

A P P E A R A N C E S

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3 IN BEHALF OF THE PLAINTIFF,
4 HSINGCHING HSU:

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11 IN BEHALF OF THE DEFENDANT,
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1 SANTA ANA, CALIFORNIA; MONDAY, FEBRUARY 4, 2019; 3:03 P.M.

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3 THE CLERK: Item one, SACV-15-865, HsingChing Hsu,
4 et al, vs. Puma Biotechnology, Incorporated, et al.

5 THE COURT: Good afternoon, ladies and gentlemen of
6 the jury. Have you selected a foreperson?

7 THE FOREPERSON: Yes.

8 THE COURT: And who is that? Okay. That would be
9 Mr. Campbell?

10 THE FOREPERSON: Oglesby.

11 THE COURT: Oglesby. Sorry. Yes, that's right.
12 I'm so sorry. That will be Mr. Oglesby. We couldn't read
13 your signature on the note you sent to us.

14 All right, sir. Have you reached a unanimous
15 verdict?

16 THE FOREPERSON: We have.

17 THE COURT: All right. And does the jury agree
18 that we have a unanimous verdict?

19 (All jurors indicate agreement)

20 THE COURT: All right. We're going to read the
21 verdict now. I always have my clerk read it because it's not
22 a decision of the Court, and I think that's important. It's
23 a decision of the jury.

24 So speaking on behalf of the jury, my court clerk
25 will read the verdict after it is handed up to me.

1 Thank you. Now, as we read the verdict, listen
2 carefully because each of you may be asked if this is your
3 verdict after I conclude, so you need to be prepared to
4 answer.

5 All right. Would the courtroom deputy please read
6 the verdict.

7 THE CLERK: Verdict form.

8 Question one, misrepresentations and omissions.

9 Did plaintiff prove that defendants made materially
10 false or misleading statements or omissions on July 22nd,
11 2014, regarding:

12 Number one, disease-free survival, DFS, rates?

13 Answer, yes.

14 Number two, grade-three plus diarrhea rate?

15 Answer, no.

16 Number three, Kaplan-Meier, KM, curves?

17 Answer, no.

18 Number four, discontinuation rate due to adverse
19 events?

20 Answer, no.

21 Question two.

22 Did plaintiff prove that defendants acted knowingly
23 in making the alleged false or misleading statements or
24 omissions?

25 Answer, yes.

1 Question three.

2 Did plaintiffs prove that the disclosures on
3 May 13th, 2015, regarding the ExteNET trial DFS rates and
4 grade-three plus diarrhea rate played a substantial part in
5 causing the decline in Puma's stock price on May 14th, 2015?

6 Answer, yes.

7 Question 3.2.

8 Did plaintiffs prove that the disclosures on
9 June 1st, 2015, regarding the ExteNET trial KM curves and
10 discontinuation rate due to adverse events played a
11 substantial part in causing the decline in Puma's stock price
12 on June 1 and 2, 2015?

13 Answer, no.

14 Question four.

15 Specify the amount of damages per share of Puma
16 stock, if any, caused by the disclosures regarding the
17 alleged false or misleading statements or omissions.

18 Date, May 14th, 2015, \$4.50, the damages per share.

19 Question five.

20 Did defendants prove that plaintiff Norfolk Pension
21 Fund did not actually rely on the integrity of the market
22 price of Puma stock because it would have bought Puma stock
23 at the same price it did even if it had known of the alleged
24 fraud?

25 Answer, no.

1 Question 5.2.

2 Did defendants prove that the alleged false or
3 misleading statements or omissions on July 22nd, 2014, did
4 not affect the market price of Puma's stock?

5 Answer, no.

6 Signed this 4th day of February 2019.

7 Presiding juror, Brian Oglesby.

8 Ladies and gentlemen of the jury, is this your
9 verdict, so say you one, so say you all?

10 (Jury affirms)

11 THE COURT: Would either party wish any further
12 polling of the jury?

13 MR. COUGHLIN: No, Your Honor.

14 MR. CLUBOK: No, Your Honor.

15 THE COURT: All right.

16 Let me ask the parties, may I now discharge the
17 jury?

18 MR. COUGHLIN: Yes, Your Honor.

19 MR. CLUBOK: Yes, Your Honor.

20 THE COURT: All right.

21 Ladies and gentlemen of the jury, you have, from
22 all perceptions I have, been very diligent and careful in
23 rendering this verdict. It obviously is an important verdict
24 for both sides, and again I send my tremendous thanks for
25 your service to your country.

1 Now, in cases like this I invite the jury to step
2 back in chambers for a brief period of time, however long you
3 want. It won't be very long. It's my chance to thank you
4 and to answer any general questions you have about the
5 process and to ask you how we might serve our jurors better.

6 So if you wish to come back, you may do so. You
7 may kind of walk around this way, see what it looks like up
8 here, and then follow me into the chambers. Or you may
9 simply walk out, or you may head out into the hallway.

10 Sometimes the attorneys hang out in the hallway and they want
11 to talk to people. You can come back and talk to me and then
12 head out in the hallway after we're finished talking.

13 So those are your options. I hope to see you in
14 back for just a few moments if you wish.

15 And let me say to the parties, you know, we have a
16 jury system. The jury has spoken. I know there will be
17 follow-up motions and such, and I look forward to receiving
18 them from all of you.

19 So we are now in recess on this matter.

20 THE CLERK: All rise.

21 (Proceedings concluded)

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CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT
TRANSCRIPT OF THE STENOGRAPHICALLY RECORDED PROCEEDINGS IN
THE ABOVE MATTER.

FEES CHARGED FOR THIS TRANSCRIPT, LESS ANY CIRCUIT FEE
REDUCTION AND/OR DEPOSIT, ARE IN CONFORMANCE WITH THE
REGULATIONS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES.

/s/ Miriam V. Baird

02/04/2019

MIRIAM V. BAIRD
OFFICIAL REPORTER

DATE

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