

PUBLIC PENSION FUND GROUP, et al.

v.

KV PHARMACEUTICAL COMPANY, et al.

No.: 4:08-CV-1859 (CEJ)

PROOF OF CLAIM AND RELEASE

I. GENERAL INSTRUCTIONS

1. To be eligible to receive a recovery from the Net Settlement Fund as a Member of the Class in the class action lawsuit entitled *Public Pension Fund Group v. KV Pharmaceutical Co.*, No. 4:08 CV-1859 (CEJ), pending in the United States District Court for the Eastern District of Missouri (the “Action”), you must complete and sign this Proof of Claim and Release form on Page 8 below. If you fail to submit a timely, properly completed, and addressed Proof of Claim (as set forth in Paragraph 3 below), your claim may be rejected and you may be precluded from any recovery from the Net Settlement Fund created in connection with the Settlement of the Action.
2. Submission of this Proof of Claim form, however, does not ensure that you will share in the Net Settlement Fund, even if you are a Class Member.
3. **YOU MUST MAIL YOUR COMPLETED AND SIGNED PROOF OF CLAIM POSTMARKED ON OR BEFORE JUNE 19, 2014, ADDRESSED AS FOLLOWS:**

KV PHARMACEUTICAL SECURITIES LITIGATION
c/o A.B. DATA, LTD.
PO BOX 170500
MILWAUKEE, WI 53217-8091
PHONE: 866-905-8124

If you are NOT a Member of the Class (as defined in the Notice of Pendency of Class Action and Proposed Settlement and Motion for Attorneys' Fees and Expenses ("Notice")) DO NOT submit this Proof of Claim form. You are not entitled to a recovery.

4. If you are a Member of the Class and you have not timely and validly requested to be excluded from the Class, you will be bound by the terms of the Final Order and Judgment entered by the Court, **WHETHER OR NOT YOU SUBMIT A PROOF OF CLAIM.**

II. DEFINITIONS

1. All capitalized terms not otherwise defined herein shall have the same meaning as set forth in the Notice that accompanies this Proof of Claim and in the Stipulation and Agreement of Settlement, dated December 20, 2013 (the “Stipulation”).

III. IDENTIFICATION OF CLAIMANT

1. You are a Class Member if you, between June 15, 2004 and January 23, 2009, inclusive, purchased or otherwise acquired the publicly traded securities of KV and were allegedly damaged thereby and are not an Excluded Person. Excluded from the Class are: (i) Defendants; (ii) Former Defendants; (iii) the officers and directors of the Company; (iv) any subsidiaries and affiliates of the Company; (v) members of the immediate families of the Individual Defendant and the Former Defendants and their legal representatives, heirs, successors or assigns; (vi) any entity in which Defendants and Former Defendants have or had a controlling interest; and (vii) any benefit plan on behalf of employees of the Company and its subsidiaries or affiliates. Also excluded from the Class are any Class Members who properly exclude themselves by filing a valid and timely request for exclusion in accordance with the requirements set forth in the Notice.
2. Investors in four categories of KV's publicly traded securities may be eligible to receive a payment from the Settlement: (a) Class A common stock ("Class A stock"); (b) Class B common stock ("Class B stock"); (c) 7% Cumulative Convertible Preferred Shares ("Convertible Preferred"); and (d) Contingent Convertible Subordinated Notes due 2033 ("Convertible Notes").
3. If the publicly traded KV securities that you purchased or acquired were held in your name, you are the beneficial purchaser or acquirer *as well as* the record purchaser or acquirer. If, however, you purchased or otherwise acquired KV publicly traded securities during the Class Period through a third party, such as a nominee or brokerage firm, and the securities were registered in the name of that third party, you are the beneficial purchaser or acquirer of these securities, *but the third party* is the record purchaser or acquirer of these securities.
4. Use Part I of this form entitled "Claimant Identification" to identify each beneficial purchaser or acquirer of KV publicly traded securities that form the basis of this claim, as well as the purchaser or acquirer of record if different. **THIS CLAIM MUST BE SUBMITTED BY THE ACTUAL BENEFICIAL PURCHASER(S), OR AUTHORIZED ACQUIRER(S) OR LEGAL REPRESENTATIVE(S) OF SUCH BENEFICIAL PURCHASER(S) OR ACQUIRER(S), OF THE KV SECURITIES UPON WHICH THIS CLAIM IS BASED.**
5. All joint beneficial purchasers or acquirers must sign this claim. Executors, administrators, guardians, conservators and trustees must complete and sign this claim on behalf of Persons represented by them, proof of their authority must accompany this claim, and their titles or capacities must be stated. The Social Security (or employer identification) number and telephone number of one of the beneficial owner(s) may be used in verifying this claim. Failure to provide the foregoing information could delay verification of your claim or result in rejection of your claim.

IV. IDENTIFICATION OF TRANSACTION(S)

1. Use Part II of this form entitled "Schedule of Transactions" to supply all required details of your transaction(s) in KV's publicly traded securities. If you need more space or additional schedules, attach separate sheets providing all of the required information in substantially the same form. Sign and print or type your name and include your Social Security or employer identification number and the full name of the account on each additional sheet.
2. On the schedules, provide all of the requested information with respect to: (i) **all** of your holdings in KV's publicly traded securities as of the beginning of trading on June 15, 2004; (ii) **all** of your purchases, acquisitions, and sales of KV's publicly traded securities which took place at any time beginning June 15, 2004 through, and including January 26, 2009; and (iii) proof of your holdings in KV's publicly traded securities, as of the close of trading on January 26, 2009, whether such purchases, acquisitions, sales or transactions resulted in a profit or a loss. Failure to report all such transactions may result in the rejection of your claim.
3. List each purchase, acquisition, sale and transaction in the Class Period separately and in chronological order, by trade date, beginning with the earliest. You must accurately provide the month, day, and year of each such transaction you list.
4. Copies of broker confirmations or other documentation of your purchases, acquisitions, sales or transactions in KV's publicly traded securities must be attached to your claim. **DO NOT SEND ORIGINALS.** Failure to provide this documentation could delay verification of your claim or result in rejection of your claim. The Settling Parties and the Claims Administrator do not independently have information about your investments in KV's publicly traded securities. The Claims Administrator may also request additional information as needed to efficiently and reliably calculate your losses.

For Official Use Only



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Public Pension Fund Group, et al. v. KV Pharmaceutical Company, et al.

No.: 4:08-CV-1859 (CEJ)

PROOF OF CLAIM AND RELEASE

PLEASE TYPE OR PRINT

MUST BE POSTMARKED BY

JUNE 19, 2014

PART I: CLAIMANT IDENTIFICATION

Beneficial Owner's Name (First, Middle, Last)

Joint Beneficial Owner's Name (First, Middle, Last)

Address Line 1

Address Line 2 (If Applicable)

City

State

Zip Code

Foreign Province

Foreign Postal Code

Foreign Country

Social Security Number

Taxpayer Identification Number

OR

Check Appropriate box:

- | | | |
|--|---------------------------------------|---|
| ☐ Individual or Sole Proprietor | ☐ Partnership | ☐ Estate |
| ☐ Corporation | ☐ Pension Plan | ☐ Other (please specify) |
| ☐ IRA | ☐ Trust | |

Telephone Number (Daytime)

Telephone Number (Evening)

Email Address

Facsimile Number

**WERE YOUR SHARES HELD IN "STREET NAME" (I.E., IN THE NAME OF A STOCK BROKER OR OTHER NOMINEE)?
IF SO, THAT BROKER OR NOMINEE IS THE RECORD OWNER. PLEASE FILL IN THE FOLLOWING LINE.**

Record Owner's Name (if different from beneficial owner listed above); e.g., brokerage firm, bank, nominee, etc.

PART II: SCHEDULE OF TRANSACTIONS IN KV PUBLICLY TRADED SECURITIES

KV CLASS A STOCK

A. Number of shares of KV Class A stock held at the beginning of trading on June 15, 2004:						Proof enclosed ☐ Y ☐ N
B. Purchases or other acquisitions, including by way of exchange, conversion or otherwise (on or after June 15, 2004 through and including January 26, 2009) of KV Class A stock:						
Trade Date(s) (List Chronologically) MM DD YY			Number of Shares Purchased or Acquired	Purchase Price Per Share	Total Purchase Price*	Proof enclosed
1.						☐ Y ☐ N
2.						☐ Y ☐ N
3.						☐ Y ☐ N
4.						☐ Y ☐ N
5.						☐ Y ☐ N
C. Sales or other deliveries, including by way of exchange or otherwise (on or after June 15, 2004 through and including January 26, 2009) of KV Class A stock:						
Trade Date(s) (List Chronologically) MM DD YY			Number of Shares Sold	Selling Price Per Share	Total Sales Price*	Proof enclosed
1.						☐ Y ☐ N
2.						☐ Y ☐ N
3.						☐ Y ☐ N
4.						☐ Y ☐ N
5.						☐ Y ☐ N
D. Number of shares of KV Class A stock held at the close of trading on January 26, 2009:						Proof enclosed ☐ Y ☐ N

* Excluding taxes, fees and commissions.

KV CLASS B STOCK

A. Number of shares of KV Class B stock held at the beginning of trading on June 15, 2004:				Proof enclosed ☐ Y ☐ N																																																		
B. Purchases or other acquisitions, including by way of exchange, conversion or otherwise (on or after June 15, 2004 through and including January 26, 2009) of KV Class B stock:																																																						
Trade Date(s) (List Chronologically) MM DD YY		Number of Shares Purchased or Acquired	Purchase Price Per Share	Total Purchase Price*	Proof enclosed																																																	
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D. Number of shares of KV Class B stock held at the close of trading on January 26, 2009:				Proof enclosed ☐ Y ☐ N																																																		

* Excluding taxes, fees and commissions.

KV 7% CUMULATIVE CONVERTIBLE PREFERRED

A. Number of shares of KV Convertible Preferred held at the beginning of trading on June 15, 2004:				Proof enclosed ☐ Y ☐ N
B. Purchases or other acquisitions, including by way of exchange, conversion or otherwise (on or after June 15, 2004 through and including January 26, 2009) of KV Convertible Preferred:				
Trade Date(s) (List Chronologically)	Number of Shares Purchased or Acquired	Purchase Price Per Share	Total Purchase Price*	Proof enclosed
MM DD YY				
1. / /				☐ Y ☐ N
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C. Sales or other deliveries, including by way of exchange or otherwise (on or after June 15, 2004 through and including January 26, 2009) of KV Convertible Preferred:				
Trade Date(s) (List Chronologically)	Number of Shares Sold	Selling Price Per Share	Total Sales Price*	Proof enclosed
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5. / /				☐ Y ☐ N
D. Number of shares of KV Convertible Preferred held at the close of trading on January 26, 2009:				Proof enclosed ☐ Y ☐ N

* Excluding taxes, fees and commissions.

KV CONTINGENT CONVERTIBLE SUBORDINATED NOTES DUE 2033

A. Number of KV Convertible Notes held at the beginning of trading on June 15, 2004:					Proof enclosed ☐ Y ☐ N																																										
B. Purchases or other acquisitions, including by way of exchange, conversion or otherwise (on or after June 15, 2004 through and including January 26, 2009) of KV Convertible Notes:																																															
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D. Number of KV Convertible Notes held at the close of trading on January 26, 2009:					Proof enclosed ☐ Y ☐ N																																										

* Excluding taxes, fees and commissions.

If you require additional space, attach extra schedules in the same format as above. Sign and print your name and include your Social Security or employer identification number and full account name on each additional page.

YOU ARE NOT FINISHED, PLEASE READ THE RELEASE AND SIGN ON THIS PAGE BELOW.

V. SUBMISSION TO THE JURISDICTION OF THE COURT AND ACKNOWLEDGMENTS

I (We) submit this Proof of Claim under the terms of the Stipulation described in the Notice. I (We) also submit to the jurisdiction of the United States District Court for the Eastern District of Missouri with respect to my (our) claim as a Class Member 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 Final Order and 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, acquisitions or sales or holdings of KV publicly traded securities during the Class Period and know of no other Person having done so on my (our) behalf.

VI. RELEASE

1. I (We) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally and forever settle, release and discharge from the Released Claims each and all of the Released Defendant Parties as those terms and terms related thereto are defined in the accompanying Notice.
2. This release shall be of no force or effect unless and until the Court approves the Stipulation and the Effective Date (as defined in the Stipulation) has occurred.
3. 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.
4. I (We) hereby warrant and represent that I (we) have included information about all of my (our) purchases, acquisitions, and sales and other transactions in KV publicly traded securities which occurred during the Class Period and the number of shares and/or notes held by me (us) at the beginning of trading on June 15, 2004, and at the close of trading on January 26, 2009.
5. I (We) hereby warrant and represent that I am (we are) not excluded from the Class as defined herein and in the Notice.

CERTIFICATION

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

1. The number shown on this form is my correct SSN, TIN or EIN;
2. I am/we are not subject to backup withholding (if you have been notified by the IRS that you are subject to backup withholding, strike out the previous sentence); and
3. The foregoing information supplied by the undersigned is true and correct.

Executed this _____ day of _____, in _____.

(Month / Year) (City) (State / Country)

(Sign your name here)

(Type or print your name here)

(Capacity of person(s) signing, *e.g.*, Beneficial Purchaser, Executor or Administrator)

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

Reminder Checklist:

1. Please sign the above release and certification. If this claim is being made on behalf of joint claimants, both must sign.
2. Remember to attach supporting documentation. Do not highlight the Proof of Claim form or supporting documentation.
3. Do not send original stock certificates or other original documentation; please send only copies. These items cannot be returned to you by the Claims Administrator.
4. Keep a copy of your Proof of Claim form for your records.
5. The Claims Administrator will acknowledge receipt of your Proof of Claim by mail within 60 days. **Your claim is not deemed by the Claims Administrator to be submitted unless you receive an acknowledgement postcard.** If you do not receive an acknowledgement postcard within 60 days, please call the Claims Administrator. Also, you can submit your claim using a service that provides you with proof of mailing, such as registered or certified mail, return receipt requested, express mail that does not waive signature, or courier service.
6. If you move and/or change your name, please inform the Claims Administrator of your new address and/or name.