



23 December 2009

The Companies Officer  
ASX Limited  
2 The Esplanade,  
Perth, WA, 6000

Dear Sir

### **ASIC Court Case Ruling**

Fortescue Metals Group ("ASX:FMG" "Fortescue") advises that judgment was handed down today by the Federal Court in the civil penalty proceedings brought by ASIC. Fortescue has been successful in defending all of the contraventions alleged by ASIC.

ASIC failed in respect of all its 22 alleged breaches of the Corporations Act relating to Misleading and Deceptive Conduct and Continuous Disclosure obligations.

In respect of Fortescue's CEO and co-defendant, Andrew Forrest, ASIC failed to prove any of its allegations of breach by Mr Forrest of the same abovementioned Corporations Act obligations as well as associated alleged breaches by Mr Forrest of his duties as a director.

Fortescue's chairman Mr Herb Elliott, said, "the outcome of the ASIC case clearly vindicates the Company's actions in the strong defence of its position. The court's decision follows over 3 years of legal proceedings and with the result now so unequivocally determined, Fortescue looks forward to continuing its focus on the ramp up of operations where over 45 million tonnes of iron ore has been shipped".

The full details of the Federal Court judgment can be found on the web site [www.fedcourt.gov.au/searchjudgments](http://www.fedcourt.gov.au/searchjudgments).

Yours sincerely  
**Fortescue Metals Group Ltd**

**Rod Campbell**  
Company Secretary