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The Manager
Market Announcements Office
Australian Securities Exchange Limited
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Update on dispute between Freedom Foods Group and Blue Diamond

Freedom Foods Group Limited (**ASX: FNP**) provides the following update regarding its legal dispute with Blue Diamond Growers (Blue Diamond) in relation to the Group's licence agreement to manufacture and distribute the Blue Diamond Almond Breeze product (Licence Agreement).

Following hearings that took place in February, the Federal Court ordered on Friday 5 March 2021 that pursuant to section 7(2) of the International Arbitration Act 1974 (Cth), the proceeding be stayed on condition that Blue Diamond gives certain undertakings.

Justice Moshinsky noted in his judgement that Blue Diamond, by its counsel, provided the following undertakings:

- Blue Diamond will consent to the second applicant (Freedom Foods Group Ingleburn Pty Ltd), the third applicant (Freedom Foods Group Trading Pty Ltd) and the fourth applicant (Pactum Australia Pty Ltd) joining the arbitration in California commenced by Blue Diamond against the first applicant (Freedom Foods Pty Ltd or FFPL) on or about 25 September 2020 (the Californian Arbitration);
- In the Californian Arbitration, Blue Diamond will accept that:
 - insofar as those provisions are applicable to the conduct of Blue Diamond alleged by the applicants, sections 18 and 21 of the Australian Consumer Law (being Schedule 2 to the Competition and Consumer Act 2010 (Cth)) are mandatory laws that the arbitrator must apply; and
 - Australian law is to be applied by the arbitrator in determining the applicants' claims under those provisions; and
- Blue Diamond will discontinue the proceeding against FFPL in the United States District Court, Eastern District of California (with a view to bringing the claims in the Californian Arbitration).

Subject to the parties' rights to appeal the decision, the effect of the judgement is that all matters in dispute between the parties that are currently the subject of three sets of proceedings in the United States and Australia, will now be determined in the Californian Arbitration.

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This announcement was authorised for release by the Board of Directors.



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