBER 2015.



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**EDWARD NATHAN SONNENBERGS INC.**

First to Third Respondents' Attorneys

150 West Street

Sandown

Sandton

JOHANNESBURG

Tel: 011 269 7600

Fax: 011 269 7899

Email: [lfield@ensafrica.com](mailto:lfield@ensafrica.com)

(Ref: L Field / 0347687)

**C/O JACOBSON AND LEVY INC.**

215 Orient Street

Arcadia

Pretoria

Tel: 012 342 3311

Fax: 012 342 3313

(Ref: J Levy / D Brooks / 42316)

**TO: THE REGISTRAR OF THE GAUTENG DIVISION  
PRETORIA**

**AND TO: BAKER & MCKENZIE ATTORNEYS**

Applicants' Attorneys

1 Commerce Square

39 Rivonia Road

Sandhurst, Johannesburg

(011) 911 4300

Ref: G RUDOLPH/co/b,

c/o **Adams & Adams**

Lynwood Bridge

4 Daventry Street

Lynwood Manor