

**Must Be
Postmarked
No Later Than
November 6, 2015**

In re Delcath Systems, Inc. Securities Litigation
c/o Garden City Group, LLC
PO Box 10189
Dublin, OH 43017-3189
1-888-470-0243
www.delcathsecuritieslitigation.com

DLH



Claim Number:

Control Number:

PROOF OF CLAIM AND RELEASE

I. GENERAL INSTRUCTIONS

1. You are urged to read carefully the accompanying Proposed Settlement of Class Action, Motion for Attorneys' Fees and Expenses, and Settlement Fairness Hearing (the "Notice"). All capitalized terms used herein shall have the same meaning as defined in the Notice.

2. To file a claim and recover under the Settlement of this Action, you must submit this Proof of Claim Form and Release (the "Proof of Claim"). However, such filing is not a guarantee that you will share in the proceeds of the Settlement in the Action.

3. **YOU MUST MAIL YOUR COMPLETED AND SIGNED PROOF OF CLAIM POSTMARKED ON OR BEFORE NOVEMBER 6, 2015, ADDRESSED TO "CLAIMS ADMINISTRATOR" AT:**

**In re Delcath Systems, Inc. Securities Litigation
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PO Box 10189
Dublin, OH 43017-3189**

4. If you are a member of the Class and you do not timely request exclusion, you will be bound by the terms of any judgment entered in the Action.

5. If you are **not** a member of the Settlement Class, **do not** submit a Proof of Claim.

6. **If you need assistance filling out this Proof of Claim, please contact the Claims Administrator.**

Important - This form should be completed **IN CAPITAL LETTERS** using **BLACK** or **DARK BLUE** ballpoint/fountain pen. Characters and marks used should be similar in the style to the following:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z 1 2 3 4 5 6 7 0



II. INSTRUCTIONS FOR FILLING OUT THE PROOF OF CLAIM FORM

Important additional information regarding the Settlement and this Proof of Claim is contained in the accompanying Notice. Please refer to the Plan of Allocation set forth in the accompanying Notice for a detailed explanation of how a Claimant's Recognized Loss will be calculated.

1. In order to be eligible to participate in the distribution of the Net Settlement Fund, a claimant ("Claimant") must have purchased or otherwise acquired Delcath common stock between (i) April 21, 2010 and April 29, 2013 and held as of the end of trading on April 29, 2013; and (ii) April 30, 2013 and May 2, 2013, and held as of the end of trading on May 2, 2013.

2. You must attach to your claim form copies of brokerage confirmations, monthly statements or other documentation of all Delcath common stock that you purchased, acquired and sold, as well as your holdings of such stock as of April 29, 2013 and May 2, 2013 in order for your claim to be valid. If such documents are not available, a complete list of acceptable supporting documentation can be found on the Claims Administrator's website: www.delcathsecuritieslitigation.com. Failure to provide this documentation could delay verification of your claim or could result in rejection of your claim.

3. If your trading activity during the Class Period exceeds 50 transactions, you must provide all purchase and sale information required in the Schedule of Transactions in an electronic file. For a copy of instructions and the parameters concerning an electronic submission, contact the Claims Administrator by phone at: 1-888-470-0243, or visit the website www.delcathsecuritieslitigation.com.

4. The submission of a Proof of Claim does not ensure that your claim will be upheld or that you will share in any recovery. All claims are subject to verification and investigation. You may be requested to provide further information.

5. All claims must be made by persons or entities who were beneficial owners (as opposed to record holders or nominees) of shares of Delcath common stock. (Brokerage firms, banks and other nominees are requested to transmit copies of the Notice and Proof of Claim to their present or former customers who were such beneficial owners.) If shares of Delcath common stock were owned jointly, all joint owners must complete and sign the Proof of Claim.

6. Executors, administrators, guardians, conservators and trustees may complete and sign the Proof of Claim on behalf of persons or entities represented by them, but they must identify such persons or entities and provide proof of their authority (e.g., powers of attorney or currently effective letters testamentary or letters of administration) to do so.

7. You must file a separate Proof of Claim for each differently named account or ownership, such as an individual account, an IRA account, a joint account, or a custodial account, etc. Joint tenants, co-owners, or custodians UGMA should file a single claim. Claimants who file one or more claims (e.g., one in Claimant's name and one for an IRA or joint ownership) must identify the other claims filed.

8. The date of purchase and/or sale of shares of Delcath common stock is the "trade" date and not the "settlement" date.

9. The first-in, first-out basis ("FIFO") will be applied to both purchases and sales.

10. The date of covering a "short sale" is deemed to be the date of purchase of Delcath common stock; and the date of a "share sale" is deemed to be the date of sale of Delcath common stock. Shares originally sold short will have a Recognized Loss of zero.

11. No cash payment will be made on a claim where the potential distribution is less than ten U.S. dollars (USD\$10.00).

12. If you have any questions or need additional Proofs of Claim, contact the Claims Administrator via the information set forth in Section II, paragraph 3, above. You may make photocopies of this form.



PART II - SCHEDULE OF TRANSACTIONS IN DELCATH COMMON STOCK

A. BEGINNING HOLDINGS: Number of shares of Delcath common stock held at the close of trading on **April 20, 2010**, long or short: (Must be documented).

Shares									

B. PURCHASES: Purchases of Delcath common stock during the period **April 21, 2010** through **May 2, 2013**, inclusive (Must be documented):

Trade Date List Chronologically (Month/Day/Year)	Number of Shares Purchased	Price Per Share	Total Purchase Price (Excluding taxes, fees, and commissions)
/ /			
/ /			
/ /			

C. SALES: Sales of Delcath common stock during the period **April 21, 2010** through **April 29, 2013**, inclusive (Must be documented).

Trade Date List Chronologically (Month/Day/Year)	Number of Shares Sold	Price Per Share	Total Sales Price (Excluding taxes, fees, and commissions)
/ /			
/ /			
/ /			

D. SALES: Please list the number of shares of Delcath common stock sold between **April 30, 2013** and **May 2, 2013**, inclusive (Must be documented).

Shares									

E. ENDING HOLDINGS: Number of shares of Delcath common stock held at close of trading on **May 2, 2013**, long or short (Must be documented).

Shares									

IF YOU NEED ADDITIONAL SPACE TO LIST YOUR TRANSACTIONS YOU MUST
PHOTOCOPY THIS PAGE AND CHECK THIS BOX
IF YOU DO NOT CHECK THIS BOX THESE ADDITIONAL PAGES WILL NOT BE REVIEWED



PART III - SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS

By submitting this Proof of Claim Form and Release, I/we, and every Class member I/we represent, submit to the jurisdiction of the United States District Court for the Southern District of New York for purposes of this Action and the Settlement of the Action, as reflected in the Stipulation of Settlement (the "Stipulation"). I/We further agree to be bound by the orders of the Court, agree that this Proof of Claim, my/our status or the status of the Class member I/we represent as a Claimant, and the allowable amount of this claim will be subject to review and further inquiry, and that I/we will furnish such additional documentation with respect to this Proof of Claim as may be required.

PART IV - RELEASE

By signing this Proof of Claim Form and Release, and in consideration of the establishment of the consideration set forth in the Settlement, as of the effective date thereof, the undersigned claimant ("Claimant"), on behalf of Claimant and Claimant's predecessors, successors, parents, subsidiaries, affiliates, custodians, agents, assigns, representatives, heirs, executors, trustees, and administrators, hereby releases and forever discharges Delcath Systems Inc., Eamonn Hobbs, each and every past and current Defendant and, whether or not identified in any complaint filed in the Action, each Defendant's respective families, associates, affiliates, and each and all of their past or present directors, officers, employees, partners, member firms or affiliates, principals, agents, predecessors, successors, parents, subsidiaries, divisions, joint ventures, attorneys, accountants, insurers, co-insurers and reinsurers, assigns, spouses, heirs, executors, trustees, general or limited partners or partnerships, limited liability companies, members, personal or legal representatives, estates, administrators, predecessors, successors and assigns or other individuals or entities in which Defendants have a controlling interest or which is related to or affiliated with Defendants, associates, related or affiliated entities, or any members of their immediate families, or any trusts for which any of them are trustees, settlers or beneficiaries (the "Released Parties") all claims (including "Unknown Claims" as described below), rights, demands, suits, matters, issues, liabilities, or causes of action, in law or in equity, accrued or unaccrued, fixed or contingent, direct, individual or representative, of every nature and description whatsoever, under federal, state, local, foreign law, or any other law, rule, or regulation, whether known or unknown, whether class or individual in nature, that were, could have been, or could in the future be asserted against the Released Parties by Lead Plaintiffs or any Class Member in any court of competent jurisdiction or any other adjudicatory tribunal, in connection with, arising out of, related to, based upon, in whole or in part, directly or indirectly, in any way, the facts, transactions, events, occurrences, acts, disclosures, oral or written statements, representations, filings, publications, disseminations, press releases, presentations, accounting practices or procedures, compensation practices or procedures, omissions or failures to act which were or which could have been alleged or described in the Complaint in the *Action with the exception of any claims for breach of fiduciary duty and other related claims that have been or could have been asserted in the Derivative Actions*, provided however, that Lead Plaintiffs and Lead Plaintiffs' Released Parties shall retain the right to enforce in the Court the terms of the Stipulation, from any and all claims, both known and Unknown Claims, alleged or which could have been alleged in the Action against the Defendants, or against any defendant previously named in the Action, or against any other of the Released Parties, arising from or in any way relating to the matters or occurrences that were alleged in the Action or relating to the purchase of Delcath common stock during the Class Period (except for claims to enforce the Settlement). With respect to any and all Released Claims, the Settling Parties stipulate and agree that, upon the Effective Date, Lead Plaintiffs shall expressly and each of the Class Members shall be deemed to have, and by operation of the Judgment shall have, expressly waived to the fullest extent permitted by law the provisions, rights, and benefits of California Civil Code §1542 or of any similar, comparable or equivalent law of any state or territory of the U.S. or principle of common law or foreign law. California Civil Code §1542 provides:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

Lead Plaintiffs and Class Members may hereafter discover facts in addition to or different from those which they now know or believe to be true with respect to the subject matter of the Released Claims, but Lead Plaintiffs shall expressly, and each Class Member, upon the Effective Date, shall be deemed to have, and by operation of the Judgment shall have, fully, finally, and forever settled and released any and all Released Claims, known or unknown, suspected or unsuspected, contingent or non-contingent, whether or not concealed or hidden, which now exist, or heretofore have existed, upon any theory of law or equity now existing or coming into existence in the future, including, but not limited to, conduct that is negligent, intentional, with or without malice, or a breach of any duty, law, or rule, without regard to the subsequent discovery or existence of such different or additional facts. Lead Plaintiffs acknowledge, and the Class Members shall be deemed by operation of the Judgment to have acknowledged, that the foregoing waiver was separately bargained for and a key element of the Settlement of which this release is a part.



PART IV - RELEASE (CONTINUED)

The releases set forth in the Stipulation of Settlement shall cover all claims both known and unknown, in the form mutually agreed upon by all Parties to the Stipulation of Settlement.

PART V - REPRESENTATIONS

I/We acknowledge that I/we have read the Notice and that pursuant thereto I/we file this claim to participate in the Settlement.

I/We hereby warrant and represent that neither I/we, nor any person I/we represent, is a Defendant (as defined in the Notice) with respect to any of the claims asserted in the Litigation, a member of the immediate family of any of the Individual Defendants, anyone excluded from the Settlement Class as it is defined in the Stipulation, or a person or entity who has requested exclusion from the Class.

I/We hereby warrant and represent that I am/we are authorized to execute and deliver this Proof of Claim Form and Release.

PART VI - CERTIFICATION & SIGNATURE

I/We certify that I/we purchased or otherwise acquired the Delcath common stock listed in the above schedule between (i) April 21, 2010 and April 29, 2013, and held as of the end of trading on April 29, 2013; and (ii) April 30, 2013 through May 2, 2013 and held as of the end of trading on May 2, 2013.

I/We declare and affirm under penalties of perjury that the foregoing information and the documents attached hereto, including the Social Security or Taxpayer Identification Number shown on this Proof of Claim, are true, correct and complete to the best of my/our knowledge, information and belief, and that this Proof of Claim was executed this

_____ day of _____, 201_ in: _____
(City, State, Country)

Signature of Claimant

Date

Print your name here

Signature of Joint Claimant, if any

Date

Print your name here

If the Claimant is other than an individual, or is not the person completing this form, the following also must be provided:

Signature of person signing on behalf of Claimant

Date

Print your name here

Capacity of person signing on behalf of Claimant, if other than an individual, e.g., executor, president, custodian, etc.



REMINDER CHECKLIST

**ACCURATE CLAIMS PROCESSING TAKES A SIGNIFICANT AMOUNT OF TIME.
THANK YOU FOR YOUR PATIENCE.**

1. Please remember to sign the above Release and Certification.
2. Remember to attach only **copies** of acceptable supporting documentation, a complete list of which can be found on the Claims Administrator's website.
3. **DO NOT SEND ORIGINALS OF SECURITIES CERTIFICATES OR ANY SUPPORTING DOCUMENTS.**
4. Keep copies of your completed Proof of Claim form and all documentation submitted for your records.
5. If you desire an acknowledgment of receipt of your claim form, please send it Certified Mail, Return Receipt Requested, or its equivalent. **You will bear all risks of delay or non-delivery of your claim.** The Claims Administrator will acknowledge receipt of your Proof of Claim by mail within 60 days. Your claim is not deemed filed until you receive an acknowledgment postcard. If you do not receive an acknowledgment postcard within 60 days, please call the Claims Administrator toll free at **1-888-470-0243**.
6. If your address changes or if these documents were sent to an old or incorrect address, you must send the Claims Administrator **written** notification of your new address. Otherwise, any funds allocated to your claim are subject to forfeiture.
7. **Do not use highlighter on the Proof of Claim or supporting documentation.**
8. If you have any questions or concerns regarding your Proof of Claim, please contact the Claims Administrator at the address listed below or at **1-888-470-0243**, or visit **www.delcathsecuritieslitigation.com**

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