

Date of issue: 9 May 2017

Current report no 6/2017

**Information on filing a lawsuit against Energa-Operator S.A. as regards claims arising from the execution of a performance bond issued for the benefit of Energa-Operator S.A.**

Legal basis: Art. 17.1 of the Market Abuse Regulation

**Content of the report:**

With reference to the current report no 5/2017, the Management Board of **ARCUS S.A.** (hereinafter “**the Issuer**”) hereby notifies that on 9 May 2017 has received information that the legal representative of the Issuer filed a lawsuit with the Court of Appeals in Gdańsk, 9th Commercial Division (“the Lawsuit”) against Energa-Operator S.A. (“Energa”) on the basis of which the Issuer and T-matic Systems S.A. (“T-matic”) as claimants, pursue claims that arose in connection with the dispute concerning the Implementation Agreement concluded on 1 February 2013 between the Issuer, T-matic Systems S.A. and Energa, the subject of which was the delivery and setting up of the meter infrastructure as the Issuer informed in current report no 4/2013 (hereinafter “the Agreement”) – within the scope covering the claims of Energa against the Issuer and T-matic resulting from alleged improper performance of the Agreement (current report no 25/2015):

1) with reference to the claims of the Issuer: (i) ordering Energa to reimburse to Ergo-Hestia an amount of PLN 4,798,851.15 which is an amount being an unduly conferred (at the expense of the Issuer) benefit arising from the execution by Ergo-Hestia, at the request of Energa, of a performance bond issued on 22 January 2013 (“Performance bond”), alternatively – in case of rejection of this claim (ii) ordering Energa to cancel the liability (debt) of the Issuer against Ergo-Hestia arising from the obligation of the Issuer to reimburse to Ergo-Hestia an amount of PLN 4,798,851.15 accounting for ½ of PLN 9,597,702.30 paid by Ergo-Hestia to Energa within the execution of the Performance Bond, as referred to in current report no 4/2017;

2) with reference to the claims of T-matic: (i) ordering Energa to reimburse to Ergo-Hestia an amount of PLN 4,798,851.15 which is an amount being an unduly conferred (at the expense of the T-matic) benefit arising from the execution by Ergo-Hestia, at the request of Energa, of a Performance bond, alternatively – in case of rejection of this claim (ii) ordering Energa to cancel the liability (debt) of T-matic against Ergo-Hestia at the amount of PLN 4,798,851.15 accounting for ½ of PLN 9,597,702.30 paid by Ergo-Hestia to Energa within the execution of the Performance Bond.

The value of matter at issue covered by the lawsuit with regard to the claims of both claimants amounts to PLN 9,597,703.00. Filing of the lawsuit was preceded by obtaining by the Issuer and T-matic of an injunctive relief as referred to in a current report no 5/2017.

Legal basis:

Art. 17.1 of the Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC.

**SIGNATURES OF PERSONS REPRESENTING THE COMPANY:**

**Michał Czeredys** – President of the Management Board

**Rafał Czeredys** – Member of the Management Board