

5. In June and November 2014, these preliminary issues were argued before Judge Rabie, and judgment on the separated issues was handed down on 17 September 2015 and included the following orders:
 - 5.1. the application of the main applicants is refused, and they are to be removed as applicants from the main application, which is to proceed without them;
 - 5.2. the main applicants are to pay the costs of Investec relating to the main application, including the costs of the *locus standi* objection;
 - 5.3. the intervention applications of twenty seven of the forty intervening parties are dismissed with costs;
 - 5.4. the intervention applications of six of the forty intervening parties are withdrawn (and to the extent that they have not been withdrawn are dismissed), with costs;
 - 5.5. the intervention applications of seven of the forty intervening parties are granted, however they are required to pay Investec's costs until 2 May 2014; and
 - 5.6. the intervention applications of the nominee applicants are granted in respect of the parties on whose behalf the nominee applicants hold shares in R&E, with Investec and R&E required to pay the costs of the intervention applications of the nominee applicants, jointly and severally (the 2015 judgment).
6. On 23 July 2016 the minority shareholders were granted leave to appeal the 2015 judgment to the Supreme Court of Appeal. The appeal was argued before the Supreme Court of Appeal on 13 September 2017, which dismissed the appeal with costs on 26 October 2017 and upheld the 2015 judgment.
7. On 11 June 2018 the applicants delivered an interlocutory application asking the Court to remove Shap-Aron as the second applicant and substituting it for twenty-three applicants who claim to have caused shares formerly registered in the name of Shap-Aron on their behalf to be registered in their own names (**the substitution application**).
8. R&E has not opposed the substitution application but has instituted a counter-application asking the Court's permission to deliver to Court its further affidavit dated 7 September 2016 in answer to the replying affidavit served in the main application, which affidavit was served on the applicants' and Investec's attorneys on 14 October 2016. Investec is opposing the substitution application which will in due course be heard, and has brought a counter-application.
 - (b) **Certification application for permission to institute a class action against various companies, including R&E, brought by mineworkers/their dependants arising from silicosis and/or tuberculosis allegedly contracted on gold mines in South Africa –**
9. On 20 August 2013 the High Court of South Africa, Gauteng Local Division, Johannesburg, granted an order consolidating an application by various former mineworkers, alternatively dependants of former mineworkers (who sought permission to proceed with a class action against several mining companies), with three further applications where similar relief was being claimed (the certification application). The mining companies include Anglo American, Gold Fields, AngloGold Ashanti, Harmony Gold, Sibanye Gold, Durban Roodepoort Deep and R&E, amongst others.
10. Broadly stated, the certification application sought permission for the certification of two classes, namely a **silicosis class** and a **tuberculosis class**.
11. In addition, the Court was requested to declare, amongst others, that the applicants have standing to represent the classes, and certifying that the applicants' legal representatives may be class representatives. The balance of the relief requested was aimed at securing a court order regulating the further conduct of the class action.
12. R&E delivered its answering affidavit to the certification application on 30 May 2014 and on 12 September 2014 the applicants filed their replying affidavit. The applicants in addition brought an application to join R&E as a respondent in respect of the tuberculosis class (which R&E did not oppose) however filed papers in opposition to the certification of the tuberculosis class.
13. The certification application was argued in the High Court, Johannesburg in October 2015. R&E chose to abide the outcome of the certification hearing without prejudice to its rights and on 13 May 2016, the High Court, Johannesburg handed down its judgment, in favour of the applicants.
14. In essence, the Court found that sufficient common issues existed to certify two industry wide classes, namely a silicosis class and a tuberculosis class. The Court ordered a two-stage process which entails firstly, the resolution of common issues and affording the affected persons the option to opt out and secondly, to allow the affected persons to opt in to the classes concerned to make claims against the respondents. The Court also ordered that claims for general damages may be transmitted from the estate of a deceased mine worker who dies after the date of the certification application.
15. On 21 September 2016, the SCA granted the respondents permission to appeal against all aspects of the class certification judgment handed down on 13 May 2016.
16. The appeal was due to be heard during the week of 19 to 23 March 2018, however in January 2018 it was postponed by agreement between the parties, on the basis that there may be scope for concluding an overall settlement to such litigation.
17. On 3 May 2018 the applicants and Harmony Gold, Gold Fields, African Rainbow Minerals, Sibanye-Stillwater, AngloGold Ashanti and Anglo American concluded a holistic settlement of the certification application, in which these mining companies agreed to establish a fund of approximately R5 billion, aimed at compensating current and former mineworkers and their dependants who qualify for compensation payments.
18. R&E initially participated in the settlement discussions with these parties but ultimately decided that the terms of the settlement could not be justified on the basis of the period 1993 to 1996 when it is alleged to have controlled and/or managed certain mines, which it denies. It remains to be seen whether in view of the settlement reached with the larger mining companies referred to above the certification application will proceed further.
19. R&E will continue to evaluate its position in regard to the certification application.

THE CURRENT CLAIMS BROUGHT BY THE R&E GROUP

- (a) **The summons action against Gold Fields Operations Limited (formerly Western Areas Limited)**
20. On 20 August 2008 R&E and its subsidiary, African Strategic Investment (Holdings) Limited (ASI) (formerly Randgold Resources (Holdings) Limited) issued summons against Gold Fields Operations Limited (Gold Fields), out of the High Court of South Africa, Gauteng Local Division, Johannesburg, under case number 27627/2008.
21. The summons is comprised of five claims. Claims 1 to 4 relate to the alleged theft of shares in Randgold Resources Limited, a Jersey company listed on the London Stock Exchange (RRL) previously owned by ASI. Claim 5 relates to the alleged theft of 94 million shares in Aflasee Limited (Aflasee). Broadly stated, the claims find their origin in the knowledge of the directing and controlling will and mind of JCI and Gold Fields of the precarious financial position in which they found themselves, which resulted in the decision to misappropriate such shares in order to raise funds to provide JCI, its subsidiaries and Gold Fields with working capital to fund their ongoing operations, commitments and liabilities, to provide them with sufficient funds to maintain their ongoing financial stability and to reward the persons constituting the directing and controlling will and mind of JCI and Gold Fields amongst others.
22. Each of the claims have a number of alternatives and require payment of interest and dividends (where applicable).
23. Following the service of summons, Gold Fields brought two procedural applications relating to documents and security. Thereafter, R&E, ASI and Gold Fields agreed that the matter would be held in abeyance pending the finalisation of the litigation in which R&E was engaged against PricewaterhouseCoopers Incorporated (PwC).
24. Following the PwC litigation having been fully and finally settled in June 2014, Gold Fields was called upon to deliver its plea, which it did on 22 April 2015. Gold Fields denies any liability to R&E and ASI, contending that the conduct of Roger Brett Kebble (Brett Kebble), Roger Ainsley Ralph Kebble (Roger Kebble), John Chris Lamprecht (Lamprecht) and Hendrik Christoffel Buitendag (Buitendag), or some or more of them should not be ascribed to Gold Fields. Gold Fields also places reliance on the Apportionment of Damages Act 34 of 1956, raising two specific defences, firstly that R&E and ASI's claims have been compromised by the settlements with other wrongdoers, and secondly, that the claim against Gold Fields stands to be reduced by the extent to which R&E and ASI could have been recovered from the other wrongdoers with whom settlement agreements have been concluded.
25. In addition to claiming a contribution from R&E for its alleged failure to put in place controls to detect the wrongful conduct complained of, Gold Fields has served third party notices on JCI, the estate late Brett Kebble, Lamprecht and Roger Kebble and has joined them to the proceedings. If found to be liable to R&E and ASI, Gold Fields seeks a contribution from the persons it has joined.
26. Lamprecht and JCI have each replied to Gold Fields' joinder and denied liability to Gold Fields. They have also raised two special pleas, the first that Gold Fields' right to join them has prescribed and the second that its right to do so has lapsed. Lamprecht is opposing the remainder of the joinder. JCI on the other hand has indicated that it will abide the decision of the Court. Neither the Brett Kebble estate, nor the Roger Kebble estate have defended the proceedings.
27. JCI has also served a third party notice on R&E raising a conditional claim against R&E, contending that if JCI is found to be liable to Gold Fields, the extent of such liability should be reduced having regard to the indemnity provided for in the settlement agreement concluded between R&E and JCI on 20 January 2010.
28. In 2016, following a joint application being made for the appointment of a case manager, His Lordship, Judge Francis was appointed to case manage the matter to trial and directed R&E and ASI to deliver a substantive Pre-Trial Agenda incorporating admissions of fact and of documents as well as a request for trial particulars, which was attended to in June 2016.
29. Gold Fields responded to the Pre-Trial Agenda including admissions, and at the end of the year in turn served a substantial request for trial particulars, to which R&E and ASI responded on 7 August 2017.
30. In October 2017 R&E and ASI delivered an amendment to their claim, which was followed by Gold Fields effecting a consequential amendment to its plea in December 2017.
31. R&E and ASI have obtained a provisional trial date for the hearing of the action on 29 January 2020. Steps have been initiated to secure a firm trial date of long duration.
32. In the interim R&E and ASI are in the process of promoting the matter to trial. An interlocutory application pertaining to the leading of evidence of foreign witnesses will shortly be instituted by R&E and ASI, and extensive trial preparation continues to be undertaken, including with R&E's expert witnesses.
- (b) **The action against Charles Orbach and Company**
33. In August 2008 R&E instituted a summons against Charles Orbach and Company (Charles Orbach), its former auditors prior to the reconstitution of R&E's board at the end of August 2005. The summons was also instituted out of the High Court of South Africa, Gauteng Local Division, Johannesburg.
34. Charles Orbach is defending the summons and subsequently delivered an exception. This resulted in R&E amending its claim in minor respects.
35. In mid-2014 Charles Orbach delivered its plea to the amended claim.
36. One of the defences raised by Charles Orbach was that if found liable to R&E, the extent of its liability should be limited to *“a maximum of the fee paid for the specific assignment by Randgold”* (being the fee it charged for the review of R&E's provisional financial results for the financial year ended 31 December 2004).
37. On 15 August 2014 R&E delivered an exception to this discreet defence and asked that it be dismissed, contending that the clause on which Charles Orbach sought to place reliance was, in terms of section 247 of the former Companies Act, void and of no force and effect. In July 2015, R&E's exception was upheld, with costs.

38. Pleadings in the matter have since closed, and Charles Orbach have provided R&E with a copy of their working papers. R&E subsequently made discovery in March 2017.
39. R&E's claim against Charles Orbach is for damages arising from the alleged negligent issue by Charles Orbach of a negative assurance which it expressed on the provisional results of R&E for the financial year ended 31 December 2004. R&E alleges that having regard to the facts and circumstances of which Charles Orbach was aware prior to issuing the negative assurance, it ought not to have issued the negative assurance. It is further alleged that a material irregularity ought to have been reported by Charles Orbach, which, if it had been, would have enabled R&E to take steps to vindicate those shares which had been unlawfully stolen from it, however had not already been sold.
40. On 26 March 2018 R&E delivered an extensive request for admissions, which Charles Orbach are required to reply to. R&E intends calling upon Charles Orbach to attend a pre-trial conference, whereafter the Deputy Judge President of the High Court, Johannesburg will be approached to assign a case manager to the action for purposes of managing the progression of the case to trial.
- (c) **The summons against certain former directors/employees of R&E**
41. During August 2008, R&E, ASI and First Wesgold Mining (Pty) Limited (First Wesgold) issued summons out of the High Court of South Africa, Gauteng Local Division, Johannesburg against Buitendag, Mr John Stratton (Stratton) (a former director of JCI), Mr Charles Henry Delacour Cornwall (a former director of JCI), Mr Lieben Hendrik Swanevelder (the former group accountant of JCI), Mr Lunga Raymond Ncwana (a former director of R&E and a director of Equitant Trading (Pty) Limited) and Lamprecht (a former financial director of R&E and JCI).
42. The summons comprises sixteen claims against some or more of such persons. A number of the claims are based on the alleged theft of shares belonging to the R&E Group. The remaining claims are concerned with the void issue and allotment of shares in R&E's issued share capital.
43. R&E, ASI and First Wesgold continue to assess the action from time to time. The action is defended.
- (d) **The summons action against Bookmark Holdings (Pty) Ltd (Bookmark), Sello Rasathaba (Rasathaba) and Lamprecht**
44. On 11 August 2008 R&E and ASI instituted an action out of the High Court of South Africa, Gauteng Local Division, Johannesburg against Bookmark Holdings (Pty) Ltd, Sello Rasathaba and Lamprecht.
45. The claim relates to the alleged cover-up of various RRL share thefts and the damages which flowed therefrom.
46. The action is also defended by Bookmark, Rasathaba and Lamprecht and is assessed from time to time.
- (e) **Summons against Buitendag, Lamprecht and Stratton**
47. During August 2008 R&E issued a summons against Buitendag, Lamprecht and Stratton.
48. The summons was issued out of the High Court of South Africa, Gauteng Local Division, Johannesburg. Such claim relates to a trading account ostensibly conducted by R&E at Totlisa Securities (Pty) Limited, which is alleged to have been used for the scrip lending/borrowing of shares for the benefit of the JCI Group and others associated with it.
49. The action is defended and is similarly being assessed from time to time.
- (f) **The summons against Beale**
50. On 30 October 2008 R&E and ASI issued summons out of the High Court of South Africa, Gauteng Local Division, Johannesburg against Beale. The summons extends to seven claims and a number of alternatives to each of the main claims.
51. R&E and ASI are seeking damages from Beale for her role in the unlawful conduct complained. She is defending the action.
- (g) **Action against Brett Kebble**
52. In March 2009 R&E and First Wesgold, issued summons out of the High Court of South Africa, Western Cape Division, Cape Town, against Brett Kebble's estate.
53. The action is one for damages in respect of further claims enjoyed by R&E and First Wesgold in addition to the claims which have previously been established by R&E against Brett Kebble in excess of R2.7 billion.
54. The action is from time to time assessed by R&E.

GENERAL

55. The board of R&E continues to assess the matters in which it and the R&E group remain engaged and to evaluate the commercial and other practicalities associated with such matters.

Directors: DC Kovarsky (Chairman)** , M Steyn (CEO)* , V Botha* , P Burton** , JH Scholes** (* Executive, ** Independent non-executive)

Company secretary and financial director: V Botha CA(SA)

Transfer secretaries: Computershare Investor Services (Pty) Ltd (Registration number 2004/003647/07), Rosebank Towers, 15 Biermann Avenue Rosebank, 2196

Sponsor: PSG Capital (Pty) Ltd (Registration number 2006/015817/07), First Floor, Ou Kollege, 35 Kerk Street, Stellenbosch, 7600

Announcement date
28 August 2018



SUMMARISED GROUP UNAUDITED INTERIM FINANCIAL STATEMENTS FOR THE SIX MONTHS ENDED 30 JUNE 2018

www.randgoldexp.co.za

RANDGOLD & EXPLORATION COMPANY LIMITED
 Incorporated in the Republic of South Africa
 Registration number 1992/005642/06
Share code: RNG **ISIN:** ZAE000008819
 (“R&E” or “the company”)

COMMENTARY TO SUMMARISED GROUP INTERIM FINANCIAL STATEMENTS**Income**

The majority of income recognised in the period under review was derived from interest earned on cash investments. The company recorded a net loss of R8.4 million for the period compared to a net loss of R10.8 million for the corresponding period last year. The decrease in loss was mainly as a result of a decrease in legal and consulting fees.

Financial position

R&E is liquid with no interest-bearing debt. R&E's total assets consist primarily of cash and cash equivalents. R&E had a net asset value of R2.02 per share at 30 June 2018 (R2.13 per share at 31 December 2017). The decrease in net asset value was due to the loss incurred during the period.

Cash flow

R&E started the period under review with a cash and cash equivalent balance of R160.1 million. The company's cash outflow of R8.8 million was the net result of interest earned on cash received less cash utilised to fund operations during the period. R&E remains in a healthy cash position with R151.3 million in cash and cash equivalents at 30 June 2018.

Outlook

The outlook for the balance of the year is largely dependent on the progress and outcome of current legal matters. Expenditure on litigation for the balance of the year is expected to be at a similar level as in the first half. This level of litigation expenditure is likely to prevail until the claims brought against and instituted by the company have been finalised.

David Kovarsky **Marais Steyn**
Chairman Chief Executive Officer

Johannesburg
24 August 2018

SUMMARISED GROUP INTERIM STATEMENT OF COMPREHENSIVE INCOME

	For the six months ended	
	30 June 2018	30 June 2017
	Unaudited	Unaudited
Notes	R'000	R'000
Dividends received – listed equity securities	93	141
(Loss)/profit on disposal of listed equity securities	(172)	85
Recoveries	–	1 158
Other income	542	150
Other operating expenses	(15 002)	(19 125)
Loss from operating activities	(14 539)	(17 591)
Finance income	6 057	6 759
Loss before taxation	(8 482)	(10 832)
Taxation	–	–
Loss for the period	(8 482)	(10 832)
Other comprehensive income		
Items of other comprehensive income that will not be subsequently reclassified to profit or loss		
Actuarial gains/(losses)	559	(215)
Taxation	–	–
Total comprehensive loss for the period	(7 923)	(11 047)
Loss attributable to:		
Owners of the company	(8 482)	(10 832)
Total comprehensive loss attributable to:		
Owners of the company	(7 923)	(11 047)
Basic and diluted loss per share (cents)	6 (11.85)	(15.13)

SUMMARISED GROUP INTERIM STATEMENT OF CHANGES IN EQUITY

	For the six months ended	
	30 June 2018	30 June 2017
	Unaudited	Unaudited
	R'000	R'000
Attributable to equity holders of the company		
Ordinary share capital	716	716
Retained earnings	144 078	148 013
Balance at the beginning of the period	152 001	159 060
Loss and total comprehensive loss for the period	(7 923)	(11 047)

SUMMARISED GROUP INTERIM STATEMENT OF FINANCIAL POSITION

	As at	
	30 June 2018	31 December 2017
	Unaudited	Audited
	R'000	R'000
Assets		
Non-current assets		
Equipment	15	17
Current assets	157 603	166 661
Trade and other receivables	37	85
Investment in listed equity securities	6 262	6 472
Cash and cash equivalents	151 304	160 104
Total assets	157 618	166 678

Equity and liabilities		
Shareholders' equity	144 794	152 717
Ordinary share capital	716	716
Retained earnings	144 078	152 001

Liabilities		
Non-current liabilities		
Post-retirement medical benefit obligation	10 574	11 404

Current liabilities		
Trade and other payables	2 250	2 557
Total equity and liabilities	157 618	166 678

SUMMARISED GROUP INTERIM STATEMENT OF CASH FLOWS

	For the six months ended	
	30 June 2018	30 June 2017
	Unaudited	Unaudited
	R'000	R'000
Loss before taxation	(8 482)	(10 832)
Adjusted for:		
Loss/(profit) on disposal of listed equity securities	172	(85)
Post-retirement medical benefit obligation – interest cost	442	487
Depreciation	3	3
Change in fair value of listed equity securities	(54)	208
Interest received	(6 057)	(6 759)
Dividends received	(93)	(141)
Working capital changes	(259)	(517)
Cash utilised in operating activities	(14 328)	(17 636)
Interest received	6 057	6 759
Post-retirement medical benefit obligation – benefits paid	(713)	(731)
Cash flows from financing activities	(8 984)	(11 608)
Dividends received	93	141
Proceeds on disposal of listed equity securities	1 088	1 333
Acquisition of investment in listed equity securities	(997)	(1 299)
Cash flow from investing activities	184	175
Cash flow from financing activities	–	–
Decrease in cash and cash equivalents	(8 800)	(11 433)
Cash and cash equivalents at the beginning of the period	160 104	170 041
Cash and cash equivalents at the end of the period	151 304	158 608

NOTES TO THE SUMMARISED GROUP INTERIM FINANCIAL STATEMENTS FOR THE SIX MONTHS ENDED 30 JUNE 2018

- Reporting entity**
R&E is a company domiciled and incorporated in the Republic of South Africa. The summarised group interim financial statements for the six months ended 30 June 2018 include the company and its subsidiaries (together referred to as "the group").
- Statement of compliance**
The summarised group interim financial statements are prepared and presented in accordance with International Financial Reporting Standards (IFRS), which include International Accounting Standard ("IAS") 34 Interim Financial Reporting, the SAICA Financial Reporting Guides as issued by the Accounting Practices Committee, the Financial Reporting Pronouncements as issued by the Financial Reporting Accountants Council, the requirements of the Companies Act of South Africa (Act 71 of 2008), as amended, and the Listings Requirements of the JSE Limited. These summarised group interim financial statements were approved by the board of directors on 24 August 2018.
Mr Van Zyl Botha CA(SA), the financial director of R&E, is responsible for these interim financial statements and has supervised the preparation thereof in conjunction with Mrs Mandrie Steyn CA(SA), the group financial manager.
- Significant accounting policies**
The accounting policies applied by the group in these summarised group interim financial statements in accordance with IFRS are the same as those applied by the group in its group financial statements for the year ended 31 December 2017.
- No independent review by the auditor**
The company's auditor has not reviewed or audited the summarised group interim financial statements of R&E for the six months ended 30 June 2018.
- Segment reporting**
The group operates in a single operating segment as an investment holding company.

6. Loss per share

	For the six months ended	
	30 June 2018	30 June 2017
	Unaudited	Unaudited
Basic and diluted loss per ordinary share		
Basic and diluted loss for the period (R'000)	(8 482)	(10 832)
Weighted average number of ordinary shares in issue (R'000)	71 585	71 585
Loss per share (cents)	(11.85)	(15.13)

Headline and diluted headline loss per ordinary share

Headline and diluted headline loss for the period (R'000)	(8 482)	(10 832)
Weighted average number of ordinary shares in issue (R'000)	71 585	71 585
Headline loss per share (cents)	(11.85)	(15.13)

7. Net asset and tangible net asset value per share

The net asset value per share is calculated using the following variables:

	30 June 2018	
	Unaudited	Unaudited
Net asset value (R'000)	144 794	148 729
Ordinary shares outstanding (R'000)	71 585	71 585
Net asset value per share (cents)	202.2	207.8
Net tangible asset value per share (cents)	202.2	207.8

The number of shares outstanding at 30 June 2018 and 30 June 2017 has been adjusted for the 2 999 893 treasury shares held.

8. Material changes

No material changes occurred during the period.

9. Related party transactions

There were no related party transactions during the period under review other than in the normal course of business, i.e. key management remuneration.

JH Scholes, a director of R&E, is also a director of Malan Scholes Attorneys, which provides legal prospecting right consulting services to R&E on an ad hoc basis.

The cost of these services amounted to R1 408 during the period under review (June 2017 – R12 603).

10. Events after reporting date

There were no significant events between the reporting date and the approval date of these results.

11. Legal update

This legal update relates to the legal proceedings in which the R&E Group is engaged. It covers two aspects, firstly claims brought against R&E and secondly, claims instituted by R&E and certain of its subsidiaries against third parties. Further detail and background to the claims may be found on R&E's website at www.randgoldexp.co.za.

CLAIMS BROUGHT AGAINST THE R&E GROUP**(a) The minority shareholders' application**

- On 29 March 2011, David John Smyth, Patrick Charles Smyth, Anglorand Securities Limited, James George Gubb, Elizabeth Anne Gubb, Milkwood Investments Limited and Jag Investments (Pty) Limited (collectively the main applicants), brought an application in the High Court of South Africa, Gauteng Local Division, Pretoria, against Investec Bank Limited (Investec) and R&E (the main application).
- The main application sought an order declaring that the settlement agreement entered into between R&E, JCI Limited (JCI) and JCI Investment Finance (Pty) Limited (JCIIF) on 20 January 2010 (the Settlement Agreement) constitutes or involves an act or omission which is unfairly prejudicial, unjust, or inequitable having regard to certain provisions of the 1973 Companies Act. This complaint also extends to the agreement concluded between R&E, ASI, JCI, JCIIF, Investec, Investec Bank PLC, Letseng Diamonds Limited and others (the Litigation Settlement Agreement). In consequence, the main applicants required Investec, but not R&E, to purchase the main applicants' shares in R&E at a price of R288.56 per share (or such other sum as the Court may determine), plus the ruling share price of an R&E share at the time of such purchase. No monetary relief is claimed against R&E.
- R&E denies that the Settlement Agreement and the Litigation Settlement Agreement resulted in oppressive conduct and has opposed the application. Investec is also opposing the application.
- In 2014, the parties to the main application agreed to have determined in advance of all other matters, the legal standing of the main applicants to sue and concluded a separation agreement. This provided that the right of Standard Bank Nominees (Transvaal) (Pty) Limited, Shap-Aron Nominees (Pty) Limited (Shap-Aron) and BNS Nominees (Pty) Limited (as registered shareholders of certain of the main applicants' shares) (the nominee applicants) to intervene in and to be joined in the main application as well as the right of forty further intervening applicants (the forty intervening parties) to be joined in the main application, should also be determined before all other issues in the application.