



AFRIKAANS HIERBO

MONTHLY NEWSLETTER: MAY 2025

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1. INTRODUCTION

Dear HSAG Members

The month of May marks a pivotal moment in the HSAG journey — one that blends years of persistence with present momentum and imminent action. After many seasons of legal delays, administrative hurdles, and painstaking advocacy, several of our core matters are now approaching decisive milestones.

The CCAF class action, long heralded as a test case for justice in South Africa, has finally secured a court date. This is not just a procedural victory, but a call for every member to actively mobilise and support the final stretch. From the courtrooms of Pretoria to the liquidation efforts unfolding in Bloemfontein, May brings clarity, movement, and the urgency of preparation.

At the heart of this newsletter is accountability — from new leadership in the form of Ms. Lebogang Mpakati’s appointment as Business Rescue Practitioner for Orthotouch and Zephan, to critical questions about legal cost orders and the fair treatment of class representatives. It is a time when vigilance, funding, unity, and communication must align like never before.

You will also read about recent strategic victories, unexpected returns from members, and urgent reminders to contribute and stay engaged. Legal momentum is building on multiple fronts, but without your involvement, progress can stall.

Whether you are a long-time member or reconnecting after years, your role is crucial. Justice is within reach — but only if we all remain informed, prepared, and united.

Let us meet this moment not just with reflection, but with resolve. Let May 2025 be remembered as the month we moved from defending our rights to realising them.

Together, we stand. Together, we act. Together, we advance.

Warm regards,

The HSAG Team

2. CCAF – IN THE ARROW ZONE: THE TIME FOR JUSTICE IS NOW

Summary (±50 words):

In the April newsletter, it was announced that the CCAF class action is finally awaiting a court date after years of sustained legal efforts and opposition. This milestone is the result of strategic litigation, but the road ahead now requires focused preparation and active support from every member.

From Milestone to Mobilisation – The Road Ahead

With the trial date set and procedural requirements nearly finalised, we have now reached a point where preparation is everything. What was a future achievement in April becomes a call to action in May. The momentum is there – now every member must mobilise for what is undoubtedly the most crucial phase in our legal journey.

The Decisive Phase Has Arrived

We have finally secured a trial date for the hearing of our certified class action, CCAF. This is a significant milestone achieved in light of the various efforts undertaken over the past years.

On 22 May 2025, CCAF held an extremely important case management meeting before Judge Aubrey Ledwaba, the Deputy Judge President of the High Court in Pretoria. This meeting focused on a straightforward agenda, but the outcomes were anything but ordinary.

Legal Process Thus Far

- The estate of Nic Georgiou was provisionally sequestrated in 2024, and provisional trustees were appointed.
- A new Business Rescue Practitioner (BRP) was recently appointed for Zephan, along with a new legal team after the previous BRP, Jacques du Toit, was suspended.
- All affidavits by the CCAF Applicants and Respondents – Nic Georgiou, Zephan, and the N Georgiou Trust – have been filed.
- The CCAF Applicants' heads of argument have already been submitted; the only outstanding item is the filing of the Respondents' heads of argument.

What Are Heads of Argument?

In a High Court application, heads of argument refer to the written legal arguments that each party submits to the court to support their position. This is a structured document in which the legal representative outlines the facts of the case, cites applicable legislation and legal precedents, and motivates why the court should make a specific order. This document is critically important, as it forms the legal basis upon which the court bases its decision. Heads of argument must be clear, concise, and well-motivated and are usually submitted before the court hearing so that all parties and the court have sufficient time to study them.

Important Directives Obtained at the Meeting: The Judge directed

- That all Respondants must submit their heads of argument by 4 July 2025.
- That the trial will take place from 20 to 22 October 2025.

Although this still sounds far in the future, the time until October is actually very short. The CCAF legal team is ready to proceed up to this point, but now there is

an enormous amount of work ahead in preparing for the trial. The question is, however: Are the CCAF members ready for it?

We thus have less than six months left before the judgment we have been fighting for over the years. Now is the time to stand together.

What Is Now Expected of You?

CCAF members are now expected to give their all. The delaying tactics of the Georgious and their associates have tested everyone's patience. One of the Georgiou sons even recently claimed that he is a victim and experiencing severe stress due to a case against him – in stark contrast to the real loss and trauma of thousands of investors.

Now is our moment:

To face the court case, essential levies will need to be made. The CCAF legal team will request monthly contributions to ensure that sufficient funds are available for the upcoming court proceedings.

HSAG makes a serious appeal to every member to:

- Pay the required amount and, if necessary, a monthly contribution for the next six months.
- Make payments promptly and faithfully to continue our legal representation without interruption or shortage of funds.

If every member does their part, our legal costs will be timeously covered — and we can secure the outcome we have fought for together. If not, we will be forced to continue with levies until we have built up a satisfactory war chest.

Our Collective Struggle – Your Role Is Critical:

This case has been pioneering as one of the first certified class actions in South Africa. But our journey is not over. The final phase leading up to the trial calls for final involvement.

- Let us not just be class members — but active participants in justice.
- Let us stand together as we did five years ago.
- Let us win together.
- The hour has arrived.
- The court date is set.
- The battle is ours to win — or lose.
- Work now to make justice a reality.

Keywords:

Justice. Court Date. Mobilisation

3. NEW ERA OF ACCOUNTABILITY FOR ORTHOTOUCH & ZEPHAN

Summary (±50 words):

The appointment of Ms. Lebogang Mpakati as the new Business Rescue Practitioner (BRP) for Orthotouch and Zephan signals a long-awaited turning point. Following the suspension of Jacques du Toit, this leadership change brings restored professionalism, new legal integrity, and cautious optimism — provided that actions now match expectations.

From Disgrace to Discipline – A New Chapter Begins

The business rescue process for Orthotouch and Zephan has been fraught with delays, dysfunction, and deteriorating trust. The appointment of Ms. Lebogang Mpakati as the new BRP, after the long-overdue suspension of Jacques du Toit, brings a decisive shift in tone and leadership.

Du Toit's removal followed direct court criticism, a punitive cost order, and the suspension of his BRP license by the Companies and Intellectual Property Commission (CIPC). His actions not only undermined investor confidence but drew national scrutiny. The consequences sent a clear message: even officers of the court can and will be held accountable.

Now, with Ms. Mpakati officially in charge and a new independent legal team in place, stakeholders may at last see a return to the principles that have long been absent: integrity, objectivity, and lawful conduct.

Professionalism in Action – Early Signs of Reform

The early performance of the new BRP and her legal team has been promising. Communication has been respectful, timelines have been met, and the strategic tone has shifted from evasion to engagement. This is not merely a procedural change — it is the beginning of a new culture of transparency.

Ms. Mpakati's appointment replaces Du Toit's controversial legal team with a firm known for its competence and independence. This step alone has improved HSAG's ability to interact meaningfully with the rescue process.

What Happens Next – 31 May 2025: A Key Deadline

Ms. Mpakati has formally requested time to review the full court record before making a final decision on the future of Orthotouch and Zephan. That decision is expected by 31 May 2025.

HSAG's position is well established and based on ample legal and financial evidence: the companies are hopelessly insolvent, and business rescue has failed to rehabilitate them. A return to financial realism, and possibly liquidation, may now be the only viable path forward.

What This Means for HSAG Members

This change is not symbolic — it is substantive. For HSAG members, it means:

Restoration of trust and hope in a process long clouded by delay and mismanagement

Renewed chance for true financial state of Orthotouch & Zephan

A more open and professional relationship between the BRP and over 18,000 affected investors

Whether the next step is liquidation or not, the new BRP has a duty — legal and ethical — to act with independence, transparency, and urgency.

HSAG: Resolute and Ready

HSAG remains fully committed to the rights and voices of its members. While the companies may be bankrupt, our legal claims and the truth behind them are not. The future depends on the choices made now — not only by leadership, but by every member who stands behind the pursuit of justice.

Let us stay united, vigilant, and informed — and ready for the next step.

- Justice is at hand
- Change has come
- Accountability is no longer optional
- Together, we reclaim integrity

Keywords:

Restoration. Change. Accountability. Integrity.

4. RISE UP, STEP FORWARD – THE TIME TO UPHOLD IS NOW

Summary (±50 words):

With thousands of members in HSAG, only a small group currently carries the full financial burden of a legal battle that affects everyone. This inequality is not only unfair – it is unsustainable. If we don't unite now, we may all pay the price for division.

From Awareness to Decision: What Is Needed Now

Previous newsletters have repeatedly emphasised the reality of financial shortfalls – and the risks they entail. April showed that court dates are expected, legal developments are gaining momentum, and the legal team is preparing to perform. What is missing, however, is the collective support of every member. This month re-emphasises the point: without participation, there can be no outcome.

The Burden of a Minority – and the Silence of the Majority

HSAG currently has 6,789 active registered members under the approved funding model, out of a total of 7,836 previously registered members. Yet the financial burden of the legal battle rests on just a fraction of loyal members. This is neither right, fair, nor just. Everyone invested money, everyone lost money, and everyone wants their money back — a total of R4.6 billion, all tied up in real estate whose value has skyrocketed over the past decade.

We have the numbers to win — but without participation, those numbers mean nothing. As reported elsewhere, the opposition's house of cards is already collapsing. Let us not stop building now.

Member Contributions: Slow but Increasing

There has been a small increase in 2025 contributions over the past month. It's very modest but still encouraging. Yet it is far from enough. If only a small group pays, the legal fight remains in serious jeopardy.

2022 Special Levy – A Strained Backbone

The 2022 Special Levy for Legal Costs — our financial backbone in this legal battle — has not received nearly enough support. These are not just numbers: they represent real costs for multiple court cases, legal teams in different provinces, and the administrative and legal infrastructure that makes everything possible.

The Georgious won't settle easily unless a court forces them to. And court actions require resources – our resources.

Equality Begins with Action

The investments that vanished were the money of HSAG members. Your money. Your future. Your security. It is unjust that only a small group carries the burden while the majority watches.

If the problem is not urgently addressed, HSAG leadership will be forced to make difficult decisions. If final court orders are obtained, they may only benefit paid-up members – meaning the small group of supporters who have persevered could be the only ones ultimately rewarded.

2025 Legal Costs – A Real Urgency

The 2025 costs now urgently need funding. Without it, we face delays – or worse – to never reach the end.

The Road Ahead: Unity and Responsibility

Every member who has not yet brought their contributions for 2023, 2024, and 2025 up to date is urgently requested to do so now. If everyone does their part, we can turn the tide – for ourselves and for justice in South Africa.

Because at the heart of this matter is a simple question:

- Will you be part of the solution – or part of the silence?
- The time for waiting is over.
- Truth has a price.
- Justice requires participation.
- Now it's your turn.

Keywords:

Responsibility. Unity. Solution.

5. THEY DON'T KNOW WHAT WE KNOW – BUT NOW YOU DO

Summary (±50 words):

After years of silence, some members have renewed their commitment to HSAG – because they remembered what's at stake. This story reminds us: it's never too late to return. Share what you know. Your perseverance and voice can restore someone else's hope.

An Unexpected Return – And What It Means for You

An HSAG member from Boksburg recently made contact again after nine years of silence. Her last contribution was in 2016 — and now, in 2025, she wants to pay up her account and rejoin.

It may sound like an exception, but the truth is: this gesture symbolizes something greater. There may be hundreds more waiting — waiting to hear what you already know.

Many former members simply don't know about the latest developments. They don't know that court dates have now been set. They don't know about the new Business Rescue Practitioner. They don't know about the determination with which HSAG is tackling the legal system. But you do. You know:

- Legal steps are now in an advanced stage.
- The structures are in place.
- Justice is within reach — provided we stay united.

Don't Grow Weary of Sharing the Truth

Perhaps someone is waiting for an invitation, for a word of encouragement – for your voice. Share what you know. Help break the silence. Help remind others why this path matters – not just for yourself, but for all who have experienced injustice.

Loyal Members Are Witnesses to the Road Ahead

By staying the course, you have done more than contribute. You have remained loyal to the cause of justice. You are a bearer of truth — someone who has not forgotten, someone who did not choose to look away.

Keywords:

Remembrance. Participation. Hope.

6. JOINING THE SEQUESTRATION: A DECISIVE LEGAL FRONT FOR HSAG

Summary (±50 words):

HSAG's effort to formally intervene in the sequestration application of the late Nic Georgiou's estate remains critically important. The court still needs to rule on HSAG's application to intervene, as well as the appeal by the N Georgiou Trust. These matters will now be heard together.

Where We Stand Now: Intervention and Appeal Consolidated

In April 2025, HSAG submitted a formal application to intervene in the sequestration proceedings of the late Nic Georgiou's estate. This move aims to secure a final sequestration order that could pave the way for forensic investigations, asset recovery, and accountability.

However, no ruling has yet been made regarding HSAG's application to intervene or the N Georgiou Trust's appeal. The parties agreed that the matters can only be heard after the appeal. A new court date is awaited, and its outcome will be pivotal for the future course of litigation.

Why This Intervention Remains Crucial

Should the court allow sequestration and HSAG's intervention, it could result in:

- The appointment of a court-appointed curator
- Exposure of suspicious transactions and
- Potential nullification of complex structures designed to evade creditors
- A fairer platform for HSAG members' claims to be addressed in an organised manner

This application reflects not just HSAG's legal claims, but also the voice of thousands of investors who entrusted their capital to a failed system.

Closing Comment

The HSAG legal team is actively following up on this matter. While the ruling is still pending, the strategic value of this intervention is undeniable. It is an effort to ensure accountability and restore credibility to the legal process.

Once a new court date is set and a ruling is delivered, HSAG members will be informed immediately.

- Delay does not mean defeat.
- Justice takes time – but we persist.
- The truth does not wait for permission.
- We fight on – united and determined.

Keywords:

Intervention. Accountability. Perseverance.

7. LEGAL FRONT: PROGRESS, DELAYS AND DETERMINATION

Summary (±50 words):

HSAG's litigation remains active in various courts. Key developments include the recent postponement of the DECA case, progress in the liquidation of Orthotouch and Zephan, a pending judgment in the Setting Aside Application, and continued delays in the Transfer Application. Preparations for the CCAF hearing are also underway.

Second Quarter 2025: Legal Activities Intensify

The HSAG remains actively engaged on multiple legal fronts in the second quarter of 2025. While some procedural delays persist, several core matters are showing tangible momentum — especially regarding the CCAF hearing and the planned liquidation of Orthotouch and Zephan.

In Pretoria, the DECA case was heard in March 2025. The court formally postponed it pending a ruling in the Setting Aside Application. While frustrating, this delay is a strategic decision to proceed on a firmer legal footing. A ruling is expected soon.

In Bloemfontein, HSAG is finalising steps to place the liquidation application against Orthotouch and Zephan on the court roll. With Jacques du Toit's BRP license now officially suspended and a new, independent BRP in place, the need

for court-supervised liquidation is greater than ever. It remains the most effective way to restore transparency and protect investor rights.

In Johannesburg, we are still awaiting judgment in the Setting Aside Application, heard back in November 2024. The court has confirmed receipt of all documents, and a decision is now imminent. HSAG will notify members immediately once the ruling is available.

Unfortunately, no progress has been made in the Transfer Application. Since the application for leave to appeal hearing in July 2024, the court has not issued a written judgment or order, despite repeated follow-ups by our legal team. This delay continues to prevent HSAG from pursuing the appeal against the cost order.

Thank you for your continued trust and support. Together, we remain focused, determined, and ready for the next legal steps.

- Strategic progress across multiple court jurisdictions
- Liquidation pathway gains traction in Bloemfontein
- Setting Aside judgment expected imminently
- DECA delay positions HSAG for stronger legal outcome

Key words

Accountability. Progress. Justice.

8. A NEW ERA OF BRP ACCOUNTABILITY

Summary (±50 words):

The appointment of Ms. Lebogang Mpakati as the new Business Rescue Practitioner for Orthotouch and Zephan is a watershed moment for HSAG. After years of frustration and delay, this move brings new hope, professional integrity, and a fresh opportunity for real justice.

The End of Jacques du Toit – and the Beginning of Change

Ms. Lebogang Mpakati was officially appointed as the new BRP for Orthotouch Ltd and Zephan Properties (Pty) Ltd, following the suspension of Jacques du Toit.

This decision came after a clear reprimand by the High Court, of which another division also issued a punitive cost order against Du Toit. Furthermore, the Companies and Intellectual Property Commission (CIPC) suspended his BRP license — a strong message that even court officers will be held accountable.

Ms. Mpakati immediately replaced Du Toit's legal team with a new, independent law firm. This marks a much-needed return to integrity, objectivity, and professional standards.

A Fresh Breeze of Professionalism

The new legal team appointed by Ms. Mpakati has already made a positive impact: they act professionally, communicate promptly and respectfully, and grasp the urgency and scope of the Zephan/Orthotouch matters. After years of frustration, this new team represents a revival of legal values — values that HSAG and its members have demanded from the start.

What Happens Next?

Ms. Mpakati has requested the court record to review before making a formal decision about the future of Orthotouch and Zephan. The decision is expected by 31 May 2025. HSAG's position remains unchanged and well supported: these companies are hopelessly insolvent. We believe Ms. Mpakati will handle the matter with independence and fairness — without loyalty to discredited interests.

What This Means for HSAG Members

This change is not just administrative — it is fundamental. It means:

- Restoration of hope for a meaningful legal process
- A stronger chance of an honest assessment of the actual financial state
- A more transparent and respectful relationship between the BRP and the 18,000 HS15-22 investors.

HSAG: Firm and Determined

HSAG will relentlessly continue to fight for its members' rights. Even though the companies are bankrupt, our rights as investors remain valid. Now, with a responsible BRP and capable legal representation, our path forward is clearer.

Let us remain united, informed, and ready to take the next decisive step.

- Justice is at hand.
- Change has come.
- Accountability is inevitable.
- Together we can win this battle.

Keywords:

Restoration. Change. Faith.

9. DECA & COST ORDERS: PRINCIPLES UNDER FIRE – FIGHT FOR O JUSTICE**Summary (±50 words):**

The DECA case has once again captured national attention following a court ruling that granted a postponement but also issued a controversial cost order against HSAG's nominal representatives. This development places key constitutional principles under pressure — including access to justice, class representation, and the protection of public interest litigants.

A Ruling That Could Shape the Legal Landscape

On 25 April 2025, Judge Janse van Nieuwenhuizen issued a cost order against HSAG's nominal applicants in the case *Smith & Others v Georgiou & Others*. The order stemmed from technical applications brought under Rule 41(1)(c) by the Second and Third Respondents. Though procedural in nature, the ruling carries far-reaching implications for the future of class actions and litigation in the public interest.

Representation Without Personal Gain

HSAG's nominal applicants represent more than 18,000 investors in Highveld Syndication 15–22 — without any personal financial benefit. They are driven by a sense of justice and the interests of a wronged community. Imposing cost orders against such representatives sets a dangerous precedent that could discourage future participation and silence communities seeking justice.

Access to Justice Under Threat

Section 34 of the Constitution guarantees every citizen access to the courts. When the legal system financially punishes those acting on behalf of others — even when done in good faith and without personal gain — it erodes that right. It fosters a climate of fear that deters the public from asserting their legal rights.

Good Faith and Legal Complexity

The applicants have consistently acted in good faith, relying on legal advice and procedural guidance. The complexity of the legal landscape and differing interpretations have contributed to the situation. There is no evidence of bad faith — a requirement for cost orders in public interest cases, as confirmed by the Constitutional Court.

The Public Interest Deserves Protection

The DECA case is not just about technical litigation — it impacts the financial future of thousands of ordinary investors. Cost orders against those advocating for others without personal gain are not only unjust, but also undermine democracy and the pursuit of justice.

What Now? The Road Ahead

HSAG's legal team has already filed an application for leave to appeal. HSAG's leadership reaffirms its unwavering commitment to protecting its members' rights, upholding the rule of law, and engaging honestly with the courts. This is not merely about legal costs — it is a battle of principle and constitutional integrity.

- The law must serve — not intimidate.
- Representation deserves protection.
- The public interest is not a burden — it is a right.
- We stand firm — in principle and in purpose.

Keywords:

Principled. Constitutional. Just. Access. Representation.

10. LIQUIDATION APPLICATIONS: BLOEMFONTEIN

Summary (±50 words):

The liquidation application against Orthotouch and Zephan has reached a critical stage. After years of extended business rescue under Jacques du Toit—who attempted to keep insolvent companies operational—the final decision on whether to oppose or cooperate now rests with the new BRP. This requires professional judgment and ethical balance.

Liquidation vs. Rescue

HSAG is now entering a decisive phase in its years-long legal struggle on behalf of thousands of disadvantaged investors. The application to place Orthotouch and Zephan into final or provisional liquidation is ready for hearing. HSAG has already submitted its heads of argument and is awaiting a court date at the High Court in Bloemfontein.

This legal action stems from years of stagnation, procedural delays, and limited transparency under the framework of business rescue. Jacques du Toit, who previously served as the BRP, attempted for nearly six years to keep the companies afloat despite ongoing financial distress. His recent suspension has introduced a new dynamic, with the appointment of Ms. Lebogang Mpakati as the new BRP shifting focus to her role in the liquidation decision.

Why Liquidation?

HSAG argues that the current business rescue has failed and no longer presents a realistic prospect of success. The reasons are clear:

- The companies have not been rehabilitated; creditors remain unpaid for years.
- No proper financial reporting is available.
- The so-called 2023 Rescue Plan is, according to HSAG, misleading.

The application calls for an independent liquidator who can:

- Conduct forensic investigations
- Subpoena documents
- Trace lost funds
- Hold key figures accountable

The New BRP: Professional Discretion and Ethical Decision-Making

Ms. Lebogang Mpakati, with more than 18 years of experience in business restructuring, now steps into one of the most polarised BRP roles in the country. She is now the key figure who must decide whether to oppose or support the liquidation application.

What makes this case particularly noteworthy is that her appointment appears to be “limited” to implementing her predecessor’s rescue plan—something that, according to legal experts, are in conflict with Section 140 of the Companies Act. This section requires that a BRP must act independently and in the interests of all stakeholders. If such a limitation conflicts with the law, it would be invalid, and her duties as an officer of the court must override any improper instructions.

There is also concern among HSAG members that her appointment was signed off by Phoebe Malan, a former secretary of Nic Georgiou—a central figure in HSAG’s allegations of mismanagement. While this fact does not, by itself, undermine her competence or integrity, it highlights the need for transparent decision-making and independence from improper influence. We trust she will do the right thing.

What Now for Liquidation?

The court will determine whether Orthotouch and Zephan should be finally liquidated.

If she chooses to oppose, HSAG will proceed to request a punitive cost order against her personally. She will be required to base such opposition on sustainable, lawful grounds supported by objective data.

If she does not oppose, the process should proceed without interference.

In either case, her decision must be based on:

- Objective evaluation of the companies' financial condition
- Impartial consideration of the creditors' interests

Vigilance and Hope: The Road Ahead

HSAG remains committed to protecting its members' interests and monitoring every legal development. The new BRP now has the opportunity to act with integrity and independence—and perhaps finally restore the trust of all stakeholders.

HSAG will not stand by while legal processes are derailed. Through vigilance and sustained legal action, we are working towards a fair resolution.

Key Principles That Matter Now

- Transparency
- Legal duty over strategic manoeuvring
- Accountability over protectionism

11. QUESTIONS, EXPECTATIONS AND RESPONSIBILITY: SCRUTINISING ORTHOTOUCH'S NEW BRP

Summary (±50 words):

The procedure of appointment of Ms. Lebogang Mpakati as the new Business Rescue Practitioner (BRP) for Orthotouch raises several questions. HSAG expresses serious concerns about the legality and independence of her mandate but still hopes for integrity and transparency in the best interest of investors.

Questionable Appointment – A New BRP, But At What Cost?

On 11 March 2025, Ms. Lebogang Mpakati was appointed as the new BRP for Orthotouch (Pty) Ltd, following the suspension of Jacques du Toit on 27 February. The appointment, signed by a former secretary of Nic Georgiou, immediately raised concerns among HSAG members and legal experts, especially regarding its legality and objectivity.

Limited Mandate – A Shadowed Beginning

Ms. Mpakati was appointed with the specific instruction to implement only the existing rescue plan — drafted by her predecessor. This limitation may be in conflict with Section 140 of the Companies Act, which requires a BRP to act independently and to assume full management control to act in the best interest of all creditors and stakeholders.

A limited mandate casts doubt on her independence and undermines her ability to consider alternative or improved plans.

Legality and Credibility: Unanswered Questions

The fact that the resolution was signed by someone closely associated with the former management puts the credibility of the process into question. It is also unclear whether the appointment of Ms. Mpakati meets all licensing and professional requirements as stipulated by the CIPC and applicable laws.

HSAG has formally expressed its concerns and is investigating potential legal steps to protect its members' interests.

A New Chance for Integrity

Still, not all hope is lost. If Ms. Mpakati uses her mandate with integrity, independence, and transparency, this appointment could still represent a positive

turning point. Where others may have hoped for manipulation, character and legal duty can prevail.

HSAG will monitor every step of the process — with vigilance, persistence, and an unwavering commitment to justice.

Vigilance Remains Critical

Members are strongly advised not to sign any documents or share personal information without legal advice. At every stage, the focus must remain on transparency, lawful conduct, and fairness.

- Integrity must outweigh influence.
- Legality is not optional.
- Truth is our only weapon.
- We watch, we fight – and we will not back down.

Keywords:

Transparency. Vigilance. Integrity.

12. APPLICATION TO SET ASIDE: JOHANNESBURG

Summary (±50 words):

The application to set aside the s155 Scheme of Arrangement was heard in the High Court in November 2024. This scheme continues to shield key players from accountability. Although judgment has been delayed, it is still expected soon — and it will have far-reaching implications for all HSAG members.

Why This Case Matters

The setting aside application, heard on 13–14 November 2024 in the Johannesburg High Court, seeks to nullify the Scheme of Arrangement. This so-called scheme has served as a barrier for the late Nic Georgiou, his associates, and other insiders — including former BRPs Hans Klopper and Jacques du Toit — from legal action by HSAG members.

The Scheme has long been criticised as a legal instrument protecting the true culprits, undermining investor rights, and evading accountability. It is therefore not merely a procedural matter — it is a key action directly affecting HSAG's legal strategy in other cases.

Current Status

After months of procedural shifts, the High Court Registrar of the preciding judge confirmed in January earlier this year that all necessary documents have been received and that the judge's decision is now pending. As of this newsletter, unfortunately, no ruling has yet been delivered.

Once the written judgment and court order are issued, HSAG report on:

- The content of the judgment
- The implications for the validity of the scheme
- How this strengthens our litigation strategy in other cases

This case is about more than procedure:

- It is about justice versus deception.
- It is about fairness over legal technicality.
- And it will be decided soon.

Keywords:

Justice. Accountability. Waiting.

13. TRANSFER APPLICATION (JHB TO PTA): JOHANNESBURG

Summary (±50 words):

Although the application for leave to appeal in the Transfer Application was heard in July 2024, Judge Crutchfield of the Johannesburg High Court has still not issued a written judgment or court order. This inability to decide blocks HSAG's appeal process and unnecessarily delays justice for its members.

Judgment Still in Limbo

It is with growing concern that we report: there is still no progress on the delivery of the written judgment and order in the Transfer Application. This matter — heard in July 2024 — aimed to transfer the case to the High Court in Pretoria. It is argued that the Pretoria High Court is legally competent with jurisdiction, as its jurisdiction was originally ratified the A155 Scheme.

Despite nearly a year having passed, the court has yet to deliver its ruling.

Appeal Hindered by Court Silence

To make matters worse, not only was the original application dismissed, but a punitive cost order was also issued personally against the HSAG applicants. This ruling was immediately appealed. However — without a written judgment and court order — the appeal process simply cannot proceed.

The last communication from the judge's Registrar came in November 2024. At that time, we were told the ruling would follow within a week. Since then, there has been no response, despite repeated formal and sustained follow-ups by our legal team.

HSAG Remains Watchful

We will continue to pursue all possible avenues to prompt court action. Members will be notified without delay once the ruling finally appears — an event long overdue, but absolutely essential for further legal action.

- Justice delayed is often justice denied.
- The law is on our side — but the process must move.
- Silence cannot break our momentum.
- We cannot rest until justice is served.

Keywords:

Judgment. Delay. Appeal.

14. COST ORDERS AND CLASS REPRESENTATION – PRINCIPLES THAT CANNOT BE NEGOTIABLE

Summary (±50 words):

A recent ruling in the DECA case imposed cost orders against HSAG's representatives — despite their good faith actions without personal gain. This judgment raises deep concerns about access to justice, public interest, and the protection of those acting on behalf of others. The implications are broad and serious.

A Ruling That May Shape the Legal Landscape

On 25 April 2025, Judge Janse van Nieuwenhuizen issued a cost order against the applicants in the DECA case of Smith & Others v Georgiou & Others. The order resulted from technical applications brought under Rule 41(1)(c) by the Second and Third Respondents.

While seemingly technical, the ruling affects fundamental legal and constitutional principles — especially in public interest matters and class actions involving thousands of investors.

Representation Without Personal Gain

The applicants act on behalf of more than 18,000 Highveld Syndication 15-22 investors — without personal benefit. Their actions are driven by the interests of the wider community of aggrieved investors. A cost order against such representatives sets a dangerous precedent that may deter others from raising their voices for justice.

Access to Justice Under Threat

The Constitution — specifically Section 34 — guarantees access to the courts. When the legal system financially penalises those acting on behalf of others, it may discourage future participation and leave vulnerable communities voiceless. This is a key concern of HSAG's representatives.

Public Interest Deserves Protection

The HSAG matter does not concern individual investors only — it affects the financial future of thousands. Cost orders that fail to consider the clear public interest nature of the case may silence justice before it is even heard.

Good Faith and Legal Complexity

The nominal applicants have acted throughout in good faith. They relied on guidance from two High Courts and complied to the best of their understanding with procedural requirements. The complexity of the legal landscape and varying interpretations have made the situation more difficult.

Legal Precedents and Consequences

In milestone matters the Constitutional Court ruled that cost orders should not be used to penalise public interest representatives unless bad faith is proven — which was not the case here.

What Now? The Way Forward

The nominal applicants are currently instituting appropriate legal processes to address these issues and have already filed an Application for Leave to Appeal. They remain committed to the integrity of the legal system and will not hesitate to seek further legal assistance if necessary.

HSAG's leadership reaffirms its dedication to protecting members' rights, upholding the rule of law, and engaging honestly with the courts. Important constitutional issues must be handled with seriousness and sound judgment.

- Law must serve — not deter.
- Representation deserves protection.
- Public interest is not a burden — it is a right.
- We stand firm — in principle and in struggle.

Keywords:

Principled. Constitutional. Just.

15. FROM THE WHATSAPPS OF INVESTORS

Standing Strong Together – The Power of Collective Hope

Summary (±50 words):

Amid legal challenges and court dates, encouraging messages continue to pour in from HSAG members. Their gratitude toward the HSAG leadership, PR, and legal team reflects a shared commitment to justice. This collective spirit shows that HSAG is not just a legal action — it is a class action. And together, we are stronger.

The Voice of a United Groep

As the HSAG class action again enters a decisive phase, another powerful voice emerges: one of loyalty, appreciation, and hope. Members are sharing heartfelt thanks to the HSAG leadership, its legal team, PR team, and Steering Committee:

- “Thank you for everyone’s hard work,”
- “We appreciate every effort,”
- “We are in this together.”

These are not just words — they are the heartbeat of a movement that, after years, still believes in truth, accountability, and justice.

More Than a Court Action – A Movement of Unity

HSAG is more than a legal battle. It is a symbol of people power — of what is possible when individuals unite around a shared goal. From the North to the South, from individuals to families — everyone contributes. With every donation, every word of encouragement, and every act of solidarity, the path to justice is being paved.

The Light At The End Of The Tunnel

The journey has been hard and long. But the light, like a sunrise, is visible. And more importantly — we are walking toward it, together. This mindset gives us not just hope, but momentum:

- When we stand together, we are stronger.
- Every voice makes a difference.

- Through hope, appreciation, and perseverance, we build our path.
- The best of HSAG must be ahead.

Keywords:

Unity. Appreciation. Hope.

16. STAY OR GO? THE CHOICE THAT MATTERS

Summary (±50 words):

As HSAG again approaches a final stretch of its legal action towards the hearing and insolvency proceedings, some members are wondering whether to continue or walk away. This article offers perspective on what is truly at stake — for each member and for the greater cause. The choice is yours, but the impact is shared. Seek legal advice if unsure..

Should I Stay or Should I Go?

As we near a final phase in the certified class action, some members begin to question: Is it still worth it? Is it time to let go?

These questions are understandable. The journey has been long. But precisely because we've come so far, it's now more important than ever to look deeper: What does your participation mean? And what do you lose if you walk away?

The choice is subjective, but the impact is collective. If you are in doubt, please obtain independent legal advice. This article is not meant to persuade anyone and merely reflects the strong views of loyal supporters of the HSAG.

What You Lose If You Go

HSAG exists solely to protect the rights and interests of its members. If you withdraw:

- You lose your right to any future settlement or recovery of your investment and claim.

- You are excluded from essential legal protection and information and your claim may have prescribed.
- You inadvertently strengthen the opposition's hand and position.

It's not just a personal decision — it's an action with wider consequences. Each withdrawal weakens the collective voice of our class action.

What You Gain If You Stay

By continuing:

- You strengthen the prospects of recovering your lost investment as a collective voice against financial misconduct.
- You retain your rights, your claim and your place in the HSAG.
- You keep hope alive — for yourself, your family, and for other investors who believe in justice, as we do.

This is more than a right — it is a responsibility. You are part of something greater. And your participation makes a difference.

Now Is Not the best Time to Leave

We are in the final phase of the certification and liquidation. The HSAG team is active, the case is keeping traction, and the chances of success are still possible.

Our loyal members ask:

- Don't stop now. Don't walk away.
- Not when the structures are in place.
- Not when the outcome is within reach.
- Your choice matters.
- Don't let go now — hold on.
- Together we stand stronger.
- Justice is calling – don't fall behind.

Keywords:

Responsibility. Perseverance. Turning Point.

DISCLAIMER

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THE WWW.HSACTION.CO.ZA WEBSITE IS THE PRIMARY PLACE WHERE YOU WILL FIND HSAG INFORMATION, SUBJECT TO THE DISCLAIMER CONTAINED THEREIN (AND ALSO APPLICABLE HERETO), ALTHOUGH EMAILS ARE ALSO SENT OUT FROM TIME TO TIME.

The obligation to keep us up to date with any inaccurate information or of any changes to your personal and/or contact details as well as to make sure that the contents of your monthly statements are correct rests on you as HSAG member. Participation in the HSAG is voluntary, however, persons that do not belong to the HSAG or who are not up to date with their payments, would not be able to claim any rights or privileges that faithful members of the HSAG can. Persons that refuse or neglect to pay their membership fees, would be removed as members of the class action

17 IMPORTANT USE OF ACCOUNT NUMBERS AND REFERENCES

HSAG members who are in both HSAG and CCAF, please report any change to both HSAG and CCAF's e-mail addresses, be it death of a member, change of email address, mobile phone number or residential address.

Members are reminded to note the reference numbers as contained on their statements. Requisitions must be paid by members into the correct accounts with the

correct reference number attached. The time, effort and administration it costs the HSAG's legal team to correct any erroneous payment leads to the HSAG case becoming unnecessarily expensive.

Account numbers and references are affixed to each statement and we request that members please review their statements carefully when making payments.

If you have paid your amount into an incorrect account, send an e-mail with a request to transfer the amount to the correct account, and remember to attach your proof of payment to the email.

If you paid the amount into e.g. CCAF Trust Account 3, but the amount was intended for your HSAG Trust Account 2, or vice versa.

Payments made incorrectly in CCAF, send email to admin@ccaf.co.za.

Payments incorrectly paid in HSAG, send email to hsactiongroup@gmail.com

18 GENERAL ENQUIRIES

A query we often get is regarding the transfer of shares, after the death of a loved one. We would like to remind everyone that this is done by Orthotouch. It is the company that handles the transfer of the shares, and it is only after we have received a document, issued by them, indicating that the shares have been transferred in a new name, that we can change it on our system. We are also aware of the fact that it is in Business Rescue - however, this should have no impact on their work performance, and we ask that everyone contact them on this email: admin@orthotouch.co.za.

Over the years, some people's claims have increased to an amount greater than the initial investments invested in the Highveld Syndication, due to the fact that, among other things, they inherited investments from their parents. Members must make sure that they provide documents and certificates that prove the transfer, as they will eventually be needed to prove the increased claim amount. At this stage we accept people's value of their investment based on their written evidence.

Finally, please note that if no payments have been made by you over a long period of time, it is possible that previous trust requisitions and payments may not be reflected on the statement.

19 IMPORTANT USE OF CORRECT EMAIL ADDRESSES!

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 and obligatory. Failure to comply herewith may lead to unnecessary delays or any reply at all.

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, payments erroneously paid into HSAG Trust Account 2, incorrect references 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, as well as notice of members who have died;
- hsagwhistle@gmail.com for all Confidential Information that you would like to send to us anonymously;
- hsagestates@gmail.com for all estate related questions.

The official and existing e-mail addresses for CCAF (HS 21 & 22 certified class action) are as follows:

- accounts@ccaf.co.za for proof of payments, incorrect references on proof of payments
- admin@ccaf.co.za for the official request to pay registration fees over 6 months form, payments erroneously made to CCAF Trust Account 3, as well as deregistering from CCAF;

- enquiries@ccaf.co.za for statements not received and all other CCAF questions and enquires

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 thereof in writing.

20 IMPORTANT GENERAL TERMS AND CONDITIONS

The general and repetitive terms, conditions and other general information that was previously contained in the Newsletter, is now available on the HSAG website at [www.hsaction.co.za](http://hsaction.co.za) and can directly be accessed via the following link: <http://hsaction.co.za/wp-content/uploads/2020/01/HSAGTsCs.pdf>

The HSAG Steering Committee wishes prosperity and success to each and every member for the foreseeable future.

Kind regards

HSAG Steering Committee

Contact the HSAG's attorneys at:

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