



DISCOVERY  
africa

19 December 2016

## Update on Legal Proceedings

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The Company advised that on 23 December 2015, the Federal Court of Australia delivered judgment in relation to the Company's application for summary judgment against former directors, Mr Kevin Nichol (Mr Nichol) and Mr Danie Van den Bergh (Mr Van den Bergh) in relation to payments made to them on the eve of tendering their resignations as directors of Discovery Africa.

Mr Nichol and Mr Van den Bergh subsequently lodged appeals against the summary judgement.

On Thursday 15 December 2016, the Federal Court of Australia handed down its decisions in respect of those appeals.

Mr Nichol's appeal of the summary judgement was granted and accordingly this matter has been referred to trial. The Company now intends to continue and expand its claim against Mr Nichol.

Mr Van den Bergh's appeal was dismissed.

The Company intends to immediately enforce the judgment against Mr Van den Bergh. It is noted that an amount of \$211,145 has been paid into Court by Mr Van den Bergh. Furthermore, the Company intends to continue its action against Mr Van den Bergh.

**Alan Thomas**  
Company Secretary