

16 December 2022

The Australian Securities Exchange
Level 40, 152-158 St Georges Terrace
Perth WA 6000

Supreme Court Orders Costs Against Metalicity

Nex Metals Explorations Ltd (Nex or the Company) advises that the Supreme Court today made orders against Metalicity Ltd (ASX:MCT) in the matter of COR/140/2022 Metalicity Ltd v Allen Ors (including an uplift in special costs).

In the proceedings Metalicity was seeking to overturn the results of shareholder meetings of Nex Metals where nominees of Metalicity failed to be elected to the board of Nex and where Metalicity failed to remove existing board members.

The Court allowed costs to be uplifted at item 2 (a) and item 4 (a) with an increase in hours allowed at item 4 (b).

As per the announcement by Nex on 9 December 2022, the decision of the Supreme Court was the decision we had expected and is in line with the legal advice Nex Metals and the other defendants had received since the inception of the proceedings by Metalicity.

Orders of the Court were as follows:

1. The plaintiff pay the first, second and sixth to tenth defendants' costs of the proceeding to be assessed if not agreed.
2. Pursuant to section 141(3) of the Legal Profession Uniform Law Application Act 2022 (WA):
 - (a) the first, second and sixth to tenth defendants' costs of the proceeding be assessed by increasing the limit and the maximum allowable hourly and daily rate for Senior Counsel fixed under Table A of the Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2022 (WA) by 25%; and
 - (b) any assessment of the first, second and sixth to tenth defendants' costs be performed on the basis that allowance be made for the briefing of senior counsel and junior counsel and for the involvement of senior counsel and junior counsel in the preparation of the case.
3. The plaintiff pay the twenty-second to twenty-sixth defendants' costs of the proceeding, to be assessed if not agreed.
4. Pursuant to section 141(3) of the Legal Profession Uniform Law Application Act 2022 (WA):

- (a) the hourly and daily rates provided for in the Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2022 (WA) to counsel for the twenty-second to twenty-sixth defendants be increased by 25%;
 - (b) the time allowed for the preparation of the case be increased from 50 hours to 80 hours; and
 - (c) there be provision for the costs of preparing the submissions filed on 25 November 2022.
5. The plaintiff pay the third and twenty-seventh defendants' costs of the proceeding to be assessed if not agreed.

First Defendant – Kenneth M Allen.

Second Defendant – Kenneth Allen and Lee Allen.

Third Defendant – Thomas Francis Percy.

Sixth Defendant – Lee Allen.

Seventh Defendant – Lee Allen (as trustee).

Eighth Defendant – Lee Allen (as trustee).

Ninth Defendant – Lee Allen (as trustee).

Tenth Defendant - Andrea Allen.

Twenty Second Defendant – Peter Vanda Resources Pty Ltd.

Twenty Third Defendant – Higham Hill Pty Ltd.

Twenty Fourth Defendant – Alic Trpcev.

Twenty Fifth Defendant – Effis Pty Ltd.

Twenty Sixth Defendant – Robert and Anne Richter.

Twenty Seventh Defendant – Nex Metals Explorations Ltd.

This announcement is authorised by Kenneth Allen.

ENDS.