

ENGLISH TEXT BELOW

MAANDELIKSE NUUSBRIEF: NOVEMBER 2018

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

Hierdie e-pos is vertroulik is uitsluitlik vir die geadresseerde bedoel. As u dit per ongeluk ontvang het, stel asseblief die skrywer onmiddellik hiervan in kennis en vernietig dit. U mag nie 'n e-pos, of enige deel daarvan, wat verkeerdelik ontvang aan enigiemand anders stuur, kopieer of openbaar nie. HSAG se webmeester gebruik antivirusprogrammatuur om virusse en ander kwaadwillige kodes te voorkom. Hierdie sagteware kan egter nie so 'n kode voorkom of uitwis nie. Die HSAG of sy verteenwoordigers sal nie aanspreeklik wees vir enige verlies of skade wat voortspruit uit ontvangs of gebruik van hierdie e-pos of andersins, of dit voortspruit uit die nalatigheid van HSAG, sy lede, bestuurskomitee en agente of andersins nie.

Alhoewel e-posse, HSAG Nuusflitse en HSAG Inligtingsbrokkies van tyd tot tyd uitgestuur word, is die www.hsaction.co.za webtuiste die primêre plek waar u HSAG finale inligting kan bekom.

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

1. DIE OMVANG VAN DIE HSAG HOFSAAK

Weens die uitdagings wat beleggers in die gesig staar en die voortdurende aanslae wat op die HSAG gemik word, is 'n mens geneig om die omvang van die HSAG se saak te onderskat.

Die totale waarde van beleggings gemaak in die gemelde maatskappye beloop 'n bedrag van nagenoeg R4.6 miljard. Mnr Nic Georgiou / sy entiteite moes ingevolge dokumentasie ongeveer R3.2 miljard vanaf beleggers ontvang het sonder dat daar 'n teenwaarde (oordrag van eiendom) vir hulle gegee is.

Om die omvang in perspektief te plaas: die totale waarde van beleggings gemaak in die HS-Maatskappy was in 2009 geraam op 'n waarde gelykstaande aan 'n derde van die Republiek van Sentraal Afrika se Bruto Binnelandse Produk (BBP). Dus, die eisbedrag wat by die HSAG se saak betrokke is, is vergelykbaar met 'n hele land se BBP!

In die huidige litigasie wat namens die beleggers gevoer word, gebruik mnr Nic Georgiou en sy entiteite kennelik 'n gedeelte van die miljarde wat ontvang was om die beleggers mee te beveg. Daar word dus teen die beleggers met hulle eie geld gelitigeer.

In 'n gewone Hooggeregshof siviele aangeleentheid waar die eisbedrag aansienlik minder is as die HSAG se eisbedrag, kan partye verwag dat die saak tussen drie tot vyf jaar afgehandel kan word.

Dit is dus dan nie onrealisties om te verwag dat die HSAG se saak veel langer kan/gaan neem nie.

Die voortdurende aanslae op die HSAG-bestuur en die HSAG se prokureurs, vertraag en frustreer ook die Hofproses, maar sal dit nie die vasberadenheid van die HSAG om sy eise voor die hof te kry, belemmer nie.

Beleggers kan verseker wees dat die HSAG en die HSAG se regspan se doel om die HSAG se saak suksesvol af te handel, 'n hoë prioriteit is!

Om 'n saak suksesvol af te handel benodig jy minstens drie elemente: 'n verdienstelike saak, 'n goeie regspan en 'n ondersteunende kliënt. In 'n nie-regering verband word finansiële ondersteuning natuurlik ook benodig.

Ondersteun dus die HSAG se regspan en u saak, want saam kan ons geregtigheid laat seëvier!

2. AANSTEL VAN 'N SAAKBESTUURDER – HOOGGEREGSHOF, PRETORIA

Die Adjunk Regter-president van die Hooggeregshof, Pretoria het op Vrydag, 19 Oktober 2018, na aanleiding van die HSAG se versoek 'n Saakbestuurder aangewys om na die aangeleentheid om te sien.

Regter RG Tolmay (wat as die Saakbestuurder aangewys was) is onafhanklik van enige party tot 'n geding en moet onder andere toesien dat partye tot die geding nie die proses onnodig vertraag nie.

Die vergadering tussen die onderskeie regsvertegenwoordigers en die Saakbestuurder-Regter om die sertifisering van die HS21 & 22-terugkoop-eise te versnel het plaasgevind en dit het baie goed gegaan.

Die Regter het kennis geneem van die dringendheid om die saak te bespoedig en positiewe kommentaar gelewer op die belangrikheid en dringendheid van die saak waar die regte van ouer mense geraak word.

'n Tydtafel was opgestel om te bewerkstellig dat die eerste deel van die aansoek vroeg in 2019 aangehoor word. As die HSAG daarin slaag, sal die sertifiseringsaansoek vir die terugkoop-eise volg.

3. BELANGRIKE DATUMS

Die HSAG se prokureurs en die prokureurs van mnr Nic Georgiou het na afloop van die vergadering met Regter Tolmay op 8 November 2018 op 'n tydtafel ooreengekom ingevolge waarvan sekere Hofdokumente beteken en geliasseer moet word.

Die HSAG bevestig die volgende datums:

Voor of op **7 Desember 2018** – Respondente moet Antwoordende Verklarings in antwoord op die HSAG se Hofstukke beteken en liasseer;

- Voor of op **21 Desember 2018** - Die HSAG moet/kan 'n Repliserende Verklaring beteken en liasseer in repliek op die Respondente se Antwoordende Verklaring;
- Voor of op **11 Januarie 2019** - Respondente moet hul Hoofde van Betoog beteken en liasseer;
- Voor of op **25 Januarie 2019** - Die HSAG moet Hoofde van Betoog beteken en liasseer.

Sodra al bogenoemde stukke beteken en geliasseer is, sal die Hof genader word vir 'n dringende datum waarop die Aansoek aangehoor sal word.

4. HUIDIGE STAND VAN SAKE

4.1 Versnelde sertifikasie aansoek

Aangesien spesifieke eisoursake in HS 21 & 22 op ander feite as die ander HS-maatskappye berus, is dit nie nodig om eers die Art 155-Reëlinskema tersyde te stel alvorens daardie HS 21 & 22 eise afgedwing kan word nie.

Dus is die roete wat die HSAG volg ten opsigte van HS 21 & 22 beleggers heelwat korter en kan dit beteken dat diegene wat in bogenoemde Sindikasies belê het, vroeër hul kontraktuele eise kan afdwing.

Indien die HSAG suksesvol moet wees met die Aansoek vir die Sertifisering van 'n klas-aksie in hierdie eise sal dit beteken dat die HSAG onmiddellik kan voortgaan om namens al die HS-beleggers, wat in HS 21 & 22 belê het, hul eise af te dwing.

Die HSAG se eise op grond van deliktuele eise (onregmatige dade), wat hierdie Respondente insluit, word geensins geraak deur die versnelde aansoek nie, en gaan normaalweg voort soos die res van die HS maatskappye 15 – 20.

Die HSAG-regspan het reeds op 27 Julie 2018 'n Aansoek vir die Sertifisering van 'n klas-aksies ten opsigte van die tersaaklike eise op mnr Georgiou/Orthotouch en ander Respondente beteken waarin die HSAG die Hof vra dat sodanige Sertifikaat toegestaan moet word. Die Kennisgewing van Mosie, asook die Verklaring ter ondersteuning van die Kennisgewing van Mosie is op die HSAG se webblad by www.hsaction.co.za geplaas en nooi ons u uit om dit deur te lees.

4.2 Beleggers met eise in HS 19 en 20 (*uitgesluit HS 15-18)

HSAG-lede wat in die ander HS-maatskappye belê het, moet egter nie bekommerd wees oor hul eise nie.

Hierdie eise is nie verlore of in gedrang nie en gaan die HSAG nog steeds voort met stappe ten einde die beleggers se eise af te dwing. U moet egter

onthou dat die eisorsaak van HS 15 tot 20 op ander feite en omstandighede, nl. onder andere ook bedrog en wanvoorstellings berus, en is die roete wat met hierdie eise gevolg moet word anders as in die kontraktuele eise van die HS 21 & 22.

Soos hierbo gemeld gaan HS 15 – 22 se eise op grond van onregmatige dade ook voort teen al die Respondente. Die rede hiervoor is dat enige tekorte wat mag bestaan by vorderings, van sodanige partye gevorder sal word.

Beleggers met eise in HS 19-20 se eise is reeds ingestel deur middel van die Sertifikasie-Aansoek en sluit hierdie Aansoek die verjaring van eise in.

Alhoewel die HSAG van voorneme is om die Art 155-Reëlinskema (“Reëlinskema”) tersyde te stel, is Orthotouch in terme van die Reëlinskema verplig is om maandelikse rente aan HS-beleggers te betaal, minstens tot tyd en wyl gemelde skema tersyde gestel word, al dan nie.

Aangesien Orthotouch die Reëlinskema minag deur nie betyds of enigsins aan al die HS-lede hul maandelikse rente betaal nie, bestaan daar egter geen rede waarom die Reëlinskema in plek gehou moet word nie en sal die HSAG oorweeg om ook so spoedig as moontlik stappe te neem ten einde die Reëlinskema tersyde te stel.

***Errata: In ’n vorige Nuusbriëf was foutiewelik verwys na HS 15-20.**

5. BOEDEL NAVRAE

Indien u ’n navraag het met betrekking tot boedels en die eise van HSAG-lede, is u welkom om ’n e-pos te stuur na hsagestates@gmail.com waarna die HSAG u sal bystaan.

6. 2018 SPESIALE OPVRAGING – “FAST TRACK” AANSOEK

Aangesien dit ’n enorme hoeveelheid werk verg ten einde die spesifieke Aansoek vir die Sertifisering van die klas-aksie ten opsigte van HS 21 & 22 van baan te bring, het die HSAG-bestuur besluit om ’n spesiale 2018 opvraging in die bedrag van R500.00 per persoon wat in enige van HS21 en/of HS22 maatskappye belê het, te maak.

Hierdie nominale 2018 opvraging is bo en behalwe die gewone opvragings en sal op HSAG-lede wie in HS 21 & 22 belê het se staat verskyn.

Dit is wel so dat alle HSAG-lede bydra tot ’n gemeenskaplike poel. Dit verg egter dat diegene wat in HS 21 & 22 belê het, addisioneel bydra om die litigasie van HS 21 & 22 spesifiek te ondersteun.

Daarom is die HSAG-bestuur genoodsaak om hierdie spesiale opvraging te doen.

Bogenoemde spesiale opvraging verskyn reeds op van die HS 21 & 22 lede se HSAG Staat en versoek ons u om die spesiale opvraging so spoedig as moontlik op datum te bring.

Die proses word oor tyd ingefaseer en sal die tersaaklike HSAG lede se state met verloop van tyd opgedateer word, maar word lede spesifiek versoek om nie te wag totdat hulle state opgedateer is nie en onmiddellik hulle bydrae in die trustrekening te maak onder die verwysing:

Theron & Vennote Rek. Nr. 2

Standard Bank

Stellenbosch

Rek. Nr. 063163160

Takkode 050610

Swift Code SBZA ZA JJ

Verwysing: "RQ1 Voorletters en Van".

Belangrik: Bogenoemde spesiale opvraging het slegs betrekking op HSAG-lede wie in HS 21 & 22 belê het.

Indien u reeds die bogenoemde bedrag betaal het en dit verskyn nie op u staat nie, wees asseblief geduldig, dit sal in die gewone loop op u staat verskyn. Baie dankie vir diegene wie reeds die bogenoemde bedrag betaal het.

7. OPSKORTING VAN HSAG-LIDMAATSKAP

Die HSAG-bestuur het tydens 'n vorige vergadering besluit, welke besluit verwelkom was deur baie van die opbetaalde HSAG-lede, dat HSAG-lede wie nie hul **2014 / 2015 registrasiekoste** voor of op **31 Desember 2018** op datum bring nie, se lidmaatskap aan die HSAG ongelukkig onmiddellik opgeskort sal word.

Die gevolge van 'n HSAG-lid se lidmaatskap wat beëindig of opgeskort word is verreikend, en kan ondermeer beteken dat die HSAG-belegger se eis teen Orthotouch/Georgiou verjaar het. In die huidige bedeling van die klas-aksie aansoek kan dit ook beteken dat u nie weer sal deel vorm van die HSAG klas-aksie nie.

Ons moedig u dus aan om so spoedig as moontlik u registrasiekoste op datum te bring **én** ons van sodanige bewys te voorsien ten einde die beëindig van u lidmaatskap te voorkom.

Bewyse van betalings kan gestuur word na hsactiongroup@gmail.com waarna die betaling geallokeer sal word.

8. 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 beskikbaar of in die alternatief kan u 'n e-pos na hsagregister@gmail.com stuur om 'n registrasievorm te versoek. Alle versoeke en voltooide registrasievorms moet gestuur word aan hsagregister@gmail.com.

9. 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 en verpligtend.

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

- hsactiongroup@gmail.com vir alle Algemene Navrae (Byvoorbeeld – selfoon of adres veranderinge, betalingsbewyse, kennis van lede wie gesterf het, ensovoorts);
- hsagenquiries@gmail.com vir Spesifieke Navrae (Byvoorbeeld – navrae rakende besonderhede van 'n spesifieke belegger, navrae rakende kwytskelding van 'n spesifieke belegger, ensovoorts);
- hsagregister@gmail.com vir die Registrasie en Deregistrasie van HSAG-lede;
- hsagwhistle@gmail.com vir alle Vertroulike Inligting wat anoniem aan ons gestuur moet word;
- hsagestates@gmail.com vir alle Boedel navrae.

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.

Indien u nie verder enige verdere e-posse wil ontvang nie, stel ons ook asseblief skriftelik in kennis daarvan.

10. 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 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 besigtig, ge-“like” en kommentaar op gelewer word.

11. 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 só 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 regsverteenvoordinging 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. In November 2018/Desember 2018 was/gaan 'n spesiale opvraging tot regs- en administrasiekoste vir HSAG-lede wie in HS 21 & 22 belê het van R500 per persoon gemaak word;
- vi. 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;
- vii. 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 finansiële bydraes deur huidige HSAG-lede te verlig;
- viii. 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, kwytsgekeld van die 2018 administratiewe- en regskostes.
- ix. Kwytskelding **is nie van toepassing nie** op vorige jare se registrasie / administrasie / regskostes / agterstallige fooie en die spesiale opvraging vir HS 21 & 22 lede nie en is steeds betaalbaar.
- x. **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 vêr 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 en die proses wat nou gevolg gaan word ten einde die Art 155-Reëlinskema tersyde te stel, versoek ons dat al die HSAG-lede hul kant te bring ten einde die aangeleentheid suksesvol af te handel. Almal se samewerking word vereis.

12. 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 R4.6 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
- 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
- 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

AFRIKAANS HIERBO

MONTHLY NEWSLETTER: NOVEMBER 2018

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.

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

1. THE EXTENT OF THE HSAG COURT CASE

Due to the challenges many investors face and the ongoing attacks aimed at the HSAG, one is inclined to underestimate the magnitude of the HSAG's case.

The total value of investments made in the listed companies amounts to approximately R4.6 billion. Mr Nic Georgiou / his entities received approximately R3.2 billion from investors without a counter value (transfer of properties) being received.

To put the full extent into perspective: in 2009 the total value of investments made in the HS Company was estimated to be equivalent to one third of the Republic of Central Africa's Gross Domestic Product (GDP). Therefore, the claim amount involved in the HSAG's case is comparable to an entire country's GDP!

In the current litigation conducted on behalf of investors, Mr Nic Georgiou and his entities apparently use a portion of the billions received to oppose the investors. Therefore, investors are litigated against with their own money.

In an ordinary High Court civil matter where the claim amount is significantly less than the that of the HSAG, parties may expect the matter to be concluded between three to five years.

It is therefore not unrealistic to expect the HSAG's case can/will take a longer.

The continued onslaughts on the HSAG steering committee and HSAG's attorneys further delay and frustrate the court process, but this will not stall the HSAG's determination to get its claims before the court.

Investors can be assured that the HSAG and the HSAG legal team's goal to successfully complete the HSAG case is a high priority!

To complete a case successfully, you need at least these three elements: a worthwhile case, a good legal team and a supportive client. In a nongovernmental context financial support is also required.

Therefore, support the HSAG' legal team and your case, because together we can ensure that justice will prevail!

2. APPOINTMENT OF A CASE MANAGER - HIGH COURT, PRETORIA

The Deputy Judge President of the High Court, Pretoria, appointed a Case Manager, to oversee this matter, on request by the HSAG, on Friday, 19 October 2018.

Judge RG Tolmay (who was appointed as the Case Manager) is independent of any party to the proceedings and must, inter alia, ensure that parties do not delay the process unnecessarily.

The meeting between the respective legal representatives and the Case Manager Judge to fast-track the certification of the HS21&22 Buy-back claims took place and went very well.

The judge took cognisance of the urgency to expedite the matter and made positive remarks towards the importance and urgency of a matter where the rights of elderly people are concerned.

A timetable was set to enable the first part of the application to be heard early in 2019. If the HSAG is successful therein, the certification application for the buyback claims will follow suit.

3. IMPORTANT DATES

After the meeting with Judge Tolmay on 8 November 2018 the HSAG' attorneys and the attorneys for mr Nic Georgiou agreed on a time table in terms of which certain court documents are to be served and filed.

The HSAG confirms the following dates:

On or before **7 December 2018** – Respondents have to serve and file their answering Affidavits in response to the HSAG' court documents;

On or before **21 December 2018** - The HSAG may serve and file a Replying Affidavit replying to the Respondents Answering Affidavit;

On or before **11 January 2019** - Respondents have to serve and file their Heads of Argument;

On or before **25 January 2019** - The HSAG must serve and file its Heads of Argument.

As soon as the abovementioned documents have been served and filed, the court will be approached in order to obtain an urgent date for the Application to be heard.

4. CURRENT STATE OF LITIGATION

4.1 Fast Track Certification Application

Since specific cause of actions in HS 21 & 22 are based on facts which differ from the other HS-Companies, it is not necessary to set aside the Sec 155 Scheme of Arrangement before the HS 21 & 22 claims can be enforced.

Thus, the route followed by the HSAG in respect of HS 21 & 22 investors is a bit shorter and could mean that those who invested in the abovementioned syndications have their contractual claims enforced earlier.

Should the HSAG be successful with the Application for the Certification of a class action in these claims, it will mean that the HSAG can immediately proceed to enforce claims on behalf of all HS investors who invested in HS 21 & 22.

The HSAG's claims, which are delictual claims (unlawful acts), which include these Respondents, are not affected by the "fast track" application, and proceed as usual like the rest of the HS Companies 15 - 20.

The HSAG legal team served an Application for the Certification of a class action regarding the relevant claims on mr Georgiou/ Orthotouch and other Respondents on 27 July 2018 in terms of which the HSAG requests that such a certificate be granted.

The Notice of Motion, as well as the Supporting Affidavit and the letter to the Deputy Judge President, is posted on the HSAG's website at www.hsaction.co.za and we invite you to read it.

4.2 Investors with claims in HS 19 and 20 (*excluding HS 15-18)

HSAG members who have invested in other HS Companies should not be concerned regarding their claims.

These claims are not lost or in jeopardy and the HSAG is still proceeding with steps to enforce investors' claims. You must remember, however, that the claims of HS 15 to 20 (and also partially in HS21 & 22) are based on other facts and circumstances, amongst others including fraud and misrepresentation, and this route must be followed with these claims, which differ to the contractual claims of HS 21 & 22.

As stated above, HS 15-22 claims, based on unlawful acts will also proceed against all Respondents. The reason for this is that any shortfall that may exist in the claims will be recovered from such parties.

Investors with claims in HS 19-20 have already been instituted by way of the Application for Certification and this Application suspends the running or prescription of HSAG members' claims.

Although the HSAG intends to set aside the Sec 155 Scheme of Arrangement, (SoA) Orthotouch is obliged, in terms of the SoA, to pay monthly interest to HS investors, at least until the SoA is set aside.

Since Orthotouch disregard the Scheme of Arrangement by not paying HS members their monthly interest on time or at all, there is no reason why the Scheme of Arrangement should remain in effect and the HSAG will strongly consider taking steps as soon as possible to set the Scheme of Arrangement aside.

****Errata: In a previous Newsletter an incorrect reference was made to HS 15-20.***

5. ESTATE ENQUIRIES

If you have any estate related enquiries regarding the estates and claims of HSAG members, you are welcome to send an email to hsagestates@gmail.com whereafter the HSAG will assist you.

6. 2018 SPECIAL REQUEST – “FAST TRACK” APPLICATION

Since it requires an enormous amount of work in order to bring the specific Application for the Certification of the Class Action for HS 21 & 22 to Court, the HSAG Management has decided on a special 2018 contribution in the amount of

R500.00 per person, for those who have invested in the HS21 and/or HS22 companies.

This nominal 2018 contribution is additional to the usual yearly contribution and will appear on your statement.

All HSAG members contribute towards a common pool. However, it is necessary that those who have invested in HS 21 & 22, make an additional contribution to support the litigation of HS 21 & 22 specifically.

It is therefore necessary for the HSAG management to make this special request.

The abovementioned special contribution already appears on your HSAG Statement and we request that you settle this amount as soon as possible.

The process will be phased in over time and the relevant HSAG member statements will be updated over time, but members are specifically requested not to wait until their statements have been updated and are requested to immediately deposit the required amount into the trust account, with the correct reference, as follows:

Theron & Partners Account. No. 2

Standard Bank

Stellenbosch

Acc. No. 063163160

Branch Code 050610

Swift Code SBZA ZA JJ

Reference: "**RQ1- Initials and Surname**".

Important: The abovementioned contribution is only applicable to members with investments in HS 21&22.

If you have already paid the above amount contribution and it does not appear on your statement, please be patient, it will appear in due course. Thank you to those who have already paid the abovementioned amount.

8. SUSPENSION OF HSAG MEMBERSHIP

The HSAG Steering Committee decided at a previous meeting, which decision was welcomed by many of the HSAG members who have settled all their fees and contributions, that membership to the HSAG would unfortunately immediately be suspended if such members do not settle their outstanding **2014 / 2015 registration costs by 31 December 2018**.

The consequences of a member of the HSAG membership being suspended has far-reaching consequences, and may mean, amongst other things, that the HSAG investor's claim against Orthotouch / Georgiou has prescribed. In the current scheme of the class action application, it may also mean that you will not be able to re-join the HSAG class action at a later stage.

We therefore encourage you to settle your registration fee as soon as possible and provide us with proof thereof in order to prevent termination of your membership.

Proof of payments may be sent to hsactiongroup@gmail.com whereafter the payment will be allocated.

7. LATE APPLICATIONS FOR REGISTRATION WITH THE HSAG

Late applications will be considered on a strictly ad hoc basis. Registration forms are available on our website at www.hsaction.co.za or can be requested from us at hsagregister@gmail.com. All requests and completed registration forms must be sent to hsagregister@gmail.com.

9. 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 for all General Enquiries; (For Example - to change contact details, Proof of Payments, Death of a Member etc)
- hsagenquiries@gmail.com for Specific Enquiries; (For Example requesting information/statements regarding a specific member, exemption queries for a specific member)
- hsagregister@gmail.com for the registration and deregistration of HSAG members;
- hsagwhistle@gmail.com for all Confidential Information that you would like to send to us anonymously or interest not paid;
- hsagestates@gmail.com for all estate related questions.

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.

If you do not wish to receive any further emails, please inform us in writing thereof.

10. 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 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.

11. 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. In November 2018/December 2018 there was/will be a special contribution request of R 500.00 per person made towards legal- and administration costs for HSAG members who have invested in HS 21 & 22;
- vi. 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;
- vii. 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;
- viii. 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;
- ix. Exemption is **not applicable** to previous years registration / administration and legal costs and overdue fees are still payable;
- x. **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.

12. 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:

- i. 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;
- ii. 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;
- iii. 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
- iv. 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;
- v. 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.
- vi. 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

Contact the HSAG Attorneys at:

Tel: (021) 887 7877

hsactiongroup@gmail.com

