From: **Johan Victor** johan@jvaa.co.za
Subject: D89 -- RJ BLACK // ORTHOTOUCH (PTY) LTD & ZEPHAN (PTY) LTD
Date: 31 July 2020 at 16:06
To: Ryk van Niekerk ryk@moneyweb.co.za

JV

Geagte Mnr Van Niekerk

Ons bevestig dat ons Mnr Jacques du Toit, die Besigheidsredding praktisyn van beide ORTHOTOUCH (EDMS) BPK & ZEPHAN (EDMS) BPK in die bostaande aangeleentheid, sowel as alle ander verwante aangeleenthede ten opsigte van die maatskappye en die besigheidsreddingsproses verteenwoordig. Ons het etlike e-posse van u ontvang. Vir doeleindes van u spesifieke navraag oor die *"beëdigde verklaring [wat u] bekom [het]"* word die antwoord hieronder as ons kliënt se huidige response in totaal op die aangeleentheid beskou.

Ons kliënt, sowel as skrywer is terdeë bewus van die verklarings wat deur Mnr Black gemaak is en deur sy prokureur gesirkuleer word. Sien die e-pos ketting hieronder – haar e-pos aan die statutêre owerhede en bedryfsliggame is waarskynlik net so aan u gesirkuleer, vandaar die *"beëdigde verklaring [wat u] bekom [het]"*.

Sien hieronder die skrywe wat **onmiddellik** by ontvangs van die onderstaande e-pos gistermiddag aan Me Eichstadt gestuur is sowel as aan die ander persone op die sirkulasielys van haar epos.

Sien ook die twee formele skrywes, gedateer **25 Mei** en **10 Junie 2020** wat ons by vorige geleenthede aan Mev Eichstadt gestuur het. Dié feit ignoreer sy nou gerieflikheidshalwe, inteendeel sy maak die valse bewering dat ons kantoor geensins op haar skrywes gereageer het nie.

Dit is baie duidelik dat daar 'n doelbewuste smeerveldtog en verdagmakery aan die gang is om die besigheidsreddingsproses van die maatskappye te onstpoor. Die ironie is dat die **R1 miljoen** *("die betwiste bedrag")*, waaroor Me Eichstadt nou baklei (en ook deur etlike ander prokureurs nagejaag word) vir 'n bepaalde doel geoormerk is en steeds as sodanig beskou word in soverre as wat partye hulle reg daartoe in 'n hof kan bewys. Dit is tragies dat die **18 000** slagoffers, waarvan duisende reeds oorlede is, met 'n berekende gemiddelde ouderdom van **79** jaar miljarde rande belê het op aanbeveling van makelaars wie 6% minimum kommissie

Die geld het alles behalwe verdwyn en word behandel en hanteer in terme van die voorskrifte van die Wet. Maar, gedagtig daaraan dat daar 'n beweerde **18 000** eisers is wat op die **R1 milj** aanspraak maak sal, volgens ons berekening, elke belegger **R55,00** van die spesifieke pot kry. Dis te sê sou 'n deel daarvan aan elke party betaalbaar wees, sou 'n hof inderdaad bevind dat hulle daarop geregtig is. In die verband word u ook gewys op ons vorige korrespondensie aan Mev Eichstadt (hierby aangeheg).

Siende dat Mnr Black nou kriminele klagte gelê het (waaroor u nou navraag doen) is die aangeleentheid *sub judice* en gaan ons kliënt nie NOU kommentaar lewer nie en nog minder betrokke raak in 'n moddergooiery in die openbaar.

Nodeloos om te sê dat ons kliënt se dagvaarding vir laster en karakterskending reeds voorberei is en in die loop van die volgende dae op Me Eichstadt en haar kliënt, wie in die aksike as eerste en tweede verweerders gesiteer is, beteken sal word.

Ons kliënt is deur SARIPA versoek om op **14 Augustus 2020** te antwoord op Mnr

Black se verklaring. Ons kliënt sal gehoor gee aan daardie versoek.

U word hoflik versoek om enige en alle verdere korrespondensie slegs vir aandag van die ondergetekende by die bostaande e-pos adres te rig en geensins verder direk in die verband met ons kliënt te kommunikeer nie.

Gebruik asb. die bostaande onderwerpbeskrywing (Subject) [D89 -- RJ BLACK // ORTHOTOUCH (PTY) LTD & ZEPHAN (PTY) LTD] in alle verdere kommunikasie in die verband.

Vriendelike groete

Johan Victor
BA(Komm) (**NWU** (Potchefstroom)), **LLB** **(US)**

JVA JOHAN VICTOR ATTORNEYS LITIGATORS

johan@jvaa.co.za www.jvaa.co.za 3rd Floor, The Chambers, 50 Keerom Street, Cape Town

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From: Johan Victor
Sent: 30 July 2020 05:09 PM
To: 'Ilze Eichstadt' <ilze@eichstadtattorneys.co.za>; businessrescue@cipc.co.za; rvoller@cipc.co.za; rene@saripa.co.za; bruce@dbsa.org; procforum@lpc.org.za; infogp@lpc.org.za
Subject: RE: HS0000: RJ BLACK // ORTHOTOUCH (PTY) LTD & ZEPHAN (PTY) LTD

Dear Madam

We confirm that we represent Mr Jacques du Toit, the Business Rescue Practitioner of ORTHOTOUCH (PTY) LTD & ZEPHAN (PTY) LTD.

We confirm receipt of your defamatory and slanderous correspondence and annexures circulated to a very wide body of persons / oversight bodies in which you display a complete lack of understanding of the factual position set out in our previous correspondence and the Business Rescue Plans of both the companies.

We note that you have not referred to any of our prior formal letters we sent to you setting out the position regarding to, what was referred to, by us, as the "Cohen Funds". As a matter of fact in para **5** of your letter under response with even date you make the following allegation: *"No response has been received from Mr Victor and therefore, the inevitable inference to be drawn is that Mr Du Toit engaged in illegal acts or conduct and intended to misappropriate these funds."* It is quite the contrary as can be seen from the response (dated **10 June 2020 – annexed)** sent to you **at 5:12 PM** and thus within hours of the receipt of your letter to writer on that same day – received at **11:35 AM**) .

With respect your correspondence and actions display a total disregard of any knowledge of the Business Rescue Process and the checks and balances provided for in Chapter **6** of the Company's Act.

Our client will respond fully by way of affidavit to the allegations made by your client (and you) Our client's rights are reserved in *toto*.

In the meantime it would be appreciated if you can provide us with copies of the FICA documents of your client, Mr RJ Black, **51 years old** as well as a confirmation of the source of the **R7 million** he alleges to have invested in the Highveld Syndication Company 21. Moreover, kindly confirm that Mr Black was indeed one of the “Detractors” who did not vote on the Scheme of Arrangement and having so been registered.

Kindly be advised accordingly. All our client’s rights are expressly reserved.

Johan Victor
BA(Komm) (**NWU** (Potchefstroom)), **LLB (US)**

JOHAN VICTOR ATTORNEYS LITIGATORS

johan@jvaa.co.za www.jvaa.co.za 3rd Floor, The Chambers, 50 Keerom Street, Cape Town

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From: Ilze Eichstadt <ilze@eichstadtattorneys.co.za>
Sent: 30 July 2020 03:27 PM
To: businessrescue@cipc.co.za; rvoller@cipc.co.za; rene@saripa.co.za; bruce@dbsa.org; procforum@lpc.org.za; infogp@lpc.org.za
Cc: Johan Victor <johan@jvaa.co.za>
Subject: HS0000: RJ BLACK // ORTHOTOUCH (PTY) LTD & ZEPHAN (PTY) LTD

OUR REF: MRS. I.L. EICHSTÄDT/HS0000
YOUR REF:

30/07/2020

THE COMPANIES AND INTELLECTUAL PROPERTY COMMISSION OF SOUTH AFRICA: (CIPC)
PER EMAIL: businessrescue@cipc.co.za
CUSTOMER CODE: DUTJAC

ADV RORY VOLLER COMMISSIONER CIPC:
PER EMAIL: rvoller@cipc.co.za;

THE SOUTH AFRICAN RESTRUCTURING AND INSOLVENCY PRACTITIONERS ASSOCIATION NPC (SARIPA)
PER EMAI: rene@saripa.co.za;
ATTENTION ME RENE BEKKER

THE SOUTH AFRICAN TURNAROUND MANAGEMENT ASSOCIATION (TMA-SA)
PER EMAIL: bruce@dbsa.org;
ATTENTION: MR BRUCE BERRY

THE LEGAL PRACTICE COUNCIL: DISCIPLINARY DEPARTMENT:
PER EMAIL: procforum@lpc.org.za ; infogp@lpc.org.za
ATTENTION: MR W WOLMARANS

Dear Sir(s)

RE: RJ BLACK // ORTHOTOUCH (PTY) LTD & ZEPHAN (PTY) LTD

The above matter has reference.

Find annex hereto an urgent letter, affidavit and annexures thereto for your attention.

Yours truly

Ilzé Eichstädt
W:112

Ilzé Eichstädt
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Hartbeespoort
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Posbus/P.O Box 659
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Ilzé Eichstädt

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WARNING – KINDLY NOTE: Our banking details are still the same and has not changed. We will not inform you by e-mail that our banking details have changed. Should you however indeed receive such an e-mail, kindly inform our offices immediately.

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20-06-10.ORTHOTOU...(1).pdf