



WHITEHAWK<sup>®</sup>

**FOR IMMEDIATE RELEASE**

**20 October 2020**

## **Supreme Court Order Granted**

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**Perth, WA and Alexandria, VA** – Further to the ASX announcement released on 16 October 2020, WhiteHawk Limited (ASX:WHK) (“WhiteHawk” or “the Company”), advises that today, the Application to the Supreme Court of Western Australia was heard to rectify the non-issue of cleansing notices for the following three share issues:

- 12,987,013 shares on 3 July 2020;
- 3,000,000 shares on 21 August 2020; and
- 1,562,735 shares on 25 September 2020.

The shares issued on those three dates were issued to three shareholders only (one on each date). Through an inadvertent administrative oversight, a cleansing notice under section 708A(5)(e) of the *Corporations Act 2001* (Cth) (**Corporations Act**) was not given to ASX within 5 business days after the date of issue for each of those three issues. This issue was identified by the Company and was reported to both ASX and ASIC and cleansing notices for those three issues were subsequently issued on 15 October 2020 together with a replacement Appendix 2A.

At the hearing earlier today, the Court made the orders sought by the Company, namely:

- a) that, in relation to each of the three share issues, pursuant to section 1322(4) of the Corporations Act, the period of five business days referred to in section 708A(6)(a) of the Corporations Act be extended to 15 October 2020;
- b) that, in relation to each of the three share issues, pursuant to section 1322(4) of the Corporations Act, it is declared that a notice under section 708A(5)(e) of the Corporations Act given to ASX in respect of those three share issues within the period referred to in a) above be deemed to take effect as if it had been given to ASX on the date each of those shares were issued; and
- c) in relation to the issue of shares on 3 July 2020, pursuant to section 1322(4) of the Corporations Act, it is declared that any offer for sale or sale of those 12,987,013 shares during the period after their issue to the date of the Court order is not invalid by reason of any failure of a notice under section 708A(5)(e) of the Corporations Act to exempt the sellers from the obligations of disclosure under the Corporations Act; and the seller’s consequent failure to comply with section 707(3) of the Corporations Act. The Company notes no sale of any of the shares that were issued on 21 August 2020 or 25 September 2020 has occurred prior to the date of the Court hearing.

A copy of the Court Order accompanies this announcement. The Court Order has been served on each of the ASIC and the ASX today.



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In accordance with the Court Order, the Company will forward a copy of the orders to each Shareholder that received shares in the three share issues.

The Company has implemented steps to ensure, insofar as possible, such issues do not arise again. The Company has already commenced a review of compliance procedures to ensure appropriate preventative steps are in place, and will introduce additional internal checks, to avoid future issues.

Commenting on the proceedings to date and looking forward, Terry Roberts, Executive Chair of Whitehawk commented, *“Following identification of inadvertent administrative errors, the Company moved swiftly to rectify the errors made and I am pleased that the Supreme Court granted relief in a very short period of time.”*

*As previously announced to ASX on five new proof of value engagement contracts and US Federal Government’s Option Contract renewal, the Company is increasingly confident that WhiteHawk’s unique end to end automated approach, to identify, prioritise and mitigate cyber risks via an easily assessable online platform, is increasingly attractive to both government and private industries alike. The Company looks forward to updating shareholders on more positive news in the near future.”*

-ENDS-

Authorised for release by Terry Roberts (Chief Executive Officer and Executive Chair).

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**About WhiteHawk**

Launched in 2016, WhiteHawk began as a cyber risk advisory service with a vision to develop the first online self-service, cyber security exchange, simplifying how companies and organizations discover, decide, and purchase cyber security solutions that directly mitigate their key cyber business risks. Today, we help US companies to connect to content, solutions, and service providers through evolving our rich data and user experience. WhiteHawk is a cloud-based cyber security exchange platform that delivers virtual consultations, Artificial Intelligence Cyber Risk Profile’s that immediately match SME customers to tailored ‘solutions on demand. The platform enables customers to leverage their tailored Security Story to find affordable and impactful cyber tools, content, and relevant services through our algorithms and expertise, to better understand how to improve and stay ahead of today’s cyber threats. The Platform enables companies to fill their needs on an ongoing basis with demonstrated cost and time savings. For more information, visit [www.whitehawk.com](http://www.whitehawk.com).

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IN THE SUPREME COURT OF WESTERN AUSTRALIA

COR/125/2020

EX PARTE:  
**WHITEHAWK LIMITED (ACN 620 459 823)**

First Plaintiff

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**ORDER OF JUSTICE HILL  
MADE 20 October 2020**

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**UPON APPLICATION of the plaintiff by originating process dated 15 October 2020 AND UPON HEARING Mr A J Papamatheos and Mr S P Tomasich of counsel for the plaintiff IT IS ORDERED that:**

**3 July 2020 issue of shares**

1. Pursuant to section 1322(4)(d) of the Corporations Act 2001 (Cth) (Corporations Act), in respect of the 12,987,013 ordinary fully paid shares in the Plaintiff, which were issued on 3 July 2020, the period of five business days referred to in section 708A(6)(a) of the Corporations Act be extended to 15 October 2020.
2. Pursuant to section 1322(4)(a) of the Corporations Act, it is declared that a notice under section 708A(5)(e) of the Corporations Act given to the Australian Securities Exchange Limited (ASX) in respect of the 12,987,013 ordinary fully paid shares in the Plaintiff, which were issued on 3 July 2020, within the period provided for in paragraph 1 above be deemed to take effect as if it had been given to the ASX on 3 July 2020.
3. Pursuant to section 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of the 12,987,013 ordinary fully paid shares in the Plaintiff, which were issued on 3 July 2020, during the period after their issue to the date of the Court orders is not invalid by reason of:
  - (a) 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
  - (b) the sellers' consequent failure to comply with sections 707(3).

**21 August 2020 issue of shares**

4. Pursuant to section 1322(4)(d) of the Corporations Act, in respect of the 3,000,000 ordinary fully paid shares in the Plaintiff, which were issued on 21 August 2020, the period of five business days referred to in section 708A(6)(a) of the Corporations Act be extended to 15 October 2020.
5. Pursuant to section 1322(4)(a) of the Corporations Act, it is declared that a notice under section 708A(5)(e) of the Corporations Act given to the ASX in respect of the 3,000,000 ordinary fully paid shares in the Plaintiff, which were issued on 21 August 2020, within the period provided for in paragraph 4 above be deemed to take effect as if it had been given to the ASX on 21 August

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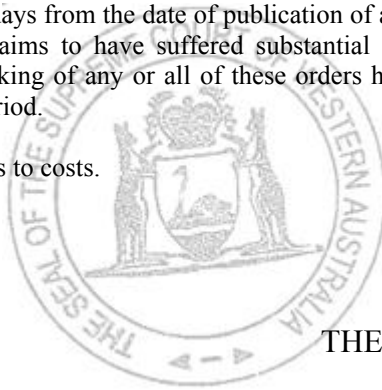
2020.

### **25 September 2020 issue of shares**

6. Pursuant to section 1322(4)(d) of the Corporations Act, in respect of the 1,562,735 ordinary fully paid shares in the Plaintiff, which were issued on 25 September 2020, the period of five business days referred to in section 708A(6)(a) of the Corporations Act be extended to 15 October 2020.
7. Pursuant to section 1322(4)(a) of the Corporations Act, it is declared that a notice under section 708A(5)(e) of the Corporations Act given to the ASX in respect of the 1,562,735 ordinary fully paid shares in the Plaintiff, which were issued on 25 September 2020, within the period provided for in paragraph 7 above be deemed to take effect as if it had been given to the ASX on 25 September 2020.

### **General**

8. A sealed copy of these orders is to be served on the ASIC as soon as reasonably practicable and upon service of these orders on ASIC, ASIC is to include these orders on its database.
9. A copy of these orders is to be given to each person to whom the shares in orders 1 to 7 were issued and as soon as reasonably practicable the plaintiff is to publish an announcement to ASX in which a copy of these orders is included.
10. For a period of 28 days from the date of publication of a copy of these orders on the ASX website, any person who claims to have suffered substantial injustice or is likely to suffer substantial injustice by the making of any or all of these orders has liberty to apply to vary or to discharge them within that period.
11. There be no order as to costs.



BY THE COURT

THE HONOURABLE JUSTICE J HILL

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