

**Must be Postmarked
No Later Than
June 29, 2013**

**In re Ener1, Inc. Securities Litigation
c/o Heffler Claims Administration
P.O. Box 58908
Philadelphia, PA 19102**

PROOF OF CLAIM AND RELEASE

***THIS PROOF OF CLAIM MUST BE MAILED TO THE ADDRESS ABOVE
AND POSTMARKED NO LATER THAN JUNE 29, 2013.***

<u>TABLE OF CONTENTS</u>	<u>PAGE #</u>
PART I - CLAIMANT INFORMATION	19
PART II - GENERAL INSTRUCTIONS	20
PART III - SCHEDULE OF TRANSACTIONS IN ENER1 COMMON STOCK	22
PART IV - RELEASE OF CLAIMS AND SIGNATURE	23
PART V - CERTIFICATION	23

PART 1 - CLAIMANT INFORMATION

LAST NAME (CLAIMANT)

FIRST NAME (CLAIMANT)

Last Name (Beneficial Owner if Different From Claimant)

First Name (Beneficial Owner)

Last Name (Co-Beneficial Owner)

First Name (Co-Beneficial Owner)

Company/Other Entity (If Claimant Is Not an Individual)

Contact Name (if Claimant is Not an Individual)

Trustee/Nominee/Other

Account Number (If Claimant Is Not an Individual)

Trust/Other Date (If Applicable)

Address Line 1

Address Line 2 (If Applicable)

City

State

Zip Code

Foreign Province

Foreign Country

Foreign Zip Code

Telephone Number (Day)

Telephone Number (Night)

Beneficial Owner's Employer Identification Number or Social Security Number³

Email Address (Email address is not required, but if you provide it you authorize the Claims Administrator to use it in providing you with information relevant to this claim.)

³ The taxpayer identification number (TIN), consisting of a valid Social Security number (SSN) for individuals or employer identification number (EIN) for business entities, trusts, estates, etc., and telephone number of the beneficial owner(s) may be used in verifying this claim.

IDENTITY OF CLAIMANT (check only one box)

☐ Individual ☐ Joint Owners ☐ Estate ☐ Corporation ☐ Trust ☐ Partnership ☐ Private
☐ Pension ☐ Fund IRA, Keogh, or other type of individual retirement plan (indicate type of plan, mailing address, and name of current custodian) ☐ Legal Representative ☐ Other (specify, describe on separate sheet)

PART II - GENERAL INSTRUCTIONS

- A. It is important that you completely read and understand the Notice of (I) Pendency of Class Action and Proposed Settlement, (II) Settlement Hearing, and (III) Motion for Incentive Award, Attorneys' Fees and Reimbursement of Litigation Expenses ("Notice") that accompanies this Proof of Claim and Release form ("Claim Form"), including the Plan of Allocation of the Net Settlement Fund set forth in the Notice. The Notice describes the proposed Settlement, how Class Members are affected by the Settlement, and the manner in which the Net Settlement Fund will be distributed if the Settlement and Plan of Allocation are approved by the Court. The Notice also contains the definitions of many of the defined terms (which are indicated by initial capital letters) used in this Claim Form. By signing and submitting this Claim Form, you will be certifying that you have read and that you understand the Notice, including the terms of the releases described therein and provided for herein.
- B. TO BE ELIGIBLE TO RECEIVE A DISTRIBUTION IN THE SETTLEMENT, YOU MUST MAIL YOUR COMPLETED AND SIGNED CLAIM FORM TO THE CLAIMS ADMINISTRATOR BY FIRST-CLASS MAIL, POSTAGE PREPAID, **POSTMARKED** BY JUNE 29, 2013, ADDRESSED AS FOLLOWS:

In re Ener1, Inc. Securities Litigation
c/o Heffler Claims Administration
P.O. Box 58908
Philadelphia, PA 19102

If you fail to file a timely, properly addressed, and completed Claim Form, your claim may be rejected and you may be precluded from receiving any proceeds from the Settlement.

- C. This Proof of Claim is directed to all persons and/or entities who, from November 4, 2010 through August 15, 2011, inclusive (the "Class Period"), purchased or otherwise acquired common stock of Ener1, Inc. ("Ener1") and were damaged thereby (the "Class").
- D. "Class Members" means any persons and entities who purchased or otherwise acquired Ener1 common stock during the Class Period and who were damaged thereby and who are not excluded by definition from the Class and do not timely submit a proper request for exclusion in accordance with the requirements set forth in the Notice. Persons and entities excluded from the Class are: (i) Defendants; (ii) members of the Immediate Family of each Defendant; (iii) Ener1; (iv) any firm, trust, corporation or other entity in which any Defendant has or had a controlling interest; and (v) those persons or entities who exclude themselves by filing a request for exclusion in accordance with the requirements set forth in the Notice.
- E. IF YOU ARE NOT A CLASS MEMBER, OR IF YOU FILED A REQUEST FOR EXCLUSION FROM THE CLASS, DO NOT SUBMIT A CLAIM FORM. YOU MAY NOT, DIRECTLY OR INDIRECTLY, PARTICIPATE IN THE SETTLEMENT IF YOU ARE NOT A CLASS MEMBER OR IF YOU SUBMIT A VALID AND TIMELY REQUEST FOR EXCLUSION.
- F. Class Members will be bound by the terms of any judgment or orders entered in the Action WHETHER OR NOT A CLAIM FORM IS SUBMITTED, unless a valid request for exclusion from the Class is received by **June 29, 2013**. As described in the Notice, the Judgment will release and enjoin the filing or continued prosecution of the Released Claims against the Released Parties.
- G. **Submission of this Claim Form does not guarantee that you will share in the proceeds of the Settlement.** Distribution of the Net Settlement Fund will be governed by the Plan of Allocation set forth in the Notice, if it is approved by the Court, or by such other plan of allocation as the Court approves.
- H. Use Section III of this Claim Form entitled "SCHEDULE OF TRANSACTIONS IN ENER1 COMMON STOCK" to supply all required details of your transaction(s) in Ener1 common stock. On

these schedules, provide all of the requested information with respect to (i) your position in Ener1 common stock as of the close of trading on November 3, 2010, the day before the Class Period begins; (ii) all transactions in Ener1 common stock, including all purchases or other acquisitions (including free receipts) and all sales (including free deliveries), made from November 4, 2010 through and including November 13, 2011; and (iii) your closing position in Ener1 common stock as of the close of trading on August 15, 2011, respectively. **Failure to report all transactions during the requested periods may result in the rejection of your claim.**

- I. You are required to submit genuine and sufficient documentation for all your transactions in and holdings of Ener1 common stock as set forth in the Schedule of Transactions in Part III. Documentation may consist of copies of brokerage confirmations or monthly statements. IF SUCH DOCUMENTS ARE NOT IN YOUR POSSESSION, PLEASE OBTAIN COPIES OR EQUIVALENT CONTEMPORANEOUS DOCUMENTS FROM YOUR BROKER. FAILURE TO SUPPLY THIS DOCUMENTATION MAY RESULT IN REJECTION OF YOUR CLAIM. DO NOT SEND ORIGINAL DOCUMENTS. **Please keep a copy of all documents that you send to the Claims Administrator.**
- J. Separate Claim Forms should be submitted for each separate legal entity (e.g., a claim from joint owners should not include separate transactions of just one of the joint owners, and an individual should not combine his or her IRA transactions with transactions made solely in the individual's name). Conversely, a single Claim Form should be submitted on behalf of one legal entity including all transactions made by that entity on one Claim Form, no matter how many separate accounts that entity has (e.g., a corporation with multiple brokerage accounts should include all transactions made in all accounts on one Claim Form).
- K. All joint beneficial owners must each sign this Claim Form. If you purchased or acquired Ener1 common stock during the Class Period and held the securities in your name, you are the beneficial owner as well as the record owner. If, however, you purchased or acquired Ener1 common stock during the Class Period and the securities were registered in the name of a third party, such as a nominee or brokerage firm, you are the beneficial owner of these securities, but the third party is the record owner.
- L. Agents, executors, administrators, guardians, and trustees must complete and sign the Claim Form on behalf of persons represented by them, and they must:
 - (a) expressly state the capacity in which they are acting;
 - (b) identify the name, account number, Social Security Number (or taxpayer identification number), address and telephone number of the beneficial owner of (or other person or entity on whose behalf they are acting with respect to) the Ener1 common stock; and
 - (c) furnish herewith evidence of their authority to bind to the Claim Form the person or entity on whose behalf they are acting. (Authority to complete and sign a Claim Form cannot be established by stockbrokers demonstrating only that they have discretionary authority to trade stock in another person's accounts.)
- M. By submitting a signed Claim Form, you will be swearing that you:
 - (a) own(ed) the Ener1 common stock you have listed in the Claim Form; or
 - (b) are expressly authorized to act on behalf of the owner thereof.
- N. By submitting a signed Claim Form, you will be swearing to the truth of the statements contained therein and the genuineness of the documents attached thereto, subject to penalties of perjury under the laws of the United States of America. The making of false statements, or the submission of forged or fraudulent documentation, will result in the rejection of your claim and may subject you to civil liability or criminal prosecution.
- O. If you have questions concerning the Claim Form, or need additional copies of the Claim Form or the Notice, you may contact the Claims Administrator, Heffler Claims Administration, by phone at toll free 1-888-963-2898, by mail at *In re Ener1 Securities Litigation*, c/o Heffler Claims Administration, P.O. Box 58908, Philadelphia, PA 19102, or you may download the documents from www.Ener1Settlement.com.

PART III - SCHEDULE OF TRANSACTIONS IN ENER1 COMMON STOCK

Failure to provide proof of all beginning holdings, purchases or acquisitions, sales, and ending holdings information requested below will impede proper processing of your claim and may result in rejection of your claim. Please include proper documentation with your Claim Form as described in detail in Part II - General Instructions, Paragraph I, above.

COMMON STOCK (CUSIP No. 29267A203):

1. Beginning Holdings - State the number of shares of Ener1 common stock you held as of the close of trading on November 3, 2010 . If none, write "zero" or "0".		_____ shares	Proof of holding enclosed ☐ Y ☐ N
2. Purchases/Acquisitions - Separately list each and every purchase and/or acquisition, including free receipts, of Ener1 common stock during the period November 4, 2010 through and including the close of trading on August 15, 2011 .		IF NONE, CHECK HERE ☐	
Date(s) of purchase or acquisition (List chronologically) MM DD YYYY	Number of shares purchased/acquired	Purchase price per shares (excluding taxes, commissions and fees)	Proof of purchase enclosed
/ /		\$	☐ Y ☐ N
/ /		\$	☐ Y ☐ N
/ /		\$	☐ Y ☐ N
/ /		\$	☐ Y ☐ N
3. Sales - Separately list each and every sale, including free deliveries, of Ener1 common stock during the period November 4, 2010 through and including the close of trading on November 13, 2011 .		IF NONE, CHECK HERE ☐	
Date(s) of sales (List chronologically) MM DD YYYY	Number of shares sold	Sale price per share (excluding taxes, commissions and fees)	Proof of sale enclosed
/ /		\$	☐ Y ☐ N
/ /		\$	☐ Y ☐ N
/ /		\$	☐ Y ☐ N
/ /		\$	☐ Y ☐ N
4. Ending Holdings - State the number of shares of Ener1 common stock you held as of the close of trading on August 15, 2011 . If none, write "zero" or "0".		_____ shares	Proof of holding enclosed ☐ Y ☐ N

IF YOU REQUIRE ADDITIONAL SPACE FOR THE SCHEDULE ABOVE, ATTACH EXTRA SCHEDULES IN THE SAME FORMAT. PRINT THE BENEFICIAL OWNER'S FULL NAME AND TAXPAYER IDENTIFICATION NUMBER ON EACH ADDITIONAL PAGE. IF YOU DO ATTACH EXTRA SCHEDULES, CHECK THIS BOX ☐

PART IV - RELEASE OF CLAIMS AND SIGNATURE

YOU MUST ALSO READ THE RELEASE AND CERTIFICATION BELOW AND SIGN ON PAGE 24 OF THIS CLAIM FORM.

I (we) hereby acknowledge that as of the Effective Date of the respective Settlement, pursuant to the terms set forth in the relevant Stipulation, I (we) shall have and be deemed to have released, waived, discharged and dismissed each and every Released Claim (as defined in the Stipulation) as against all of the Released Parties (as defined in the Stipulation), and shall forever be enjoined from prosecuting any or all Released Claims against any Released Parties.

PART V - CERTIFICATION

By signing and submitting this Claim Form, the claimant(s) or the person(s) who represents the claimant(s) certifies that:

1. I (we) have read and understand the contents of the Notice and this Claim Form, including the releases provided for in the Settlement;
2. the claimant(s) is a (are) Class Member(s), as defined in the Notice, and is (are) not excluded by definition from the Class;
3. the claimant **has not** submitted a request for exclusion from the Class;
4. I (we) own(ed) the shares of Ener1 common stock identified in the Claim Form and have not assigned the claim against the Released Parties to another, or that, in signing and submitting this Claim Form, I (we) have the authority to act on behalf of the owner(s) thereof;
5. the claimant has not submitted any other claim covering the same purchases, sales, or holdings of Ener1 common stock and knows of no other person having done so on his/her/its behalf;
6. the claimant submits to the jurisdiction of the Court with respect to his/her/its claim and for purposes of enforcing the releases set forth herein;
7. I (we) agree to furnish such additional information with respect to this Claim Form as Lead Counsel, the Claims Administrator or the Court may require;
8. the claimant waives the right to trial by jury, to the extent it exists, and agrees to the Court's summary disposition of the determination of the validity or amount of the claim made by this Claim Form;
9. I (we) acknowledge that the claimant will be bound by and subject to the terms of any judgment(s) that may be entered in the Action; and
10. the claimant is NOT subject to backup withholding under the provisions of Section 3406(a)(1)(C) of the Internal Revenue Code because (a) the claimant is exempt from backup withholding or (b) the claimant has not been notified by the IRS that he/she/it is subject to backup withholding as a result of a failure to report all interest or dividends or (c) the IRS has notified the claimant that he/she/it is no longer subject to backup withholding. **If the IRS has notified the claimant that he, she or it is subject to backup withholding, please strike out the language in the preceding sentence indicating that the claim is not subject to backup withholding in the certification above.**

UNDER THE PENALTIES OF PERJURY, I (WE) CERTIFY THAT ALL OF THE INFORMATION PROVIDED BY ME (US) ON THIS FORM IS TRUE, CORRECT, AND COMPLETE, AND THAT THE DOCUMENTS SUBMITTED HERewith ARE TRUE AND CORRECT COPIES OF WHAT THEY PURPORT TO BE.

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.

THIS PROOF OF CLAIM MUST BE POSTMARKED NO LATER THAN JUNE 29, 2013, AND MUST BE MAILED TO:

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A Claim Form received by the Claims Administrator shall be deemed to have been submitted when posted, if mailed by June 29, 2013 and if a postmark is indicated on the envelope and it is mailed First-Class, and addressed in accordance with the above instructions. In all other cases, a Claim Form shall be deemed to have been submitted when actually received by the Claims Administrator.

You should be aware that it will take a significant amount of time to fully process all of the Claim Forms. Please be patient and notify the Claims Administrator of any change of address.

REMINDER CHECKLIST:

1. Please sign the above release and certification. If this Claim Form is being made on behalf of joint claimants, then both must sign.
2. Remember to attach only copies of acceptable supporting documentation.
3. Please do not highlight any portion of the Claim Form or any supporting documents.
4. Do not send original stock certificates or documentation. These items cannot be returned to you by the Claims Administrator.
5. Keep copies of the completed Claim Form and documentation for your own records.
6. If your address changes in the future, or if this Claim Form was sent to an old or incorrect address, please send the Claims Administrator written notification of your new address. If you change your name, please inform the Claims Administrator.
7. If you have any questions or concerns regarding your claim, please contact the Claims Administrator at the above address or at 1-888-963-2898, or visit www.Ener1Settlement.com.

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PLEASE FORWARD-IMPORTANT LEGAL NOTICE