

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**In re GALENA BIOPHARMA, INC.
SECURITIES LITIGATION,**

Case No. 3:14-cv-367-SI (LEAD)

**AMENDED ORDER FOR
DISTRIBUTION OF GALENA
DEFENDANTS' CLASS SETTLEMENT
FUNDS**

Michael H. Simon, District Judge.

In the above-captioned action, Class Representatives Kisuk Cho, Anthony Kim, Pantelis Lavidas, and Joseph Buscema (collectively, “Plaintiffs”), on behalf of themselves and the class, settled their claims with Galena Biopharma, Inc., Ryan M. Dunlap, Remy Bernarda, Rudolph Nisi, Sanford Hillsberg, Steven Kriegsman, Stephen Galliker, Richard Chin and Mark Ahn, and dismissed defendant Mark Schwartz (collectively “Galena Defendants”).¹ The settlement was preliminarily approved by the Court on February 16, 2016, ECF 172, and, after a Fairness Hearing was conducted, was finally approved by the Court on June 24, 2016. ECF 189 & 190. The settlement included a distribution of settlement funds. Accordingly, relating to the Galena Defendants’ settlement,

¹ The Court notes that the settlement between Plaintiffs and the remaining defendants, the DreamTeam Group, LLC, Michael McCarthy, Lidingo Holdings, LLC and Kamilla Bjorlin, was preliminarily approved by the Court on June 27, 2017. *See* ECF 224. This Order does not include the settlement funds involved in that settlement. There is a fairness hearing scheduled relating to that settlement, which has not yet received final approval by the Court.

IT IS HEREBY ORDERED:

1. The Net Settlement Fund shall be distributed on a pro rata basis to the Authorized Claimants identified in Exhibits B-1 and B-2 to the Distribution Affidavit of Justin R. Hughes Regarding (A) Mailing of the Notice and Proof of Claim Form; (B) Administration of Received Proofs of Claim; and (C) Proposed Distribution of Settlement Fund, at the direction of Co-Class Counsel, pursuant to the Amended Stipulation and Agreement of Settlement (the “Stipulation”) and the Plan of Allocation set forth in the Notice of Pendency and Settlement of Class Action that was distributed pursuant to this Court’s prior Order.

2. Any person asserting any rejected or subsequently filed claims are finally and forever barred from the date of this Order.

3. The Court finds that the administration of the Settlement and proposed distribution of the Net Settlement Fund comply with the terms of the Stipulation and the Plan of Allocation and that all persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims submitted herein, or otherwise involved in the administration or taxation of the Gross Settlement Fund, Net Settlement Fund, or Escrow Accounts are released and discharged from any and all claims arising out of such involvement, and all Settlement Class Members are barred from making any further claims against the Gross Settlement Fund, the Net Settlement Fund, or the Released Parties beyond the amount allocated to them pursuant to this Order.

4. The checks for distribution to Authorized Claimants shall bear the notation “CASH PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION 180 DAYS AFTER DISTRIBUTION DATE.” Co-Class Counsel and Claims Administrator Kurtzman Carson

Consultants LLC are authorized to locate and contact any Authorized Claimant who has not cashed his, her, or its check within said time.

5. If any balance remains in the Net Settlement Fund after six (6) months from the date of distribution of the Net Settlement Fund (whether by reason of tax refunds, uncashed checks, or otherwise), the Claims Administrator under the supervision of Co-Class Counsel shall, if feasible, reallocate such balance among Authorized Claimants in a manner consistent with the Plan of Allocation. Thereafter, any balance that still remains in the Net Settlement Fund shall be donated to a not-for-profit organization designated by Co-Class Counsel.

6. This Court retains jurisdiction over any further application or matter which may arise in connection with this action.

IT IS SO ORDERED.

DATED this 11th day of July, 2017.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge