

**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:

PIERS MICHAEL MARSDEN N.O.

First Applicant

DANIEL TERBLANCHE N.O.

Second Applicant

and

AIR LIQUIDE (PTY) LTD

Respondent

**NOTICE OF MOTION
(JOINDER APPLICATION)**

BE PLEASED TO TAKE NOTICE that **AIR LIQUIDE (PTY) LTD** intends making application to the above Honourable Court for an order in the following terms, that:

1. The following persons are joined as additional respondents in Air Liquide (Pty) Limited's counter-application under case number 26911/2016:
 - 1.1. Evraz Highveld Steel and Vanadium Limited (In Business Rescue), to be referred to as "*the second respondent*".
 - 1.2. The creditors of the first respondent listed in annexure A to this notice of motion, to be referred to as "*the third respondents*".
 - 1.3. The employees of the first respondent listed in annexure B to this notice of motion, to be referred to as "*the fourth respondents*".
 - 1.4. National Union of Metalworkers of South Africa, to be referred to as "*the fifth respondent*".
 - 1.5. Solidarity Union, to be referred to as "*the sixth respondent*".
 - 1.6. The shareholders of the first respondent listed in annexure C to this notice of motion, to be referred to as "*the seventh respondents*".
2. Granting leave to Air Liquide (Pty) Ltd to amend the headings of all of the documents filed of record in the main and counter-applications in order to reflect such joinder.
3. The costs of this unopposed application shall be costs in the first respondent's counter-application, and, in the event of any of the parties sought to be joined

opposing the application, that party or parties shall bear the costs occasioned by their opposition.

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

TAKE NOTICE FURTHER THAT the Applicant has appointed the address of **Van Hulsteyns Attorneys, 3rd Floor Katherine & West Building, corner Katherine and West Streets, Sandton**, as the addresses at which it will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER THAT if you intend opposing this application you are required to:

- a) notify the Applicant's attorneys in writing within 5 (five) days of receiving notice of this application;
- b) within 15 days after you have so given your intention to oppose the application, to file your answering affidavits, if any; and
- c) appoint in such notification an address referred to in rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings.

TAKE NOTICE FURTHER THAT if no notice of intention to oppose is given, the application will enrolled accordingly.

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

VAN HULSTEYNS ATTORNEYS
*Attorneys for the Respondent
in the main application and the Applicant in
the Joinder 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

**AND TO: EVRAZ HIGHVELD STEEL AND VANADIUM LIMITED
(IN BUSINESS RESCUE)**
Second Respondent
Care of Matuson & Associates (Pty) Ltd
Attention: Piers Marsden

SERVICE BY THE SHERIFF

**AND TO: THE CREDITORS OF THE FIRST RESPONDENT LISTED IN
ANNEXURE A TO THIS NOTICE OF MOTION**
Third Respondents
SUBSTITUTED SERVICE

**AND TO: THE EMPLOYEES OF THE FIRST RESPONDENT LISTED IN
ANNEXURE B TO THIS NOTICE OF MOTION**
Fourth Respondents

SUBSTITUTED SERVICE**AND TO: NATIONAL UNION OF METALWORKERS OF SOUTH AFRICA**

Fifth Respondent
NUMSA Head Office,
153 Lillian Ngoyi Street,
corner Gerald Sekoto Street, Newtown,
Johannesburg, 2001

SERVICE BY THE SHERIFF**AND TO: SOLIDARITY**

Sixth Respondent
Solidarity Head Office,
corner DF Malan and Eendracht Street,
Kloofsig, 0157

SERVICE BY THE SHERIFF**AND TO: THE SHAREHOLDERS OF THE FIRST RESPONDENT LISTED IN
ANNEXURE C TO THIS NOTICE OF MOTION**

Seventh Respondents
SUBSTITUTED SERVICE

**“ANNEXURE A
TO
NOTICE OF MOTION”**

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

**“ANNEXURE B
TO
NOTICE OF MOTION”**

**“THE EMPLOYEES
OF THE
FIRST RESPONDENT”**

“LDC”

“RETRENCHED”