

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

HSINGCHING HSU, Individually and on Behalf of ) Case No. 8:15-cv-00865-AG-SHK  
All Others Similarly Situated, )  
Plaintiff, ) CLASS ACTION  
vs. )  
PUMA BIOTECHNOLOGY, INC., et al., )  
Defendants. )

**NOTICE OF VERDICT IN FAVOR OF PLAINTIFF CLASS AND  
AGAINST PUMA BIOTECHNOLOGY, INC. AND ALAN H. AUERBACH**

TO: ALL PERSONS WHO PURCHASED OR ACQUIRED THE COMMON STOCK OF PUMA BIOTECHNOLOGY, INC. BETWEEN JULY 22, 2014 (AFTER 6:00 P.M. EDT) AND MAY 29, 2015, INCLUSIVE ("CLASS PERIOD").

THIS IS A COURT-APPROVED NOTICE REGARDING A TRIAL VERDICT IN FAVOR OF PERSONS WHO PURCHASED OR ACQUIRED PUMA BIOTECHNOLOGY, INC. COMMON STOCK DURING THE PERIOD JULY 22, 2014 TO MAY 29, 2015. THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT YOUR RIGHT TO RECOVER UP TO \$4.50 PER SHARE. **THE DEADLINE TO FILE A CLAIM IS JANUARY 28, 2020.**

**1. WHY AM I RECEIVING THIS NOTICE?**

The purpose of this Notice of Verdict is to inform you of: (1) a jury verdict following a two-week federal securities fraud trial against Puma Biotechnology, Inc. and its Chief Executive Officer Alan H. Auerbach; (2) the jury's award of damages of \$4.50 per share for shares purchased by Class Members between July 22, 2014 and May 13, 2015; and (3) your right to make a claim for damages if you are a member of the Class.

In the case of *HsingChing Hsu v. Puma Biotechnology, Inc., et al.*, No. 8:15-cv-00865 (the "Litigation"), a two week trial began on January 15, 2019 in the United States District Court for the Central District of California, Southern Division. On February 4, 2019, the jury returned a verdict. The jury found that defendants Puma and Alan H. Auerbach violated the federal securities laws by making false and misleading statements about the efficacy of Puma's drug, neratinib, in a clinical trial and that defendants did so in knowing violation of sections 10(b) and 20(a) of the Securities Exchange Act of 1934. As a result of this fraudulent conduct, the jury determined that Puma's stock price was artificially inflated by \$4.50 per share between July 22, 2014 and May 13, 2015. For a copy of the jury verdict, and more information about the trial and claims process, please go to [www.pumabiosecuritieslitigation.com](http://www.pumabiosecuritieslitigation.com) or contact Class Counsel at the address listed below.

The jury verdict will result in the payment of damages, minus certain deductions described below, to eligible Class Members who file a timely and valid Proof of Claim form (which accompanies this Notice of Verdict) and whose claims are approved. Class Members whose claims are approved will be entitled to receive all of their damages, plus interest, less their proportionate share of any fees and expenses awarded by the Court.

**To recover damages, you must submit a valid Proof of Claim form, enclosed with this Notice of Verdict, no later than January 28, 2020. Late filed claims will only be accepted with the approval of the Court.**

## 2. AM I A MEMBER OF THE CLASS?

The Class is defined as follows:

All Persons who purchased or otherwise acquired the securities of Puma during the period between July 22, 2014 (after 6:00 P.M. EDT) and May 29, 2015. Excluded from the Class are defendants, members of defendants' immediate families, present or former executive officers of Puma and their immediate family members, any person, firm, trust, corporation, officer, director or other individual or entity in which any defendant has a controlling interest or which is related to or affiliated with any defendant, and the legal representatives, agents, affiliates, heirs, successors-in-interest or assigns of any such excluded party, and any individuals who previously opted out of this action.

"Class Members" are all members of the Class defined above, except those persons who have already filed valid and timely requests for exclusion.

## 3. HOW MUCH MONEY ARE CLASS MEMBERS ENTITLED TO RECEIVE?

Pursuant to the jury verdict, Class Members who file timely and valid claims which are approved are entitled to recover for their damages. In accordance with the Private Securities Litigation Reform Act, damages will be calculated as follows:

- For shares purchased or acquired between July 22, 2014 (after 6:00 PM EDT) and held through May 13, 2015, damages are \$4.50 per share, plus interest, with the exception of purchases or acquisitions discussed immediately below.
- For Class Members who purchased or acquired Puma stock at or below \$193.31 per share **and** sold that stock between May 14, 2015 and June 11, 2015, the damages shall be the lesser of \$4.50 per share or the purchase price minus the average closing price between May 14, 2015 and the date of sale, plus interest. A list of the average closing prices between May 14, 2015 and June 11, 2015 is available online at [www.pumabiosecuritieslitigation.com](http://www.pumabiosecuritieslitigation.com).
- For shares purchased or acquired during the Class Period and sold on or prior to May 13, 2015, the damages are zero.
- For shares purchased or acquired between May 14, 2015 and May 29, 2015, the damages are zero.
- For purposes of calculating damages, purchases and sales of stock will be matched on a Last-In, First-Out ("LIFO") basis. Class Period sales will be matched first against the latest purchase before sale, and then against purchases/acquisitions (or the Class Member's opening share balance) in reverse chronological order. Class Members do not have to perform any of these calculations. All of the calculations will be performed by the Claims Administrator based on the purchase and sale transaction information provided on the Proof of Claim form enclosed. The form is also available and can be downloaded or completed online at [www.pumabiosecuritieslitigation.com](http://www.pumabiosecuritieslitigation.com).

The amount of the Class's total recovery will be reduced by any amounts that may be awarded by the Court to Class Counsel and the Lead Plaintiff for attorneys' fees and the expenses of bringing and prosecuting the Litigation.

## 4. WHAT ARE MY RIGHTS AS A CLASS MEMBER?

Unless you previously requested to be excluded from the Class, you will be bound by all determinations and judgments in the Litigation. You must file a claim form to collect for any damages you suffered. You may do nothing at all and not file a claim. If you choose that option, you will not recover anything, but you will be bound by any judgments entered by the Court. You may not opt out of this action.

## 5. HOW TO COMPLETE AND SUBMIT THE PROOF OF CLAIM FORM

A Proof of Claim form has been sent with this Notice and is available online at [www.pumabiosecuritieslitigation.com](http://www.pumabiosecuritieslitigation.com). **YOU MUST MAIL OR SUBMIT YOUR COMPLETED AND SIGNED PROOF OF CLAIM ONLINE ON OR BEFORE JANUARY 28, 2020.**

Puma Biotechnology Securities Litigation  
Claims Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 43301  
Providence, RI 02940-3301  
1-866-880-1572  
[info@PumaBioSecuritiesLitigation.com](mailto:info@PumaBioSecuritiesLitigation.com)

Online Submissions: **[www.pumabiosecuritieslitigation.com](http://www.pumabiosecuritieslitigation.com)**

Use Part I of the form entitled "Claimant Identification" to identify yourself and, if appropriate, any co-beneficial owners of the Puma stock. If you purchased or otherwise acquired Puma stock that was registered in the name of a third party, such as a nominee or brokerage firm, you are the beneficial purchaser or acquirer, and the third party is the record purchaser or acquirer and should be identified on the line titled "Trustee/Asset Manager/Nominee/Record Owner's Name (if Different from Beneficial Owner Listed Above)." Individual filers do not need to provide an account or fund number. Please be sure to include correct mailing information, as this address will be used for the mailing of any check if you are entitled to a recovery.

Use Part II of the form entitled "Schedule of Transactions in Puma Common Stock" to supply all required details of your transaction(s) and holdings in Puma stock. If you need more space or additional schedules, attach separate sheets giving all of the required information in substantially the same form. Please list all of your transactions in Puma stock during the period July 22, 2014 through June 11, 2015 separately and in chronological order, by trade date, beginning with the earliest, including the month, day and year of each transaction you list. A purchase or sale of Puma stock shall be deemed to have occurred on the "contract" or "trade" date as opposed to the "settlement" or "payment" date, so please identify the "contract" or "trade" dates in your claim.

Copies of documents evidencing your transactions in Puma stock should be attached to your claim. This can include trade confirmation slips or emails from your bank or stockbroker, monthly, quarterly, or annual bank or broker statements, or other documents reflecting your transactions in Puma stock. If any such documents are not in your possession, please obtain a copy or equivalent documents from your bank or broker because these documents will be used to process your claim. Failure to provide suitable documentation could delay verification of your claim or result in rejection of your claim.

If you have any questions about completing the Proof of Claim form, please contact the Claims Administrator at [info@PumaBioSecuritiesLitigation.com](mailto:info@PumaBioSecuritiesLitigation.com) or 1-866-880-1572.

**Please be sure to sign and date your Proof of Claim form and mail or submit it by no later than January 28, 2020.**

## 6. DO I NEED TO RETAIN MY OWN LAWYER?

If you are a member of the Class, you may, but are not required to, enter an appearance through counsel of your own choosing at your own expense. If you do not do so, you will be represented by Class Counsel: Robbins Geller Rudman & Dowd LLP. Their contact information is at the end of this Notice.

## 7. HOW WILL CLASS COUNSEL BE PAID?

Class Counsel and the Lead Plaintiff will make an application for fees and expenses following the claims process for Class Members. Class Counsel will seek fees of 25% of the aggregate damages, plus interest, and litigation expenses in an amount not to exceed \$2,500,000, not including costs associated with the notice and claims process. Lead Plaintiff Norfolk Pension Fund, which prosecuted the case on behalf of all Class Members, will seek an amount not to exceed \$115,000 pursuant to 15 U.S.C. §78u-4(a)(4) in connection with its representation of the Class. Filings related to fees and expenses, as well as the date of the hearing on fees and expenses, will be posted on the website maintained by the

Claims Administrator ([www.pumabiosecuritieslitigation.com](http://www.pumabiosecuritieslitigation.com)) and on Class Counsel's website ([www.rgrdlaw.com](http://www.rgrdlaw.com)). Class Members with valid claims can file objections to the proposed fees or expenses up to 14 days before the hearing. For more information on how to file an objection, please go to the website maintained by the Claims Administrator.

#### **8. WHERE CAN I FIND MORE INFORMATION?**

For a more detailed statement of the matters involved in this Litigation, please see the pleadings and other papers filed with the Court. The operative complaint, verdict, and other important filings may be accessed at [www.pumabiosecuritieslitigation.com](http://www.pumabiosecuritieslitigation.com). Court filings in the Litigation can also be examined and copied at any time on the Public Access to Court Electronic Records, website, [www.pacer.gov](http://www.pacer.gov), or during regular office hours at the Records Department of the United States District Court for the Central District of California at 312 North Spring Street, Room G-8, Los Angeles, CA 90012.

Inquiries regarding the Litigation should be sent to:

ROBBINS GELLER RUDMAN & DOWD LLP  
TOR GRONBORG  
SUSANNAH CONN  
655 West Broadway, Suite 1900  
San Diego, CA 92101  
or  
[torg@rgrdlaw.com](mailto:torg@rgrdlaw.com)  
[sconn@rgrdlaw.com](mailto:sconn@rgrdlaw.com)

#### **9. NOTICE TO BANKS, BROKERS, AND OTHER NOMINEES**

Banks, brokerage firms, institutions, and other persons who are nominees who purchased or acquired Puma common stock for the beneficial interest of other persons on any day from July 22, 2014 (after 6:00 P.M. EDT) and May 29, 2015, inclusive, are requested within ten (10) calendar days of receipt of this Notice of Verdict to: (1) provide Class Counsel with the names and addresses of such beneficial owners; and/or (2) forward copies of this Notice of Verdict and the Proof of Claim form to each such beneficial purchaser or acquirer and provide Class Counsel with written confirmation that the Notice has been forwarded.

Class Counsel offers to prepay your reasonable costs and expenses of complying with this provision upon submission of appropriate documentation. Additional copies of the Notice of Verdict may be obtained from Class Counsel for forwarding to such beneficial owners. All such correspondence should be addressed as follows:

Puma Biotechnology Securities Litigation  
Claims Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 43301  
Providence, RI 02940-3301  
1-866-880-1572  
[info@PumaBioSecuritiesLitigation.com](mailto:info@PumaBioSecuritiesLitigation.com)

#### **10. NOTICE REGARDING ELECTRONIC FILES**

Certain claimants with large numbers of transactions may request, or may be requested, to submit information regarding their transactions in electronic files. This is different from the online submission process that is available at [www.pumabiosecuritieslitigation.com](http://www.pumabiosecuritieslitigation.com). If you have a large number of transactions and wish to file your claim electronically, please contact the Claims Administrator at [edata@gilardi.com](mailto:edata@gilardi.com) to obtain the required file layout.

**THE DEADLINE TO FILE A PROOF OF CLAIM IS JANUARY 28, 2020.**

DATED: September 30, 2019

BY ORDER OF THE COURT  
UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA