

SHORT MINUTES OF ORDER

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Equity
List	Commercial
Registry	Sydney
Case number	2017/234966

TITLE OF PROCEEDINGS

Plaintiff	Edgar George Tredrea
Defendant	KPMG Financial Advisory Services (Australia) Pty Ltd ACN 007 363 215

PREPARATION DETAILS

Prepared for	Edgar George Tredrea, Plaintiff
Legal representative	Simon Morris Piper Alderman
Legal representative reference	SJM.401622
Contact name and telephone	Anne Freeman Tel: +61 2 9253 9999
Contact email	afreeman@piperalderman.com.au

TERMS OF ORDER MADE BY THE COURT

The Court orders that:

1. The Court fixes 4.00pm on 12 October 2018 (**Registration Deadline**) as the date before which a group member may register to participate in any in principle settlement of this proceeding (subject to the approval of Court) (**Settlement**).

Distribution of Combined Notice

2. Pursuant to sections 175 and 176 of the *Civil Procedure Act 2005* (NSW) (the **Act**), the terms of the Combined Opt Out and Claim Registration Notice as set out in Annexure A to these Orders (**Combined Notice**) are approved.
3. Pursuant to sections 175 and 176 of the Act, by no later than 31 August 2018, the plaintiff cause the Combined Notice to be sent by pre-paid ordinary post to each security holder registered on the Australian shares register of Discovery Metals Limited (**DML**) as holding securities on 18, 19 and 20 February 2013, other than those security holders who have already been sent the notice the subject of this Court's order 4 entered 20 November 2017.

4. The Combined Notice be accompanied by a covering letter in the terms set out in Annexure B.
5. On or before 31 August 2018, the plaintiff cause the Combined Notice to be displayed on the website of the plaintiff's solicitors, <http://www.piperalderman.com.au>, and remain so displayed until the expiry of the Registration Deadline;
6. On or before 31 August 2018 the Registrar of the Supreme Court of New South Wales cause the Combined Notice to be:
 - (a) posted on the Supreme Court website; and
 - (b) available for inspection at the Registry of the Supreme Court of New South Wales.

Distribution of Claim Registration Notice

7. Pursuant to sections 175 and 176 of the Act, the terms of the Claim Registration Notice as set out in Annexure C to these Orders (**Registration Notice**) are approved.
8. Pursuant to sections 175 and 176 of the Act, the terms of the Abridged Claim Registration Notice set out in Annexure D to these Orders (**Abridged Registration Notice**) are approved.
9. Pursuant to section 176 of the Act, the Registration Notice be given to group members, not including those security holders referred to in Order 3 above, according to the following procedure:
 - 9.1 On or before 31 August 2018, the plaintiff cause the Registration Notice to be displayed on the website of the plaintiff's solicitors, <http://www.piperalderman.com.au>, and remain so displayed until the expiry of the Registration Deadline;
 - 9.2 On or before 31 August 2018, the plaintiff cause the Registration Notice to be sent by pre-paid ordinary post to each of the security holders registered on the Australian shares register of DML as holding securities between 23 November 2012 and 15 February 2013 and continued to hold those securities, other than:
 - (a) those persons referred to in sub-paragraphs 3.3 to 3.5 of the Further Amended Statement of Claim;
 - (b) those persons who have signed a Representative Proceeding Funding Agreement-Member with LCM Operations Pty Limited (**LCM**) (**Funded Group Members**);
 - (c) those persons who have contacted the plaintiff's solicitors and provided contact information including a current email or postal address but who have not signed a Representative Proceeding Funding Agreement-Member with LCM (**Unfunded Group Members**);

- (d) those persons who have opted out of the proceedings; and
 - (e) those persons to be sent the Combined Notice in accordance with Order 3 above.
- 9.3 The Registration Notice to be sent to persons referred to in paragraph 9.2 be accompanied by a covering letter in the terms set out in Annexure E to these Orders;
- 9.4 On or before 31 August 2018, the plaintiff cause the Registration Notice to be sent to the Unfunded Group Members by pre-paid ordinary post or by email to their last known postal or email address;
- 9.5 The Registration Notice to the Unfunded Group Members be accompanied by a covering letter in the terms set out in Annexure F to these Orders;
- 9.6 On or before 31 August 2018, the plaintiff cause the Registration Notice to be sent to the Funded Group Members by pre-paid ordinary post or by email to their last known postal or email address;
- 9.7 The Registration Notice to the Funded Group Members who have already provided the information described in Orders 13.2 – 13.5 be accompanied by a covering letter in the terms set out in Annexure G to these Orders;
- 9.8 The Registration Notice to the Funded Group Members who have not provided the information described in Orders 13.2 – 13.5 below be accompanied by a covering letter in the terms set out in Annexure H to these Orders;
- 9.9 On or before 31 August 2018, the Registrar of the Supreme Court of New South Wales cause the Registration Notice to be:
- (a) posted on the Supreme Court website; and
 - (b) available for inspection at the Registry of the Supreme Court of New South Wales.
10. On or before 31 August 2018, the plaintiff cause an advertisement in the terms of the Abridged Registration Notice to be published in the Legal Notices or equivalent section in a weekday edition of each of:
- 10.1 The Australian Financial Review; and
 - 10.2 The Australian.
11. Costs of and incidental to the procedures set out in Orders 3, 5, 6, 9 and 10 above be initially borne by the plaintiff but on the basis that those costs will fall to be dealt with by the Court as costs in the cause.

Class Closure and Claim Preclusion Orders

12. Any group member who wishes to participate in any distribution of any amount agreed as part of a Settlement must, by the Registration Deadline, submit a completed online Discovery Metals Group Member Registration Form at the internet domain hosted by Computershare (**Registration Form**).
13. Subject to Order 13A, in completing the Registration Form, and in order to register for the purpose of Order 12 above, each group member (other than Funded Group Members) be required to submit:
 - 13.1 the group member's name, address and one of a telephone number or email address;
 - 13.2 the applicable Holder Identification Number (HIN) or Security Reference Number (SRN);
 - 13.3 the number of DML securities held by the group member prior to the commencement of trading on the Australian Securities Exchange on 23 November 2012 together with all trades in DML securities (both purchases and sales) occurring on or after 23 November 2012;
 - 13.4 for each purchase of DML securities by a group member in the period from 23 November 2012 to 31 August 2015 (the date when DML's shares lasted traded on the ASX), all transactional information regarding the purchase, including:
 - (a) the date of purchase;
 - (b) the quantity of securities purchased; and
 - (c) the consideration paid (including brokerage).
 - 13.5 if for each sale by the group member of DML shares in the period from 23 November 2012 to 31 August 2015 (the date when DML's shares lasted traded on the ASX) all transactional information regarding the sale, including:
 - (a) the date of sale;
 - (b) the quantity of securities sold; and
 - (c) the consideration received (net of brokerage);
- 13A. Failure by a group member to provide any of the information referred to in Orders 13.2 to 13.5 above in completing the Registration Form will not invalidate that group member's registration for the purposes of Order 12 above.
14. A group member is deemed to have complied with Order 12 above if, by the Registration Deadline, the group member has:

- 14.1 retained LCM in writing to provide litigation funding services to that group member in connection with this proceeding; and
 - 14.2 provided to the plaintiff's solicitors the same information as other group members pursuant to Order 13.1 - 13.5 above.
15. Funded Group Members are required to submit to the plaintiff's solicitors as soon as practicable, but in any event by no later than the Registration Deadline, and to the extent that they have not already done so, the same information as other group members pursuant to Order 13.1 - 13.5 above.
16. Pursuant to section 183 of the Act, and subject to any further order of the Court, any group member who by the Registration Deadline has not registered in accordance with these Orders:
 - 16.1 will remain a group member for all purposes in this proceeding; and
 - 16.2 shall not, without leave of the Court, be permitted to seek any benefit pursuant to a Settlement.
17. Nothing in Order 16 precludes a group member who does not register in accordance with these Orders from having their claims considered at any mediation or settlement other than a Settlement.
18. Pursuant to section 183 of the Act:
 - 18.1 On or before 12 November 2018, the plaintiff's solicitors shall deliver to the defendant's solicitors (in electronic form) anonymised trading data (**Trading Data**) for all group members who have registered pursuant to these Orders;
 - 18.2 the Trading Data must contain:
 - (a) a unique identification number for each registered group member;
 - (b) information referred to in Orders 13.3 – 13.5; and
 - (c) confirmation of whether the Trading Data has been verified by:
 - (1) primary documentary evidence provided by the group member;
or
 - (2) information contained in the register of members of DML.
19. Liberty be reserved to the solicitors for the plaintiff to amend the Trading Data referred to in Order 18 above if there has been an omission or erroneous inclusion.
20. Any group member wishing to challenge these Orders and the requirement to register to obtain compensation from a Settlement write to the plaintiff's solicitors by 21 September 2018, stating the reasons for the group member's challenge.

- 21. The parties have liberty to apply on 48 hours' written notice.
- 22. The costs of this motion be costs in the cause.

SIGNATURES

Plaintiff

Edgar George Tredrea, Plaintiff consents.

Signature of legal representative

Capacity Solicitor on record for the Plaintiff

Date of signature

Defendant

KPMG Financial Advisory Services (Australia) Pty Ltd, Defendant consents.

Signature of legal representative

Capacity Solicitor on record for the Defendant

Date of signature

SEAL AND SIGNATURE

Court seal

Signature

Capacity

Date made or given

Date entered

NOTICE

Subject to limited exceptions, no variation of a judgment or order can occur except on application made within 14 days after entry of the judgment or order.

ANNEXURE A

OPT OUT AND CLAIM REGISTRATION NOTICE

NOTICE OF RIGHTS TO:

(1) REGISTER YOUR INTEREST TO PARTICIPATE IN ANY SETTLEMENT

OR

(2) OPT OUT OF THE CLASS ACTION

This notice is an important document which may affect your legal rights. **You should read this notice carefully** and, if you do not understand any part of it, you may wish to seek legal advice in relation to its content.

1. What is this Notice?

On 2 August 2017, a class action was commenced in the Supreme Court of New South Wales by Alan Smith on his own behalf and behalf of the all persons who are “Group Members”, as defined below in section 2 of this notice. The action is against KPMG Financial Advisory Services (Australia) Pty Ltd (ACN 007 363 215) (**KPMG Advisory**) and relates to an expert valuation of Discovery Metals Limited (**DML**) prepared by KPMG Advisory in November 2012.

The valuation was commissioned by the DML board to support a recommendation to shareholders in respect of an off-market takeover bid made in October 2012 by Cathay Fortune Investment Limited.

The Plaintiff alleges in the further amended statement of claim filed in the New South Wales Supreme Court, proceedings no 2017/00234966, that he and other Group Members suffered loss and damage as a result of KPMG Advisory:

- making misleading or deceptive statements within the meaning of section 670A(1)(h) of the *Corporations Act 2001* (Cth) in its Report which supplemented DML’s target statement released to the ASX on 23 November 2012; and
- breaching its duty of care to the Plaintiff and Group Members in forming and expressing the opinion that the takeover offer of \$1.70 per share made by Cathay Fortune Investment Limited was not fair and reasonable.

KPMG Advisory denies these allegations and is defending the class action.

On 17 November 2017, the Supreme Court of New South Wales made orders regarding the issue of an Opt Out Notice. A Notice approved by the Court attaching an Opt Out Notice was sent to each of the security holders recorded on the Australian share register of DML who

held securities between 23 November 2012 and 15 February 2013, other than those persons referred to in sub-paragraphs 3.3, 3.4 and 3.5 of the further amended statement of claim.

Since that time, the solicitors for the Plaintiff became aware of the ASX Clearing Rule known as the 'T+3' rule, which means that the settlement and registration of share trades are taken to occur three days after the execution of the purchase or sale contract. This means that shareholders who bought or sold DML shares on 13, 14 and 15 February 2013 were not recorded on the DML share register showing security holders between 23 November 2012 and 15 February 2013 and were not sent an Opt Out Notice in accordance with the orders made on 17 November 2017.

You have received this notice because it appears the settlement and registration of your shareholding in DML was affected by the 'T+3' rule and so you were not sent an Opt Out Notice previously.

(A) Participation in any Settlement

The Supreme Court has referred the DML Class Action to a mediation which is to occur by no later than 30 November 2018.

The Supreme Court has ordered that this Notice be published for the information of persons who are members of the group on whose behalf the DML Class Action is brought.

If you held shares in DML listed on the Australian Securities Exchange (**ASX**) in the period between 23 November 2012 and 15 February 2013 and continued to hold those shares after 15 February 2013 for a period of time, you should read this Notice carefully as it will affect your ability to receive a share of settlement monies which may result from an in principle settlement of the DML Class Action (subject to the approval of the Court).

If you wish to have your claim considered as part of any Settlement and receive a share of settlement monies resulting from any Settlement, you must apply to register by completing and submitting the online DML Group Member Registration Form. More information concerning claims registration appears in Section 5 below.

(B) Opt Out

If you do not wish to remain a Group Member you must opt out of this class action by completing an "Opt Out Notice" in the form shown at Annexure 1 to this notice. More information concerning Opting Out appears in Section 6 below.

2. Who are the "Group Members"?

The Supreme Court of New South Wales has ordered that this notice be published for the information of persons who might be members of the class on whose behalf the action is brought and may be affected by the action. You are a member of the class (**Group Member**) if you:

- held shares in DML in the period between 23 November 2012 and 15 February 2013 and continued to hold shares in DML after 15 February 2013 for a period of time;
- have suffered loss or damage by or resulting from the conduct of KPMG Advisory alleged in the further amended statement of claim;
- are not those persons listed in s 159(2) of the *Civil Procedure Act 2005* (NSW);
- are not Cathay Fortune Corporation, China-Africa Development Fund or Cathay Fortune Investment Limited, and are not related entities of those companies, within the meaning of section 9 of the *Corporations Act 2001* (Cth); and
- were not a director of DML at the relevant time, or any companies related to any director of DML.

If you are unsure whether or not you are a class member, you should contact Piper Alderman by email at discoverymetals@piperalderman.com.au or seek your own legal advice without delay.

3. What is a class action?

A class action is an action that is brought by one person (“the Plaintiff”) on his or her own behalf and on behalf of a group of people (“Group Members”) against another person (“the Defendant”) where the Plaintiff and the Group Members have similar claims against the Defendant.

Group Members in a class action **are not** individually responsible for the legal costs associated with bringing the class action. In a class action, only the Plaintiff is responsible for the costs.

Group Members are bound by any judgment or settlement entered into in the class action unless they have opted out of the proceeding. This means that:

- if the class action is successful, Group Members may be eligible for a share of any settlement monies or Court-awarded damages;
- if the class action is unsuccessful, Group Members are bound by that result; and
- regardless of the outcome of the class action, Group Members will not be able to pursue their claims against the Defendant in separate legal proceedings unless they have opted out.

4. Will you be liable for legal costs if you remain a Group Member?

You will **not become liable for any legal costs** simply by remaining as a Group Member for the determination of the common questions. However:

- if the preparation or finalisation of your personal claim requires work to be done in relation to issues that are specific to your claim, you will need to engage a solicitor to do that work for you. Piper Alderman will be in a position to provide that service. A copy of the terms on which Piper Alderman are acting in the class action may be obtained from them on request; and
- if any compensation becomes payable to you as a result of any order, judgment or settlement in the class action, the Court may make an order that some of that compensation be used to help pay a share of the costs which are incurred by the Plaintiff in running the class action but which are not able to be recovered from the KPMG Advisory, referred to as a “common fund order”. Be advised, the Plaintiff intends to make an application to the Court for this type of order prior to any distribution to Group Members is made in the proceedings.

Class actions are often settled out of court. If this occurs in the class action, you may be able to claim from the settlement amount without retaining a lawyer.

5. If you wish to remain a Group Member

If you have already signed a Member Agreement with LCM in relation to the DML Class Action, you are deemed to have already registered and are automatically eligible to receive a share of settlement monies (if any) which may result from a Settlement, provided you contact Piper Alderman to provide full details concerning your dealings in DML shares.

If you are a Group Member in the DML Class Action, and have not signed a Member Agreement with LCM, you must select one of the following options by 12 October 2018:

Option 1 – Register your interest to participate in a Settlement

If you wish to make a claim for any loss you may have suffered as a result of KPMG Advisory’s alleged conduct and for your claim to be considered at any negotiations in connection with a Settlement and for you to receive a share of settlement monies which may result from a Settlement, you must complete the online DML Group Member Registration Form available on the DML Class Action website, accessible at **www.DMLClaimRegister.com**.

When you register, you will be asked to submit the following information:

- (a) your name, address, and either a telephone number or email address;
- (b) your Holder Identification Number (HIN) or Security Reference Number (SRN);

- (c) the number of DML securities you held prior to the commencement of trading on the ASX on 23 November 2012 and any trades in DML securities that occurred on or after this date;
- (d) for each purchase of DML securities between 23 November 2012 and 31 August 2015, all transactional information regarding the purchase including:
 - (1) the date of your purchase;
 - (2) the quantity of securities you purchased; and
 - (3) the consideration you paid (including brokerage).
- (e) for each sale of DML securities between 23 November 2012 and 31 August 2015, all transactional information regarding the sale, including:
 - (1) the date of your sale;
 - (2) the quantity of securities you sold; and
 - (3) the consideration you received (net of brokerage).

Failure to provide the information referred to at (b), (c), (d) or (e) above will not invalidate your registration, but you may be asked to provide some or all of the information after you have registered in order to verify your claim prior to any Settlement. If your claim cannot be verified, it may not be accepted in any Settlement.

Importantly, DML Group Member Registration Forms must be completed online before 4.00 pm on **12 October 2018**. Registration Forms completed after this time will not be accepted and, subject to any order of the Court, you will be treated as having not responded to this Notice (see Option 3 below). If you have difficulties in completing the online Registration Form, you can call the DML Class Action Information Line on 1300 070 736 (within Australia) or +61 3 9415 4130 (outside Australia) Monday to Friday 8.30am to 5.00pm (EST).

Option 2 – Apply to the Supreme Court to vary orders regarding registration protocol

If you wish to challenge the orders made by the Supreme Court in relation to Option 1 above, you must send a written notice to Piper Alderman setting out the challenge you will make and the reasons for that challenge. You will be required to attend the Supreme Court in Sydney at a later date in order to have your challenge heard and decided by the Court.

Any notice challenging the Supreme Court orders must be delivered to Piper Alderman before 4.00 pm on 21 September 2018. Any such notice received after this time will not have any effect.

Option 3 – Not respond to this Notice

If you do nothing, i.e. you do not act in accordance with Options 1 or 2 above, you will remain

a Group Member in the DML Class Action and be bound by any judgment or Settlement in the proceeding. However if there is a Settlement, you will not be entitled to seek any benefit from that Settlement.

In other words, if you do nothing, you will lose your right to share in the proceeds of a Settlement with KPMG Advisory in relation to the matters the subject of the allegations made against KPMG Advisory in the DML Class Action.

If Mr Tredrea and KPMG Advisory reach a Settlement, Mr Tredrea will seek orders that are commonly sought in relation to the settlement of class actions. The effect of these orders will be that all Group Members as defined in the DML Class Action will be bound by the Settlement of that proceeding and will be prohibited from bringing a further claim against KPMG Advisory in relation to the same issues as are raised in the DML Class Action. If these orders are made, this will mean that Group Members in the DML Class Action will not be permitted to continue claims against KPMG Advisory in relation to the same issues as are raised in the DML Class Action.

6. If you do not wish to remain a Group Member

If you do not wish to remain a Group Member you must “opt out” of the class action. If you opt out you will not be bound by or entitled to share in the benefit of any order, judgment or Settlement in the class action, but you will be at liberty to bring your own claim against KPMG Advisory, provided that you issue Court proceedings within the time limit applicable to your claim. If you wish to bring your own claim against KPMG Advisory, you should seek your own legal advice about your claim and the applicable time limit **prior** to opting out.

If you wish to opt out of the class action you **must** do so by completing an “Opt-Out Notice” in the form shown below (Form 115.v2 UCPR 58.2 of the Supreme Court’s approved forms), then returning it to the Registrar of the New South Wales Supreme Court at the address on the form.

IMPORTANT: the Opt Out Notice must reach the Registrar by no later than 12 October 2018 otherwise it will not be effective.

Each Group Member wishing to opt out should fill out a separate form. If you are opting out on behalf of a company or business please provide your name, the name of the company or business and your position within the company or business (e.g. director or partner).

7. Where can you obtain copies of relevant documents?

Copies of relevant documents, including the further amended statement of claim and the defence may be obtained by:

- contacting Piper Alderman on: discoverymetals@piperalderman.com.au; or
- inspecting them between 9am and 5pm at one of the offices of Piper Alderman, contact details for which are available from www.piperalderman.com.au.

Please consider the above matters carefully. If there is anything of which you are unsure, you should contact Piper Alderman by email on: discoverymetals@piperalderman.com.au or seek your own legal advice. You should not delay in making your decision.

8. Important Note regarding Funding Equalisation Orders and Common Fund Orders

If any compensation becomes payable to you as a result of any order, judgment or Settlement in the DML Class Action, the Court may order that some of that compensation be used to pay a portion of the legal costs incurred by Mr Smith and Mr Tredrea in running the DML Class Action against KPMG Advisory.

Mr Tredrea may also seek an order that part of any compensation that becomes payable to Group Members who have not signed a Member Agreement with LCM is paid to LCM in return for LCM funding the DML Class Action. Alternatively, Mr Tredrea may apply for orders that entitle LCM to recover an equal amount from each Group Member, whether or not they have signed a Member Agreement with LCM.

9. Legal Work specific to your claim

If the DML Class Action resolves by way of a judgment in favour of Mr Tredrea or by way of a negotiated Settlement, then the finalisation of your individual claim may require work to be done which is specific to your claim. If such work is required, you may need legal assistance. You may enter into a retainer agreement with Piper Alderman (or other solicitors) to do that work, if it becomes necessary, and you will be liable for legal costs associated with the determination of issues concerned only with your individual claim.

Questions

Any questions you have concerning the matters contained in this Notice should not be directed to the Court.

If you are unclear about whether you are a Group Member, or if you have any other questions regarding the DML Class Action or this Notice, you can visit the website at www.DMLclaimregister.com, or you can call the Information Line on 1300 070 736 (within Australia) or +61 3 9415 4130 (outside Australia) Monday to Friday 8.30am to 5.00pm (EST).

Form 115 (version 2)
UCPR 58.2

OPT OUT NOTICE

COURT DETAILS

Court Supreme Court of New South Wales
 Division Equity
 List Equity General
 Registry Supreme Court Sydney
 Case number 2017/00234966

TITLE OF PROCEEDINGS

Plaintiff **Edgar George Tredrea**
 Defendant **KPMG Financial Advisory Services (Australia) Pty Ltd
 ACN 007 363 215**

FILING DETAILS

Filed for
 (Name of person opting out of representative proceedings)
 Legal representative
 (If applicable)
 #Legal representative reference
 (If applicable)
 Contact name and telephone
 Contact email

OPT OUT NOTICE

Name of person opting out
 Address of person opting out
 I,, a group member in these representative proceedings,
 opt out of the proceedings.
 I understand that in opting out:

- 1 I forego the right to share in any relief obtained by the representative party in the representative proceedings;
- 2 I am not entitled to receive any further notification about the conduct or disposition of the proceedings; and
- 3 To the extent that I have a claim against the defendant, any limitation period suspended by the commencement of the representative proceedings has recommenced to run.

SIGNATURE

Signature of legal representative

Signature of or on behalf of
person opting out if not legally
represented

Capacity

.....
(eg solicitor, authorised officer of person opting out,
person opting out)

Date of signature

NOTICE TO PERSON OPTING OUT

You must, within the time specified in the notice to group members:

- 1 file this form in the registry of the court at the address below, or in the manner provided in the notice to group members; and
- 2 serve a copy of this form on the representative party at the address, or in the manner provided, in the notice to group members.

REGISTRY ADDRESS

Street address	Supreme Court of NSW Law Courts Building, Queen's Square 184 Phillip Street Sydney NSW 2000
Postal address	Supreme Court of NSW GPO Box 3 Sydney NSW 2001
Telephone	1300 679 272

ANNEXURE B**COVER LETTER – T+3 GROUP MEMBERS (who have not been sent an Opt Out Notice)**

[DATE]

[ADDRESS]

Dear Claimant,

Discovery Metals Limited Shareholder Class Action – Claim Against KPMG Financial Advisory (DML Class Action)

You are receiving this correspondence as we understand you held shares in Discovery Metals Limited (ASX: DML) (**DML**) in the period between 23 November 2012 and 15 February 2013 and continued to hold shares in DML after 15 February 2013 for a period of time. If you did, you may be a group member in the DML Class Action.

The Supreme Court of New South Wales has referred the DML Class Action to mediation which is to occur by no later than 30 November 2018, and has ordered a Registration Notice to be issued in connection with the DML Class Action.

As you were not sent an Opt Out Notice in November last year you are now being sent a notice which is a combined Opt Out Notice and Registration Notice.

Please read the attached Opt Out and Registration Notice carefully as it may affect your ability to opt out of the DML Class Action or to receive a share of settlement monies (if any) which may result from an 'in principle' settlement of the DML Class Action (subject to the approval of the Court).

THE NOTICE ENCLOSED WITH THIS LETTER PROVIDES YOU WITH INFORMATION CONCERNING YOUR RIGHTS TO:**(1) REGISTER YOUR INTEREST TO PARTICIPATE IN A SETTLEMENT;****OR****(2) OPT OUT.**

You can register your claim by following the steps outlined below:

1. Register Your Claim Online:

- Complete a Claim Registration Form by accessing the web address www.DMLClaimRegister.com
- You need to submit the Claims Registration Form by 4.00pm (EST) on 12 October 2018.

OR

2. **If you cannot access the internet, or have any difficulties completing the online Claim Registration Form:**

- Call the DML Shareholder Class Action Information Line on 1300 070 736 (Within Australia) or +61 3 9415 4130 (outside Australia) Monday to Friday 8.30am to 5.00pm (EST) to arrange for a Claim Registration Form to be sent to you by post.

You can opt out of the DML Class Action by completing the form attached to the Opt Out and Registration Notice, and returning it to the Registrar of the Supreme Court of New South Wales at the address on the Notice.

Further Information

Should you require any further information regarding the DML Class Action, you can call the Information Line on **1300 070 736** (within Australia) or **+61 3 9415 4130** (outside Australia) Monday to Friday 8.30am to 5.00pm (EST).

Yours faithfully

Piper Alderman

Per:

Anne Freeman

Partner

ANNEXURE C

NOTICE OF RIGHTS TO PARTICIPATE IN SETTLEMENT RESULTING FROM MEDIATION

SUPREME COURT OF NEW SOUTH WALES

Proceeding No: 2017/234966

Discovery Metals Limited (in liquidation) Shareholder Class Action – KPMG Financial Advisory

1. What is this Notice?

On 2 August 2017, a class action (the **DML Class Action**) was commenced by Mr Alan Smith in the Supreme Court of New South Wales against KPMG Financial Advisory Services (Australia) Pty Ltd (ACN 007 363 215) (**KPMG Advisory**). The Class Action relates to an expert valuation of Discovery Metals Limited (in liquidation) (**DML**) prepared by KPMG Advisory in November 2012 (**KPMG Advisory Report**).

The Supreme Court has referred the DML Class Action to a mediation which is to occur by no later than 30 November 2018.

The Supreme Court has ordered that this Notice be published for the information of persons who are members of the group on whose behalf the DML Class Action is brought (**Group Members**).

If you held shares in DML listed on the Australian Securities Exchange (**ASX**) in the period between 23 November 2012 and 15 February 2013 and continued to hold those shares after 15 February 2013 for a period of time, you should read this Notice carefully as it will affect your ability to receive a share of settlement monies which may result from an in principle settlement of the DML Class Action (subject to the approval of the Court).

If there is anything in this Notice that you do not understand, you should seek legal advice. Any questions you have concerning the matters contained in this Notice should not be directed to the Court.

2. Key points to be aware of

If you wish to register to obtain compensation from a Settlement you must:

- 2.1 have already signed a Representative Proceeding Funding Agreement – Member (**Member Agreement**) with the litigation funder, LCM Operations Pty Limited (**LCM**), in relation to this proceeding and provide full details of your trading in DML shares; or
- 2.2 apply to register your claim by completing and submitting the online DML Group Member Registration Form accessible at the domain hosted by Computershare at **www.DMLClaimRegister.com** on or before 4.00 pm on **12 October 2018**.

If you wish to challenge the orders of the Supreme Court in relation to the publication of this Notice and the requirement to register to obtain compensation from a Settlement of the DML Class Action, before 4.00 pm on **12 October 2018** you must write to Piper Alderman stating the reasons for your challenge.

If you have not already signed a Member Agreement with LCM and you do nothing in response to the Notice, your rights (if any) may be determined without your participation.

3. What is a class action?

A class action is an action brought by one person (plaintiff) on his or her own behalf and on behalf of a group of people (group members) against another person (defendant), where the plaintiff and the group members have similar claims against the defendant.

Group members are bound by any judgment or Settlement in the class action, unless they have opted out of the proceeding. This means that:

- 3.1 if the class action is successful, group members may be eligible for a share of any settlement monies or Court-awarded damages:
- 3.2 if the class action is unsuccessful, group members are bound by that result; and
- 3.3 regardless of the outcome of the class action, group members will not be able to pursue their claims against the defendant in separate legal proceedings unless they have opted out.

The plaintiff does not need to seek the consent of group members to commence a class action on behalf of those persons. However, group members can cease to be group members by opting out of the class action.

On 17 November 2017, the Supreme Court made orders regarding the issue of an opt out notice. A Notice approved by the Court attaching an Opt Out Notice was sent to each of the security holders recorded on the Australian share register of DML who held securities between 23 November 2012 and 15 February 2013, other than those persons referred to in sub-paragraphs 3.3, 3.4 and 3.5 of the Further Amended Statement of Claim.

4. The DML Class Action

On 2 August 2017, the DML Class Action was commenced in the Supreme Court of New South Wales by Mr Alan Smith on his own behalf and behalf of the all persons who are Group Members, as defined below in section 5 of this

Notice. The DML Class Action is against KPMG Advisory and relates to the KPMG Advisory Report.

Due to Mr Smith's ill health, on 9 February 2018 the Court made an order substituting Mr Edgar Tredrea as the representative plaintiff in place of Mr Smith.

The KPMG Advisory Report was commissioned by DML's Board of Directors to support a recommendation to shareholders in respect of an off-market takeover bid made in October 2012 by Cathay Fortune Investment Limited (CFIL) for all of the ordinary shares in DML.

The plaintiff alleges in the Further Amended Statement of Claim filed in the Supreme Court that he and other Group Members suffered loss and damage as a result of KPMG Advisory:

- 4.1 making misleading or deceptive statements within the meaning of section 670A(1)(h) of the *Corporations Act 2001* (Cth) in the KPMG Advisory Report which was an annexure to DML's target statement released to the ASX on 23 November 2012; and
- 4.2 breaching its duty of care to the plaintiff and group members in forming and expressing the opinion that the takeover offer of \$1.70 per share made by CFIL was not fair and reasonable.

The DML Class Action is funded by LCM.

KPMG Advisory denies the allegations and is defending the DML Class Action.

5. **Are you a Group Member?**

You are a Group Member in the DML Class Action if you:

- 5.1 held shares in DML listed on the ASX in the period between 23 November 2012 and 15 February 2013 and continued to hold those shares after 15 February 2013 for a period of time;
- 5.2 suffered loss or damage as a result of the conduct of KPMG Advisory, as alleged in the Further Amended Statement of Claim;
- 5.3 are not any of the following:
 - (a) a person listed in s 159(2) of the *Civil Procedure Act 2005* (NSW); or

- (b) Cathay Fortune Corporation, China-Africa Development Fund or CFIL, or
- (c) related entities of those companies, within the meaning of section 9 of the *Corporations Act 2001* (Cth); or
- (d) directors of DML in the period 23 November 2012 to 15 February 2013 (**Relevant Period**), or companies related to any director of DML during the Relevant Period; and

5.4 have not opted out of the DML Class Action.

If you are not a Group Member in the DML Class Action, you may disregard this Notice. If you are a Group Member, you should read this Notice carefully as it will affect your rights.

If you are unsure whether you are a Group Member, you can visit **www.DMLclaimregister.com** to view the Frequently Asked Questions, or alternatively you can call the Information Line on 1300 070 736 (within Australia) or +61 3 9415 4130 (outside Australia) Monday to Friday 8.30am to 5.00pm (EST).

You may inspect copies of the relevant documents filed in connection with the DML Class Action:

- during business hours at the Sydney office of Piper Alderman, Level 23, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000; or
- on Piper Alderman's website at www.piperalderman.com.au; or
- on the Supreme Court of New South Wales website at <http://www.supremecourt.justice.nsw.gov.au/>.

6. What Group Members must do

If you have already signed a Member Agreement with LCM in relation to the DML Class Action, you are deemed to have already registered and are automatically eligible to receive a share of settlement monies (if any) which may result from a Settlement, provided you contact Piper Alderman to provide full details concerning your dealings in DML shares.

If you are a Group Member in the DML Class Action, and have not signed a Member Agreement with LCM, you must select one of the following options by **12 October 2018**:

Option 1 – Register your interest to participate in a Settlement

If you wish to make a claim for any loss you may have suffered as a result of KPMG Advisory's alleged conduct and for your claim to be considered at any negotiations in connection with a Settlement and for you to receive a share of settlement monies which may result from a Settlement, you must complete the online DML Group Member Registration Form available on the DML Class Action website, accessible at www.DMLClaimRegister.com.

When you register, you will be asked to submit the following information:

- (a) your name, address, and either a telephone number or email address;
- (b) your Holder Identification Number (HIN) or Security Reference Number (SRN);
- (c) the number of DML securities you held prior to the commencement of trading on the ASX on 23 November 2012 and any trades in DML securities that occurred on or after this date;
- (d) for each purchase of DML securities between 23 November 2012 and 31 August 2015, all transactional information regarding the purchase including:
 - (1) the date of your purchase;
 - (2) the quantity of securities you purchased; and
 - (3) the consideration you paid (including brokerage)
- (e) for each sale of DML securities between 23 November 2012 and 31 August 2015, all transactional information regarding the sale, including:
 - (1) the date of your sale;
 - (2) the quantity of securities you sold; and
 - (3) the consideration you received (net of brokerage).

Failure to provide the information referred to at (b), (c), (d) or (e) above will not invalidate your registration, but you may be asked to provide some or all of the information after you have registered in order to verify your claim prior to any Settlement. If your claim cannot be verified, it may not be accepted in any Settlement.

Importantly, DML Group Member Registration Forms must be completed online before 4.00 pm on **12 October 2018**. Registration Forms completed after this time will not be accepted and, subject to any order of the Court, you will be treated as having not responded to this Notice (see Option 3 below).

If you have difficulties in completing the online Registration Form, you can call the DML Class Action Information Line on 1300 070 736 (within Australia) or +61 3 9415 4130 (outside Australia) Monday to Friday 8.30am to 5.00pm (EST).

Option 2 – Apply to the Supreme Court to vary orders regarding registration protocol

If you wish to challenge the orders made by the Supreme Court in relation to Option 1 above, you must send a written notice to Piper Alderman setting out the challenge you will make and the reasons for that challenge. You will be required to attend the Supreme Court in Sydney at a later date in order to have your challenge heard and decided by the Court.

Any notice challenging the Supreme Court orders must be delivered to Piper Alderman before 4.00 pm on **21 September 2018**. Any such notice received after this time will not have any effect.

Option 3 – Not respond to this Notice

If you do nothing, i.e. you do not act in accordance with Options 1 or 2 above, you will remain a Group Member in the DML Class Action and be bound by any judgment or Settlement agreement in the proceeding. However if there is a Settlement, you will not be entitled to seek any benefit from that settlement.

In other words, if you do nothing, you will lose your right to share in the proceeds of a Settlement with KPMG Advisory in relation to the matters the subject of the allegations made against KPMG Advisory in the DML Class Action.

If Mr Tredrea and KPMG Advisory reach a Settlement, Mr Tredrea will seek orders that are commonly sought in relation to the settlement of class actions. The effect of these orders will be that all Group Members as defined in the DML Class Action will be bound by the settlement of that proceeding and will be prohibited from bringing a further claim against KPMG Advisory in relation to the same issues as are raised in the DML Class Action. If these orders are made, this will mean that Group Members in the DML Class Action will not be permitted to continue claims against KPMG Advisory in relation to the same issues as are raised in the DML Class Action.

7. Will you be liable for legal costs?

You will not become liable for legal costs simply by remaining as a Group Member for the determination of common questions or by registering your interest in receiving compensation.

If the DML Class Action is unsuccessful, LCM will pay Mr Smith and Mr Tredrea's costs and satisfy any order against Mr Smith and Mr Tredrea to pay KPMG Advisory's costs.

8. Important Note regarding Funding Equalisation Orders and Common Fund Orders

If any compensation becomes payable to you as a result of any order, judgment or Settlement in the DML Class Action, the Court may order that some of that compensation be used to pay a portion of the legal costs incurred by Mr Smith and Mr Tredrea in running the DML Class Action against KPMG Advisory.

Mr Tredrea may also seek an order that part of any compensation that becomes payable to Group Members who have not signed a Member Agreement with LCM is paid to LCM in return for LCM funding the DML Class Action. Alternatively, Mr Tredrea may apply for orders that entitle LCM to recover an equal amount from each Group Member, whether or not they have signed a Member Agreement with LCM.

9. Legal Work specific to your claim

If the DML Class Action resolves by way of a judgment in favour of Mr Tredrea or by way of a negotiated settlement, then the finalisation of your individual claim may require work to be done which is specific to your claim. If such work is required, you may need legal assistance. You may enter into a retainer agreement with Piper Alderman (or other solicitors) to do that work, if it becomes necessary, and you will be liable for legal costs associated with the determination of issues concerned only with your individual claim.

Questions

If you are unclear about whether you are a Group Member, or if you have any other questions regarding the DML Class Action or this Notice, you can visit the website at www.DMLclaimregister.com, or you can call the Information Line on 1300 070 736 (within Australia) or +61 3 9415 4130 (outside Australia) Monday to Friday 8.30am to 5.00pm (EST).

ANNEXURE D

ABRIDGED NOTICE (FOR PUBLICATION)

SUPREME COURT OF NEW SOUTH WALES

DISCOVERY METALS LIMITED (IN LIQ) SHAREHOLDER CLASS ACTION – KPMG FINANCIAL ADVISORY

The Supreme Court of New South Wales has ordered that this Notice be published for the information of group members in the Discovery Metals Limited shareholder class action (**DML Class Action**). Any person who held or acquired shares in Discovery Metals Limited (ASX: DML) between 23 November 2012 and 15 February 2013 (inclusive) should read this notice carefully as it may affect their rights.

The DML Class Action is against KPMG Financial Advisory Services (Australia) Pty Ltd (ACN 007 363 215) (**KPMG Advisory**) and relates to an expert valuation of Discovery Metals Limited (**DML**) prepared by the KPMG Advisory in November 2012 (**KPMG Advisory Report**). KPMG Advisory denies all allegations made against it and is defending the DML Class Action.

You are a group member in the DML Class Action if you:

1. held shares in DML listed on the Australian Securities Exchange in the period between 23 November 2012 and 15 February 2013 (**Relevant Period**) and continued to hold those shares after 15 February 2013 for a period of time;
2. suffered loss or damage as a result of the conduct of KPMG Advisory, as alleged in the Further Amended Statement of Claim;
3. are not any of the following:
 - 3.1 a person listed in s 159(2) of the *Civil Procedure Act 2005* (NSW);
 - 3.2 Cathay Fortune Corporation, China-Africa Development Fund or Cathay Fortune Investment Limited, and
 - 3.3 related entities of those companies, within the meaning of section 9 of the *Corporations Act 2001* (Cth); and
 - 3.4 directors of DML in the Relevant Period, or companies related to any director of DML during the Relevant Period; and
4. have not opted out of the class action.

The Supreme Court has referred the DML Class Action to a mediation which is to occur by 30 November 2018.

The Court has made orders that (amongst other things) any person who wishes to make a claim in an in principle settlement of the DML Class Action must register their claim at the domain hosted by Computershare by **12 October 2018**. If you do not register by this date,

you may be unable to participate in any Settlement and may lose your ability to pursue any future claim against KPMG Advisory.

More information

If you believe you may be a group member, you can visit the claim registration website at www.DMLclaimregister.com to register your claim to participate in a Settlement. If you have any other questions regarding the DML Class Action or this Notice, you can visit the website, or you can call the Information Line on 1300 070 736 (within Australia) or +61 3 9415 4130 (outside Australia) Monday to Friday 8.30am to 5.00pm (EST).

ANNEXURE E**COVER LETTER – OTHER GROUP MEMBERS**

[DATE]

[ADDRESS]

Dear Claimant,

Discovery Metals Limited Shareholder Class Action – Claim Against KPMG Financial Advisory (DML Class Action)

You are receiving this correspondence as we understand you held shares in Discovery Metals Limited (ASX: DML) (**DML**) in the period between 23 November 2012 and 15 February 2013 and continued to hold shares in DML after 15 February 2013 for a period of time. If you did, you may be a group member in the DML Class Action.

Please read the attached Notice carefully as it may affect your ability to receive a share of settlement monies (if any) which may result from an ‘in principle’ settlement of the DML Class Action (subject to the approval of the Court).

The Supreme Court of New South Wales has referred the DML Class Action to mediation which is to occur by no later than 30 November 2018, and has ordered a Notice to be issued in connection with the DML Class Action.

THE NOTICE ENCLOSED WITH THIS LETTER PROVIDES YOU WITH INFORMATION CONCERNING YOUR RIGHTS TO:

- (1) REGISTER YOUR INTEREST TO PARTICIPATE IN A SETTLEMENT;**
- (2) APPLY TO THE SUPREME COURT TO VARY ORDERS REGARDING THE REGISTRATION PROTOCOL;**

OR

- (3) NOT RESPOND TO THE NOTICE.**

You can apply to register your claim by following the steps outlined below:

5. Register Your Claim Online:

- Complete a Claim Registration Form by accessing the web address www.DMLClaimRegister.com
- You need to submit the Claims Registration Form by 4.00pm (EST) on 12 October 2018

OR

6. If you cannot access the internet, or have any difficulties completing the online Claim Registration Form:

- Call the DML Shareholder Class Action Information Line on 1300 070 736 (Within Australia) or +61 3 9415 4130 (outside Australia) Monday to Friday 8.30am to 5.00pm (EST) to arrange for a Claim Registration Form to be sent to you by post.

Further Information

Should you require any further information regarding the DML Class Action, you can call the Information Line on **1300 070 736** (within Australia) or **+61 3 9415 4130** (outside Australia) Monday to Friday 8.30am to 5.00pm (EST).

Yours faithfully

Piper Alderman

Per:

Anne Freeman

Partner

ANNEXURE F**COVER LETTER – UNFUNDED GROUP MEMBERS**

[DATE]

[ADDRESS]

Dear Claimant,

Discovery Metals Limited Shareholder Class Action – Claim Against KPMG Financial Advisory (DML Class Action)

You are receiving this correspondence because you have contacted us regarding the DML Class Action.

Please read the attached Notice carefully as it may affect your ability to receive a share of settlement monies (if any) which may result from an ‘in principle’ settlement of the DML Class Action (subject to the approval of the Court).

The Supreme Court of New South Wales has referred the DML Class Action to mediation which is to occur by no later than 30 November 2018, and has ordered a Notice to be issued in connection with the DML Class Action.

THE NOTICE ENCLOSED WITH THIS LETTER PROVIDES YOU WITH INFORMATION CONCERNING YOUR RIGHTS TO:

- (1) REGISTER YOUR INTEREST TO PARTICIPATE IN A SETTLEMENT;**
- (2) APPLY TO THE SUPREME COURT TO VARY ORDERS REGARDING REGISTRATION PROTOCOL;**

OR

- (3) NOT RESPOND TO THE NOTICE.**

You can apply to register your claim by following the steps outlined below:

1. Register Your Claim Online:

- Complete a Claim Registration Form by accessing the web address www.DMLclaimregister.com

- You need to submit the Claims Registration Form by 4.00pm (EST) on 12 October 2018

OR

2. **If you cannot access the internet, or have any difficulties completing the online Claim Registration Form:**

- Call the DML Class Action Information Line on 1300 070 736 (Within Australia) or +61 3 9415 4130 (outside Australia) Monday to Friday 8.30am to 5.00pm (EST) to arrange for a Claim Registration Form to be sent to you by post.

If you have previously contacted Piper Alderman regarding your claim, you are still required to follow the steps listed above.

If you have any questions, you can email us at discoverymetals@piperalderman.com.au.

Yours faithfully

Piper Alderman

Per:

Anne Freeman

Partner

ANNEXURE G**COVER LETTER – FUNDED GROUP MEMBERS**

[DATE]

[ADDRESS]

Dear Claimant,

Discovery Metals Limited Shareholder Class Action – Claim Against KPMG Financial Advisory (DML Class Action)

You are receiving this correspondence because you have signed a Member Agreement with LCM Operations Pty Limited, and you have provided information regarding the shares you held in DML to Piper Alderman. In the circumstances, you are a Funded Group Member in relation to the DML Class Action.

As a Funded Group Member, you are automatically eligible to receive a share of settlement monies (if any) which may result from an ‘in principle’ settlement of the DML Class Action (subject to the approval of the Court).

The Supreme Court of New South Wales has referred the DML Class Action to mediation which is to occur by no later than 30 November 2018, and has ordered a Notice to be issued in connection with the DML Class Action.

THE NOTICE ENCLOSED WITH THIS LETTER PROVIDES YOU WITH INFORMATION CONCERNING YOUR RIGHTS TO:

- (1) REGISTER YOUR INTEREST TO PARTICIPATE IN A SETTLEMENT;**
- (2) APPLY TO THE SUPREME COURT TO VARY ORDERS REGARDING REGISTRATION PROTOCOL;**

OR

- (3) NOT RESPOND TO THE NOTICE.**

As a Funded Group Member you are not required to take any further steps to register your claim.

If you have any queries, please contact discoverymetals@piperalderman.com.au.

Yours faithfully
Piper Alderman

Per:

Anne Freeman
Partner

ANNEXURE H**COVER LETTER – FUNDED GROUP MEMBERS – INCOMPLETE**

[DATE]

[ADDRESS]

Dear Claimant,

Discovery Metals Limited Shareholder Class Action – Claim Against KPMG Financial Advisory (DML Class Action)

You are receiving this correspondence because you have signed a Member Agreement with LCM Operations Pty Limited. You are a Funded Group Member in relation to the DML Class Action, however you have not yet provided information regarding the shares you held in DML which will enable your claim to be verified.

As a Funded Group Member, if your claim is verified, you will be eligible to receive a share of settlement monies (if any) which may result from an 'in principle' settlement of the DML Class Action (subject to the approval of the Court) (**Settlement**).

The Supreme Court of New South Wales has referred the DML Class Action to mediation which is to occur by no later than 30 November 2018, and has ordered a Notice to be issued in connection with the DML Class Action.

THE NOTICE ENCLOSED WITH THIS LETTER PROVIDES YOU WITH INFORMATION CONCERNING YOUR RIGHTS TO:

- (1) REGISTER YOUR INTEREST TO PARTICPATE IN A SETTLEMENT;**
- (2) APPLY TO THE SUPREME COURT TO VARY ORDERS REGARDING REGISTRATION PROTOCOL;**

OR

- (3) NOT RESPOND TO THE NOTICE.**

So that your claim can be verified, please provide information regarding your share trading as set out in paragraph 6 of the attached Notice by email to discoverymetals@piperalderman.com.au. You must provide this information by 12 October

2018. If you have any questions, please contact Piper Alderman at discoverymetals@piperalderman.com.au.

Yours faithfully

Piper Alderman

Per:

Anne Freeman

Partner