



Update for shareholders – Update on 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 Court 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**); and
- the Court hearing refixed on 23 November 2021 in relation to the application made to the Singapore High Court for the recognition of the DOCA and the Australian Court Orders, pursuant to the UNCITRAL Model Law on Cross-Border Insolvency read with Part 11 of the Insolvency, Restructuring and Dissolution Act (No. 40 of 2018) (**Singapore Recognition Application**).

At the hearing of the Singapore Recognition Application held on 23 November 2021, the Singapore High Court ordered that the proceedings under the DOCA (including the Australian Court Orders) be recognised in Singapore, subject to the limitation that there is no expatriation of any assets out of Singapore without leave of court. This order was not opposed by any parties.

The relief sought by the Deed Administrators in the Singapore Recognition Application also included a secondary component which involves an affirmation of the Australian Court Orders, notwithstanding the Australian Court Orders are final and binding. This part of the application was opposed by two shareholders who attended the Singapore Court Hearing. The Singapore High Court held this part in abeyance and directed, *inter alia*, that a pre-trial conference be fixed for the opposing shareholders to confirm their position on certain matters (OS 1018).

For the avoidance of doubt, order 2 is not a re-hearing of the Australian Court Orders, which are final and binding.

The pre-trial conference for OS 1018 is currently fixed on 9 December 2021 at 3:30pm.

All shareholders seeking to oppose order 2 should attend the pre-trial conference (either in person or through counsel) and should inform the Deed Administrators' solicitors, Rajah & Tann Singapore LLP, of their intention to do so by email to alitadoca2020@rajahtann.com by no later than **12 noon on 7 December 2021, failing which such shareholders may be denied attendance**. A copy of the Originating Summons and supporting affidavits will be made available to any shareholder upon request made to Rajah & Tann Singapore LLP by email.

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: 30 November 2021

Yours faithfully

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

Rob Kirman
Deed Administrator