



Shareholder Update

Alita Resources Limited (In Liquidation)

ACN 147 393 735

(Alita or the Company)

Application relating to the termination of the liquidation and board change of Alita

As detailed in the previous shareholder update on 15 December 2023, the Alita directors Fergus Jockel and Paul O'Farrell (**Plaintiffs or Directors**) have commenced an application in the Supreme Court of Western Australia (COR 195 of 2023) (**Application**).

The Application seeks (i) to terminate the liquidation of Alita pursuant to 90-15 of the Insolvency Practice Schedule (Corporations) (being Schedule 2 to the Corporations Act 2001 (Cth) (**Termination Application**), (ii) to appoint Chris Ellison, Norman Mel Ashton and Roderick John Sutton as directors of Alita (**Appointment Application**), and (iii) leave to issue a Notice of Meeting to the shareholders of Alita (**Meeting Application**).

In relation to the Meeting Application, the purpose of the proposed meeting with shareholders is to receive non-binding guidance as to the shareholders' views in relation to the Termination Application and the Appointment Application.

Unless otherwise stated, all capitalised terms have the same meanings given in previous updates.

Directions Hearing

The Court made programming orders as summarised below, a copy of which is attached. The next directions hearing is listed for 9.15am on 19 January 2024, to consider whether leave to appear should be granted to any interested persons (see further below under the heading "Programming").

The Court also made an order that leave be granted to Lithium Resources Investments Pty Ltd (**LRI**) (a MinRes group entity) who is a 9.9% shareholder in Alita to be heard in the applications as an interested party. A copy of the orders is attached.

Programming

On 20 December 2023, by consent, the Honourable Justice Hill made orders programming each of the Termination Application, Appointment Application and Meeting Application to hearings. The key programming milestones are summarised as follows:

- Any interested party who wishes to be heard in relation to any of the Meeting Application, Appointment Application or Termination Application file a notice of appearance with the Supreme Court of Western Australia by 17 January 2024. The question of whether any interested party, who files a notice of appearance, has leave to be heard will be considered at the directions hearing on 19 January 2024.
- The Directors must provide the form of the proposed Notice of Meeting by 15 January 2024.
- A hearing of the Meeting Application be listed for one hour on 30 January 2024 at 10.00am AWST.
- A hearing of the Termination Application and the Appointment Application be listed for one day on 29 February 2024 at 10.00am AWST.
- The Liquidators must cause notice of the orders to be given to shareholders:
 - by SGX announcement;
 - by publishing the orders on the Alita information page on McGrathNicol's website, by 20 December 2023; and
 - by advertisement twice in the West Australian, The Australian and the Australian Financial Review, the first by 30 December 2023 and the second by 13 January 2024.



- The Directors must give notice of the programming orders by 20 December 2023 to ASIC and the Australian Taxation Office (**ATO**).

A copy of the orders is attached.

Next Steps

Any interested party who wishes to be heard in relation to any of the Meeting Application, Appointment Application or Termination Application are required to file a notice of appearance with the Supreme Court of Western Australia by 17 January 2024.

The Liquidators will continue to provide updates to shareholders if there are further material developments.

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

Dated: 20 December 2023

Yours faithfully

Alita Resources Limited (In Liquidation)

Rob Kirman

Liquidator



IN THE SUPREME COURT OF WESTERN AUSTRALIA

COR/195/2023

BETWEEN:

Fergus JOCKEL -and-

First Plaintiff

Paul Vincent O'FARRELL

Second Plaintiff

AND

**ROBERT MICHAEL KIRMAN, ROBERT
CONRY BRAUER AND MATTHEW WAYNE
CADDY AS JOINT AND SEVERAL
LIQUIDATORS OF ALITA RESOURCES
LIMITED (IN LIQUIDATION) (ACN 147 393
735) AND**

First Defendant

**LITHIUM RESOURCES INVESTMENTS
PTY LTD**

First Interested Party



**ORDERS OF JUSTICE HILL
MADE ON 20 DECEMBER 2023**

Pursuant to Order 43 rule 16, and by consent IT IS ORDERED THAT:

Meeting Application

1. A hearing of the application pursuant to 90-15 of the Insolvency Practice Schedule (Corporations) (being Schedule 2 to the Corporations Act 2001 (Cth) (Corporations Act)) (IPS) for orders that the plaintiffs have leave to issue a Notice of Meeting to the shareholders of Alita Resources Ltd ("Alita"), the form of which is to be provided by the plaintiffs by 15 January 2024 ("Meeting Application") be listed for one hour before the Honourable Justice Hill on 30 January 2024 at 10:00am.
2. In relation to the Meeting Application:
 - (a) the plaintiffs are to file and serve any further affidavits and any outline of submissions by 4:00pm on 22 December 2023;
 - (b) the defendants and any interested party are to file and serve any affidavits and any outline of submissions by 12:00pm on 22 January 2024; and

- (c) the plaintiffs are to file and serve any affidavit material in reply by 4:00pm on 24 January 2024.

Termination Application and Appointment Application

- 3. A hearing of the applications pursuant to s90-15 of the IPS for orders that the winding up of Alita be terminated ("Termination Application") and that the plaintiffs have leave to appoint Chris Ellison, Norman Mel Ashton and Roderick John Sutton as directors of Alita ("Appointment Application") be listed for one day before the Honourable Justice Hill on 29 February 2024 at 10:00am.
- 4. In relation to the Termination Application and the Appointment Application;
 - (a) the defendants and any interested party are to file and serve any affidavits by 4:00pm on 31 January 2024;
 - (b) the plaintiffs are to file and serve any affidavit material in reply and an outline of submissions by 4:00pm on 14 February 2024;
 - (c) Lithium Resources Investments Pty Ltd, and any other interested parties to whom leave is granted to appear at the hearing on 19 January 2024, file and serve any submissions on which they intend to rely on or before 19 February 2024 and
 - (d) the defendants file and serve any outline of submissions by 4:00pm on 23 February 2024.

Interested Parties and Notice

- 5. In relation to the Meeting Application, the Termination Application and the Appointment Application:
 - (a) any interested person intending to appear is to file a notice of appearance by 4:00pm on 17 January 2024; and
 - (b) the matter be listed for directions on 19 January 2024 at 9:15am to consider whether leave should be granted to any interested persons.
- 6. By 20 December 2023 the defendants give notice of the Meeting Application, Termination Application and Appointment Application to the members of Alita on both Alita's 'Company Announcement' page on the SGX website and on the Alita information page on McGrathNicol's website, and specifically that:
 - (a) the Meeting Application has been listed for hearing on 30 January 2024 at 10:00am;
 - (b) the Termination Application and Appointment Application has been listed for hearing on 29 February 2024 at 10:00am;
 - (c) any interested person intending to appear in relation to the Meeting Application, Termination Application or Appointment Application is required to file a notice of appearance by 4:00pm on 17 January 2024; and
 - (d) the matter has been listed for directions on 19 January 2024 at 9:15am to consider whether leave to appear should be granted to any interested persons.
- 7. The defendants cause notice of the Meeting Application, Termination Application and Appointment Application to be advertised twice in the West Australian, The Australian and the Australian Financial Review, the first by 30 December 2023 and the second by 13 January 2024, and specifically that:
 - (a) the Meeting Application has been listed for hearing on 30 January 2024 at 10:00am;

- (b) the Termination Application and Appointment Application has been listed for hearing on 29 February 2024 at 10:00am;
 - (c) any interested person intending to appear in relation to the Meeting Application, Termination Application or Appointment Application is required to file a notice of appearance by 4:00pm on 17 January 2024; and
 - (d) the matter has been listed for directions on 19 January 2024 at 9:15am to consider whether leave to appear should be granted to any interested persons.
8. The plaintiffs give notice of these orders (electronically or otherwise) by 20 December 2023 to:
- (a) the Australian Securities and Investments Commission; and
 - (b) the Australian Tax Office,
- together with advice that:
- (c) the Meeting Application has been listed for hearing on 30 January 2024 at 10:00am;
 - (d) the Termination Application and Appointment Application has been listed for hearing on 29 February 2024 at 10:00am;
 - (e) any interested person intending to appear in relation to the Meeting Application, Termination Application or Appointment Application is required to file a notice of appearance by 4:00pm on 17 January 2024; and
 - (f) the matter has been listed for directions on 19 January 2024 at 9:15am to consider whether leave to appear should be granted to any interested persons.
9. The costs of and incidental to the preparation of this minute are to be costs in the cause.

BY THE COURT

THE HONOURABLE JUSTICE J HILL



IN THE SUPREME COURT OF WESTERN AUSTRALIA

COR/195/2023

BETWEEN:

Fergus JOCKEL -and-

First Plaintiff

Paul Vincent O'FARRELL

Second Plaintiff

AND

**ROBERT MICHAEL KIRMAN, ROBERT
CONRY BRAUER AND MATTHEW WAYNE
CADDY AS JOINT AND SEVERAL
LIQUIDATORS OF ALITA RESOURCES
LIMITED (IN LIQUIDATION) (ACN 147 393
735) AND**

First Defendant

**LITHIUM RESOURCES INVESTMENTS
PTY LTD**

First Interested Party



**ORDERS OF JUSTICE HILL
MADE ON 19 DECEMBER 2023**

IT IS ORDERED that:

1. Pursuant to r 2.13(4)(a) of the Supreme Court (Corporations) (WA) Rules 2004 (WA), leave be granted to Lithium Resources Investments Pty Ltd (Applicant) to be heard as an interested party.
2. The Applicant bear its own costs of this application.

BY THE COURT

THE HONOURABLE JUSTICE J HILL