

HIGHVELD SYNDICATION NO 15 LIMITED: REGISTRATION NUMBER (2003/031064/06)

HIGHVELD SYNDICATION NO. 16 LIMITED REGISTRATION NUMBER: (2003/031129/06)

HIGHVELD SYNDICATION NO. 17 LIMITED, REGISTRATION NUMBER: (2003/025913/06)

HIGHVELD SYNDICATION NO. 18 LIMITED, REGISTRATION NUMBER: (2003/030778/06)

HIGHVELD SYNDICATION NO. 19 LIMITED, REGISTRATION NUMBER: (2003/030144/06)

HIGHVELD SYNDICATION NO. 20 LIMITED, REGISTRATION NUMBER: (2005/029425/06)

HIGHVELD SYNDICATION NO. 21 LIMITED, REGISTRATION NUMBER: (2005/027601/06)

HIGHVELD SYNDICATION NO. 22 LIMITED, REGISTRATION NUMBER: (2005/027390/06)

(“the companies”)

BUSINESS RESCUE STATUS REPORT IN TERMS OF SECTIONS 132 OF THE COMPANIES ACT, 71 OF 2008 (“THE ACT”) READ WITH REGULATION 125 OF THE ACT FILED BY THE BUSINESS RESCUE PRACTITIONER JF KLOPPER AND A NOTICE IN TERMS OF SECTIONS 145 AND 146 OF THE ACT.

1. Previous status reports contain details of the business rescue proceedings of the companies that began in September 2011 and the appointment of Johannes Frederick (Hans) Klopper as Business Rescue Practitioner (“BRP” or “we”, “our” or “the author”) of the companies at that time. These reports can be found on the following link:

<https://restructuring.bdo.co.za/index.php/rescue/1440>

2. This status report is addressed to former affected persons (“HS Investors” or “you”) who invested in the companies prior to 2011.

3. During November 2023 Johan Stander, a spokesperson for the Highveld Syndication Action Group (HSAG) made reference to two cases which were due to be heard in the first few months of 2024. The HSAG also made reference thereto on their social media platform, Facebook. These case are:

3.1. First. The Smith Application (the so called “DECA case”) which was due to be heard from 13 to 17 May 2024 in the Pretoria High Court before Honourable Madam Justice Janse Van Nieuwenhuizen. The case was postponed to 14 March 2025 for the hearing in relation to all the respondents, except the 14th respondent, Mr Derek P Cohen, who launched an application in 2022 for the separation of the matter insofar as it

related to him on the basis that the case against him ought to be dismissed (“the separation application”).

- 3.2. Second. The application launched by the applicants for an order by the Johannesburg High Court directing that the setting aside of the Orthotouch Scheme of arrangement be transferred from the Johannesburg High Court to the Pretoria High Court (“the transfer application”) and which matter was heard in January 2024 in the Johannesburg before Judge A. Crutchfield
4. In respect of the separation application launched by the 14th respondent, Derek Cohen:
 - 4.1. it transpired on 14 May, when the matter came before Judge Janse van Niewenhuizen, that the applicants in the Smith application had failed for almost two years to file their replying affidavit;
 - 4.2. the Judge held that the matter was to be argued on Friday 17 May and on Thursday 16 May, as late as at 16h20, the applicants filed their replying affidavit;
 - 4.3. upon having heard argument by both sides in relation to an application by the applicants’ for the condonation of the late filing of their replying affidavit (“the condonation application”), Judge Janse van Niewenhuizen dismissed the condonation application and granted an adverse cost order against Henry Arden Smith and his co-applicants, all purported members of HSAG;
 - 4.4. after having awarded the aforesaid cost order against Smith and his co-applicants the separation application was argued and judgment was reserved by Judge van Niewenhuizen.
5. In respect of the transfer application judgment was handed down on 6 May 2024 by Judge Crutchfield and the applicants in that application lost the application with an attorney and client cost order being awarded against them. A copy of the judgment is attached marked “A”.
6. It is of consequence that nothing about these adverse cost orders has to date been mentioned on the HSAG’s social media platforms or in any communication to the HSAG members nor has this been reported by any of the media outlets who have historically supported the HSAG agenda. One would have expected transparency relative to the fact that two matters have been decided against the HSAG and that the significant cost orders were awarded against Smith and the various other applicants in the abovementioned cases.

JF KLOPPER

BUSINESS RESCUE PRACTITIONER

DATE: 31 MAY 2024