

(Translation from the Polish language)

**FINANCIAL SUPERVISORY COMMISSION**

**Current report No 73/2012**

Date: 26 April 2012

Issuer's shortened name: KOPEX SA

Subject: **Decision of the District Court concerning the action brought by Famur SA against KOPEX SA**

Legal basis: Law on Offer, Art. 56, Par.1 Item 1 – confidential information

**Contents of the report:**

Referring to the current reports RB1/2010 dated 4 January 2010, RB5/2010 dated 12 January 2010 and RB70/2012 dated 25 April 2012, the Management Board of KOPEX SA (the Issuer) informs that on 26 April 2012 the District Court in Katowice issued decision concerning the action, under file ref. No XIII GC 392/09, which was brought by the company Famur SA based in Katowice against the Issuer for the payment of the stipulated penalties in the amount of PLN 40,261,950.00. The judgement requires KOPEX SA to pay the amount of PLN 40,261,950.00 together with statutory interest, that will be accrued from 13 November 2009, and legal expenses in a total amount of PLN 107,217.00. The remainder of the action was dismissed.

The judgement is not final and binding. The judgement may be appealed in the Court of Appeal in Katowice within 14 days of receipt of copy of the judgement together with its written justification. Request for such a justification has been already filed in the court by the law firm representing KOPEX SA in legal proceedings.

The Management Board intends to exercise its right to appeal against the judgement. Content of appeal will be formulated after receiving and reading the written justification.

At the same time, given the aforementioned decision of the Court, the Issuer informs that will create a reserve for potential liabilities to FAMUR SA, which will be included in the separate and consolidated profit for the first quarter of 2012.

The Issuer will inform about the further course of legal proceedings on an ongoing basis.