

IN THE CONSTITUTIONAL HIGH COURT OF SOUTH AFRICA

CCT case no: CCT20/16

SC case no: 476/15

SGHC case no: 35650/14

In the matter between:

**WESTINGHOUSE ELECTRIC BELGIUM
SOCIÉTÉ ANONYME**

Applicant

and

ESKOM HOLDINGS SOC LTD

First Respondent

AREVA NP INCORPORATED

Second Respondent

NOTICE TO PRODUCE DOCUMENTS IN TERMS OF UNIFORM RULE 35(12)

PLEASE TAKE NOTE THAT the Applicant requires the First Respondent to produce for its inspection the following documents referred to in the First Respondent's answering affidavit in respect of the application to admit new evidence deposed to by Matshela Moses Koko on 3 March 2016 ("**the affidavit**") :

1. The proposed schedule mitigation strategy referred to in paragraph 16 of the affidavit;
2. The root cause analysis referred to in paragraph 18.1 of the affidavit;

3. The remaining manufacturing schedule referred to in paragraph 18.3 of the affidavit;
4. The assembly schedule referred to in paragraph 18.3 of the affidavit;
5. Requirements of PP12 referred to in *inter alia* paragraph 21.3 of the affidavit;
6. The South African Nuclear Construction Rules (issued by the NNR) referred to in paragraph 23 of the affidavit;
7. The decision of the Board of Eskom referred to in paragraph 32 of the affidavit;
8. The long term asset management strategy for Koeberg referred to in paragraph 32 of the affidavit;
9. The analysis referred to in paragraph 57 of the affidavit;
10. The Euro Hedging Contract referred to in annexure "MK7" to the affidavit;
11. The Eskom business case referred to in paragraph 86.2 of the affidavit;
12. The inspection results referred to in paragraph 86.2.1 of the affidavit;
13. The engineering analysis of inspection results referred to in paragraph 86.2.3 of the affidavit;
14. Eskom's production plan referred to in paragraph 86.2.6 of the affidavit;
15. The reviews and approvals by Eskom and the Regulator referred to in the second sentence in paragraph 93.3 of the affidavit;

16. The audits and reviews of Areva and its suppliers together with documentation submitted referred to in the last sentence in paragraph 93.3 of the affidavit.

Dated at SANDTON on this 9th day of MARCH 2016.

WEBBER WENTZEL
Attorneys for Applicant
90 Rivonia Road
Sandton
JOHANNESBURG
Tel: 011 530 5000/5352
Email: Trevor.Versfeld@webberwentzel.com
Ref: Mr T Versfeld/Mr M Straeuli 2531453

TO :
THE REGISTRAR
Constitutional Court
BRAAMFONTEIN

AND TO:

MCHUNU ATTORNEYS
Attorneys for First Respondent
3rd Floor North Tower
160 Jan Smuts Avenue
Rosebank
JOHANNESBURG
Tel: 011 778 4060
Email: Titus@mchunu.co.za
Ref: NTM/LB/ESKO.2208/089

AND TO :

DENTONS SOUTH AFRICA INCORPORATED
AS KAPDITWALA INC

Attorneys for Second Respondent
Ground Floor
Great Westerford
240 Main Road
Rondebosch
CAPE TOWN
Tel: 021 686 0740
Email: Zithu.Twala@dentons.co.za

c/o DENTONS SOUTH AFRICA
5th Floor
Katherine and West
114 West Street
Sandton
JOHANNESBURG