



PER EMAIL
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Attention: Brett Tate

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20 February 2023

Your ref TEMP3.BT10 B Tate / M Mokoena / C
Majuru

Our ref J Buckland / V Vurgarellis / 20101-
00009

Dear Sir / Madam

RICHARDS BAY COAL TERMINAL (PTY) LTD (“RBCT”) // OPTIMUM COAL MINE (PTY) LTD (IN BUSINESS RESCUE) (“OCM”) // OPTIMUM COAL TERMINAL (PTY) LTD (IN BUSINESS RESCUE) (“OCT”)

1. We refer to your letter of 17 February 2023.
2. We have sought instructions from our client which are set out below. At the outset we record that our client has no intention to litigate by means of correspondence. Further, this letter is not intended to deal with all the allegations and statements contained in your letter and any failure to deal with any element of the letter ought not to be regarded as an admission as to their correctness.
3. It follows that all our client’s rights are reserved to respond to your letter more fully as the case may be, in the appropriate forum.
4. Instead, we deal with the various demands contained in your letter.
5. Mr Waller in his capacity as CEO of our client has been fully authorised by the board of RBCT to oppose the relief sought in the application and to file all necessary affidavits in this matter.
6. Your client’s complaints relative to the ordinary meaning and understanding of the contents of paragraphs 143 and 144 are without merit. Mr Waller has not said that your clients are personally the instruments of social unrest or the authors of the death threats.

For more information about Lawtons Africa, the directors and their qualifications, see www.lawtonsafrica.com

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Associates: S Goldman; S Masina; B Mavuso; N Nel

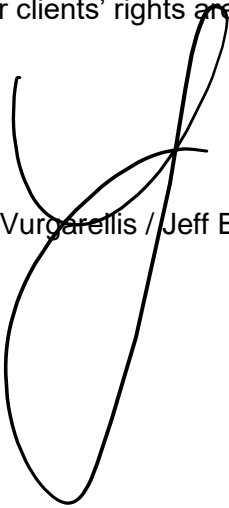
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Together with **ASAFO & Co.**

7. The import of the affidavit is clear. The complaint is about the environment that has been created. However, in an effort to allay your client's unwarranted concerns, our client has instructed us to record that the abovementioned paragraphs are not intended to state that your clients have been found to personally be the instruments of social unrest or the authors of death threats. Instead, RBCT holds the view that a new environment was created through the establishment, maintenance and expectation of relative permanence of the mini-pit operations. When this new environment was threatened, social unrest and death threats ensued. It is further RBCT's view that the current instability could have been avoided had the funds from the sale of coal sourced from OCM been deployed to pay OCM's creditors, take the mine out of business rescue and resurrect the mine and the area dependent upon it.
8. We trust this allays your concerns. Our client has further advised that it will publish both your letter and this response in a prominent position on its website.
9. Our clients' rights are reserved.

Sincerely

Veronica Vurgarellis / Jeff Buckland
Director

A large, stylized handwritten signature in black ink, overlapping the typed name and title.