

### **Statement by ASM Group S.A.**

Acting on behalf of the company under the name the ASM Group S.A. based in Warsaw (referred hereafter as the "Company" or "ASM Group") as the Management Board authorized to jointly represent the Company with reference to the Company's Statement of 10/12/2021, we hereby declare and present as follows:

- the order of November 25, 2021 issued in case XXVI Gz 139/21 regarding the rejection of the ASM Group's complaint against the freezing order of April 19, 2021 in the case XXVI GCo 74/21, pursuant to which Mr Marcin Skrzypiec and Szymon (Tatiana) Pikula were forbidden, for the duration of the examination proceedings, to exercise voting rights from all the ASM Group S.A. shares held by them (the complaint of the ASM Group in the indicated case was signed by the attorney appointed by the Management Board of the ASM Group S.A. dismissed on April 22, 2021, i.e. Dorota Kenny, Jacek Pawlak and Andrzej Nowak, and this was the reason for first indicating formal failure and then for rejecting the complaint);
- The order of January 5, 2022 issued in case XXVI Gz 139/21 on dismissal of a joint complaint by Marcin Skrzypiec and Szymon (Tatiana) Pikula against the freezing order of April 19, 2021 in case XXVI GCo 74/21, pursuant to which for the duration of the examination procedure, Marcin Skrzypiec and Szymon (Tatiana) Pikula were prohibited from exercising the voting rights from all their ASM Group SA shares.

The order of April 19, 2021 in case XXVI GCo 74/21 is therefore **legally valid**.

The above is important that the EGM of ASM Group S.A. was held on the basis of the aforementioned decision of April 22, 2021, which changed the Supervisory Board of this company, and then was held the meeting of the Supervisory Board of ASM Group S.A., which made changes to its Management Board by establishing a Management Board composed of: Adam Stańczak, Łukasz Stańczak, Weronika Wagner and Krzysztof Przybyłowski.

The findings adopted by District Court in Warsaw in the above-mentioned order were also reflected in the later decisions of the District Court in Warsaw, which later, among others, suspended the effectiveness of the resolutions of the alleged EGM of ASM Group S.A. of May 31, 2021 and September 22, 2021, and prohibited for the duration of the procedure the exercise of voting rights attached to shares by entities which, as figureheads, acquired shares in the first round from Szymon (Tatiana) Pikula and Marcin Skrzypiec, ie Smart Frog Sp. z o.o. and Green Moon Sp. z o.o.

Attachments:

- order of November 25, 2021 regarding XXVI Gz 139/21,
- order of January 5, 2021 regarding XXVI Gz 139/21.

**ORDER**  
**partial**

On November 25, 2021

District Court in Warsaw, XXVI Commercial Division composed of:

Chairman - judge Anna Kociołek

after the examination on November 25, 2021, in Warsaw, in a closed sessio,

Of the case at the request of Adam Stańczak

with the participation of the ASM GROUP S.A. in Warsaw, Szymon Pikula, Tatiana  
Pikula, Marcin Skrzypiec

To grant security - on the complaint of the defendant ASM Group S.A. on

the decision of the District Court in Warsaw of April 19, 2021, file ref. act XXVI

GCo 74/21

decides:

dismiss the complaint of ASM Group S.A. based in Warsaw.

judge Anna Kociołek

Ordinance:

1. deliver a copy of the order to:

- the applicant's proxy, Szymon Pikula's proxy, Tatiana Pikula's proxy, Marcin Skrzypiec's proxy.

- ASM Group by mail with the instruction on the right to submit an application for the preparation of a justification and the right to submit a complaint and a copy of the letter of November 9, 2021.

2. inform the representatives of the parties via the Portal that the complaints of the remaining obligated persons will be recognized after a possible final decision of this order;

3. after the implementation of this ordinance, the two volumes of this case currently in circulation will be added to the remaining volumes of the case kept with judge Henryk Walczewski -with aim to make a decision in accordance with the order of September 29, 2021.

judge Anna Kociołek

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**ORDER**

In relation to the obligated Szymon Pikula, Tatiana Pikula and Marcin Skrzypiec

On January 5, 2022

District Court in Warsaw, XXVI Commercial Division

composed of:

Chairman - judge Anna Kociołek

after the examination on January 5, 2022 in Warsaw, in a closed session,

Of the case at the request of Adam Stańczak

with the participation of ASM GROUP S.A. in Warsaw, Szymon Pikula, Tatiana  
Pikula, Marcin Skrzypiec

To grant security - in the matter of a complaint by the obligated Szymon  
Pikula, Tatiana Pikula and Marcin Skrzypiec against the decision of the District Court  
in Warsaw of April 19, 2021, file ref. XXVI GCo 74/21 on the application for  
granting security

decides:

1. dismiss the complaint.
2. leave the decision on the costs of the complaint proceedings in the decision  
ending the proceedings in the case brought by the Eligible Person in accordance with  
point 3 of the decision of April 19, 2021 issued in case XXVI GCo 74/21.

judge Anna Kociołek

Ordinance:

a copy of the decision should be delivered to the applicant's attorney, Szymon Pikula's  
attorney, to Tatiana Pikula's proxy and Marcin Skrzypiec's proxy - via the Portal.

judge Anna Kociołek