

ASX RELEASE: 26 November 2020

## Update on Litigation in United States

Metalicity Limited (ASX:MCT) (“Metalicity” or “the Company”) wishes to update the market on progress with its litigation in the United States, as previously announced.

The Company is one of several defendants named in the proceedings. The plaintiff’s claims relate to M-COR hip implants allegedly implanted in December 2012 and October 2013. These matters relate to the Company’s former operations prior to the company going reconstructing under a deed of company arrangement and relisting as a mining enterprise.

Nonetheless, the Company has instructed lawyers in the United States in relation to these historical matters. The Company denies liability and intends to file a motion to dismiss the proceedings if they are not voluntarily withdrawn by the plaintiff.

The Company relies on a number of grounds in support of summary dismissal of the proceedings as against the Company, including but not limited to objection to jurisdiction, a statutory bar to claims pursuant to a deed of company arrangement which was effectuated on 23 November 2011, and the sale of the Company’s M-COR implant business in 2009, several years prior to the alleged implantation of M-COR devices in the plaintiff.

This Announcement is approved by Jason Livingstone, Managing Director & CEO of Metalicity Limited.

### ENQUIRIES

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#### Forward Looking Statements

This announcement may contain certain “forward-looking statements” which may not have been based solely on historical facts, but rather may be based on the Company’s current expectations about future events and results. Where the Company expresses or implies an expectation or belief as to future events or results, such expectation or belief is expressed in good faith and believed to have reasonable basis. However, forward-looking statements:

- (a) are necessarily based upon a number of estimates and assumptions that, while considered reasonable by the Company, are inherently subject to significant technical, business, economic, competitive, political and social uncertainties and contingencies;
  - (b) involve known and unknown risks and uncertainties that could cause actual events or results to differ materially from estimated or anticipated events or results reflected in such forward-looking statements. Such risks include, without limitation, resource risk, metals price volatility, currency fluctuations, increased production costs and variances in ore grade or recovery rates from those assumed in mining plans, as well as political and operational risks in the countries and states in which the Company operates or supplies or sells product to, and governmental regulation and judicial outcomes; and
  - (c) may include, among other things, statements regarding estimates and assumptions in respect of prices, costs, results and capital expenditure, and are or may be based on assumptions and estimates related to future technical, economic, market, political, social and other conditions.
- The words “believe”, “expect”, “anticipate”, “indicate”, “contemplate”, “target”, “plan”, “intends”, “continue”, “budget”, “estimate”, “may”, “will”, “schedule” and similar expressions identify forward-looking statements.

All forward-looking statements contained in this presentation are qualified by the foregoing cautionary statements. Recipients are cautioned that forward-looking statements are not guarantees of future performance and accordingly recipients are cautioned not to put undue reliance on forward-looking statements due to the inherent uncertainty therein.

The Company disclaims any intent or obligation to publicly update any forward-looking statements, whether as a result of new information, future events or results or otherwise.