



- D. The Taxpayer Identification Number (“TIN”), consisting of a valid Social Security Number for individuals or Employer Identification Number for business entities, trusts, estates, etc., and telephone number of one of the beneficial owner(s) may be used in verifying this claim.
- E. If you would like to use the Correspondence Address for the distribution of check(s), please mark that section as the address for all distributions; you need not fill out the (Optional) Distribution Address if you wish to use the Correspondence Address for all distributions. If you would like your distribution check sent to an address other than the Correspondence Address, please select the appropriate option under (Optional) Distribution Address and fill in that portion of the form; you will still need to fill in the Correspondence Address section.

**FAILURE TO PROVIDE THE FOREGOING INFORMATION COULD DELAY VERIFICATION OF YOUR CLAIM OR RESULT IN REJECTION OF YOUR CLAIM.**

### **III. TRANSACTION SCHEDULE INSTRUCTIONS**

- A. Use Section V of this form entitled “SCHEDULE OF TRANSACTIONS IN FORCE PROTECTION COMMON STOCK” to supply all required details of your transaction(s) in Force Protection common stock. If you need more space, attach separate, numbered sheets giving all of the required information in substantially the same format. Print or type the beneficial owner’s name at the top of each additional sheet.
- B. On the schedules, provide all of the requested information with respect to *all* acquisitions, including free receipts, purchases and sales, including free deliveries, of Force Protection common stock.
- C. Failure to report all transactions called for may result in the rejection of your claim.
- D. Shares of Force Protection common stock acquired during the Class Period by means of a gift, inheritance or operation of law, do not qualify as the purchase of such shares on the date of such acquisition. If, however, such stock was purchased during the Class Period by the donor, decedent or transferor, then, as long as the original purchaser **does not** submit a Proof of Claim and Release with respect to the shares, the recipient will be allowed to participate in the Settlement and their Proof of Claim and Release will be computed by using the price of such stock on the original date of purchase.
- E. In processing claims, the First-In, First-Out (“FIFO”) basis will be applied to acquisitions, purchases and sales starting with the opening position (if any) at the outset of the relevant class period.
- F. List each acquisition, purchase and sale separately and in chronological order, by trade date (as distinguished from the “settlement” date), beginning with the earliest. You must accurately provide the month, day and year of each such transaction you list.
- G. The price per share paid or received, shall be exclusive of all commissions, taxes, fees and other charges.
- H. The date of covering a short sale is deemed to be the date of purchase of Force Protection common stock. The date of a short sale is deemed to be the date of sale of Force Protection common stock.
- I. You must include with your Proof of Claim and Release copies of brokerage confirmations, monthly statements or other documentation of your transactions in Force Protection common stock in order for your claim to be valid. If such documents are not available, please call the Settlement Helpline toll-free at (877) 896-6933 for additional assistance. Failure to provide this documentation could delay verification of your claim or result in rejection of your claim.
- J. If your trading activity during the Class Period exceeds 50 transactions, you must provide, in an electronic file, all purchase and sale information required in the Schedule of Transactions. For a copy of instructions and parameters concerning such a submission, you may download the Electronic Claim Filing Guidelines and an Electronic Claims Filing Template from the Claims Administrator’s website at: [www.ForceProtectionClassAction.com](http://www.ForceProtectionClassAction.com) or call toll-free: (877) 896-6933 for additional assistance. Please be advised that any claimant filing electronically must provide and maintain an up-to-date e-mail address with the Claims Administrator and please be aware that further communication may be initiated by e-mail.

MUST BE POSTMARKED  
NO LATER THAN  
MARCH 11, 2011



FOR OFFICIAL USE ONLY

IN RE FORCE PROTECTION, INC.  
SECURITIES LITIGATION  
No. 2:08-cv-845-CWH

**STATEMENT OF CLAIM**

USE BLUE OR BLACK INK ONLY

**IV. CLAIMANT IDENTIFICATION - (COMPLETE EITHER SECTION A OR B AND THEN PROCEED TO C. PLEASE TYPE OR PRINT.)**

A. Complete this Section ONLY if the Beneficial Owner is an individual, joint, or IRA account. Otherwise, proceed to B.

Last Name (Beneficial Owner)

First Name (Beneficial Owner)

Last Name (Joint Beneficial Owner, if applicable)

First Name (Joint Beneficial Owner)

Name of IRA Custodian, if applicable

If this account is an IRA, and if you would like any check that you MAY be eligible to receive made payable to the IRA account, please include "IRA" in the "Last Name" box above (e.g., Jones IRA).

B. Complete this Section ONLY if the Beneficial Owner is an Entity; i.e., corporation, trust, estate, etc. Then, proceed to C.

Entity Name

Name of Representative, if applicable (Executor, administrator, trustee, c/o, etc.)

**C. Correspondence Mailing Information**

Specify one of the following:

Individual(s)    Corporation    UGMA Custodian    IRA    Partnership    Estate    Trust

Other:

Number and Street or P.O. Box

City

State

Zip Code

Foreign Province and Postal Code

Foreign Country

Telephone Number (Day)

Telephone Number (Evening)

E-mail Address

Account Number

Enter Taxpayer Identification Number below for the Beneficial Owner(s).

Social Security No. (for individuals)

or

Taxpayer Identification No.



D. Distribution Mailing Information: (optional)

Number and Street or P.O. Box

City

State

Zip Code

Foreign Province and Postal Code

Foreign Country

Telephone Number (Day)

Telephone Number (Evening)

E-mail Address

Account Number

Enter Taxpayer Identification Number below for the Beneficial Owner(s).

Social Security No. (for individuals)

or

Taxpayer Identification No.

LEGAL REPRESENTATIVES OF CLAIMANTS MUST ATTACH POWER OF ATTORNEY  
OR OTHER INSTRUMENT SHOWING AUTHORITY TO ACT AS A LEGAL REPRESENTATIVE

Individuals or Entities excluded from participating in the Settlement include: Defendants and their corporate affiliates; any current or former officers or directors of Force Protection; or successors, heirs, assigns, executors, personal representatives, marital communities and immediate family members.

- Check here if the claimant or beneficial owner is excluded from the Class.
- Check here if the claimant or beneficial owner was an officer, director or partner of Force Protection from January 18, 2007 to March 14, 2008, inclusive. If so, please state position(s) held and dates of employment:  
\_\_\_\_\_
- Check here if the claimant or beneficial owner acquired Force Protection common stock through the Force Protection employee benefit plan.

**DIRECT DEPOSIT**

If you prefer the cash portion of your recovery to be directly deposited into your bank account, check here:

You MUST provide the following information to receive your Settlement check by direct deposit:

BANK NAME

ROUTING NUMBER

ACCOUNT NUMBER

CHECKING ACCOUNT     SAVINGS ACCOUNT

**CLAIMANT'S ACCOUNT NAME MATCHES SUBMITTED DOCUMENTATION (MUST MATCH)**

YES     NO



**V. SCHEDULE OF TRANSACTIONS IN FORCE PROTECTION COMMON STOCK**

Failure to provide proof of all purchases, sales, opening and closing positions will impede proper processing of your claim. Please include proper documentation with your Proof of Claim and Release as described in detail in Section III, Paragraph I above.

**COMMON STOCK BEGINNING HOLDINGS**

**PROOF ENCLOSED?**  YES  NO

1. Number of shares of Force Protection common stock *owned at the close of trading on January 17, 2007:*  
(If none, write "zero" or "0"; if other than zero, must be documented)

NUMBER OF SHARES

**COMMON STOCK PURCHASES**

2. Separately list (in chronological order) each and every purchase and/or acquisition of Force Protection common stock during the period **between January 18, 2007 and March 14, 2008**, both dates inclusive:

Date(s) of Purchase or Acquisition (List Chronologically) Month/Day/Year	Number of Shares of Common Stock Purchased	Purchase Price Per Share of Common Stock	Amount Paid (Excluding Commissions, Taxes & Fees)	Proof Enclosed?	
				YES	NO
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMON STOCK SALES**

3. Separately list (in chronological order) each and every sale of Force Protection common stock during the period **between January 18, 2007 and March 14, 2008**, both dates inclusive.

Date(s) of Sale (List Chronologically) Month/Day/Year	Number of Shares of Common Stock Sold	Sale Price Per Share of Common Stock	Amount Received (Excluding Commissions, Taxes & Fees)	Proof Enclosed?	
				YES	NO
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMON STOCK ENDING HOLDINGS**

**PROOF ENCLOSED?**  YES  NO

4. Number of shares of Force Protection common stock *held as of the close of trading on March 14, 2008:*  
(If none, write "zero" or "0"; if other than zero, must be documented)

NUMBER OF SHARES

IF YOU REQUIRE ADDITIONAL SPACE, ATTACH EXTRA SCHEDULES IN THE SAME FORMAT AS ABOVE.  
PRINT THE BENEFICIAL OWNER'S FULL NAME ON EACH ADDITIONAL PAGE.

**YOU MUST ALSO READ AND SIGN THE RELEASE ON PAGE 6.**



## VI. SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS

I (We) submit this Proof of Claim and Release under the terms of the Stipulation of Settlement described in the Notice. I (We) also submit to the jurisdiction of the United States District Court for the District of South Carolina, Charleston Division with respect to my (our) claims as a member of the Class and for purposes of enforcing the release set forth herein. I (We) further acknowledge that I (we) will be bound by and subject to the terms of any Judgment that may be entered in the Action. I (We) agree to furnish additional information to the Claims Administrator to support this claim if requested to do so. I (We) have not submitted any other claim covering the same purchases, sales or holdings of Force Protection common stock during the Class Period and know of no other person having done so on my (our) behalf.

## VII. RELEASE

**A. I (We) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally and forever settle, release, relinquish, and discharge each and all of the Released Parties from all Released Claims, as those terms are defined below.**

**B. Definitions for Release:**

1. "Released Claims" means any and all rights, debts, demands, claims (including "Unknown Claims" as defined below) or causes of action or liabilities whatsoever (including, but not limited to, any claims for damages, interest, attorneys' fees, expert or consulting fees, and any other costs, expenses or liability whatsoever), whether based on federal, state, local, statutory, common law, foreign law, or any other law, rule, or regulation, whether fixed or contingent, accrued or unaccrued, liquidated or unliquidated, at law or in equity, matured or unmatured, whether class and/or individual in nature, including both known claims and unknown claims that relate to the purchase or acquisition of the securities of Force Protection during the Class Period and that (a) Lead Plaintiffs or any member of the Class asserted, or could have asserted in this Action against any of the Released Persons; or (b) could have been asserted in this Action, or in any other action or forum by Lead Plaintiffs and/or the Class Members or any of them against any of the Released Persons which arise out of, are based upon, or are in any way related, directly or indirectly, to any of the facts, matters, allegations, transactions, events, disclosures, statements, acts or occurrences, representations or omissions involved, set forth, or referred to in the Complaint or that could have been alleged in the Complaint; **provided however**, that the Released Claims do not include (i) any claims to enforce the terms of the Stipulation; (ii) any claims by Force Protection or any of its present or former directors, officers, or employees (or any other person or entity who is covered by the relevant insurance policies) against the current or former insurers of Force Protection; or (iii) any claims asserted in the following derivative litigations:

- *Green v. Frank Kavanaugh, et al.*, Civ. A. No. 2:08-Cv-1904-CWH, U.S.D.C. D.S.C.;
- *Galbraith v. Frank Kavanaugh, et al.*, Civ. A. No. 2:08-Cv-1907-CWH, U.S.D.C. D.S.C.;
- *Cinotto v. Frank Kavanaugh, et al.*, Civ. A. No. 2:08-Cv-1998-CWH, U.S.D.C. D.S.C.;
- *Luu v. Frank Kavanaugh, et al.*, Civ. A. No. 2:08-Cv-2019-CWH, U.S.D.C. D.S.C.;
- *In re Force Protection Inc. Derivative Litigation*, Master File No. 2:08-1907-CWH;
- *Stephenson v. Frank Kavanaugh, et al.*, Civ. A. No. 08-Cp-10-1735, Court of Common Pleas, Ninth Judicial Circuit, S.C.;
- *Hughes v. Michael Moody, et al.*, Civ. A. No. 08-Cp-10-2444, Court of Common Pleas, Ninth Judicial Circuit, S.C.;
- *Vitale v. Frank Kavanaugh, et al.*, Civ. A. No. 09-Cp-10-2216, Court of Common Pleas, Ninth Judicial Circuit, S.C.; and
- *Vitale v. Gordon McGilton, et al.*, Case No. A560860, District Court of Clark County, Nevada.

2. "Unknown Claims" shall mean any Released Claims which the Lead Plaintiffs or any member of the Class does not know or suspect to exist in his, her or its favor at the time of the release of the Released Parties which, if known by him, her or it, might have affected his, her or its settlement with and release of the Released Parties, or might have affected his, her or its decision not to object to, or opt out of, this Settlement. With respect to any and all Released Claims, the Settling Parties have stipulated and agreed that, upon the Effective Date, the Lead Plaintiffs expressly waive and relinquish, and the members of the Class shall be deemed to have, and by operation of the Judgment shall have expressly waived and relinquished, to the fullest extent permitted by law, the provisions, rights, and benefits of § 1542 of the California Civil Code, which provides:

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



The Lead Plaintiffs expressly waive and the members of the Class shall be deemed to have waived, and upon the Effective Date and by operation of the Judgment shall have waived any and all provisions, rights and benefits conferred by any law of the United States or of any state or territory of the United States, or principle of common law, which is similar, comparable or equivalent to § 1542 of the California Civil Code. The Lead Plaintiffs and the members of the Class may hereafter discover facts in addition to or different from those which he, she or it now knows or believes to be true with respect to the subject matter of the Released Claims, but each of them hereby stipulates and agrees that the Lead Plaintiffs do settle and release, and each member of the Class shall be deemed to have, and upon the Effective Date 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, all Released Claims that are in any way based on or related to conduct which 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. The Settling Parties acknowledge that the foregoing waiver was bargained for and a key element of the Settlement of which this release is a part.

3. Other definitions relevant to Released Claims are as follows:

- a. "Defendants" shall mean Force Protection, Frank Kavanaugh, Gordon R. McGilton, Michael S. Durski, and Raymond W. Pollard;
  - b. "Final," shall mean that an order or judgment is no longer subject to further appeal or review, whether by exhaustion of any possible appeal, lapse of time or otherwise;
  - c. "Judgment" shall mean a judgment and order approving the Settlement and dismissing the Released Claims as against the Defendants with prejudice;
  - d. "Legal Proceeding" means any action pending as of the date of execution of the Stipulation against Defendants in any federal court, state court or arbitration; and
  - e. "Released Parties" shall mean each and every one of the following: Defendants and all entities owned, affiliated or controlled by them, all current and former Force Protection directors and officers and each of their respective agents, employees, consultants, insurers, attorneys, advisors, successors, heirs, assigns, executors, personal representatives, marital communities and immediate families.
- C. All other capitalized terms not otherwise defined herein shall have the same meaning as set forth in the Stipulation. This release shall be of no force or effect unless and until the Court approves the Stipulation of Settlement and the Effective Date has occurred.
- D. I (We) hereby warrant and represent that I (we) have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any matter released pursuant to this release or any other part or portion thereof.
- E. I (We) hereby warrant and represent that I (we) have included all information about the acquisition, purchase and sales transactions in Force Protection common stock that are referenced above in Section V.
- F. I (We) hereby warrant and represent that I (we) am (are) not excluded from the Settlement Class as defined herein and in the Notice.

**VIII. CERTIFICATION AND SUBSTITUTE FORM W-9**

Enter TIN on the appropriate line.

- For individuals, this is your Social Security Number ("SSN").
- However, for a resident alien, sole proprietor, or disregarded entity, see Part I of W-9 instructions.
- For sole proprietors, you must show your individual name, but you may also enter your business or "doing business as" name. You may enter either your SSN or your Employer Identification Number ("EIN").
- For other entities, it is your EIN.

Social Security No. (for individuals)

or Taxpayer Identification No.



UNDER THE PENALTY OF PERJURY, I (WE) CERTIFY THAT:

1. The number shown on this form is my current TIN; and
2. I (We) certify that I am (we are) NOT subject to backup withholding under the provisions of Section 3406(a)(1)(C) of the Internal Revenue Code because: (a) I am (we are) exempt from backup withholding; or (b) I (we) have not been notified by the Internal Revenue Service that I am (we are) subject to backup withholding as a result of a failure to report all interest or dividends; or (c) the Internal Revenue Service has notified me (us) that I am (we are) no longer subject to backup withholding.

**NOTE:** If you have been notified by the Internal Revenue Service that you are subject to backup withholding, please strike out the language that you are not subject to backup withholding in the certification above.

The Internal Revenue Service does not require your consent to any provision other than the certification required to avoid backup withholding.

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.

I (We) have read the foregoing Proof of Claim and Release and certify that all of the information contained herein, and the supporting documents attached hereto, is true, correct and complete to the best of my (our) knowledge, information and belief, and that this form was executed on the:

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_  
(City) (State/Country)

Signature of Claimant

(Type or print name of Claimant)

Signature of Joint Claimant, if any

(Type or print name of Joint Claimant, if any)

Signature of person signing on behalf of Claimant

(Type or print name of person signing on behalf of Claimant)

Capacity of person signing on behalf of Claimant, if other than an individual (e.g., Administrator, Executor, Trustee, President, Custodian, Power of Attorney, etc.)

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

**REMINDER CHECKLIST:**

1. Please 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. Please do not highlight any portion of the Proof of Claim and Release or any supporting documents.
4. Do not send original stock certificates.
5. Keep copies of the completed Proof of Claim and Release and documentation for your own records.
6. If you desire an acknowledgment of receipt of your Proof of Claim and Release, please send it by Certified Mail, Return Receipt Requested, or its equivalent. **You will bear all risks of delay or non-delivery of your claim.**
7. If your address changes in the future, or if these documents were sent to an old or incorrect address, please send us written notification of your new address.
8. If you have any questions or concerns regarding your claim, please contact the Claims Administrator at:

**Force Protection, Inc. Securities Litigation  
c/o Rust Consulting, Inc.  
P.O. Box 2389  
Faribault, MN 55021-9089**

