



## Update for shareholders – Additional matters pertaining to Singapore Court Hearing

### Alita Resources Limited (Subject to Deed of Company Arrangement) (Receivers and Managers Appointed)

ACN 147 393 735

(Alita)

We refer to previous announcements to Shareholders providing information on:

- the application for orders from the Supreme Court of Western Australia under section 444GA of the Corporations Act 2001 (**Act**) which was accordingly granted on 1 September 2021 (with amendments made on 7 September 2021) (**Australian Court Orders**);
- the Singapore High Court hearing of OS 1018 on 23 November 2021 where the Singapore High Court granted recognition of the proceedings under the DOCA (including the Australian Court Orders) in Singapore (**Order 1**), subject to the limitation that there is no expatriation of any assets out of Singapore without leave of court, and the fixing of a pre-trial conference on 9 December 2021 which was subsequently refixed to 30 December 2021 with respect to order 2 of OS 1018;
- the FAQs dated 5 December 2021; and
- the pre-trial conference for Order 2 of OS 1018 having been further refixed to 3 February 2022.

Pursuant to a request from the SGX-ST, the Deed Administrators set out below further clarification with respect to some questions presented by shareholders. Please note that the information contained herein is prepared for general information only and is not intended to constitute, and should not be taken as, advice by the Deed Administrators.

#### Costs consequences for Shareholders participating in the Singapore Court Hearing

Reference is made to the FAQs dated 5 December 2021 where it is stated, *inter alia*, that Shareholders should note that there may be costs consequences pursuant to their participation in the Singapore Recognition Application. We wish to add that the potential costs consequences to shareholders of participating in the application will depend on, amongst other factors, what each shareholder intends to do. For instance only, if a shareholder opposes the application and the Deed Administrators succeed, the Court may order the shareholder to pay costs to the Deed Administrators. The quantum of costs may vary depending on (amongst others) the number of affidavits filed, complexity of the arguments and the length of the hearing. As such, the Deed Administrators cannot anticipate the costs consequences of these shareholders.

**If you are in any doubt as to the contents herein or as to any action that should be taken, you should seek independent legal advice on your rights and potential liabilities with respect to the matter or as to any action you should take, as stated in the FAQs dated 5 December 2021.**

#### Pre-trial Conference on 3 February 2022

Shareholders who wish to attend the next pre-trial conference on 3 February 2022 may do so, and should inform the Deed Administrators' solicitors, Rajah & Tann Singapore LLP, of their intention to do so by email to [alitadoca2020@rajahtann.com](mailto:alitadoca2020@rajahtann.com) immediately and in any case, by **no later than 12 noon on 1 February 2022**. In connection with the foregoing, shareholders who had previously indicated their intention to attend the pre-trial conference on 30 December 2021 need not notify the Deed Administrators' solicitors again unless they do not intend to attend the pre-trial conference on 3 February 2022.

As at the date hereof, the Court has not issued any video-conferencing notice for the pre-trial conference on 3 February 2022. Shareholders who have informed us that they will be attending the pre-trial conference on 3



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February 2022 will be notified of how they may participate in the pre-trial conference after we receive the Court's directions on the same.

If you have any further queries, these should be emailed to [alita@mcgrathnicol.com](mailto:alita@mcgrathnicol.com) or should be directed to McGrathNicol's Perth office at +61 8 6363 7600.

Dated: 24 January 2022

Yours faithfully

*Alita Resources Limited (Receivers & Managers Appointed) (Subject to Deed of Company Arrangement)*

Rob Kirman

Deed Administrator