



**ASX CODE: MTB**

19 May 2025

### **Court Orders Granted / Trading to Resume**

Further to the announcement of 16 May 2025, Mount Burgess Mining N.L. ("the Company") advises that Supreme Court of Western Australia today heard the Company's application, and granted the relief sought, as set out in the attached Orders made by the Court.

Shareholders do not need to do anything as a result of these Orders. If you consider that the Orders cause you significant prejudice, you may be entitled to apply to the Court to vary or discharge the Orders.

The Company has requested that the voluntary suspension of trading in the Company's securities be lifted by ASX immediately following the release of this announcement.

**Mount Burgess Mining NL**  
**ACN: 009 067 476**

**Principal & Registered Office:**  
8/800 Albany Hwy, East Victoria Park, Western Australia 6101  
**T:** 08 9355 0123  
**E:** [mtb@mountburgess.com](mailto:mtb@mountburgess.com)  
**W:** [mountburgess.com](http://mountburgess.com)



IN THE SUPREME COURT OF WESTERN AUSTRALIA

COR/76/2025

EX PARTE:  
**MOUNT BURGESS MINING N.L. (ACN 009  
067 476)**

First Plaintiff

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**ORDERS OF JUSTICE HILL  
MADE ON 19 MAY 2025**

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**UPON APPLICATION of the plaintiff by originating process dated 16 May 2025,  
AND UPON HEARING Ms C Spencer, of counsel for the plaintiff, IT IS  
ORDERED THAT:**

1. In respect of the 12,165,249 ordinary fully-paid shares in the plaintiff, which were issued on 24 April 2025 (April 2025 Placement Shares):
  - (a) pursuant to section 1322(4)(d) of the Corporations Act, the period of five business days referred to in section 708A(6)(a) of the Corporations Act is extended to 13 May 2025;
  - (b) consequent on or ancillary to Order 1(a), the notice pursuant to section 708A(5)(e) of the Corporations Act given on 13 May 2025 in respect of the April 2025 Placement Shares be deemed to take effect on the date that the April 2025 Placement Shares were issued;
  - (c) pursuant to section 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of any of the April 2025 Placement Shares between 24 April 2025 and 13 May 2025 is not invalid by reason of:
    - (i) any failure of a notice under section 708A(5)(e) of the Corporations Act to exempt the sellers from the obligation of disclosure under the Corporations Act; and
    - (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act; and
  - (d) pursuant to section 1322(4)(c) of the Corporations Act, it is ordered that any person to whom any of the April 2025 Placement Shares were issued, or have been sold, and who have in turn on-sold any of those shares during the period 24 April 2025 to 13 May 2025, is relieved in whole from civil liability in respect of:
    - (i) any failure of a notice under section 708A(5)(e) of the Corporations Act to exempt the sellers from the obligation of disclosure under the Corporations Act; and
    - (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act.
2. In respect of the 253,333,333 ordinary fully-paid shares in the plaintiff, which were issued on 11

June 2024 (June 2024 Placement Shares):

- (a) pursuant to section 1322(4)(d) of the Corporations Act, the period of five business days referred to in section 708A(6)(a) of the Corporations Act is extended to 26 June 2024;
- (b) consequent on or ancillary to Order 2(a), the notice pursuant to section 708A(5)(e) of the Corporations Act given on 26 June 2024 in respect of the June 2024 Placement Shares be deemed to take effect on the date that the June 2024 Placement Shares were issued;
- (c) pursuant to section 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of any of the June 2024 Placement Shares between 11 June 2024 and 26 June 2024 is not invalid by reason of:
  - (i) any failure of a notice under section 708A(5)(e) of the Corporations Act to exempt the sellers from the obligation of disclosure under the Corporations Act; and
  - (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act; and
- (d) pursuant to section 1322(4)(c) of the Corporations Act, it is ordered that any person to whom any of the June 2024 Placement Shares were issued, or have been sold, and who have in turn on-sold any of those shares during the period 11 June 2024 to 26 June 2024, is relieved in whole from civil liability in respect of:
  - (i) any failure of a notice under section 708A(5)(e) of the Corporations Act to exempt the sellers from the obligation of disclosure under the Corporations Act; and
  - (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act.

3. In respect of the 132,465,668 ordinary fully-paid shares in the plaintiff issued on 3 August 2023 (July 2023 Placement Shares):

- (a) pursuant to section 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of any of the July 2023 Placement shares between 3 August 2023 and 4 August 2024 is not invalid by reason of:
  - (i) any failure of a notice under section 708A(5)(e) of the Corporations Act to exempt the sellers from the obligation of disclosure under the Corporations Act; and
  - (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act; and
- (b) pursuant to section 1322(4)(c) of the Corporations Act, it is ordered that any person to whom any of the July 2023 Placement Shares were issued, or have been sold, and who have in turn on-sold any of those shares during the period 3 August 2023 and 4 August 2024, is relieved in whole from civil liability in respect of:
  - (i) any failure of a notice under section 708A(5)(e) of the Corporations Act to exempt the sellers from the obligation of disclosure under the Corporations Act; and
  - (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act.

4. In respect of the 100,000,000 ordinary fully-paid shares in the plaintiff issued on 2 June 2022 (June 2022 Placement Shares):

- (a) pursuant to section 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of any of the June 2022 Placement shares between 2 June 2022 and 3 June 2023 is not invalid by reason of:

- (i) any failure of a notice under section 708A(5)(e) of the Corporations Act to exempt the sellers from the obligation of disclosure under the Corporations Act; and
    - (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act; and
  - (b) pursuant to section 1322(4)(c) of the Corporations Act, it is ordered that any person to whom any of the June 2022 Placement Shares were issued, or have been sold, and who have in turn on-sold any of those shares during the period 2 June 2022 and 3 June 2023, is relieved in whole from civil liability in respect of:
    - (i) any failure of a notice under section 708A(5)(e) of the Corporations Act to exempt the sellers from the obligation of disclosure under the Corporations Act; and
    - (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act.
- 5. In respect of the 30,686,075 ordinary fully-paid shares in the plaintiff issued on 8 July 2020 (July 2020 Placement Shares):
  - (a) pursuant to section 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of any of the July 2020 Placement shares between 8 July 2020 and 9 July 2021 is not invalid by reason of:
    - (i) any failure of a notice under section 708A(5)(e) of the Corporations Act to exempt the sellers from the obligation of disclosure under the Corporations Act; and
    - (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act; and
  - (b) pursuant to section 1322(4)(c) of the Corporations Act, it is ordered that any person to whom any of the July 2020 Placement Shares were issued, or have been sold, and who have in turn on-sold any of those shares during the period 8 July 2020 and 9 July 2021, is relieved in whole from civil liability in respect of:
    - (i) any failure of a notice under section 708A(5)(e) of the Corporations Act to exempt the sellers from the obligation of disclosure under the Corporations Act; and
    - (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act.
- 6. Within one business day of the making of these orders, the plaintiff:
  - (a) provide a copy of these orders to ASIC for inclusion on its database; and
  - (b) make an announcement on the ASX Market Announcements Platform informing the market of these orders.
- 7. Within three business days of the making of these orders, the plaintiff provide a copy of these orders:
  - (a) by email to any person who has nominated an email address for the receipt of communications from the plaintiff; and
  - (b) otherwise by mail,  
  
to any person to whom any of the April 2025 Placement Shares, June 2024 Placement Shares, July 2023 Placement Shares, June 2022 Placement Shares, or July 2020 Placement Shares were issued.

8. For a period of 28 days after the announcement of these orders on the ASX Market Announcements Platform, ASIC or any person who claims to have suffered, or to be likely to suffer, substantial injustice as a result of the making of these orders has liberty to apply to vary or discharge these orders on two business days' notice to the plaintiff.
9. The plaintiff have liberty to apply for further orders.
10. There be no orders as to costs.

BY THE COURT

THE HONOURABLE JUSTICE J HILL

