

ENGLISH TEXT BELOW

MAANDELIKSE NUUSBRIEF: MAART 2019

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.

Hierdie e-pos is vertroulik en 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. HUIDIGE STAND VAN SAKE

1.1 Versnelde Sertifikasie Aansoek (HS 21 & 22)

Die HSAG-regspan het reeds op 27 Julie 2018 'n Aansoek vir die Sertifisering van 'n klas-aksie ten opsigte van HS 21 & 22 op mnr. Georgiou/Orthotouch en ander Respondente beteken waarin die HSAG die Hof vra dat sodanige Sertifikaat toegestaan moet word.

Op aanbeveling van die saakbestuurder in die Pretoria Hooggeregshof het die HSAG die moontlikheid ondersoek om die HS 21 & 22 terugkoopklousule gedeelte van die sertifikasie aansoek oor te plaas na 'n gespesialiseerde kommersiële hof.

Tydens 'n vergadering voor die saakbestuurder, Regter Tolmay, op 8 November 2018, het die Regter aangedui dat die hofrol in Pretoria baie vol is en dat die HSAG dit moet oorweeg om die HS 21 & 22 saak oor te plaas na die Kommersiële Hooggeregshof in Johannesburg.

Beide die HSAG en teenkant (Mnr Georgiou en sy entiteite) se regspanne het ingestem dat dit kan plaasvind en daar was ooreengekom dat die aansoek binne die eerste twee weke van Maart 2019 aangehoor sou word. Die saak was in Johannesburg verhoorgereed gesertifiseer maar dit moes eers formeel oorgeplaas word vanaf Pretoria na Johannesburg.

'n Formele aansoek tot dié effek was in Pretoria gebring maar, alhoewel Georgiou dit nie geopponeer het nie, het sy prokureur in Februarie 2019 'n eedsverklaring afgelê waarin hy 'n dispuut verklaar het en geargumenteer het dat die hele klas-aksie oorgeplaas moet word na Johannesburg. Hy het versoek dat die Respondente (wat nie 'n belang by die HS 21 & 22 saak het nie) ook kennis moet kry van die oorplasing!

Regter Tolmay het op 7 Maart 2019 bepaal dat die hofbevel op die ander Respondente beteken moet word en dat, tensy enige Respondent beswaar aanteken, die oorplasing goedgekeur word en op 14 Maart 2019 'n finale hofbevel gemaak sou word.

Georgiou se optrede is deursigtig en was volgens die HSAG regspan 'n duidelike strategie om die saak te vertraag. Dit kon die deur oopmaak vir partye wat geen belang het in die HS 21 & 22 gedeelte nie om, vir welke rede ook al, die saak se aanhoor te vertraag deur dit te opponeer.

Getrou aan geskiedenis het die HSAG ter elfde uur 'n Opponerende Verklaring vanaf Georgiou se Orthotouch ontvang waarin hulle die aansoek vir oorplasing opponeer. Dit is algemene kennis dat Orthotouch in 'n finansiële verknorsing verkeer en volgens eie mededeling nie geld het om aan beleggers te betaal nie.

Die HSAG-Bestuur het gevolglik, in beste belang van die HSAG, besluit dat die saak nie verder vertraag kan word nie en om nie voort te gaan met die oorplasing nie. 'n Belangrike rede is eenvoudig dat daar reeds 'n saakbestuurder in die Hooggeregshof van Pretoria is, die hofstukke gefinaliseer is en die eerste gedeelte van die saak gereed is vir verhoor.

Opdrag was aan die HSAG regspan gegee om onmiddellik die aansoek vir oorplasing te staak en sondermeer 'n verhoordatum in Pretoria aan te vra.

Regter Tolmay het die terugtrekking op 14 Maart 2019 toegestaan en 'n aanwysing gegee dat 'n hofdatum by die Adjunk Regter-President in Pretoria aangevra word, welke versoek dadelik gerig sal word.

Een van Orthotouch se redes was dat die HSAG aan al 18 300 HS-beleggers formeel kennis moes gee van die voorgestelde oorplasing. Dit was glad nie vir die HSAG-Bestuur aanvaarbaar nie en duidelik 'n plot van Georgiou en sy meelopers om hul onvermydelike verskyning in die hof te probeer uitstel.

Die feit dat Orthotouch hierdie aansoek geopponeer het, al sou daar geen meriete daarin wees nie, sou die gevolg hê dat hierdie aansoek vir oorplasing weer uitgestel sou moes word ten einde die HSAG in staat te stel om weer op Orthotouch se verklaring te antwoord.

In lig van bogenoemde, en die feit dat dit dalk maande kan neem om bloot hierdie aansoek vir die oorplasing na die Johannesburg Kommersiële Hof suksesvol af te handel, was genoegsame motivering vir die HSAG-Bestuur om eenvoudig te besluit om die aansoek vir oorplasing terug te trek.

Die aanhoor van die Aansoek vir Sertifisering van HS 21 & 22 (asook al die ander HS-sindikasies) sal dus voortgaan in die Hooggeregshof van Pretoria.

Aangesien al die formele hofstukke ten aansien van die “fast track” aansoek reeds tussen die verskeie regsverteenwoordigers uitgeruil is, sal die HSAG nou onmiddellik voortgaan om 'n hofdatum in die Hooggeregshof van Pretoria aan te vra.

Die HSAG-Bestuur en regsplan is steeds positief oor die saak en wil weer hul onderneming gee dat hulle alles in hul vermoë sal doen om seker te maak dat die HSAG lede se sake voor 'n geregshof sal dien ten einde te verseker dat reg en geregtigheid geskied.

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 ons nooi u uit om dit deur te lees.

1.2 Beleggers met eise in HS 15 tot 20

Eise in ander HS-maatskappye is glad nie verlore of in gedrang nie en die HSAG gaan nog steeds voort met stappe ten einde die beleggers se eise af te dwing.

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

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

Dit was nog nie nodig om beleggers in HS 15 tot 18 se eise in te stel deur middel van die Sertifikasie-Aansoek nie aangesien verjaring, op advies van ons advokatuur, ten aansien van HS 15 tot 18 nog nie ter sprake is nie.

Sou beleggers ingevolge die Sakereddingsplan veronderstel gewees het om op 15 Desember 2016 hul kapitaal te ontvang, sal verjaring op daardie eise eers op 15 Desember 2019 geskied.

Die Sertifikasie-Aansoek ten aansien van HS 15 tot 18 sal uitgereik en beteken word sodra die Art 155-Reëlinskema (“Reëlinskema”) tersyde gestel is ten einde kostes te bespaar. Ons bepaal dus ons prioriteite en werk sistematies daarvolgens.

Die HSAG se advokate adviseer steeds dat die tersydestelling van die Reëlinskema nodig is vir hierdie eise om voortgesit te word.

Die HSAG se aansoek om tersydestelling van die Reëlinskema is hangend, daar word beplan om binne die volgende paar weke verdere hofdokumente in te dien met die vertroue dat hierdie tersydestellings-aansoek spoedig aangehoor sal word, waarna die res van die klas-aksie dan in die Pretoria Hooggeregshof kan voortgaan.

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

1.3 Aansoek om Tussenbeidetrede

'n Voormalige HSAG-lid en HS-belegger, 'n pensioenaris, mev. Magdalena Gerbrecht Van der Sandt ("Van der Sandt"), het onlangs kennis gegee dat sy van voorneme is om tussenbeide te tree in die Aansoek vir die Tersydestelling van die Reëlinskema (welke aansoek deur die HSAG gevoer word).

Een van die hoofredes hoekom die HSAG die Reëlinskema moet tersydestel is omdat die skema, wat deur 'n hofbevel gesanksioneer is, bepaal dat mnr Nic Georgiou, sy familie en entiteite, asook ander individue wat betrokke was by die mislukte HS 15 tot 22 hofsake, algeheel kwytgesteld word van enige aanspreeklikheid.

Hierdie Aansoek vir Tussenbeidetrede was sonder die HSAG se medewete eensydig geplaas op die ongeopponeerde rol vir 11 Maart 2019 van die Hooggeregshof van Johannesburg.

Die hele proses met betrekking tot die betekening van Van der Sandt se aansoek is uiters verdag. Dit is dieselfde patroon wat ons opponente voorheen gevolg het: deur sonder kennis aan die HSAG eensydig sake op die hofrol te plaas.

Op 27 Februarie 2019 het die HSAG se regspan 'n oproep vanaf Van der Sandt se prokureurs van rekord ontvang waartydens die prokureurs ons meegedeel het dat die aansoek van Van der Sandt op 11 Maart 2019 aangehoor sou word.

Die HSAG se regspan het telefonies aan die prokureurs bevestig dat ons geen kennis van die aansoek ontvang het nie. Die prokureurs van Van der Sandt kon ook geen bewyse aan ons toon dat die aansoek, welke aansoek op 8 Februarie 2019 op al die onderskeie partye beteken was, wél op ons korrespondente beteken was nie.

Van der Sandt se prokureurs het egter na die telefoniese gesprek net 'n afskrif van die aansoek (sonder dat enige verklaring en die aanhangsels daartoe aangeheg is) aan ons kantore ge-epos.

Ons het daarna skriftelik aan hul bevestig dat ons nie die volledige aansoek ontvang het nie waarna hulle 'n verdere e-pos, waarby slegs die verklaring en aanhangsels ingesluit was, gestuur het.

Die HSAG se regspan het op 1 Maart 2019 aan Van der Sandt se prokureurs bevestig dat die aansoek nie volgens die Hofreëls beteken was nie en dat daar geen ooreenkoms met die HSAG se prokureurs bestaan het in terme waarvan hofstukke per e-pos beteken mag word nie. Die doel daarvan was, onder andere, dat hofstukke stuksgewys afgelewer was en daar nie later 'n rede gesoek word waarom belangrike dokumente dalk mag ontbreek nie.

Ons het ook aangedui dat, in die lig van bogenoemde, Van der Sandt se aansoek nie op 11 Maart 2019 kon voortgaan nie en dat ons eers die HSAG se regsposisie sou kon oorweeg nadat die aansoek formeel op die HSAG beteken word.

Ons bevestig dat die aansoek op 4 Maart 2019 vir die eerste keer formeel op die HSAG se prokureurs se korrespondente beteken was.

Die versuim om die Aansoek vir Tussenbeidetreeding op die HSAG se prokureurs te beteken was glo weens 'n "oorsig" van mev. Van der Sandt se prokureurs van rekord se kant af.

Van der Sandt se prokureurs het intussen die aansoek van die ongeopponeerde rol verwyder.

U sal onthou dat mnr. Helgard Hancke ("Hancke") soortgelyke onsuksesvolle aansoeke gebring het in die Hooggeregshof in Johannesburg (welke aansoeke Hancke 'n dag voordat dit aangehoor sou word, teruggetrek het en koste aangebied het) en ook in die Hooggeregshof in Pretoria waar die Regter nie eers melding gemaak het van Hancke se poging om tussenbeide te tree in sy uitspraak nie.

Van der Sandt voer in haar verklaring aan dat sy 'n belang by die Aansoek vir die Tersydestelling van die Reëlinskema het, en dat die tersydestelling daarvan tot haar (en ander HS-beleggers se) nadeel sal wees.

Van der Sandt se verklaring is ook deurtrek met valse beweringe wat slegs een doel voor oë het: om verdeling, wantroue en konflik onder die HSAG se getroue ondersteuners te veroorsaak en om die prokureurs van rekord namens die HSAG te diskrediteer.

Die HSAG het al op meer as een geleentheid in verskeie verklarings, nuusbriewe en kennisgewings op soortgelyke bewerings wat in die Van der Sandt aansoek beweerd word, geantwoord.

HSAG-beleggers moet asseblief nie enige ag slaan op hierdie nuutste poging om die klas-aksie te ontspoor nie.

Nog nie een van die opsies in die Reëlinskema het tot op datum hiervan gerealiseer of ten volle gerealiseer nie. Alhoewel die Reëlinskema spesifiek voorsiening maak vir rentebetalinge aan HS-beleggers was daar sedert Julie 2018 en September 2018 (betaalbaar in November 2018) geen rentebetalinge aan beleggers gemaak nie.

Watter nadeel is daar dus vir Van der Sandt en ander beleggers as die Reëlinskema tersyde gestel word – dit word dan nie op die oomblik geïmplementeer nie?

Die HSAG se regsplan het na konsultasie met hul advokatuur, waartydens die regsposisie van die HSAG ten opsigte van die aansoek van mev. Van der Sandt oorweeg is, besluit om nie die aansoek te opponeer nie.

Die HSAG beleggers kan verseker wees dat die HSAG-regspan alles in hul vermoë sal doen ten einde die HSAG-beleggers se belange te beskerm.

2. OPVRAGING VIR BYDRAE TOT REGS- EN ADMINISTRASIEKOSTE – 2019

Die jaarlikse bydrae tot regs- en administrasiekoste vir 2019, bly onveranderd en 'n bedrag van R2 000.00 per persoon word gehef.

Hierdie bedrag het, nieteenstaande die geweldige prys stygings die afgelope drie jaar, onveranderd gebly. Die HSAG en sy regsverteenwoordigers doen alles in hul vermoë om die saak so bekostigbaar moontlik te doen. Indien BTW, bankkoste en ander kostes egter afgetrek word, is die netto bedrag veel minder en is die gemoedsrus waarvoor die HSAG beleggers betaal om te veg vir 100% van hul eise, plus rente en koste, minder as R 5.00 per dag.

Hierdie opvraging is reeds op ons sisteem gelaai en u sal merk dat die R 2 000.00 opvraging ten aansien van regs- en administrasiekoste reeds op u Februarie 2019 staat verskyn.

Ten einde die HSAG-saak suksesvol aan te voer, versoek ons u vriendelik om so spoedig as moontlik die jaarlikse opvraging op datum te bring.

3. ALGEMENE BOEDEL NAVRAE

Indien u algemene boedelnavrae 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.

4. 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.

5. 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.

Ons bevestig dat hierdie lede se lidmaatskap opgeskort is en dat hulle nie geregtig is op enige voordele van die HSAG suksesse nie.

'n E-pos, waarin die opskorting bevestig word, sal aan diegene wie se lidmaatskap opgeskort is gestuur word ten einde die opskorting te bevestig. Hierdie proses sal deurlopend geskied gedurende 2019.

Die gevolge van hierdie opskorting is verreikend, en beteken dit ondermeer dat daardie HSAG-belegger se eis teen Orthotouch/Georgiou straks verjaar het. In die huidige bedeling van die klas-aksie aansoek kan dit ook beteken dat diegene wie se lidmaatskap opgeskort is, nie weer sal deel vorm van die HSAG klas-aksie nie en is dit ook moontlik dat hul van die HSAG se databasis en e-pos adreslys verwyder word.

LET WEL: Lede wie op die e-poslys is, kan spesiaal versoek dat hul name behou word en hul agterstallige betalings op datum bring.

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 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 kwytstelling 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 **niet 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.

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 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.

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. In November 2018/Desember 2018 is daar 'n spesiale opvraging tot regs- en administrasiekoste vir HSAG-lede wie in HS 21 & 22 bel  het van R500 **per persoon** gemaak word;
- vi. In Februarie 2019 is 'n verdere opvraging tot regs- en administrasiekoste van R2 000 **per persoon** gemaak word;
- vii. 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;
- viii. 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;
- ix. Van die einde van Februarie 2019 word persone wie se bydraes op datum betaal is met 'n totale eiswaarde wat R60 000,00 of minder tesame met 'n skriftelike versoek aan Theron & Vennote, kwytgeskeld van die 2019 administratiewe- en regskostes.
- x. Kwytskelding **is nie van toepassing nie** op vorige jare se registrasie / administrasie / regskostes / agterstallige foie en die spesiale opvraging vir HS 21 & 22 lede nie en is steeds betaalbaar.

xi. **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 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 R4.6 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: MARCH 2019

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.

This email is confidential and is exclusively meant for the addressee. If you have received it in error, please notify the sender immediately and delete it. You may not copy, disclose or deliver any email received in error or any part of it to anyone else. HSAG’s webmaster uses antivirus software to prevent viruses and other malicious code. However, such software cannot prevent or eradicate all such code. The HSAG or its representatives will not be liable for any loss, harm or damage whatsoever arising from receipt or use of this email or otherwise, whether arising through negligence of the HSAG, its members, steering committee, agents or otherwise.

The 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. CURRENT STATE OF AFFAIRS

1.1. Fast Track Certification Application (HS 21 & 22)

On 27 July 2018 the HSAG legal team served an application for the certification of a class action in respect of HS 21 & 22 on Mr Georgiou / Orthotouch and other Respondents.

At the recommendation of the case manager in the Pretoria High Court, the HSAG investigated the possibility of transferring the HS 21 & 22 buy-back clause section of the certification application to a specialised commercial court.

During a meeting presided over by the case manager, Judge Tolmay, on 8 November 2018, it was indicated by her that the Court Roll in Pretoria is brimfull and that the HSAG should consider transferring of the HS 21 & 22 case to the Commercial High Court in Johannesburg.

The legal teams of both the HSAG and the opposition (Mr Georgiou and his entities) agreed that the transfer may take place and that it may be heard within the first two weeks of March 2019. The case was certified as trial ready, but a formal transfer from Pretoria to Johannesburg was nonetheless required.

A formal application to that effect was brought in Pretoria and although Georgiou did not formally oppose, his attorney submitted an affidavit in which a dispute was declared arguing that the entire class action should be transferred to Johannesburg.

He also requested that the Respondents (whom has no interest in the HS 21 & 22 case) should be given notice of the intended transfer!

On 7 March 2019 Judge Tolmay determined that the provisional court order in the above application must be served on all Respondents and that approved the transfer, subject to no Respondents objecting thereto, in which case the transfer would have been approved and made a final order on 14 March 2019.

Georgiou's conduct is transparent and was, according to the HSAG legal team, a clear strategy to delay the case. This could have resulted in opening the door to parties, who do not have any interest in the HS 21 & 22 section of the case, to delay the case for whatever reason they might have.

True to historic patterns, the HSAG received an Opposing Affidavit from Mr Georgiou's Orthotouch in which they opposed the Application to Transfer. It is common knowledge that Orthotouch finds itself in financial difficulty, according to their own communication, and are unable to meet their obligations to investors.

Consequently, with the interests of the HSAG at heart, the HSAG Management decided that the matter cannot be delayed any further and that the transfer will not continue. The underlying rationale is simply that there is already a case manager in the Pretoria High Court, the court documents are finalised and the first part of the matter is ready for trial.

Instruction was given to the HSAG legal team to immediately cease the Application to Transfer and to request a court date in Pretoria.

On 14 March 2019 Judge Tolmay granted the withdrawal of the application and directed that a court date immediately be requested from the Deputy Judge President in Pretoria.

One of the reasons given by Orthotouch was that the HSAG must give formal notice of the suggested transfer to all 18 300 HS investors. This was unacceptable to the HSAG Management and clearly a plot by Georgiou and his associates to delay their unavoidable appearance in court.

The fact that Orthotouch has opposed this application, even if there were no merits to that effect, would have caused the Application to Transfer to be postponed in order for the HSAG to answer Orthotouch's affidavit.

The above, and the fact that it could possibly take months to successfully conclude the Application to Transfer to the Johannesburg Commercial Court, was sufficient motivation for the HSAG Management to decide to simply withdraw the Application to Transfer.

The hearing of the Application for Certification of the HS 21 & 22 (as well as all the other HS syndications) will thus continue in the Pretoria High Court.

Seeing as all the formal court documents relating to the “fast track” Application have already been circulated to the respective legal representatives, the HSAG will immediately continue to request a court date in the Pretoria High Court.

The HSAG Management and legal team remain positive about the case and have undertaken to pursue all possible avenues to ensure that the HSAG members’ cases are heard before a court of law to ensure that justice is served.

The Notice of Motion, as well as the affidavit in support thereof, can be found on the HSAG webpage at www.hsaction.co.za, and we invite you to read same.

1.2. Investors with claims in HS 15 to 20

Claims for investments in other HS companies are not lost or in jeopardy and the HSAG is still proceeding with steps to enforce investors' claims.

The claims of HS 15 to 20 are based on other facts and circumstances, including fraud and misrepresentation amongst others, and this route must be followed with these claims, which differ from the contractual claims of HS 21 & 22.

Claims of investors in HS 19 to 20 have already been instituted by way of the Application for Certification and this application suspends the running of prescription of HSAG members’ claims.

To date it has not been necessary to institute claims on behalf of HS 15 to 18 investors through a certification application as prescription is, according to our counsel, not yet of concern.

Should investors have been supposed to receive their capital amounts, in terms of the Business Rescue Plan, on 15 December 2016, these claims will only prescribe on 15 December 2019.

The Certification Application in relation to HS 15 to 18 will be issued and served as soon as the Sec 155 Scheme of Arrangement (“Scheme”) is set aside in order to save costs. We determine our priorities and systematically work accordingly.

The HSAG’s counsel still advises that it is necessary to set aside the Scheme in order to put forward these claims.

The HSAG's application for setting aside the Scheme is pending and the filing of further court documents is being planned, trusting that this rescission application will be heard shortly, after which the rest of the class actions may proceed in the Pretoria High Court.

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

1.3. Application to Intervene

A former HSAG member and investor, a pensioner, Mrs Magdalena Gerbrecht Van der Sandt (“Van der Sandt”), recently gave notice that she intends to intervene in the application to set the Scheme aside (the application brought by the HSAG).

One of the main reasons for the purported setting aside of the Scheme is that the Scheme, sanctioned by a court order, determines that Mr Nic Giorgiou, his family and entities, as well as other individuals who were involved in the failed HS 15 to 22 court cases, are entirely absolved of any and all liability.

This Application to Intervene was brought without the knowledge of the HSAG and placed on the unopposed roll of 11 March 2019 of the Johannesburg High Court.

The entire process with regards to the service of Van der Sandt’s application raises suspicion. It is the same pattern that was previously followed by our opponents: by unilaterally placing cases on the court roll without notifying the HSAG.

On 27 February 2019 the HSAG legal team received a phone call from Van der Sandt’s attorneys of record in which the attorneys informed us that Van der Sandt’s application would be heard on 11 March 2019.

The HSAG legal team telephonically confirmed that they have not received notice of the application. Van der Sandt’s attorneys could also not furnish any proof that the application, which application was served on the respective parties on 8 February 2019, was indeed served on the HSAG legal team’s correspondents.

Following the telephone conversation, Van der Sandt’s attorneys did however send a copy of the application (which copy did not contain any of the annexures that were attached to the application) to our offices via email.

Thereafter, we confirmed to them in writing that we had not received the complete application, after which they supplied only the affidavit and the respective annexures via another email.

On 1 March 2019 the HSAG legal team confirmed with Van der Sandt’s attorneys that the application was not served according to the Court Rules and that there was no agreement with the HSAG legal team in terms of which court documents may be served via email. The aim thereof was that, amongst other things, the court documents may not be served in a piecemeal fashion and that there may not be any later queries as to why important documents are amiss.

We further indicated that, in light of the above, Van der Sandt’s application may not continue on 11 March 2019 and that we will only be able to assess the legal position after the application has formally been served on the HSAG.

We confirm that the application was formally served on the HSAG legal team’s correspondents for the first time on 4 March 2019.

The failure to serve the application to intervene on the HSAG legal team was, according to Van der Sandt's attorneys, caused by mere "oversight".

In the meanwhile, Van der Sandt's attorneys have removed the application from the unopposed court roll.

You will remember that Mr Helgard Hancke ("Hancke") brought similar unsuccessful applications in the Johannesburg High Court, (which application was withdrawn a day before it was to be heard with costs being tendered) and in the Pretoria High Court where the Judge did not even mention Hancke's attempt to intervene in his judgement.

Van der Sandt states in her affidavit that she has an interest in the application to set aside the Scheme and that the setting aside thereof would be to her detriment (and that of other HS investors).

Van der Sandt's affidavit is pervaded with false allegations that only serve the purpose of causing divide, distrust and conflict among the HSAG's loyal supporters and to discredit the HSAG's attorneys of record.

The HSAG has on numerous occasions and in multiple affidavits, newsletters and notices, answered to similar allegations as those made in Van der Sandt's application.

We ask HSAG investors not to take note of, or give any credit to, the latest attempt to derail the class action.

To date none of the options in the Scheme has been fully realised. Although the Scheme specifically provides for the payment of interest to HS investors, there have not been interest payments to investors since July 2018 and September 2018 (payable in November 2018).

What disadvantage is there for Van der Sandt and other investors if the Scheme is set aside when it is currently not being implemented?

The HSAG legal team has, after consultation with their counsel in which consultation the legal position of the HSAG in relation to the application of Mrs Van der Sandt was considered, decided not to oppose her application.

The HSAG investors may rest assured that the HSAG legal team will do everything in their power to protect the interests of the HSAG investors.

2. CONTRIBUTION TOWARDS LEGAL AND ADMINISTRATION COSTS - 2019

The annual contributions towards legal and administration costs for 2019 remain unchanged and an amount of R2 000.00 per person will be levied.

This amount has remained unchanged despite the huge price increases over the past three years. The HSAG and its legal representatives are doing everything in their power to make the case as affordable as possible. However, if VAT, bank charges and other costs are deducted, the net amount is much less. The peace of mind for which

the HSAG investors pay in order to have 100% of their claims plus interest recovered, costs them less than R5.00 per day.

This amount has already been uploaded to our system and you will note that the R2 000.00 contribution towards legal and administrative costs already appears on your February 2019 statement.

In order to successfully propel the HSAG-case, we kindly request that your yearly contribution be brought up to date timeously.

3. GENERAL ESTATE ENQUIRIES

If you have any general 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.

4. 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.

5. SUSPENSION OF HSAG MEMBERSHIP

The HSAG Steering Committee decided at a previous meeting in 2018, 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 be suspended immediately if such members do not settle their outstanding **2014 / 2015 registration costs by 31 December 2018**.

We confirm that these investors' membership has been suspended and they will not be entitled to any advantages which may accompany the HSAG's successes.

An email confirming the suspension will be sent to the relevant parties. This process will take place throughout 2019.

The consequences of HSAG membership being suspended are far-reaching, and may mean, amongst other things, that those HSAG investor's claim against Orthotouch / Georgiou has prescribed. In the current scheme of the class action application, it may also mean that a member may not be able to re-join the HSAG class action at a later stage and it is also possible that such members will be removed from the HSAG database and email address list.

PLEASE NOTE: Members who are currently on the e-mail list can specifically request that they remain and settle their outstanding payments.

6. USE OF CORRECT EMAIL ADDRESSES AND REFERENCES

The correct use of e-mail addresses (as stipulated 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.

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 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.

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. In November 2018/December 2018 a special contribution request of R 500.00 **per person** was made towards legal- and administration costs for HSAG members who invested in HS 21 & 22;
- vi. In February 2019 a further R2 000.00 **per person** contribution to legal and administrative costs was made.
- vii. 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;
- viii. 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;
- ix. From the end of February 2019 persons whose contributions are paid up to date, with a total claim value of R60 000 or less, together with a prior written request to Theron & Partners, will be exempted during 2019 from administrative -and legal costs;
- x. Exemption is **not applicable** to previous years registration / administration and legal costs and overdue fees are still payable;
- xi. **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. 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:

- 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