

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

CASE NO: 85549/2015

In the application between:

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

*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)

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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

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FILING SHEET: SUPPLEMENTARY REPLYING AFFIDAVIT IN THE APPLICATION  
FOR SUBSTITUTED SERVICES

---

Presented for service and filing:                      Applicants' supplementary replying affidavit

DATED AT SANDTON ON THIS 12th DAY OF NOVEMBER 2015



BAKER & MCKENZIE ATTORNEYS

Applicants' Attorneys

1 Commerce Square

39 Rivonia Road

Sandhurst, Johannesburg

(011) 911-4300

Ref: G Rudolph/J Bell

c/o **Adams & Adams**

Lynwood Bridge

4 Daventry Street

Lynwood Manor

Pretoria

Tel: 012 432 6000

Fax: 012 432 6599

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

SERVICE IN TERMS OF RULE 4A(1)(c)  
BY EMAIL

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

CASE NO: 85549/2015

In the matter between:

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in re

EAST METALS AG

First Applicant

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and

1



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(IN BUSINESS RESCUE)  
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First Respondent

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COMPANIES AND INTELLECTUAL  
PROPERTY COMMISSION

Fourth Respondent

THE CREDITORS OF THE FIRST RESPONDENT  
LISTED IN ANNEXURES "A" AND "B" TO THE  
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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



---

APPLICANTS' SUPPLEMENTARY REPLYING AFFIDAVIT IN THE APPLICATION FOR  
SUBSTITUTED SERVICE

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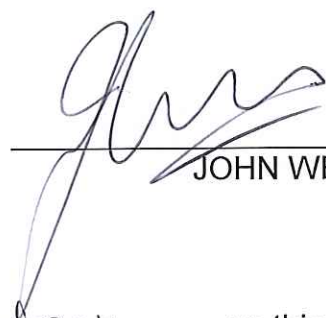
I, the undersigned,

JOHN WESSEL BELL

do hereby make oath and say that:

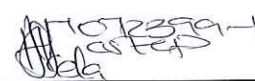
1. I am an adult male attorney employed as such at Du Plessis, Van der Merwe Inc, trading as Baker & McKenzie, 1 Commerce Square, 39 Rivonia Road, Sandhurst ("Baker & McKenzie").
2. The facts contained herein fall within my personal knowledge and belief and are, save where the context indicates to the contrary, both true and correct.
3. The applicants, on 10 November 2015, delivered its replying affidavit in this application.
4. On 11 November 2015, the respondents' attorneys, ENSAfrica, by means of an email to Baker & McKenzie requested an explanation as to why two of their letters that was transmitted to Baker McKenzie on 6 November 2015 and 9 November 2015 ("the ENS letters") were not included in the annexures to the applicants' replying affidavit.
5. Copies of the ENS letters are attached hereto marked "JB1" and "JB2" respectively.

6. The two letters do not necessarily take the matter any further, save possibly for the vague statement in paragraph 3.3 of the ENS letter dated 9 November 2015 of how a supposedly similar situation was addressed previously by the opposing respondents. This statement is too vague to be of much assistance, especially where as in the present instance the affected parties number thousands rather 350 creditors and the facts appear be distinguishable.
7. Nonetheless in order to address any concerns that the opposing respondents may have that the applicants have been inappropriately selective in their choice of correspondence, we attach as "JB3" a complete exchange of correspondence in relation to the subject matter in question and in chronological order since 30 October 2015 until 10 November 2015.

  
 \_\_\_\_\_  
 JOHN WESSEL BELL

Thus signed and sworn to before me at Rosebank on this the 12<sup>th</sup> day of November 2015, the deponent having acknowledged that he knows and understands the contents of this affidavit and having declared that he has no objection to taking the prescribed oath and that he considers the oath to be final and binding on his conscience.



  
 \_\_\_\_\_  
 COMMISSIONER OF OATHS  
 Name: Mabokela M.J  
 Address 15 Sturdee Avenue  
Rosebank  
 Designation ctafj

"JB1"

148

**ENSafrica**

150 West Street  
Sandown Sandton Johannesburg 2196  
P O Box 783347 Sandton South Africa 2146  
docex 152 Randburg  
tel +2711 269 7600 fax +2710 596 6176  
info@ENSafrica.com ENSafrica.com

Baker & McKenzie  
By email: Callum.OConnor@bakermckenzie.com

G Oertel /L Field  
G Rudolph/JB/CO/BM  
6 November 2015  
our ref  
your ref  
date

Dear Sirs

**RE: MASTERCROFT S.A.R.L. & EAST METALS AG / EVRAZ HIGHVELD STEEL AND VANADIUM  
LIMITED & OTHERS: CASE NO. 85549/15**

1. We refer to your letter dated 5 November 2015.
2. We understand that applications to the Deputy Judge President ("DJP") for special allocations require the parties to satisfy the DJP that the matter will be ripe for hearing on an allocated date. The first requisite for that would be confirmation of service of the application on all interested parties.
  - 2.1. In respect of the main application, which was brought on long form, your clients have enrolled an urgent application for leave to serve the main application on the fifth respondents (being the creditors of the company comprising in excess of 600 creditors), sixth respondents (being the employees of the company in excess of 2000 employees) and the tenth respondents (being the shareholders of the company other than your client). This application has been enrolled for 17 November 2015. Our clients have opposed this application as it does not, inter alia, envisage proper service on the respondents.
  - 2.2. In terms of the notice of motion to the urgent service application the above mentioned respondents will have 15 days to oppose the main application.
  - 2.3. It follows that as at the date hereof the main application has not been served on the vast majority of the respondents thereto, and therefore it is not possible at this stage to determine whether any of the fifth, sixth or tenth respondents intend opposing the main application.
  - 2.4. There are not only our clients' and the company's interests which are affected by the relief sought in all three of your clients' applications but the interests of all the creditors and the employees as well. Our clients are not at liberty to speak on their behalf in respect of the procedures at Court.





- 2.5. Inexplicably, your clients have not brought a similar application for substituted service in respect of the urgent interdict application and absent service of the urgent interdict application on the respondents referred to in paragraph 2.1 above, we are of the view that the court will not hear the urgent interdict application, as the relief would be incompetent for that reason. The enrolment of the urgent interdict application is premature.
- 2.6. It is our understanding that the DJP will not allocate a matter until it has been served on all the respondents thereto.
3. In the event that it is your clients' contention that the urgent interdict application exceeds 500 pages due to the main application, then this allegation is incorrect. The urgent interdict application consists of 48 pages. Our clients' answer consists of 320 pages.
4. The papers in the main application are on long form notice of motion. Our clients are not yet required to deliver an answering affidavit. There is, in the circumstances, no way that the founding papers in the main application can be put before the Judge without our clients having the opportunity to answer the allegations therein. In effect, if the main application does form part of the urgent interdict application, our clients become obliged to answer a lengthy and complex application, brought on ordinary long form, within the time limits prescribed in the urgent interdict application. Our clients will resist any attempts to force this upon them.
5. In addition to the foregoing, your clients forced our clients to answer the urgent interdict application in urgent and restricted time periods. Moreover, our clients' answering affidavit in the substituted service application is based, in part, upon the fact that the urgent interim interdict application is enrolled for 17 November 2015.
6. We suggest that you consider these aspects and communicate with us before approaching the DJP.

Yours faithfully



EDWARD NATHAN SONNENBERGS INC

Per: GARY OERTEL



"JB2"

150

**ENSafrica**

150 West Street  
Sandown Sandton Johannesburg 2196  
P O Box 783347 Sandton South Africa 2146  
doceX 152 Randburg  
tel +2711 269 7600 fax +2710 596 6176  
info@ENSafrica.com ENSafrica.com

Baker & McKenzie  
By email: Callum.OConnor@bakermckenzie.com

G Oertel /L Field  
G Rudolph/JB/CO/BM  
9 November 2015

our ref  
your ref  
date

Dear Sirs

**RE: MASTERCROFT S.A.R.L. & EAST METALS AG / EVRAZ HIGHVELD STEEL AND VANADIUM  
LIMITED & OTHERS: CASE NO. 85549/15**

1. Your letter dated 6 November 2015 refers.

**2. URGENT INTERDICT APPLICATION**

- 2.1. The notice of motion to the Urgent Interdict Application states that the application would be set down for 17 November 2015 and it was subsequently agreed that the matter would be allocated to 19 November 2015 on condition that the senior judge agreed thereto.
- 2.2. The applicants have unilaterally decided not to enrol the Urgent Interdict Application for 17 November 2015.
- 2.3. Obviously the Urgent Interdict Application cannot be heard unless and until there has been service of the Urgent Interdict Application on the respondents thereto and in particular the creditors and the employees of the company.
- 2.4. Without in any way conceding that the Urgent Interdict Application exceeds 500 pages, we reiterate that until such time as the Urgent Interdict Application has been served on all the respondents and it has been established which respondents intend participating in the Urgent Interdict Application it would be premature to approach the DJP for a special allocation.
- 2.5. In this regard please revert as to what arrangements you envisage regarding service of the Urgent Interdict Application on the respondents. This is clearly not covered by the current urgent application for substituted service and as soon as we have your suggestions regarding service we can discuss the further conduct of this matter.

- 2.6. The applicants decided on the manner and the timing of the proceedings which they have instituted and the position which they find themselves is of their own making and they cannot now accuse our clients of being unreasonable or unco-operative. Our clients cannot allow the rights of the creditors and employees to be ignored in the process. Furthermore if the matter had to proceed without proper service a creditor or an employee could raise an objection at a later stage thereby causing further delays in the process.
- 2.7. In respect of the allegation in your letter that the interdict application specifically incorporates the main application we refer you to what is stated in our answering affidavit to the interdict application and in our letter dated 6 November 2015 both of which are not exhaustive of our clients' contentions relating to this issue.

3. **MAIN APPLICATION**

- 3.1. Any request for a special allocation in respect of the main application cannot be made until such time as the main application has been served on the respondents thereto and all affidavits have been filed.
- 3.2. The application for substituted service contains material defects which, inter alia, ignore the *audi alteram partem* rule.
- 3.3. Without conceding that our clients have any duty or obligation to furnish the applicants with any proposals regarding service, in another business rescue matter, which involved in excess of 350 creditors who were respondents to the application, we served the application either by sheriff or by e-mailing or telefaxing the full application to the respondents and telephoning each respondent who had received a copy of the application by e-mail or telefax to confirm receipt of the application. In this matter the Court accepted this manner of service.
4. Any failure to deal with any aspect of your letter under reply must not be construed to be an admission thereof and our clients' rights to respond thereto remain reserved.

Yours faithfully

**EDWARD NATHAN SONNENBERGS INC**

Per: **GARY OERTEL**



"JB3"  
152

**Bell, John**

---

**From:** Letitia Field <lfield@ensafrica.com>  
**Sent:** 05 November 2015 11:35 AM  
**To:** O'Connor, Callum; Gary Oertel  
**Cc:** Rudolph, Gerhard; Bell, John; Malan, Berna; Manchadi Kekana  
**Subject:** RE: EVRAZ URGENT APPLICATION  
**Attachments:** Justice Prinsloo 5 November 2015.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Callum

Further to the below correspondence, we enquired from Prinsloo J's registrar as to whether the parties should approach the judge in chambers or send a letter. We were advised that a letter should be sent.

To this extent, please see attached hereto the proposed letter to Prinsloo J.

Please advise if you have any comments in regard to same.

Regards

---

**From:** O'Connor, Callum [mailto:Callum.OConnor@bakermckenzie.com]  
**Sent:** 03 November 2015 08:41  
**To:** Gary Oertel <goertel@ensafrica.com>  
**Cc:** Rudolph, Gerhard <Gerhard.Rudolph@bakermckenzie.com>; Letitia Field <lfield@ensafrica.com>; Bell, John <John.Bell@bakermckenzie.com>; Malan, Berna <Berna.Malan@bakermckenzie.com>  
**Subject:** RE: EVRAZ URGENT APPLICATION

Dear Gary

While we would like to accommodate your counsel, our ability to do so is limited by your clients' refusal to provide our client with a suitable undertaking. We will accommodate your counsel only on the basis that the duty judge agrees to the specified allocation, failing which our instructions are to proceed as enrolled at the outset. Please note that Schalk Burger is not available on 20 November 2015 and we therefore require your agreement that in the event that you wish to proceed on 19 November 2015, that the matter will not last longer than one day.

Please provide us with a copy of your proposed correspondence for approval before dispatch.

Regards

Callum O'Connor  
Senior Associate  
Baker & McKenzie  
1 Commerce Square, 39 Rivonia Road, Sandhurst  
Johannesburg, 2196, ZA  
Tel: +27 (0) 11 911 4350  
Switchboard: +27 (0) 11 911 4300  
Fax: +27 (0) 11 783 4177  
[Callum.OConnor@bakermckenzie.com](mailto:Callum.OConnor@bakermckenzie.com)

**We've moved**

Our new address is  
**1 Commerce Square, 39 Rivonia Road, Sandhurst.**

**BAKER & MCKENZIE**





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**Letitia Field**

senior associate  
insolvency, business rescue and debt recovery  
tel: +27 21 410 2500  
cell: +27 82 787 9504  
email: [lfield@ENSAfrica.com](mailto:lfield@ENSAfrica.com)  
offices: [ENSAfrica locations](#)

**From:** Gary Oertel [<mailto:goertel@ensafrica.com>]

**Sent:** 02 November 2015 03:46 PM

**To:** O'Connor, Callum

**Cc:** Rudolph, Gerhard; Letitia Field

**Subject:** RE: EVRAZ URGENT APPLICATION

Dear Callum

I refer to my email below .

Have you managed to consider our request below.

Regards

Gary

**From:** Gary Oertel

**Sent:** 30 October 2015 08:05 AM

**To:** O'Connor, Callum <[Callum.OConnor@bakermckenzie.com](mailto:Callum.OConnor@bakermckenzie.com)>

**Cc:** 'Rudolph, Gerhard' <[Gerhard.Rudolph@bakermckenzie.com](mailto:Gerhard.Rudolph@bakermckenzie.com)>

**Subject:** EVRAZ URGENT APPLICATION

Dear Callum

Our senior counsel , John Suttner, who has been assisting us all along on Evraz is in the SCA on Wednesday 18 November 2015. We are concerned that the urgent application could be called on this day and therefore we want to establish who the duty senior urgent judge will be and put in a request to him/her that the matter be allocated to Thursday, 19 November 2015. Would you and your counsel be amenable to this ?

Regards

Gary



**Gary Oertel**

director  
insolvency, business rescue and debt recovery  
tel: +27 11 269 7600  
cell: +27 82 772 3548  
email: [goertel@ENSAfrica.com](mailto:goertel@ENSAfrica.com)  
offices: [ENSAfrica locations](#)

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[info@ENSAfrica.com](mailto:info@ENSAfrica.com)  
[ENSAfrica.com](http://ENSAfrica.com)



level 2 BBBEE rating

Edward Nathan Sonnenbergs Incorporated (registration number 2006/018200/21)



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A handwritten signature in blue ink, consisting of a stylized 'B' followed by a small flourish.

**Bell, John**

---

**From:** O'Connor, Callum  
**Sent:** 05 November 2015 05:19 PM  
**To:** Rudolph, Gerhard; Bell, John; Malan, Berna  
**Subject:** FW: EVRAZ URGENT APPLICATION  
**Attachments:** Justice Prinsloo 5 November 2015.docx

FYI

Callum O'Connor  
 Senior Associate  
 Baker & McKenzie  
 1 Commerce Square, 39 Rivonia Road, Sandhurst  
 Johannesburg, 2196, ZA  
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## We've moved

Our new address is  
**1 Commerce Square, 39 Rivonia Road, Sandhurst.**

**BAKER & MCKENZIE**

Baker & McKenzie is a member of Baker & McKenzie International, a Swiss Verein.

---

**From:** Gary Oertel [<mailto:goertel@ensafrica.com>]  
**Sent:** 05 November 2015 05:10 PM  
**To:** O'Connor, Callum  
**Cc:** Letitia Field  
**Subject:** EVRAZ URGENT APPLICATION

Dear Callum

We have amended the draft letter to judge Prinsloo to only refer to the substituted application based on your earlier letter that you will not be setting down the urgent interdict application at this stage. Please let us have any comments to the proposed letter.

We will send you a separate response to your letter of earlier today.

Regards

Gary

---

**From:** Letitia Field  
**Sent:** 05 November 2015 11:35 AM  
**To:** O'Connor, Callum <[Callum.OConnor@bakermckenzie.com](mailto:Callum.OConnor@bakermckenzie.com)>; Gary Oertel <[goertel@ensafrica.com](mailto:goertel@ensafrica.com)>  
**Cc:** Rudolph, Gerhard <[Gerhard.Rudolph@bakermckenzie.com](mailto:Gerhard.Rudolph@bakermckenzie.com)>; Bell, John <[John.Bell@bakermckenzie.com](mailto:John.Bell@bakermckenzie.com)>; Malan, Berna <[Berna.Malan@bakermckenzie.com](mailto:Berna.Malan@bakermckenzie.com)>; Manchadi Kekana <[mkekana@ensafrica.com](mailto:mkekana@ensafrica.com)>  
**Subject:** RE: EVRAZ URGENT APPLICATION

Dear Callum

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Please advise if you have any comments in regard to same.

Regards

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**Subject:** RE: EVRAZ URGENT APPLICATION

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Please provide us with a copy of your proposed correspondence for approval before dispatch.

Regards

Callum O'Connor  
 Senior Associate  
 Baker & McKenzie  
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 Switchboard: +27 (0) 11 911 4300  
 Fax: +27 (0) 11 783 4177  
[Callum.OConnor@bakermckenzie.com](mailto:Callum.OConnor@bakermckenzie.com)

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 cell: +27 82 772 3548  
 email: [goertel@ENSAfrica.com](mailto:goertel@ENSAfrica.com)  
 offices: [ENSAfrica locations](#)

---

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**Sent:** 02 November 2015 03:46 PM  
**To:** O'Connor, Callum  
**Cc:** Rudolph, Gerhard; Letitia Field  
**Subject:** RE: EVRAZ URGENT APPLICATION

Dear Callum



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Have you managed to consider our request below.

Regards

Gary

---

**From:** Gary Oertel  
**Sent:** 30 October 2015 08:05 AM  
**To:** O'Connor, Callum <[Callum.OConnor@bakermckenzie.com](mailto:Callum.OConnor@bakermckenzie.com)>  
**Cc:** 'Rudolph, Gerhard' <[Gerhard.Rudolph@bakermckenzie.com](mailto:Gerhard.Rudolph@bakermckenzie.com)>  
**Subject:** EVRAZ URGENT APPLICATION

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Gary

**Gary Oertel**

director

insolvency, business rescue and debt recovery

tel: +27 11 269 7600

cell: +27 82 772 3548

email: [goertel@ENSafrica.com](mailto:goertel@ENSafrica.com)

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level 2 BBBEE rating

Edward Nathan Sonnenbergs Incorporated (registration number 2006/018200/21)

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150 West Street  
 Sandown Sandton Johannesburg 2196  
 P O Box 783347 Sandton South Africa 2146  
 docex 152 Randburg  
 tel +2711 269 7600 fax +2710 596 6176  
 info@ENSafrica.com ENSafrica.com

The Honourable Mr Justice Prinsloo

By email: [mlombard@judiciary.org.za](mailto:mlombard@judiciary.org.za)

G Oertel/L Field/ our ref  
 0393308

5 November 2015 your  
 ref  
 date

Dear Judge

**RE: EAST METALS AG & ANOTHER // EVRAZ HIGHVELD STEEL AND VANADIUM LIMITED  
 (IN BUSINESS RESCUE) & TWELVE OTHERS (CASE NO. 85549/15)**

1. We act for the first to third respondents in the above application, which was issued out of the Gauteng Division, Pretoria on 21 October 2015 ("the main application").
2. On 2 November 2015, the applicants issued an urgent application seeking *inter alia* leave to effect substituted service of the main application on certain of the respondents ("the substituted service application"). The substituted service application has been enrolled for hearing on 17 November 2015.
3. The first to third respondents have opposed the main application and substituted service application.
4. The parties are represented as follows:
  - 4.1. Applicants:
    - 4.1.1. Counsel:
      - 4.1.1.1. Advocate Schalk Burger SC;
      - 4.1.1.2. Advocate Barry Gilbert.
    - 4.1.2. Instructing attorneys:
      - 4.1.2.1. Baker & Mckenzie.
  - 4.2. First to third respondents:

4.2.1. Counsel:

4.2.1.1. Advocate John Suttner SC and;

4.2.1.2. Advocate Johan Smit.

4.2.2. Instructing attorneys:

4.2.2.1. Edward Nathan Sonnenbergs Inc.

5. The senior counsel representing the first to third respondents is unavailable on 17 November 2015 due to him being involved in an appeal before the Supreme Court of Appeal on 18 November 2015.
6. We approached the applicants' attorneys to discuss the aforesaid request and the applicants' attorneys and their senior counsel have agreed to the urgent application being heard on Thursday, 19 November 2015, provided the hearing does not last longer than a day and the senior duty judge agrees thereto.
7. We accordingly request that the urgent application enrolled for 17 November 2015 be allocated for hearing on 19 November 2015.
8. The parties are available to approach you in chambers should same be necessary.

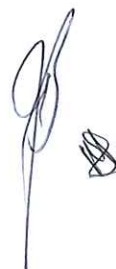
Yours faithfully

**EDWARD NATHAN SONNENBERGS**

Per:

**LETITIA FIELD**

**CC: BAKER & MCKENZIE**  
By email



**BAKER & MCKENZIE**

Baker &amp; McKenzie

1 Commerce Square  
39 Rivonia Road, Sandhurst, 2196  
Johannesburg  
South Africa

Tel: +27 11 911 4300  
Fax: +27 11 784 2855  
www.bakermckenzie.com

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Advogados

5 November 2015

Paul Winer, Gary Oertel, Letitia Field  
ENSAfrica

Our ref: G Rudolph/JB/CO/BM  
Your ref: P Winer/G Oertel/L Field  
By email  
pwiner@ens.com, goertel@ens.com,  
lfield@ensafrica.com

Dear Sirs/Madam

**MASTERCROFT S.A.R.L & EAST METALS AG / EVRAZ HIGHVELD STEEL AND  
VANADIUM LIMITED AND OTHERS : CASE NO: 85549/15**

1. We acknowledge your email and draft letter to the Deputy Judge President ("DJP"), dated 5 November 2015. We also refer to the discussions between our respective counsel earlier today.
2. In light of the fact that the papers in the urgent application exceed 500 pages and given the urgency of the matter, we are instructed to approach the DJP directly to obtain his direction on the further conduct of the urgent application and main application.
3. We will be in contact with the DJP's registrar to enquire as to his availability during the course of next week and will invite you to attend such meeting.
4. Accordingly, we confirm that the only application that we will enrol at this stage is the application for substituted service, which your clients have opposed.

Yours sincerely

Gerhard Rudolph  
Partner

011 911 4370  
gerhard.rudolph@bakermckenzie.com

Du Plessis, Van der Merwe Inc. (Registration number 2012/047447/21)

**Directors**

BERNSTEIN, Darryl  
CHETTY, Vani  
DANIELS, Kate  
DU PLESSIS, Wildu  
JANSE VAN RENSBURG, Mike

RUDOLPH, Gerhard  
STOLP, Jennifer  
VAN DER MERWE, Morné  
WHYTE, Kieran

**Counsel**  
PREISS, Mark

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**ENSafrica**

150 West Street  
 Sandown Sandton Johannesburg 2196  
 P O Box 783347 Sandton South Africa 2146  
 docex 152 Randburg  
 tel +2711 269 7600 fax +2710 596 6176  
 info@ENSafrica.com ENSafrica.com

Baker & McKenzie  
 By email: Callum.OConnor@bakermckenzie.com

G Oertel /L Field  
 G Rudolph/JB/CO/BM  
 6 November 2015

our ref  
 your ref  
 date

Dear Sirs

**RE: MASTERCROFT S.A.R.L. & EAST METALS AG / EVRAZ HIGHVELD STEEL AND VANADIUM  
 LIMITED & OTHERS: CASE NO. 85549/15**

1. We refer to your letter dated 5 November 2015.
2. We understand that applications to the Deputy Judge President ("DJP") for special allocations require the parties to satisfy the DJP that the matter will be ripe for hearing on an allocated date. The first requisite for that would be confirmation of service of the application on all interested parties.
  - 2.1. In respect of the main application, which was brought on long form, your clients have enrolled an urgent application for leave to serve the main application on the fifth respondents (being the creditors of the company comprising in excess of 600 creditors), sixth respondents (being the employees of the company in excess of 2000 employees) and the tenth respondents (being the shareholders of the company other than your client). This application has been enrolled for 17 November 2015. Our clients have opposed this application as it does not, inter alia, envisage proper service on the respondents.
  - 2.2. In terms of the notice of motion to the urgent service application the above mentioned respondents will have 15 days to oppose the main application.
  - 2.3. It follows that as at the date hereof the main application has not been served on the vast majority of the respondents thereto, and therefore it is not possible at this stage to determine whether any of the fifth, sixth or tenth respondents intend opposing the main application.
  - 2.4. There are not only our clients' and the company's interests which are affected by the relief sought in all three of your clients' applications but the interests of all the creditors and the employees as well. Our clients are not at liberty to speak on their behalf in respect of the procedures at Court.

- 2.5. Inexplicably, your clients have not brought a similar application for substituted service in respect of the urgent interdict application and absent service of the urgent interdict application on the respondents referred to in paragraph 2.1 above, we are of the view that the court will not hear the urgent interdict application, as the relief would be incompetent for that reason. The enrolment of the urgent interdict application is premature.
- 2.6. It is our understanding that the DJP will not allocate a matter until it has been served on all the respondents thereto.
3. In the event that it is your clients' contention that the urgent interdict application exceeds 500 pages due to the main application, then this allegation is incorrect. The urgent interdict application consists of 48 pages. Our clients' answer consists of 320 pages.
4. The papers in the main application are on long form notice of motion. Our clients are not yet required to deliver an answering affidavit. There is, in the circumstances, no way that the founding papers in the main application can be put before the Judge without our clients having the opportunity to answer the allegations therein. In effect, if the main application does form part of the urgent interdict application, our clients become obliged to answer a lengthy and complex application, brought on ordinary long form, within the time limits prescribed in the urgent interdict application. Our clients will resist any attempts to force this upon them.
5. In addition to the foregoing, your clients forced our clients to answer the urgent interdict application in urgent and restricted time periods. Moreover, our clients' answering affidavit in the substituted service application is based, in part, upon the fact that the urgent interim interdict application is enrolled for 17 November 2015.
6. We suggest that you consider these aspects and communicate with us before approaching the DJP.

Yours faithfully

  
**EDWARD NATHAN SONNENBERGS INC**

Per: **GARY OERTEL**



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\* Associated Firm  
\*\* In cooperation with  
Trench, Rossi & Watanabe  
Advogados

6 November 2015

Paul Winer, Gary Oertel, Letitia Field  
ENSAfrica

Our ref: G Rudolph/JB/CO/BM  
Your ref: P Winer/G Oertel/L Field  
By email  
pwiner@ens.com, goertel@ens.com,  
lfield@ensafrica.com

Dear Sirs/Madam

**MASTERCROFT S.A.R.L & EAST METALS AG / EVRAZ HIGHVELD STEEL AND  
VANADIUM LIMITED AND OTHERS: CASE NO: 85549/15**

1. We acknowledge receipt of your 6 October 2015 letter.
2. The main application forms part of the urgent interdict application, both, intentionally so, under the same case number. The position is no different than if our clients had launched a consolidated application containing a Part A to the notice of motion seeking the urgent interdictory relief and a Part B seeking final relief, both of which would have been founded on the same affidavit.
3. Our clients expressly foreshadowed in paragraph 45 of their founding affidavit in the main application that the affidavits may be supplemented and interim relief sought on an urgent basis. The founding affidavit to the urgent interdict application under the same case does just that, and incorporates the entire founding affidavit in the main application. This is clear from paragraphs 5 to 8 of the affidavit to the urgent interdict application.
4. Your clients are not at liberty to unilaterally decide differently and in the circumstances your clients are not entitled to decline to address the allegations in the founding affidavit in the main application in relation to the relief sought in the urgent interdict application. Your clients' election to do so is at their own peril.
5. We are preparing replying affidavits both in the urgent interim application and in the application for substituted service.
6. In the circumstances the urgent interim application exceeds 500 pages, and our clients intend complying with the Practice Manual.
7. We also disagree with your understanding of the Practice Manual, which does not require that there be a complete set of papers before the DJP can be approached.

Du Plessis, Van der Merwe Inc. (Registration number 2012/047447/21)

**Directors**  
BERNSTEIN, Daryl  
CHETTY, Vani  
DANIELS, Kate  
DU PLESSIS, Wildu  
JANSE VAN RENSBURG, Mike

RUDOLPH, Gerhard  
STOLP, Jennifer  
VAN DER MERWE, Momé  
WHYTE, Kieran

**Counsel**  
PREISS, Mark

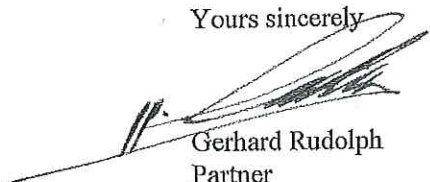




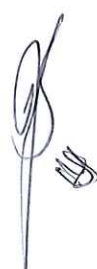
In the circumstances our clients' rights to approach the DJP remain reserved in relation to the further conduct of the matter in the whole but we shall furnish you with notice thereof.

8. Nonetheless our clients remain open to and would prefer a constructive approach to the litigation. This is evident from our clients' tender in paragraph 50 of the affidavit in support of the urgent interdict application to co-operate in order to have an expedited hearing of the matter.
9. Our clients propose that a holistic and sensible approach be adopted. As there is to be an expedited hearing in any event of the urgent interdict application as it exceeds 500 pages, we suggest that the expedited hearing be utilised to entertain the main application, which may render it unnecessary to have a separate determination of the urgent application depending on when that expedited hearing is.
10. To this end we propose that we agree:
  - 10.1. on a truncated timetable for the exchange of papers in the main application;
  - 10.2. on an appropriate consent order in relation to substituted service of the main application and to the extent the urgent interim application (we do not concede that the urgent interim application need necessarily be served on all affected parties), which order can then be granted by the urgent court on 17 November 2015 and which can then resolve any concerns your clients may have as to the efficacy of service of the applications on affected parties; and
  - 10.3. that the DJP be approached for an expedited hearing.
11. In any event, it seems a senseless exercise to have litigation in relation to the appropriate form of substituted service and we invite your clients to furnish us with their proposal as to what would constitute the appropriate order that should be granted in relation to substituted service. It may well be that your clients as business rescue practitioners are best placed to suggest what the most appropriate and cost-effective form of substituted service may be and to this end your clients were intentionally given notice of what would ordinarily have been an ex parte application for substituted service.
12. Our clients' rights remain reserved.

Yours sincerely

  
Gerhard Rudolph  
Partner

011 911 4370  
gerhard.rudolph@bakermckenzie.com





**Bell, John**

---

**From:** O'Connor, Callum  
**Sent:** 09 November 2015 03:28 PM  
**To:** Gary Oertel  
**Cc:** Letitia Field; Rudolph, Gerhard; Bell, John; Malan, Berna  
**Subject:** RE: EVRAZ URGENT APPLICATION  
**Attachments:** Letter to ENS 06112015.pdf; Justice Prinsloo 9 November 2015.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Gary

Please see our attached marked-up letter to Prinsloo J. Schalk Burger will not argue our application for substituted service, which will be argued by Barry Gilbert. He is available all of next week.

Regarding the enrolment and hearing of the urgent application, our client's position remains as set out in our letter to you on Friday, 6 November 2015, a copy of which is again attached for ease of reference.

Regards

Callum O'Connor  
 Senior Associate  
 Baker & McKenzie  
 1 Commerce Square, 39 Rivonia Road, Sandhurst  
 Johannesburg, 2196, ZA  
 Tel: +27 (0) 11 911 4350  
 Switchboard: +27 (0) 11 911 4300  
 Fax: +27 (0) 11 783 4177  
[Callum.OConnor@bakermckenzie.com](mailto:Callum.OConnor@bakermckenzie.com)

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Our new address is  
**1 Commerce Square, 39 Rivonia Road, Sandhurst.**

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---

**From:** Gary Oertel [mailto:goertel@ensafrica.com]  
**Sent:** 08 November 2015 06:38 PM  
**To:** O'Connor, Callum  
**Cc:** Letitia Field  
**Subject:** RE: EVRAZ URGENT APPLICATION

Dear Callum

Please revert urgently regarding the proposed letter to be sent to Judge Prinsloo. The letter reflects the agreement reached however if you have any specific objections please let me have them so that I can include your objections in the letter to the Judge.

Thank you .

Regards

Gary



**ENSAfrica**

150 West Street  
 Sandown Sandton Johannesburg 2196  
 P O Box 783347 Sandton South Africa 2146  
 docex 152 Randburg  
 tel +2711 269 7600 fax +2710 596 6176  
 info@ENSAfrica.com ENSAfrica.com

The Honourable Mr Justice Prinsloo

By email: [mlombard@judiciary.org.za](mailto:mlombard@judiciary.org.za)

G Oertel/L Field/ our ref  
 0393308

5 November 2015 your  
 ref  
 date

Dear Judge

**RE: EAST METALS AG & ANOTHER // EVRAZ HIGHVELD STEEL AND VANADIUM LIMITED  
 (IN BUSINESS RESCUE) & TWELVE OTHERS (CASE NO. 85549/15)**

1. We act for the first to third respondents in the above application, which was issued out of the Gauteng Division, Pretoria on 21 October 2015 ("the main application").
2. On 2 November 2015, the applicants issued an urgent application seeking *inter alia* leave to effect substituted service of the main application on certain of the respondents ("the substituted service application"). The substituted service application has been enrolled for hearing on 17 November 2015.
3. The first to third respondents have opposed the main application and substituted service application.
4. The parties are represented as follows:

4.1. Applicants:

4.1.1. Counsel:

4.1.1.1. Advocate Schalk Burger SC;

4.1.1.2. Advocate Barry Gilbert.

4.1.2. Instructing attorneys:

4.1.2.1. Baker & McKenzie.

4.2. First to third respondents:

4.2.1. Counsel:

4.2.1.1. Advocate John Suttner SC and;

4.2.1.2. Advocate Johan Smit.

4.2.2. Instructing attorneys:

4.2.2.1. Edward Nathan Sonnenbergs Inc.

5. The senior counsel representing the first to third respondents is unavailable on 17 November 2015 due to him being involved in an appeal before the Supreme Court of Appeal on 18 November 2015.

6. We approached the applicants' attorneys to discuss the aforesaid request and the applicants' attorneys and their senior counsel have agreed to the urgent-application for substituted service being heard on Thursday, 19 November 2015, provided the hearing does not last longer than a day and the senior duty judge agrees thereto.

7. We accordingly request that the urgent-application for substituted service enrolled for 17 November 2015 be allocated for hearing on 19 November 2015.

8. The parties are available to approach you in chambers should same be necessary.

Yours faithfully

**EDWARD NATHAN SONNENBERGS**

Per:

**LETITIA FIELD**

CC: **BAKER & MCKENZIE**  
By email



**ENSafrica**

150 West Street  
 Sandown Sandton Johannesburg 2196  
 P O Box 783347 Sandton South Africa 2146  
 docex 152 Randburg  
 tel +2711 269 7600 fax +2710 596 6176  
 info@ENSafrica.com ENSafrica.com

Baker & McKenzie  
 By email: Callum.OConnor@bakermckenzie.com

G Oertel /L Field  
 G Rudolph/JB/CO/BM  
 9 November 2015

our ref  
 your ref  
 date

Dear Sirs

**RE: MASTERCROFT S.A.R.L. & EAST METALS AG / EVRAZ HIGHVELD STEEL AND VANADIUM  
 LIMITED & OTHERS: CASE NO. 85549/15**

1. Your letter dated 6 November 2015 refers.

**2. URGENT INTERDICT APPLICATION**

- 2.1. The notice of motion to the Urgent Interdict Application states that the application would be set down for 17 November 2015 and it was subsequently agreed that the matter would be allocated to 19 November 2015 on condition that the senior judge agreed thereto.
- 2.2. The applicants have unilaterally decided not to enrol the Urgent Interdict Application for 17 November 2015.
- 2.3. Obviously the Urgent Interdict Application cannot be heard unless and until there has been service of the Urgent Interdict Application on the respondents thereto and in particular the creditors and the employees of the company.
- 2.4. Without in any way conceding that the Urgent Interdict Application exceeds 500 pages, we reiterate that until such time as the Urgent Interdict Application has been served on all the respondents and it has been established which respondents intend participating in the Urgent Interdict Application it would be premature to approach the DJP for a special allocation.
- 2.5. In this regard please revert as to what arrangements you envisage regarding service of the Urgent Interdict Application on the respondents. This is clearly not covered by the current urgent application for substituted service and as soon as we have your suggestions regarding service we can discuss the further conduct of this matter.



- 2.6. The applicants decided on the manner and the timing of the proceedings which they have instituted and the position which they find themselves is of their own making and they cannot now accuse our clients of being unreasonable or unco-operative. Our clients cannot allow the rights of the creditors and employees to be ignored in the process. Furthermore if the matter had to proceed without proper service a creditor or an employee could raise an objection at a later stage thereby causing further delays in the process.
- 2.7. In respect of the allegation in your letter that the interdict application specifically incorporates the main application we refer you to what is stated in our answering affidavit to the interdict application and in our letter dated 6 November 2015 both of which are not exhaustive of our clients' contentions relating to this issue.

3. **MAIN APPLICATION**

- 3.1. Any request for a special allocation in respect of the main application cannot be made until such time as the main application has been served on the respondents thereto and all affidavits have been filed.
- 3.2. The application for substituted service contains material defects which, inter alia, ignore the *audi alteram partem* rule.
- 3.3. Without conceding that our clients have any duty or obligation to furnish the applicants with any proposals regarding service, in another business rescue matter, which involved in excess of 350 creditors who were respondents to the application, we served the application either by sheriff or by e-mailing or telefaxing the full application to the respondents and telephoning each respondent who had received a copy of the application by e-mail or telefax to confirm receipt of the application. In this matter the Court accepted this manner of service.
4. Any failure to deal with any aspect of your letter under reply must not be construed to be an admission thereof and our clients' rights to respond thereto remain reserved.

Yours faithfully

**EDWARD NATHAN SONNENBERGS INC**

Per: **GARY OERTEL**

**BAKER & MCKENZIE****Email Transmission**

Baker &amp; McKenzie

1 Commerce Square  
39 Rivonia Road  
Sandhurst, Sandton  
Johannesburg, 2196  
South Africa

Tel: +27 11 911 4300  
Fax: +27 11 784 2855  
www.bakermckenzie.com

**Date:** 10 November 2015

**To:** The Honourable Mr Justice Ledwaba  
The Deputy Judge President  
Gauteng Provincial Division: Pretoria

**Email:** mtroskie@justice.gov.za

**Cc:** Gary Oertel  
ENSAfrica

**Email:** goertel@ensafrica.com**From:** John Bell**Tel:** 011 911 4366**Pages (w/cover):** 3

**Re: MASTERCROFT SARL & EAST METALS AG / EVRAZ HIGHVELD  
STEEL AND VANADIUM LTD (IN BUSINESS RESCUE), P MARSDEN  
NO, D TERBLANCHE NO & OTHERS: CASE NUMBER: 85549/15**

Dear Judge

1. We act on behalf of Mastercrocft SARL and East Metals AG, the applicants in the above matter.
2. On 21 October 2015 our clients launched an application under the above case number seeking an order declaring the vote adopting the business rescue plan of the first respondent (Evraz Highveld Steel and Vanadium Limited (in business rescue)) ["Highveld Steel"] invalid together with an order declaring the business rescue plan itself invalid and that same be set aside ("the main application").
3. The first to third respondents, as represented by ENSAfrica, and have indicated their intention to oppose the main application.
4. On 26 January 2015 our clients launched a further application under the same case number seeking urgent injunctive relief in the form of interdicting the business rescue practitioners (the second and third respondents) from implementing the business rescue plan pending the outcome of the main application ("the urgent application").
5. The urgent application too is being opposed by the first to third respondents with answering papers having already been delivered. The applicants intend to deliver a replying affidavit during the course of the week.

Du Plessis, Van der Merwe Inc. (registration number 2012/047447/21)

**Directors**

BERNSTEIN, Daryl  
CHETTY, Vani  
DANIELS, Kate  
DU PLESSIS, Wjdu  
JANSE VAN RENSBURG, Mike

RUDOLPH, Gerhard  
STOLP, Jennifer  
VAN DER MERWE, Momé  
WHYTE, Kieran

**Counsel**

PREISS, Mark

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6. The notice of motion to the urgent application indicates the date for hearing of the application as 17 November 2015. The papers in the urgent application exceed 500 pages and in any event it may be that argument takes more than three hours, and so in terms of the Practice Manual is incapable of enrolment on the urgent roll for next week. Accordingly an approach needs to be made to the Deputy Judge President.
7. The matter is of significant public importance, especially to the eMalahleni community, relating to the continued implementation of and challenge to a business rescue plan in relation to Highveld Steel and its affected parties, which include over R1,1 billion creditors and 2, 2233 employees.
8. It would be prudent that the main application be heard as soon as possible so as to obtain judicial clarity on the matter and also mitigate prejudice to the local community by only having the application heard in potentially six to seven months time.
9. Should it be possible to have a hearing in the main application sufficiently soon, it may obviate the need for a separate hearing of the urgent application, otherwise an urgent hearing of the urgent application is required.
10. It is our respectful view that the litigants should, under the guidance of the Deputy Judge President, be able to responsibly agree on the further expeditious conduct of the matter, failing which the Deputy Judge President is requested to furnish the appropriate directions.
11. The opposing respondents have adopted the view that an approach to the Deputy Judge President is premature at this point because various issues relating to service of the main and urgent application on affected parties first needs to be determined and which is the subject matter of a separate interlocutory urgent application for substituted service that is enrolled for hearing the urgent court next week.
12. It is our respectful submission that this is simply another issue in respect of which due allowance can be made in any directions that may be issued by the Deputy Judge President. Indeed, depending on what directions may be made by the Deputy Judge President, it may have an effect on the appropriate order to be made in relation to substituted service.
13. In the circumstances we respectfully seek an audience with the Deputy Judge President for the issue of directives:
  - (a) in relation to the possible truncation of periods for purposes of hearing of the main application and an expedited hearing thereof;
  - (b) failing (a), the allocation of a date for hearing of the urgent application;due regard being had to the application for substituted service enrolled for next week.
14. We will, together with our counsel make ourselves available for such a meeting during the course of this week and look forward to your confirmation of a suitable date and time. To this end, our counsel is available on Friday morning, should this be convenient.



BAKER & MCKENZIE

15. Please note that we have copied the first to third respondents' attorneys on this correspondence in order for them to be afforded an opportunity to address you separately should they so wish.

Yours faithfully



John Bell

011 911 4366  
John.Bell@bakermckenzie.com





**Bell, John**

**From:** Gary Oertel <goertel@ensafrica.com>  
**Sent:** 10 November 2015 03:20 PM  
**To:** Bell, John; MTroskie@justice.gov.za  
**Cc:** O'Connor, Callum; Malan, Berna; Letitia Field  
**Subject:** RE: Mastercroft SARL & East Metals v Highveld Steel and Vanadium Limited (in business rescue) & Others: Case Number: 85549/15

Dear John

We refer to your letter addressed to the Deputy Judge President ("DJP") and we confirm that we want to attend the proposed meeting with the DJP and we are available to attend such a meeting on Friday morning. Please keep us advised in this regard.

Regards

Gary

---

**From:** Bell, John [mailto:John.Bell@bakermckenzie.com]  
**Sent:** 10 November 2015 01:11 PM  
**To:** MTroskie@justice.gov.za  
**Cc:** O'Connor, Callum <Callum.OConnor@bakermckenzie.com>; Malan, Berna <Berna.Malan@bakermckenzie.com>; Gary Oertel <goertel@ensafrica.com>; Letitia Field <lfield@ensafrica.com>  
**Subject:** Mastercroft SARL & East Metals v Highveld Steel and Vanadium Limited (in business rescue) & Others: Case Number: 85549/15

Dear Judge

Please find attached correspondence for your kind attention.

Yours faithfully

John Bell  
 Baker & McKenzie  
 1 Commerce Square, 39 Rivonia Road, Sandhurst  
 Johannesburg, 2196, ZA  
 Tel: +27 (0) 11 911 4366  
 Switchboard: +27 (0) 11 911 4300  
 Fax: +27 (0) 11 783 4177  
[John.Bell@bakermckenzie.com](mailto:John.Bell@bakermckenzie.com)

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**Gary Oertel**  
 director  
 insolvency, business rescue and debt recovery  
 tel: +27 11 269 7600  
 cell: +27 82 772 3548  
 email: [goertel@ENSAfrica.com](mailto:goertel@ENSAfrica.com)

offices: ENSAfrica locations

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info@ENSAfrica.com  
ENSAfrica.com



level 2 BBBEE rating

Edward Nathan Sonnenbergs Incorporated (registration number 2006/018200/21)

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A handwritten signature in blue ink, consisting of a stylized 'S' followed by a flourish.

**ENSafrica**

150 West Street  
 Sandown Sandton Johannesburg 2196  
 P O Box 783347 Sandton South Africa 2146  
 docex 152 Randburg  
 tel +2711 269 7600 fax +2710 596 6176  
 info@ENSafrica.com ENSafrica.com

The Honourable Mr Justice Prinsloo

By email: [mlombard@judiciary.org.za](mailto:mlombard@judiciary.org.za)

G Oertel/L Field/ our ref  
 0393308

your  
 ref  
 date  
 10 November 2015

Dear Judge

**RE: EAST METALS AG & ANOTHER // EVRAZ HIGHVELD STEEL AND VANADIUM LIMITED  
 (IN BUSINESS RESCUE) & TWELVE OTHERS (CASE NO. 85549/15)**

1. We act for the first to third respondents in the above application, which was issued out of the Gauteng Division, Pretoria on 21 October 2015 ("the main application").
2. On 2 November 2015, the applicants issued an urgent application seeking *inter alia* leave to effect substituted service of the main application on certain of the respondents ("the substituted service application"). The substituted service application has been enrolled for hearing on 17 November 2015.
3. The first to third respondents have opposed the main application and substituted service application.
4. The parties are represented as follows:
  - 4.1. Applicants:
    - 4.1.1. Counsel:
      - 4.1.1.1. Advocate Schalk Burger SC;
      - 4.1.1.2. Advocate Barry Gilbert.
    - 4.1.2. Instructing attorneys:
      - 4.1.2.1. Baker & McKenzie.

4.2. First to third respondents:

4.2.1. Counsel:

4.2.1.1. Advocate John Suttner SC and;

4.2.1.2. Advocate Johan Smit.

4.2.2. Instructing attorneys:

4.2.2.1. Edward Nathan Sonnenbergs Inc.

5. The senior counsel representing the first to third respondents is unavailable on 17 November 2015 due to him being involved in an appeal before the Supreme Court of Appeal on 18 November 2015.
6. We approached the applicants' attorneys to discuss the aforesaid request and the applicants' attorneys and their senior counsel have agreed to the application for substituted service being heard on Thursday, 19 November 2015, provided the hearing does not last longer than a day and the senior duty judge agrees thereto.
7. We accordingly request that the application for substituted service enrolled for 17 November 2015 be allocated for hearing on 19 November 2015.
8. The parties are available to approach you in chambers should same be necessary.

Yours faithfully

**EDWARD NATHAN SONNENBERGS**

Per:

**GARY OERTEL**

**CC:**

**BAKER & MCKENZIE**  
By email



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

CASE NO: 85549/2015

In the application between:

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

*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

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**NOTICE OF SET DOWN: APPLICATION FOR SUBSTITUTED SERVICE**

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**KINDLY TAKE NOTICE** that applicants hereby set their application for substituted service in the above matter down for hearing on the Urgent Court Roll for **17 NOVEMBER 2015** at 10h00 or as soon thereafter as counsel for the Applicant may be heard.

DATED AT SANDTON ON THIS 12th DAY OF NOVEMBER 2015



BAKER & MCKENZIE ATTORNEYS

Applicants' Attorneys

1 Commerce Square

39 Rivonia Road

Sandhurst, Johannesburg

(011) 911-4300

Ref: G Rudolph/J Bell

c/o **Adams & Adams**

Lynwood Bridge

4 Daventry Street

Lynwood Manor

Pretoria

Tel: 012 432 6000

Fax: 012 432 6599

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

**SERVICE IN TERMS OF RULE 4A(1)(c)  
BY EMAIL**