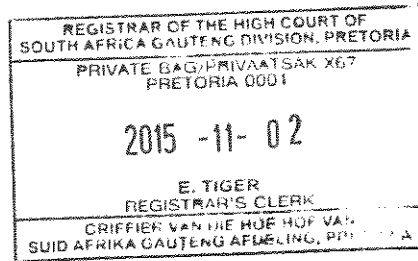


IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG PROVINCIAL DIVISION, PRETORIA

In the application between:

EAST METALS AG

MASTERCROFT S.A.R.L



CASE NO: 85549/2015

First Applicant

Second Applicant

and

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

First Respondent

PIERS MARSDEN N.O.

Second Respondent

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

Third Respondent

In re:

EAST METALS AG

First Applicant

MASTERCROFT S.A.R.L

Second Applicant

and

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

First Respondent

PIERS MARSDEN N.O.

Second Respondent

DANIEL TERBLANCHE N.O. (in their representative capacities as the joint business rescue practitioners of Evraz Highveld Steel and Vanadium Limited in business rescue)	Third Respondent
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 Respondents
THE EMPLOYEES OF THE FIRST RESPONDENT	Sixth Respondents
NATIONAL UNION OF METALWORKERS OF SOUTH AFRICA	Seventh Respondent
SOLIDARITY UNION	Eighth Respondent
RMB SECURITIES PROPRIETARY LIMITED	Ninth Respondent
THE REMAINING SHAREHOLDERS OF THE FIRST RESPONDENT	Tenth Respondents
SOUTH AFRICAN REVENUE SERVICE	Eleventh Respondent
INTERNATIONAL RESOURCES PROJECT LIMITED	Twelfth Respondent

APPLICATION FOR SUBSTITUTED SERVICE

TAKE NOTICE THAT application will be made on behalf of the applicants on **TUESDAY**, the 17th day of **NOVEMBER 2015** at **10h00** or so soon thereafter as counsel may be heard for an order in the following terms:

1. Directing that this matter be heard urgently and condoning the applicants' failure to comply with the forms, periods and other provisions of the Uniform Rules.

2. Granting the applicants leave to serve the application dated and issued under this case number on 21 October 2015 ["the main application"] upon the fifth respondents (being the creditors of the first respondent) as follows:
 - 2.1. By publication by the second and third respondents of a notice in the form annexed as "X" to this application upon the first respondent's website informing the affected parties of the availability of the main application ["the notice"];
 - 2.2. By the applicants emailing a copy of the notice to the known creditors by way of email where such email service can be effected;
 - 2.3. By publication of a copy of the notice of motion (without the founding affidavit and annexures) in the Witbank News or such other local newspapers as circulating in the eMalahleni (Witbank) area.
3. Granting the applicants leave to serve the main application upon the employees of the first respondent (being the sixth respondents) as follows:
 - 3.1. By publication by the second and third respondents of a notice in the form annexed as "A" to this application upon the first respondent's website informing the affected parties of the availability of the main application;
 - 3.2. By the applicants affixing a copy of the notification together with the notice of motion (without the founding affidavit and annexures) to such notice boards to which the employees of the first respondent have access;
 - 3.3. By service of the main application per sheriff upon the seventh and eighth respondents as the trade unions' representing the employees;

- 3.4. By publication of a copy of the notice of motion (without the founding affidavit and annexures) in the Witbank News or such other local newspapers as circulating in the eMalahleni (Witbank) area.
4. Granting leave to effect service of the main application upon the remaining shareholders of the first respondent (the tenth respondent):
 - 4.1. By publication by the second and third respondents of a notice in the form annexed as "A" to this application upon the first respondent's website informing the affected parties of the availability of the main application;
 - 4.2. By the SENS announcement published by the second and third respondents on 22 October 2015
 - 4.3. By publication of a copy of the notice of motion (without the founding affidavit and annexures) in the Witbank News or such other local newspapers as circulating in the eMalahleni (Witbank) area and in a newspaper circulating nationwide.
5. By directing that any further notices or process that may need to be served in any proceedings under this case number can be effected by way of the appropriate notification being published by the second and third respondent upon the website of the first respondent.
6. Directing the second and third respondents to render such assistance to the applicants as may be necessary to give effect to prayers 2 to 5 above and in

respect of which the applicants are to pay the second and third respondents' reasonable costs for doing so.

7. Granting the fifth, sixth and tenth respondents' fifteen days after the substituted service to oppose the main application.
8. Directing that the costs of this application be costs in the main application.
9. Granting such further and alternative relief as may be appropriate.

TAKE NOTICE FURTHER THAT the affidavit of CALLUM MICHAEL O'CONNOR annexed hereto with annexes will be used in support hereof.

TAKE NOTICE FURTHER that if you, the respondents, intend opposing this application, you are required to:

- a) notify the applicants' attorneys in writing of your intention to do so before **16h00** on **MONDAY, 2 NOVEMBER 2015** and that in such notice to appoint an address referred to in Rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings; and
- b) file your answering affidavit, if any, on or before **16h00** on **THURSDAY, 5 NOVEMBER 2015**.

KINDLY PLACE THIS MATTER ON THE ROLL ACCORDINGLY

DATED AT PRETORIA ON THIS ^{30th} DAY OF OCTOBER 2015



BAKER & MCKENZIE ATTORNEYS
Applicants' Attorneys
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Ref: R Nienaber/A Jordaan/LT2788

TO:

THE REGISTRAR
PRETORIA

AND TO:

EDWARD NATHAN SONNENBERGS
First, Second and Third Respondents' Attorneys
150 West Street
Sandown
Sandton
Tel: (011) 269-7800
Ref: G Oertel / L Field

Received copy hereof on this the
day of OCTOBER 2015

For: First, Second and Third
Respondents Attorneys

EVRAZ HIGHVELD STEEL AND VANADIUM LIMITED (In Business Rescue)

Registration No: 1960/001900/06

NOTICE OF COURT PROCEEDINGS INSTITUTED AGAINST *INTER ALIA* EVRAZ HIGHVELD STEEL AND VANADIUM LIMITED (IN BUSINESS RESCUE) ("Highveld"), THE BUSINESS RESCUE PRACTITIONERS OF HIGHVELD AND AFFECTED PERSONS

1. East Metals A.G. ("East Metals") and Mastercroft S.à.R.L. ("Mastercroft") have instituted court proceedings against, amongst others, Highveld, the joint business rescue practitioners of Highveld ("the BRPs"), and several other affected persons of Highveld.
2. In terms of the abovementioned court proceedings, East Metals and Mastercroft seek to *inter alia* declare:
 - 2.1 the business rescue plan of Highveld invalid;
 - 2.2 that the vote which took place at the meeting on 13 October 2015, in terms of which the business rescue plan was adopted, is invalid and to have the vote set aside; and
 - 2.3 that the agreement on the remuneration of the BRPs as provided for in the business rescue plan as invalid and set aside.
3. Highveld and the BRPs have opposed the application.
3. A full copy of the papers in the above application is available on the website of the first respondent, www.evrazhighveld.co.za and is available upon request from Baker & McKenzie, the attorneys representing East Metals and Mastercroft.

Baker & McKenzie

(011) 911 4300

service.johannesburg@bakermckenzie.com