

Zahra Omar

From: Ian Sampson <sampson@wylie.co.za>
Sent: Tuesday, 13 October 2020 10:26
To: Zahra Omar
Cc: Leanne Govindsamy
Subject: RE: MSR Tormin expansion - commencement of mining activities
Attachments: Notice of Opposition (002).pdf

Dear Zahra

Further to our correspondence below:

1. Our client will not agree to stop mining pending the outcome of your s96(2) application.
2. With the threat of the urgent application still pending, our client will not consider giving you the documents you have requested.
3. I have passed on your counsels' details to our counsel, Peter Hodes and Sarah Pudifin.
4. I attach the notice of opposition being served on your offices.

Kind regards
Ian

From: Zahra Omar <zomar@cer.org.za>
Sent: 07 October 2020 02:30 PM
To: Ian Sampson <sampson@wylie.co.za>
Cc: Leanne Govindsamy <lgovindsamy@cer.org.za>
Subject: RE: MSR Tormin expansion - commencement of mining activities

Dear Ian

At this stage, we are not abandoning the section 96(2) suspension application. We are, however, concerned that we have yet had any response from the Minister of Minerals and Energy or the DMR in respect of the application and our request that it be dealt with urgently.

Our counsel's contact details are as follows:
Coriaan de Villiers (cdevilliers@capebar.co.za, 0823515172)
Ofentse Motlhasedi (Motlhasedi@group621.co.za, 079 979 6148)

Kind regards
Zahra

From: Ian Sampson [<mailto:sampson@wylie.co.za>]
Sent: Wednesday, 07 October 2020 06:52
To: Zahra Omar <zomar@cer.org.za>
Cc: Leanne Govindsamy <lgovindsamy@cer.org.za>
Subject: RE: MSR Tormin expansion - commencement of mining activities

Dear Zahra

Thanks for your email.

I still await instructions regarding both your request that my client stop mining and the request to provide you with the documentation you have listed. I will revert to you in regard to both as soon as I have instructions.

Does your decision to bring the application for the interdict mean that you are abandoning your section 96(2) application?

Thank you for indicating that you will liaise with us regarding the timetable for the semi urgent application. Perhaps let me know who your counsel is and I can get our counsel to make contact with them regarding to discuss a reasonable timeframe?

Kind regards
Ian

From: Zahra Omar <zomar@cer.org.za>
Sent: 06 October 2020 08:00 PM
To: Ian Sampson <sampson@wylie.co.za>
Cc: Leanne Govindsamy <lgovindsamy@cer.org.za>
Subject: RE: MSR Tormin expansion - commencement of mining activities

Dear Ian

Thank you for your email.

We note that your client intends to oppose the CER's application for a suspension in terms of section 96(2) of the MPRDA, and that MRC has already issued a ASX release dated 25 September 2020 advising that mining operations will continue "as per normal" pending the determination of the appeal.

On 29 September 2020 we sent a letter to the Minister requesting that the suspension application be dealt with as a matter of urgency. A copy of the letter is attached. Neither the Minister nor the DMR has responded to the suspension application.

In the circumstances, on the assumption that your client is not willing to give us an undertaking not to proceed with any mining activities in the area covered by the section 102 amendment of the mining right, pending the decision in respect of the suspension application, we will now prepare to launch an interdict application on a semi-urgent basis and will liaise with you shortly in respect of a proposed timetable once we have an indication of available dates on the semi-urgent roll.

As requested in our email of 2 October 2020, kindly provide us with a copy of the following documents in relation to MSR's section 102 application:

- Section 102 decision/approval
- Amended Social and Labour Plan
- Mining Work Programme

Kindly also provide us with a copy of the Rehabilitation Plan provided for in MSR's Environmental Management Programme (EMPr).

Kind regards

Zahra Omar
Attorney

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4