

\*ENGLISH TEXT BELOW\*



## MAANDELIKSE NUUSBRIEF: JULIE 2018

Geagte HSAG-belegger / Mnr. / Mev. / Mej. [Customer Name]

Hierdie nuusbrieff word aan u gerig as lid van die Hoëveld Sindikasie Aksiegroep (“HSAG”) op grond van u belegging in die Highveld Sindikasiemaatskappye 15-22 en/of u ondersteuning van die HSAG.

Alhoewel e-posse, HSAG Nuusflitse en HSAG Inligtingsbrokkies van tyd tot tyd uitgestuur word, is die [www.hsaction.co.za](http://www.hsaction.co.za) webtuiste die primêre plek waar u HSAG inligting kan bekom.

Die verpligting rus op u as belegger om ons op hoogte van enige veranderinge van u persoonlike en/of kontakbesonderhede.

### 1. NIE-BETALING VAN RENTE

Die meerderheid HSAG-lede het volgens die HSAG se kennis hul rente vanaf Orthotouch ontvang.

Mnr Cohen weerspreek homself in sy skrywes deur eers te sê dat die rente in ‘n “onafhanklike prokureur” se Trustrekening betaal word, want in ‘n opvolgskrywe het hy vermeld dat die rente by een van die “Groot 4” banke belê word. Namens wie belê hy die geld en vir wie kom die rentes toe?

**Beleggers word dus versoek om ‘n e-pos aan mnr Cohen of sy prokureurs te rig, met ‘n afskrif aan die HSAG, waarin u aandrang op ‘n skriftelike bewys dat u rente in ‘n ander prokureur se Trustrekening betaal is. Die e-pos kan gestuur word na [leonard.att@gmail.com](mailto:leonard.att@gmail.com) met ‘n afskrif aan [hsagwhistle@gmail.com](mailto:hsagwhistle@gmail.com).**

**Beleggers kan ook direk vir Orthotouch kontak ten einde u rentebetaling op te volg. ‘n E-pos kan gestuur word na [admin@orthotouch.co.za](mailto:admin@orthotouch.co.za) of u kan hul**

**telefonies kontak op die volgende nommer: 087 997 0545. Stuur alle terugvoer aan [hsagwhistle@gmail.com](mailto:hsagwhistle@gmail.com).**

Dit is belangrik dat elke geaffekteerde HSAG-lid ons in kennis moet stel met hul volle besonderhede indien hy / sy nie hul maandelikse rente ontvang het nie. Laat-betalings word gemaak, dus moet u asseblief tot aan die einde van Julie 2018 wag om seker te maak dat u rente nie weer laat betaal word nie.

Indien u egter nog nie u maandelikse rente ontvang het nie, moet u die fluitjie op mnr DP Cohen en andere blaas en 'n e-pos stuur na [hsagwhistle@gmail.com](mailto:hsagwhistle@gmail.com).

Die HSAG se advokatuur het instruksies ontvang vir die opstel van stukke ten einde Orthotouch en ander te verplig om rente te betaal.

**Let wel:**

- i. HSAG-lede moet die HSAG prokureurs voorsien van hul besonderhede indien hulle nie rente ontvang nie;**
- ii. HSAG-lede moet seker maak hul uitstaande HSAG-kostes op datum gebring word;**
- iii. Die HSAG regsplan kan slegs beleggers help indien die beleggers se besonderhede aan die HSAG bekend is en ons hulle ondersteuning ontvang.**

## **2. COHEN, ORTHOTOUCH EN KLOPPER PRAAT VERBY MEKAAR**

Die afgelope paar weke is beleggers oorval met onregmatige versoeke vanaf Cohen, Orthotouch en Helgard Hancke dat die Hoëveld Sindikasies (“HS”) beleggers 'n vorm moet invul waarin hulle verklaar of hulle enige litigasie teen mnr. Nic Georgiou of sy Orthotouch ondersteun, insluitend die klas-aksie. Orthotouch is 'n nominale respondent in die klas-aksie en is dit vreemd hoekom dit so erg wal gooi!

Die invul, of liever die versuim om die vorm in te vul, sou dan kwansuis bepaal wie van die HS-beleggers hul maandelikse rente ontvang of nie. In ons vorige Nuusbrief het ons die nie-betaling van HS-beleggers se rente deeglik bespreek.

Dit het egter na 'n onlangse radio-onderhoud op RSG duidelik geword dat Cohen, Orthotouch en Klopper verby mekaar praat. Nie net skeep Cohen en Klopper (wat na bewering onafhanklik en in die beste belang van die HS-beleggers moet optree) verdere verwarring nie, maar skyn dit dat nie een van die partye werklik weet waarmee Orthotouch besig is nie.

Dit het ook aan die lig gekom dat “iemand” Orthotouch se briefhoof (sonder dat Orthotouch “bewus” was) gebruik het om valse skrywes aan HS-beleggers uit te stuur – wat opsigself baie kommerwekkend is.

HSAG-beleggers moet uiters versigtig wees om enige korrespondensie vanaf Orthotouch te vertrou aangesien dit duidelik is dat daar 'n "onbekende" persoon is wat Orthotouch se briefhoof sonder toestemming gebruik om onwaarhede te versprei.

Die tydlyn van die onlangse gebeure is eintlik baie eenvoudig, as daar 'n tree terug getree word, word die prent baie duidelik:

**15 MEI 2018** – Cohen stuur 'n omsendskrywe aan HS-beleggers waarin onder andere bevestig word dat die laat-betalings van rente "onaanvaarbaar" is en dat 'n "formele aanmaningskrywe" aan Orthotouch en Zephan gerig is wat aandrang op gereelde betalings voor of op die 7de van elke maand. Daar was ook aangedui dat daar tydens 'n direksievergadering op 14 Februarie 2018 (en verskeie vergaderings daarna) bevestig was dat "die uitstaande kapitaal balans van Opsie 2 beleggers nie later as 30 Junie 2019 betaal sal word nie". Orthotouch het ook aan Cohen bevestig dat "die terme en voorwaardes van die skema wat betrekking het op die Opsie 3 beleggers vervul sal word teen 30 Junie 2018". Cohen het spesifieke melding gemaak dat hy regsaksie sou neem indien bogenoemde ondernemings nie nagekom word nie. Tot dusver het Cohen nog geen van die beweerde dokumente beskikbaar gestel nie en word sy bona fides steeds bevraagteken.

**29 MEI 2018** – Cohen stuur 'n opvolgskrywe aan beleggers waarin hy 'n opsomming gee van die hangende litigasie wat teen Orthotouch en Zephan geloods is deur verskeie beleggers/groepe. Hy noem dat Orthotouch/Zephan aangedui het dat die maatskappye gelikwideer kan word en dat rentebetalings wat aan HS-beleggers gemaak was teruggeëis sal word. Zephan in hul hoedanigheid as die Art 155 Reëling se sogenaamde "onderskrywer" het Cohen blykbaar ook laat weet het dat hulle "nie hierdie HS-beleggers kan toelaat om, onder meer, elke maand direkte volgehoue betalings ingevolge die reëling te ontvang terwyl hulle strydig optree met hul regte ingevolge die reëling se uitdruklike bepalings, nie".

Volgens Cohen is dit "uiters onregverdig" dat HS-beleggers, wat hul regte deur middel van litigasie afdwing, maandeliks rente ontvang. Zephan oorweeg ook om geen rentebetalings aan HS-beleggers te maak wat litigasie steun nie, en sê dat diegene (wat deel vorm van 'n litigasie groep) se rente na bewering in 'n onafhanklike trustrekening van 'n "onafhanklike prokureursfirma" onder Cohen se beheer, inbetaal sal word. Beleggers word dan versoek om voor 26 Junie 2018 'n vorm in te vul ten einde aan te dui of hul die reëling ondersteun, of nie, en of die belegger 'n lid id van die HSAG of enige ander gedingvoering. Indien Cohen onafhanklik is, hoekom steun hy openlik vir Zephan?

**30 MEI 2018** - Die HSBF (onder leiding van Helgard Hancke) stuur 'n Nuusflits uit aan HS-beleggers waarin gesê word dat Cohen 'n skrywe uitstuur/uitgestuur het waarin die nie-betaling uiteengesit word. HS-lede word versoek om vorms in te vul ten einde aan te dui of hul die reëling ondersteun, of nie.

**8 JUNIE 2018** – Cohen bevestig in hierdie skrywe dat rentebetalings tydig betaal was op 7 Junie 2018, maar dat diegene wat betrokke is by Hofsake en wat deel vorm van

die HSAG nie rente ontvang het nie. Die fondse is na bewering in 'n prokureursfirma se Trustrekening inbetaal en dat "die rente daarop mee gehandel word teen afhandeling van die sake". Cohen bevestig ook dat die balanse verskuldig aan die Opsie 2 beleggers betaal sal word en dat die Opsie 3 teen 30 Junie 2018 gefinaliseer sal word. Cohen beweer hy tree onafhanklik op, maar in die laaste paragraaf versoek hy dat "alle navrae aangaande die skema aan [admin@orthotouch.co.za](mailto:admin@orthotouch.co.za)" gerig moet word en dat dit baie beter is om direk kontak met "ons te maak deur voormelde epos adres".

**15 JUNIE 2018** - Die HSBF (onder leiding van Helgard Hancke) stuur 'n Nuusflits uit aan HS-beleggers waarin Cohen se optrede regverdig word. HS-lede word weer versoek om die vorms in te vul ten einde aan te dui of hul die reëling ondersteun, of nie.

**22 JUNIE 2018** – Cohen berig oor die Likwidasië-aansoek en dat hy en 'n ander belegger tussenbeide gaan/wil tree in die bovermelde aansoek. In hierdie skrywe bevestig Cohen skielik dat die geld wat in 'n trustrekening onder sy beheer inbetaal is, by een van die "Groot 4"-banke belê is, en dat betalings daaruit slegs aan beleggers of aan Zephan gedoen kan word. Hy het "geen aanspraak" op die geld nie. Cohen deel ook beleggers mee dat Orthotouch nie sy ooreenkoms ten opsigte van Opsie 2 en 3, wat hulle onderneem het om teen 30 Junie 2018 te doen, nagekom kan word nie weens "burokratiese rompslomp" en dat die transaksies op en teen die laaste teen einde Oktober gefinaliseer sal word! Weereens speel Cohen in die hand van Georgiou.

**4 JULIE 2018** – Leonard Prokureurs, wat as prokureurs van rekord namens Cohen optree, rig 'n skrywe aan Theron & Vennote ten opsigte van die nie-betaling van HSAG-lede se rentebetalinge. Daar word weereens bevestig dat Zephan nie die HSAG-lede se rente aan hulle gaan betaal nie weens die feit dat hulle regsaksies teen Orthotouch en andere voer. Daar word weer melding gemaak dat die HSAG-lede se rente in 'n aparte Trustrekening van 'n prokureur betaal is. Geen inligting van die sogenaamde prokureurs word verskaf nie.

**10 JULIE 2018** – Orthotouch stuur 'n omsendskrywe aan beleggers waarin bevestig word dat weens die voortgesette regsaksies van die HSAG en Adv. Bolt asook die Likwidasië-aansoeke, dat daar 'n "besluit" geneem was dat diegene wat die regsaksies ondersteun se rentebetalinge in 'n onafhanklike prokureur se Trustrekening betaal sal word. HS-beleggers word versoek om 'n vorm in te vul ten einde te bevestig of die Reëlinskema ondersteun word. Daar word melding gemaak dat Orthotouch bewus is van die HSBF, wat na bewering onafhanklik is, se veldtog om ook beleggers te versoek om soortgelyke vorms in te vul, en dat die HSBF daardie belegger se inligting met Orthotouch sal deel.

**10 JULIE 2018** – Die HSBF (onder leiding van Helgard Hancke) stuur weer 'n Nuusflits uit waarin bevestig word dat dit onder hul aandag gekom het dat rentebetalinge teruggehou word weens die HSAG en Adv Bolt se regsaksies. HS-lede word weereens versoek om vorm in te vul en die HSBF onderneem om die "steun" aan Orthotouch deur te gee. (Hancke het 18 maande gelede al aan beleggers voorgehou dat, as hulle

met Orthotouch / Georgiou sou skik sou hulle 50% van hulle kapitaal oor 'n tyd sou ontvang. Niks het daarvan gekom nie.)

**10 JULIE 2018** – Theron en Vennote bevestig in 'n skrywe aan Cohen se prokureurs dat Cohen en Orthotouch gebonde is aan die Art 155-Reëlinskema in terme van die Reëlinskema en 'n Hofbevel en dat dit nie eensydig gewysig kan word nie. Indien HSAG-beleggers se rentebetalinge nie betaal word nie, is hulle in minagting van 'n Hofbevel. Theron & Vennote versoek dat Cohen voor of op 11 Julie 2018 moet bevestig dat hy sal voortgaan om toe te sien dat HSAG-beleggers hul rentebetalinge sal ontvang.

**11 JULIE 2018** – Theron & Vennote rig 'n skrywe aan Orthotouch en Hans Klopper se prokureurs waarin bevestig word dat daar 'n skrywe aan Cohen se prokureurs gestuur is waarin versoek word dat rentebetalinge aan HSAG-lede gemaak moet word. Daar word ook bevestig dat Orthotouch gebonde is aan die Art 155-Reëlinskema en derhalwe geen keuse het as om rentebetalinge aan HS-beleggers te maak nie. Indien die HSAG moet verneem dat Orthotouch betrokke is by die weerhouding van rentebetalinge sal ons die Hof nader ten einde die HSAG se posisie te bevestig en dat ons ook vir gepaste Kostebevele sal vra.

**11 JULIE 2018** – Cohen se prokureur antwoord op Theron & Vennote se skrywe waarin Cohen by sy besluit (om rentebetalinge van HSAG-lede te weerhou) volstaan. Cohen het sy prokureurs instruksie gegee om die Hof te nader vir leiding met betrekking tot die weerhouding van rentes en versoek dat die HSAG die beleggers wat geraak word se besonderhede aan hulle moet verskaf ten einde die nodige Hofstukke op te stel. Tot dusver het niks daarvan gekom nie.

**11 JULIE 2018** – Cohen se prokureurs stuur enkele ure daarna 'n verdere skrywe om te sê dat dit nie meer vir die HSAG nodig is om die beleggers se inligting bekend te maak nie aangesien hulle dit “reggekry” het om die HSAG-beleggers te identifiseer. Weer eens word geen inligting verkry nie.

**12 JULIE 2018** – In antwoord op Theron & Vennote se skrywe aan NLA Legal Ing. (voorheen Natalie Lubbe & Genote) wat as prokureurs van rekord namens Orthotouch en Hans Klopper optree, rig hulle 'n skrywe waarin bevestig word dat Cohen, as die Ontvanger van die Art 155-Reëlinskema, uit eie beweging die skrywe van 4 Julie 2018 aan Theron & Vennote gestuur het en dat hy of sy prokureurs (Leonard Prokureurs) nie namens die direksie van Orthotouch of Hans Klopper antwoord nie. Orthotouch en Klopper se prokureurs bevestig dat nie Orthotouch, Orthotouch se direkteur of Hans Klopper deel is van 'n ooreenkoms ingevolge waarvan rentebetalinge aan HS-beleggers teruggehou moet word nie. Orthotouch se vermoë om te presteer, hang af van die feit of Zephan sy verpligtinge teenoor Orthotouch nakom, of nie. Daar word gedreig deur te sê dat as Zephan gelikwedeer word, Orthotouch nie sy verpligtinge sal kan nakom nie. Zephan se diskresie verskyn nêrens in Art 155 Skema nie.

**12 JULIE 2018** – Orthotouch stuur 'n skrywe uit aan beleggers waarin bevestig word dat die omsendskrywe van 10 Julie 2018 “verkeerdelik op ‘n Orthotouch-briefhoof uitgestuur” is en dat die omsendskrywe geïgnoreer moet word insoverre dit die indruk skep dat die inhoud daarvan Orthotouch se posisie verteenwoordig.

Die korrespondensie vanaf Cohen, Orthotouch en die HSBF is deurtrek met teenstrydighede! Dit is ook duidelik dat die HSBF die HS-beleggers se inligting aan sekere partye gegee het ten einde te voorkom dat rentebetalinge geskied.

Van Cohen se aanmanings aan Orthotouch en Zephan (waarin hulle aangemaan word om onder andere op gereelde betalings te maak en by die versuim die Hof te nader) het daar niks van gekom nie, intendeel, Cohen skaar hom nou by Orthotouch en Zephan se belange. Daar bestaan geen twyfel dat Georgiou, Orthotouch, Cohen en Hancke almal kop in een mus is nie en is al die korrespondensie wat uitgaan presies dieselfde.

Ons versoek alle HSAG-lede om asseblief, met inagnome van die bogenoemde, saam te staan en te veg vir wat u toekom.

### **3. DIE HOËVELD SINDIKASIE AKSIEGROEP (“HSAG”)**

Die Hoëveld Sindikasie Aksiegroep (HSAG) is ongeveer 4 jaar gelede op die been gebring nadat die HSAG se prokureurs, Theron & Vennote, die taak aanvaar het om duisende ontevrede HS-beleggers in die Highveld Sindikasie 15 – 22 Maatskappye te help om toe te sien dat reg en geregtigheid geskied met betrekking tot hul mislukte beleggings in die HS maatskappye.

Die totale omvang en waarde van die eisbedrae betrokke beloop 18 300 beleggers wat ongeveer R4.6 miljard belê het.

Soos in vorige nuusbriewe vermeld, is die hoofdoelstellings van die HSAG om namens sy nagenoeg 7 000 HS-lede die Hooggeregshof van Suid-Afrika te nader vir eerstens die sertifisering van 'n klas-aksie / aparte klas-aksies vir HS 15 - 22, en tweedens vir die tersydestelling van 'n Reëlinskema kragtens Art 155 van die Maatskappye Wet, onder andere ingevolge waarvan mnr Nic Georgiou, sy seuns en hul entiteite en ander Respondente algeheel kwytskeld en gevrywaar word van persoonlike aanspreeklikheid vir die skades en verliese deur die HS beleggers gely.

Die hofprosesse word ingestel ten einde alle skades en verliese te verhaal vanaf mnr Nic Georgiou, sy seuns en hul entiteite en ander Respondente wat beleggers in die mislukte Highveld Sindikasie Maatskappye 15 – 22 gely het.

Die HSAG dien as spreekbuis vir elke individuele HSAG-belegger en is dit die HSAG Bestuur en die HSAG se prokureurs, Theron & Vennote, se strewe om so goed moontlik na sy lede se belange om te sien en om u regte te beskerm. Daarom is dit van uiterse belang dat die HSAG-lede ook die regspan ondersteun.

In reaksie op die HSAG en sy suksesse in die howe, het Mnr. Helgard Hancke ('n voormalige en afvallige HSAG-bestuurslid), in opdrag van mnr Nic Georgiou, die HSAG gevorm en nageboots deur die sogenaamde Hoëveld Sindikalie Beleggers Forum (HSBF) te skep. Soos hierbo gemeld is die HSBF maar weer een van Georgiou se pionne.

**HSAG-beleggers moet asseblief daarop let dat die Hoëveld Sindikalie Aksiegroep (HSAG) geensins betrokke is of deel is van die Hoëveld Sindikalie Beleggers Forum (HSBF) nie.**

Die enigste doel van die forum is om verwarring onder HS-beleggers te saai ten einde goedgeelowige HSAG-lede te ontmoedig om voort te gaan met regsaksie teen mnr Nic Georgiou, sy seuns en hul entiteite en ander Respondente.

**HSAG- lede word versoek om alle korrespondensie en omsendskrywes vanaf die Hoëveld Sindikalie Beleggers Forum (HSBF) te ignoreer aangesien dit bloot 'n smeerveltog teen die HSAG, sy bestuur en die HSAG se prokureurs is.**

#### **4. LIKWIDASIE VAN ORTHOTOUCH / ZEPHAN**

Die HSAG het verskeie e-posse en telefoonoproepe ontvang met betrekking tot die likwidasië van Orthotouch en Zephan asook die dreigement dat likwidateurs moontlik die maandelikse paaieimente, soos aan beleggers betaal, mag terugeis.

Die HSAG bevestig weereens dat 'n skriftelike opinie ten opsigte van die regspraak ten aansien van die terugeis van rente vanaf 'n Advokaat versoek was.

Die opinie stel dit baie duidelik dat die likwidateurs nie in staat sal wees om die maandelikse rentebetelings/inkomste soos aan HSAG-beleggers betaal terug te eis nie.

Alle opbetaalde HSAG-lede sal verder, soos moontlik, die nodige regshulp ontvang ingeval hul soortgelyke dreigemente ontvang. Ongelukkig sal persone buite die HSAG nie dieselfde ondersteuning kon kry nie en sal hulle al hul geld wat hul ontvang het aan die likwidateurs moet terugbetaal, sou die likwidateurs suksesvol teen hulle sou wees.

Hier volg 'n opsomming van die Advokaat se redes:

- i. Die maandelikse betalings word gemaak ingevolge 'n verpligting wat Orthotouch opgedoen het kragtens die Reëlinskema, welke verpligting opgedoen is in ruil vir die verkryging van verskeie vaste eiendomme van die Hoëveld-maatskappye. Betalings deur Orthotouch is derhalwe nie "sonder teenwaarde" nie, soos bedoel in artikel 26 van die Insolvensiewet van 1936 ("die Wet"), en gelde kan gevolglik nie teruggeëis word ingevolge hierdie artikel nie.
- ii. Wat betref artikels 29 en 30 van die Wet, sal een krediteur (soos 'n belegger) nooit bo 'n ander bevoordeel kan word solank as wat betalings deur Orthotouch

- gemaak word in ooreenstemming met die formule soos vervat in die reëlinskema dokument nie.
- iii. Betalings wat deur Orthotouch maak word is maak in die “gewone loop van besigheid”. Dit is ’n verdere rede waarom die Likwidaaturs nie die gelde kan terugeis nie.
  - iv. Orthotouch se krediteure is Hoëveld-maatskappye. Dit is die Hoëveldmaatskappye wie, by ontvangs van die maandelikse betalings van Orthotouch, op hulle beurt die beleggers betaal. Dit beteken dat die Likwidaaturs van Orthotouch slegs ’n potensiele eis teen die Hoëveld maatskappye het – en nie teen die beleggers nie.
  - v. Sou die Hoëveld maatskappye ooit gelikwedeer word, sal die likwidaaturs nie betalings kan terugeis vir soortgelyke redes as wat hierbo uiteengesit word nie.

Die HSAG was tot dusver nie ten gunste van likwidaturs nie en het die HSAG ook nooit gedreig of gepoog om Orthotouch/Zephan of selfs die HS-maatskappye te likwedeer nie.

Indien een van die maatskappye wel gelikwedeer word, sal die HSAG sy posisie heroorweeg.

Beleggers moet onthou dat die HSAG klas-aksie nie primêr teen Orthotouch en noodwendig Zephan gerig is nie. Die HSAG klas-aksie is gerig teen mnr Nic Georgiou, sy familie en entiteite wie miljarde rande ontvang het vir eiendomme wat deur die HS maatskappye verkoop en betaal was, maar welke eiendomme ten waarde van R3,2 miljard nie deur Georgiou se entiteit oorgedra was nie.

In ons vorige Nuusbriëf het ons bevestig dat Likwidaturs deur die Insolvensiewette van die land gereguleer word. Indien ’n maatskappye onder insolvente omstandighede bedryf word, is likwidaturs die enigste uitweg en het die HSAG geen beheer daaroor nie.

Wat egter skokkend is, is dat Klopper duidelik in 2014 reeds besef het dat die HS-maatskappye gelikwedeer moes word, maar wilens en wetens voortgegaan het om eiendomme van Orthotouch oor te dra; toe te sien dat huurgeld deur Zephan gevorder word; Georgiou en sy familie kwytgestel word; sekuriteite (soos borgskappe) van die tafel af gevee word. Klopper sal moet verduidelik, anders kan hy ernstige eise en in die gesig staar.

Indien Orthotouch/Zephan gelikwedeer word, sal die direkteure van beide maatskappye (wat Georgiou, Klopper en Myburgh insluit) tydens insolvensie-onderwragings moet kom verduidelik waar die miljarde rande is.

## **5. LAAT- AANSOEKE VIR REGISTRASIE BY DIE HSAG**

**Laat-aansoeke sal op ’n streng ad hoc basis oorweeg word. Die registrasievorms is op die webtuiste by [www.hsaction.co.za](http://www.hsaction.co.za), beskikbaar of in die alternatief kan u ’n e-pos na [hsagregister@gmail.com](mailto:hsagregister@gmail.com) stuur om ’n registrasievorm te versoek. Alle versoeke en voltooidde registrasievorms moet aan [hsagregister@gmail.com](mailto:hsagregister@gmail.com) gestuur word.**



## **6. GEBRUIK VAN KORREKTE E-POS ADRESSE EN VERWYSINGS**

Die korrekte gebruik van e-pos adresse (soos vervat op ons webtuiste en e-posse) asook HSAG lede se voorletters en van, sindikasiennommers en verwysingsnommers (bv. identiteitsnommer ens.) vir alle kommunikasie, is uiters noodsaaklik.

Die amptelike en bestaande e-pos adresse vir die HSAG, is as volg:

- [hsactiongroup@gmail.com](mailto:hsactiongroup@gmail.com) vir alle Algemene Navrae (Byvoorbeeld – selfoon of adres veranderinge, betalingsbewyse, kennis van lede wie gesterf het, ensovoorts);
- [hsagenquiries@gmail.com](mailto:hsagenquiries@gmail.com) vir Spesifieke Navrae (Byvoorbeeld – navrae rakende besonderhede van 'n spesifieke belegger, navrae rakende kwytstelling van 'n spesifieke belegger, ensovoorts);
- [hsagregister@gmail.com](mailto:hsagregister@gmail.com) vir die Registrasie en Deregistrasie van HSAG- lede;
- [hsagwhistle@gmail.com](mailto:hsagwhistle@gmail.com) vir alle Vertroulike Inligting wat anoniem aan ons gestuur moet word;
- [hsagdebitorder@gmail.com](mailto:hsagdebitorder@gmail.com) vir beleggers wat hul bydraes by wyse van debietorder wil betaal.

**Indien 'n belegger of enige persoon 'n epos na die verkeerde adres sou stuur sal dit daartoe lei dat daardie e-pos nie spoedig of enigsins die nodige aandag geniet nie.**

## **7. HSAG SE AMPTELIKE WHATSAPP-GROEPE**

Dit is 'n groot uitdaging om spoedige kennisgewings, nuusbrokkies of belangrike boodskappe aan bykans 7 000 individue oor te dra.

Ons versoek dus HSAG-lede om aan te sluit by die HSAG se amptelike WhatsApp-groepe om kennisgewings, nuusbrokkies of nuusflitse per WhatsApp te kan ontvang.

Deur by een van die HSAG se amptelike Whatsapp-groepe aan te sluit sal u gereeld op hoogte gehou word van die nuutste verwickelinge met betrekking tot u saak.

Stuur bloot u Selfoonnommer; Identiteitsnommer; Volle Naam en Van, na [hsactiongroup@gmail.com](mailto:hsactiongroup@gmail.com) waarna u op die groepe gelaai sal word.

Direkte kontak kan ook gemaak word met die Administrateurs van die onderskeie WhatsApp-groepe by 079 635 4165 (Afrikaans) en 082 450 8854 (Engels).

Die HSAG het ook 'n amptelike facebook-blad, en kan by [www.facebook.com/hsaction](http://www.facebook.com/hsaction) besigtig, ge-“like” en kommentaar op gelewer word.

## 8. LEDE BYDRAES EN REGISTRASIEKOSTE

**Ignoreer asseblief hierdie punt indien u registrasie- en regskostes reeds ten volle vereffen is.**

Dit is van uiterste belang dat enige uitstaande registrasie- en regskostes, waarvan sommige s lank gelede as 2014 reeds uitstaande is, so spoedig moontlik op datum gebring moet word. Bykans vier jaar sedert die totstandkoming van die HSAG is dit uiters onbillik teenoor getroue lede van die HSAG dat persone wie regsverteenvoordiging verlang in 'n saak waar die gemiddelde eisbedrag R250 000.00 is, nie bereid of gewillig is om die nominale bydrae vir registrasie en/of regskostes te betaal nie.

Let asseblief op die volgende:

- i. 'n Eenmalige registrasiekoste van R1 000 **per sindikasie** was gehef tot Oktober 2015 en daarna is dit verhoog na R1 500 **per sindikasie** en behoort so op u staat te verskyn
- ii. Die aangevraagde opvraging vir 2016-regskoste was R1 000 **per sindikasie**;
- iii. In Mei 2017 was 'n verdere opvraging vir bydrae tot regs- en administrasiekoste van R2 000 **per persoon** gemaak;
- iv. In Februarie 2018/Maart 2018 was 'n verdere opvraging tot regs- en administrasiekoste van R2 000 **per persoon** gemaak;
- v. Indien daar enige uitstaande bedrae is, word u vriendelik versoek om dit so spoedig moontlik te betaal ten einde onnodige administrasie en/of verdere kostes te verhoed. Sodanige lede wie se registrasiekostes steeds agterstallig is, loop die gevaar dat hul lidmaatskap by die HSAG opgeskort gaan word;
- vi. Registrasieheffings is betaalbaar op alle nuwe en agterstallige (90 dae en ouer) registrasies. Registrasiekoste beloop tans R1 500,00 per sindikasie en, indien latere registrasies toegelaat word, mag daar 'n verdere heffing vir registrasiekoste per sindikasie vir alle nuwe registrasies gehef word ten einde finansi le bydraes deur huidige HSAG-lede te verlig;
- vii. Van die einde van Februarie 2018 word persone wie se bydraes op datum betaal is met 'n totale eiswaarde wat R50 000,00 of minder tesame met 'n skriftelike versoek aan Theron & Vennote, kwytgeskeld van die 2018 administratiewe- en regskostes.
- viii. Kwytskelding **is nie van toepassing nie** op vorige jare se registrasie / administrasie / regskostes en agterstallige fooie nie en is steeds betaalbaar.
- ix. **Geen registrasie, administratiewe of regsfooie is terugbetaalbaar nie.**

Die HSAG geniet die beskerming van 'n regsplan wat bestaan uit prokureurs, junior en senior advokate wat reeds 'n v r pad gestap het om voornemende eisers onder die sambreel van die HSAG te beskerm. In die lig van die feit dat die HSAG nou voortgaan met die sertifisering van 'n klas-aksie vir HS 21 – 22 en die proses wat nou gevolg gaan word ten einde die Art 155-Re lingskema tersyde te stel, versoek ons dat al die HSAG-lede hul kant te bring ten einde die aangeleenthede suksesvol af te handel. Almal se samewerking word vereis.

## **9. STAAT VIR DEELNAME AAN DIE HSAG**

Die HSAG en hul prokureurs, Theron & Vennote, wil u graag bedank vir u volgehoue en lojale ondersteuning aan die HSAG. Die HSAG-saak behoort aan elke individuele belegger, daarom wil ons u versoek om u eie saak te ondersteun ten einde die nagenoeg R4.8 miljard van Orthotouch en andere te eis.

Vind asseblief hiertoe aangeheg u bydraestaat vir u deelname aan die HSAG, let asseblief op die volgende:

- i. Indien geen opvraging ten aansien van registrasie-, regs- of administrasiekoste of 'n krediet op u staat verskyn nie, beteken dit dat u waarskynlik in 'n groep val wat nie geprosesseer en / of geallokeer is nie, en sal dit, indien dit onder ons aandag kom of gebring word, op 'n latere staat verskyn;
- ii. Indien 'n staat 'n kredietbedrag toon, is u 'n geregistreerde lid van die HSAG, maar het ons nog nie u voltooide aansoekvorm ontvang nie. Geliewe die aansoekvorm af te laai vanaf ons webwerf, of rig 'n versoek aan ons daarvoor per e-pos by [hsagregister@gmail.com](mailto:hsagregister@gmail.com)
- iii. Die HSAG-beleggers se inligting wat gebruik word was aanvanklik verkry vanaf die aansoekvorms wat HSAG-lede ingevul het. Indien u aansoekvorm gevolglik foutief, onduidelik of onvolledig is, sal u moontlik geen state of e-posse ontvang nie
- iv. Die verpligting rus op u as belegger om ons op hoogte van enige veranderinge van u persoonlike en/of kontakbesonderhede deur in te skakel of om 'n e-pos te stuur na [hsagregister@gmail.com](mailto:hsagregister@gmail.com)
- v. Weens die voortdurende groot hoeveelheid navrae, registrasies, wysigings van persoonlike besonderhede en allokasies, is dit moontlik dat sommige betalings en/of registrasies nie op die aangehegte Staat sal verskyn nie, maar eers op 'n latere Staat.
- vi. Kliek asseblief op die skakel om na die "Customer Zone" te gaan waar u die opvragings vir registrasie-, regskostes en u betalings kan sien, geoutomatiseerde state word van tyd tot tyd (gewoonlik gedurende 'n maand) uitgestuur word, maar u skakel na die "Customer Zone" sal deurentyd aktief bly en u kan ter enige tyd u betalings en transaksies daarop sien, soos wat dit geallokeer word.

**Vriendelike groete**

**HSAG-Bestuurskomitee**

Kontak die HSAG en prokureurs by:

Tel: (021) 887 7877

[hsactiongroup@gmail.com](mailto:hsactiongroup@gmail.com)

## MONTHLY NEWSLETTER: JULY 2018

Dear HSAG Investor / Mr / Mrs / Ms [Customer Name]

This newsletter is addressed to you as a member of the Highveld Syndication Action Group ("HSAG") on account of you having made an investment in the Highveld Syndication Companies 15-22 and/or support of the HSAG.

The [www.hsaction.co.za](http://www.hsaction.co.za) website is the primary place where you will find HSAG information although emails are also sent out from time to time.

Please keep us up to date with any changes to your personal and/or contact details.

### 1. NON-PAYMENT OF INTEREST

To the HSAG's knowledge, the majority of HSAG members have received their interest from Orthotouch.

Mr Cohen contradicts himself in his letters by first saying that the interest is paid into an "independent attorney's" trust account, but in a follow-up letter he states that the interest is invested at one of the "Big 4" banks. On whose behalf does he invest the money and to whom does the interest accrue?

**Investors are thus requested to direct an email to Mr Cohen or his lawyers, with a copy thereof to the HSAG, in which you insist on proof in writing that your interest has been paid in another attorney's trust account. The e-mail can be sent to [leonard.att@gmail.com](mailto:leonard.att@gmail.com) with a copy to [hsagwhistle@gmail.com](mailto:hsagwhistle@gmail.com).**

**Investors can also contact Orthotouch directly for feedback regarding their interest payments. An e-mail can be sent to [admin@orthotouch.co.za](mailto:admin@orthotouch.co.za) or you can contact them telephonically at 087 997 0545. Send all feedback to [hsagwhistle@gmail.com](mailto:hsagwhistle@gmail.com).**

It is important that each affected HSAG member, if he / she has not received their monthly interest, inform us thereof by providing their full details. Late payments were made in the past, so please wait until the end of July 2018 to be sure of the fact that your interest was not paid.

However, if you have not yet received your monthly interest, you must blow the whistle on Mr DP Cohen and others and send an e-mail to [hsagwhistle@gmail.com](mailto:hsagwhistle@gmail.com).

The HSAG's counsel has received instructions to proceed with the drafting of documents in order to compel Orthotouch and others to pay interest.

**Take note that:**

- i. **HSAG members must notify the HSAG attorneys if they do not received interest.**
- ii. **HSAG members must ensure that their HSAG membership contributions are settled up to date.**
- iii. **The HSAG legal team can only help investors if the investors' details are known to the HSAG and we receive their support.**

## **2. COHEN, ORTHOTOUCH AND KLOPPER CONTRADICT EACH OTHER**

Over the past few weeks investors have been bombarded by unlawful requests from Cohen, Orthotouch and Helgard Hancke requesting that the Highveld Syndicates ("HS") investors have to complete a form declaring whether they support any litigation, including the class action, against Mr. Nic Georgiou or his Orthotouch. Orthotouch is a nominal respondent in the class action and it's strange why they try so hard to keep it at bay!

The completion, or rather the noncompletion of the form, would then apparently determine which of the HS investors would and would not receive their monthly interest. In our previous Newsletter we discussed the non-payment of HS investors' interest comprehensively.

However, after a recent radio interview on RSG, it became clear that Cohen, Orthotouch and Klopper contradict each other. Cohen and Klopper (who allegedly act independently and must act in the best interests of HS investors) not only create further confusion, but it seems that none of the parties really knows what Orthotouch is doing.

It also became apparent that "someone" used Orthotouch's letterhead (without Orthotouch being "aware" of this) to send out fake letters to HS investors - which in itself is very disturbing.

HSAG investors must be extremely cautious of trusting any correspondence from Orthotouch as it is clear that there is an "unknown" person who uses Orthotouch's letterhead, without permission, to spread false information.

The timeline regarding the recent events is actually very simple, once you take a step back the picture becomes clear:

**15 MAY 2018** - Cohen sends a circular to HS investors stating amongst other things that late payment of interest is "unacceptable" and that a "formal letter of demand" is addressed to Orthotouch and Zephan demanding regular payments before or on the 7th of each month. It was also pointed out that at a board meeting on 14 February 2018 (and several meetings thereafter) it was confirmed that "the outstanding capital balance of Option 2 investors will be paid no later than 30 June 2019". Orthotouch also confirmed to Cohen that "the terms and conditions of the scheme regarding Option 3 investors will be fulfilled by 30 June 2018". Cohen specifically mentioned that he would take legal action if the above was not complied with. So far, Cohen has not made any of the supposed documents available and his bona fides are still questionable.

**29 MAY 2018** - Cohen sends a follow-up letter to investors in which he summarizes the pending litigation against Orthotouch and Zephan as launched by several investors / groups. He mentions that Orthotouch / Zephan indicated that the companies could be liquidated and that interest payments made to HS investors would be claimed back. Zephan, in a capacity of a so-called "underwriter" of the Sec 155 Arrangement, apparently also told Cohen that they "could not allow these HS investors to receive, inter alia, continuous direct payments in terms of the arrangement, whilst they act in contravention of their rights in terms of the terms and conditions of the arrangement".

According to Cohen, it is "extremely unfair" that HS investors, who enforce their rights by way of litigation, receive monthly interest. Zephan is also considering not making interest payments to HS investors who support litigation and stated that the interest of persons (allegedly part of a litigation group) is reportedly being paid into a trust account of an "independent law firm" under Cohen's control. Investors are requested to complete a form by 26 June 2018 indicating whether they support the arrangement or not, and whether the investor is a member of the HSAG or any other litigation process. If Cohen is independent, why does he openly support Zephan?

**30 MAY 2018** - The HSIF (led by Helgard Hancke) sends a newsflash to HS investors affirming that Cohen sends / sent a letter setting out the non-payment of interest. HS members are requested to complete forms to indicate whether or not they support the arrangement.

**8 JUNE 2018** – In this letter Cohen confirms that interest payments were paid timeously on 7 June 2018, but those involved in Court cases and who were part of the HSAG did not receive interest. The funds were allegedly paid into a law firm's trust account and that "the interest will be dealt with on completion of the case". Cohen also confirms that the balance due to the Option 2 investors will be paid and that the Option 3 will be finalized by 30 June 2018. Cohen claims that he acts independently, but in the last paragraph, he requests that "all enquiries regarding the scheme should be addressed to [admin@orthotouch.co.za](mailto:admin@orthotouch.co.za)" and that it is much better to "contact us directly through the aforementioned email address. "

**15 JUNE 2018** - The HSIF (under the leadership of Helgard Hancke) sends a newsflash to HS investors in which Cohen's actions are justified. HS members are again requested to complete the forms indicating whether they support the arrangement or not.

**22 JUNE 2018** - Cohen reports on the Liquidation application and that he and another investor want to/will intervene / wishes to enter into the above application. In this letter, Cohen now suddenly confirms that the money invested in a trust account under his control is invested in one of the "Big 4" banks, and payments can only be made to investors or to Zephan. He has "no claim" to the money. Cohen also informs investors that Orthotouch failed to comply with its agreement with Option 2 & 3, which they undertook to do by 30 June 2018, because of "bureaucratic red tape" and that the transactions were to be finalized by the end of October! Again, Cohen plays into the hands of Georgiou.

**4 JULY 2018** - Leonard Attorneys, acting as the attorneys of record for Cohen, wrote to Theron & Partners regarding non-payment of HSAG members' interest. It is once again confirmed that Zephan will not pay the HSAG members' interest due to the fact that they are taking legal action against Orthotouch and others. It once more stated that the HSAG members' interest is paid into a separate trust account of an attorney. No information regarding such attorneys is provided.

**10 JULY 2018** - Orthotouch sends a circular to investors confirming that due to the ongoing legal action of the HSAG and Adv. Bolt as well as the Liquidation applications, a "decision" was made that the interest of those who support the legal actions would be paid into an independent attorney's trust account. HS investors are requested to complete a form in confirming whether the Scheme is supported. It is reported that Orthotouch is aware of the campaign by the HSIF, which is allegedly independent, where it also invites investors to complete similar forms, and that the HSIF will share such information obtained from the investor with Orthotouch.

**10 JULY 2018** - The HSIF (headed by Helgard Hancke) sends a newsflash confirming that it has come to their attention that interest payments are retained due to the legal actions instituted by HSAG and Adv Bolt. HS members are again requested to complete the form and the HSIF undertakes to notify Orthotouch of the "support". (18 months ago, Hancke encouraged investors to enter into a settlement agreement with Orthotouch / Georgiou in terms which they would receive 50% of their capital over time. Nothing has since come of this.)

**10 JULY 2018** - Theron & Partners confirm in a letter to Cohen's attorneys that Cohen and Orthotouch are bound by the Sec 155 Scheme of Arrangement in terms of the Arrangement and a Court Order and that it cannot be unilaterally amended. If HSAG investors' interest payments are not paid, they are in contempt of a court order. Theron & Partners requests that Cohen confirm on or before July 11, 2018, that he will continue to ensure that HSAG investors receive their interest payments.

**11 JULY 2018** - Theron & Partners writes to Orthotouch's and Hans Klopper's attorneys confirming that a letter has been sent to Cohen's attorneys requesting interest payments be made to HSAG members. It is also confirmed that Orthotouch is bound by the Sec 155 Scheme of Arrangement and therefore has no choice but to make interest payments to HS investors. Should the HSAG learn that Orthotouch is involved in the retention of interest payments, the HSAG will approach the Court for an order confirming the position of the HSAG and also ask for an appropriate cost order.

**11 JULY 2018** - Cohen's attorney responds to Theron & Partners' letter in which Cohen affirms his decision (to retain the HSAG members' interest payments). Cohen instructed his lawyers to approach the Court for guidance in this regard and requested that the HSAG furnish them with the details of investors affected in order to draft the necessary documents. Still nothing has come of this.

**11 JULY 2018** – Mere hours later Cohen's attorneys send a further letter, stating that it is no longer necessary for the HSAG to disclose the investors' information as they have "managed" to identify the HSAG investors. Once again, the information is not provided.

**12 JULY 2018** - In response to Theron & Partners' letter to NLA Legal Inc. (previously Natalie Lubbe & Associates) acting as attorneys of record on behalf of Orthotouch and Hans Klopper, confirm that Cohen, as the Receiver in terms of the Sec 155 Scheme of Arrangement, sent the letter to Theron & Partners on 4 July 2018 by his own volition and that neither he nor his attorneys (Leonard Attorneys) can respond on behalf of Orthotouch's board or Hans Klopper. Orthotouch and Klopper's attorneys confirm that neither Orthotouch, Orthotouch's directors nor Hans Klopper are party to an agreement in terms of which the HS investors' interest payments should be retained. Orthotouch's ability to perform depends on Zephan's fulfilment or nonfulfillment of its obligations to Orthotouch. Threats were made if Zephan is liquidated, Orthotouch will not be able to fulfil its obligations. However, Zephan's discretion does not appear in the Sec 155 Scheme.

**12 JULY 2018** - Orthotouch sends a letter to investors confirming that the circular of 10 July 2018 was "erroneously sent on an Orthotouch letterhead" and that the circular must be ignored in so far as it implies that its content represents Orthotouch's position.

The correspondence from Cohen, Orthotouch and the HSIF is riddled with inconsistencies! It is also clear that the HSIF has provided certain parties with the HS investors' information in order to prevent interest payments.

Cohen's demands to Orthotouch and Zephan (in which they are urged to make regular payments and, failing which a Court will be approached), were not only ineffective, but on the contrary, Cohen continues to align himself with interests of Orthotouch and Zephan. There is no doubt that Georgiou, Orthotouch, Cohen and Hancke are all in cahoots as even all correspondence is exactly the same.

Taking into account what is said above, we urge all HSAG members to cooperate and fight for what you are owed.

### **3. THE HIGHVELD SYNDICATION ACTION GROUP ("HSAG")**

The Highveld Syndication Action Group (HSAG) was established about 4 years ago after the HSAG lawyers, Theron & Partners, accepted the task of helping thousands of dissatisfied HS investors in the Highveld Syndication 15 - 22 Companies to ensure that justice will be done regarding their failed investments in the HS companies.

The total extent and value of the claims involved amounts to 18 300 investors who have invested approximately R4.6 billion.

As stated in previous newsletters, the primary objectives of the HSAG are to approach the High Court of South Africa on behalf of its almost 7 000 HS members, firstly for the



certification of class-action / separate class actions for HS 15-22, and secondly, for the purpose of setting aside the Scheme of Arrangement under of Sec 155 of the Companies Act, in terms of which Mr Nic Georgiou, his sons and their entities as well as other Respondents were completely indemnified from personal liability for the damages and losses suffered by the HS investors.

The court proceedings are instituted in order to recover all damages and losses suffered by investors in the failed Highveld Syndication Companies 15-22 from Mr Nic Georgiou, his sons and their entities as well as other Respondents.

The HSAG serves as a voice for every individual HSAG investor, the HSAG steering committee and the HSAG attorneys, Theron & Partners, strive to ensure, as best they can, that your rights and interests are protected. Therefore, it is of utmost importance that HSAG members also support the legal team.

In response to the HSAG and its successes in the courts, Mr Helgard Hancke (a former apostate HSAG steering committee member), commissioned by Mr Nic Georgiou, formed a copycat of the HSAG by creating the so-called Highveld Syndication Investor Forum (HSIF). As mentioned above, the HSIF is merely another one of Georgiou's pawns.

**HSAG investors should note that the Highveld Syndication Action Group (HSAG) is by no means involved or part of the Highveld Syndication Investors Forum (HSIF).**

The sole purpose of the forum is to cause confusion amongst HS investors in order to discourage faithful HSAG members from proceeding with legal action against Mr Nic Georgiou, his sons and their entities as well as other Respondents.

**HSAG members are requested to ignore all correspondence and circulars from the Highveld Syndication Investors Forum (HSIF) as it is merely a smear campaign against the HSAG, its management and the HSAG attorneys.**

#### **4. THE LIQUIDATION OF ORTHOTOUCH / ZEPHAN**

The HSAG received several e-mails and telephone calls regarding the liquidation of Orthotouch and Zephan as well as the threat that liquidators may claim back the monthly interest payments made to investors.

The HSAG once again confirms that a written opinion regarding the legal question regarding the recovery of interest payments, was obtained from an Advocate.

The opinion clearly states that the liquidators will not be able to claim the monthly interest payments / income paid to HSAG investors.

All HSAG members, who have settled their accounts, will receive, as far as possible, further legal assistance in the event that they receive similar threats. Unfortunately, people outside the HSAG will not receive the same support and will have to refund the liquidators with all the payments received, if the liquidators are successful against them.

Here follows a summary of the Advocate's opinion:

- i. The monthly payments are made under an obligation that Orthotouch has in terms of the Scheme, which obligation has been incurred in exchange for the acquisition of several properties of the Highveld companies. Payments by Orthotouch are therefore not "without consideration", as referred to in section 26 of the Insolvency Act of 1936 ("the Act"), and consequently monies cannot be claimed back in terms of this section.
- ii. Regarding Sections 29 and 30 of the Act, one creditor (such as an investor) will never be favoured above another as long as payments made by Orthotouch are made in accordance with the formula contained in the Scheme of Arrangement document.
- iii. Payments made by Orthotouch are made in the "normal course of business". This is another reason why the Liquidators cannot recover the payments made.
- iv. Orthotouch's creditors are the highveld companies. The highveld companies on receipt of the monthly payments made to it by Orthotouch, in turn, pay the investors their interest. This means that the Orthotouch liquidators only have a potential claim against the highveld companies - and not against the investors.
- v. Should the Highveld companies ever be liquidated, the liquidators will not be able to recover payments for similar reasons as set out above.

The HSAG up until now not in favour of liquidations and the HSAG has never threatened or attempted to liquidate Orthotouch / Zephan or the HS companies.

If one of the companies is liquidated, the HSAG will reconsider its position.

Investors should remember that the HSAG class action is not directed primarily against Orthotouch and necessarily Zephan. The HSAG class action is directed against Mr Nic Georgiou, his family and entities who received billions of Rands for properties to the value of R3,2 billion that were sold and paid by the HS companies, but which were never transferred by Georgiou's entity.

In our previous Newsletter we confirmed that Liquidations are governed by the Insolvency Act. If a company operates under insolvent circumstances, liquidation is the only option and the HSAG has no control over it.

What is shocking, is that Klopper clearly realised in 2014 that the HS companies should have been liquidated but instead continued to transfer the properties from Orthotouch; ensured that rental was collected by Zephan; Georgiou and his family were indemnified; securities (such as sureties) were wiped off the table. Klopper will have to explain his actions, otherwise he may face serious claims.

If Orthotouch / Zephan is liquidated, the directors of both companies (including Georgiou, Klopper and Myburgh) will have to explain during the insolvency inquiries what happened to the billions of Rands.

## **5. LATE APPLICATIONS FOR REGISTRATION WITH THE HSAG**

**Late applications will be considered on a strict *ad hoc* basis. Registration forms are available on our website at [www.hsaction.co.za](http://www.hsaction.co.za) or can be requested from us at [hsagregister@gmail.com](mailto:hsagregister@gmail.com). All requests and completed registration forms must be sent to [hsagregister@gmail.com](mailto:hsagregister@gmail.com).**

## **6. USE OF CORRECT EMAIL ADDRESSES AND REFERENCES**

**The correct use of e-mail addresses (as contained on our website and e-mails) as well as HSAG members' initials and surnames, syndication numbers and reference numbers (e.g. identity number, etc.) for all communications are essential.**

The official and existing e-mail addresses for the HSAG are as follows:

- [hsactiongroup@gmail.com](mailto:hsactiongroup@gmail.com) for all General Enquiries; (For Example - to change contact details, Proof of Payments, Death of a Member etc)
- [hsagenquiries@gmail.com](mailto:hsagenquiries@gmail.com) for Specific Enquiries; (For Example requesting information/statements regarding a specific member, exemption queries for a specific member)
- [hsagregister@gmail.com](mailto:hsagregister@gmail.com) for the registration and deregistration of HSAG members;
- [hsagwhistle@gmail.com](mailto:hsagwhistle@gmail.com) for all Confidential Information that you would like to send to us anonymously or interest not paid;
- [hsagdebitorder@gmail.com](mailto:hsagdebitorder@gmail.com) for investors who want to make their contributions through debit orders.

**If an investor or any person sends an email to the wrong address, it will result in the email not receiving the speedy or necessary attention, if any.**

## **7. HSAG'S OFFICIAL WHATSAPP GROUPS**

It is a huge challenge to promptly convey notices, news snippets or important messages to almost 7 000 individuals.

We therefore request HSAG members to join the HSAG's official WhatsApp Groups to receive notices, news snippets or news flashes per WhatsApp.

By joining one of the HSAG's official WhatsApp groups, you will be informed of the latest developments regarding your case on a regular basis.

Simply send your mobile number; identification number; full name and surname, to [hsactiongroup@gmail.com](mailto:hsactiongroup@gmail.com) after which you will be uploaded to the groups.

You can also contact the administrators of the respective WhatsApp groups directly at 079 635 4165 (Afrikaans) and 082 450 8854 (English).

The HSAG also has an official Facebook page, and can be viewed, "liked" and commented on at [www.facebook.com/hsaction](http://www.facebook.com/hsaction).

## **8. MEMBERSHIP CONTRIBUTIONS AND REGISTRATION COSTS**

**Please ignore this point if your registration and legal costs have already been settled up to date.**

It is of utmost importance that any outstanding registration and legal costs, of which some are outstanding as long ago as 2014 should be settled as soon as possible. Almost four years have elapsed since the HSAG came into being and it is extremely unfair towards loyal HSAG members that persons who seek legal representation in a case where the average claim amounts to R250 000.00 are not willing to make a nominal contribution towards registration and / or legal costs.

Kindly take note of the following:

- i. A once-off registration fee of R1 000 **per syndication** was also levied up to 2015, which then increased to R1 500 **per syndication** thereafter and should reflect on your statement accordingly.
- ii. The requested amount for 2016 legal costs was R1 000 **per syndication**.
- iii. In May 2017 a further requisition for a contribution towards legal and administration costs of R2 000 **per person** was made;
- iv. In February 2018/ March 2018 a further requisition of R2 000 **per person** towards legal and administrative costs was made.
- v. If there are any outstanding amounts with reference to your registration and / or legal costs, you are kindly requested to pay such outstanding balances as soon as possible to prevent unnecessary administration and/or further costs, and also to prevent such members' membership from being suspended from the HSAG.
- vi. Registration surcharges are payable on all new and arrear (90 days and older) registrations. Registration costs currently amount to R1 500 per syndication and, if further registrations are allowed beyond the deadline, it is probable that there will be a further requisition for registration costs per syndication for new registrations, in order to relieve the financial contributions made by our current HSAG members.
- vii. From the end of February 2018 persons whose contributions are paid up to date, with a total claim value of R 50 000 or less, together with a prior written request to Theron & Partners, will be exempted during 2018 from administrative -and legal costs.
- viii. Exemption is **not applicable** to previous years registration / administration and legal costs and overdue fees are still payable.

ix. **No registration, administration or legal fees are refundable.**

The HSAG enjoys the protection by way of a legal team consisting of attorneys, junior and senior advocates who have already gone a long way towards protecting the prospective plaintiffs under the umbrella of the HSAG. Everyone's cooperation is required. In light of the fact that the HSAG will proceed with the certification of a class action for HS 21-22 and the recession of the Sec 155 Scheme of Arrangement, we request that all HSAG members to give their cooperation in order to successfully complete these matters. Everyone's cooperation is required.

**9. STATEMENT FOR PARTICIPATION IN THE HSAG**

The HSAG and its attorneys, Theron & Partners, would like to thank you for your continued and loyal support of the HSAG. The HSAG's case belongs to each individual investor, and we would therefore like to ask you to support your own case in order to claim approximately R4.6 billion from Orthotouch and others.

Please find attached your contribution statement for participation in the HSAG, kindly take note of the following:

- vii. If no trust requisition regarding registration, legal or administration costs, or if a credit appears on your statement, it means that you are in a group which has not yet been registered, processed and/or allocated and could the amount reflect on a later statement;
- viii. If a credit balance appears on your statement, it confirms that you are a registered member, but we have not received your completed application form. Kindly download same from our website or request same from [hsagregister@gmail.com](mailto:hsagregister@gmail.com);
- ix. The HSAG members' information on our records was gathered from the application forms completed by the HSAG members. If your application form is faulty, vague or incomplete, there is a possibility that you may not receive statements or emails from us
- x. The obligation rests on you as investor to inform us of any changes to your personal and / or contact details either telephonically or by e-mail to [hsagregister@gmail.com](mailto:hsagregister@gmail.com);
- xi. Due to the continuous high volume of enquiries, registrations, the amendment of personal information and allocations, it is possible that your payment/s and / or registration/s will not yet appear on the attached statement but rather on a later statement.
- xii. Please click on the email link at the bottom of the newsletter to enter the "Customer Zone" where you will see all your trust requisitions for registration and legal costs, as well as all payments made, automated statements are sent from time to time (usually during a month), but your link to the "Customer Zone" will be continuously active, enabling you to view your payments and transactions, as it is allocated, at any time.

**Kind regards**

**HSAG Steering Committee**

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