



18 February 2011

The Companies Officer  
ASX Limited  
2 The Esplanade  
Perth WA 6000

Dear Sir

### **ASIC Appeal Ruling**

Fortescue Metals Group ("ASX:FMG" "Fortescue") advises that the Full Bench of the Federal Court has upheld an appeal lodged by ASIC against the judgment handed down by Judge Gilmour on 23 December 2009 in civil penalty proceedings brought by ASIC against Fortescue and Fortescue's co-defendant and CEO, Mr Andrew Forrest.

Fortescue Chairman Mr Herb Elliott said the Company and Mr Forrest were disappointed with the decision and will consider all available legal options after the Company and its legal advisers have fully reviewed the decision by the Full Bench.

Yours sincerely  
**Fortescue Metals Group Ltd**

**Mark Thomas**  
Company Secretary

#### **Media contact:**

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