

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MICHAEL HILL, JAMES HILL, JOHN SCELSI,
and ASM CAPITAL, Individually and on
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

ACCENTIA BIOPHARMACEUTICALS, INC.,
SAMUEL S. DUFFEY, FRANCIS E.
O'DONNELL, JR., BRIAN D. BOTTJER,
CARLOS F. SANTOS, RONALD E. OSMAN,
and STEVEN R. ARIKIAN,

Defendants.

Case No. 8:13-cv-01945-SDM-EAJ

PROOF OF CLAIM AND RELEASE

DEADLINE FOR SUBMISSION: FEBRUARY 19, 2015

IN ORDER TO BE ELIGIBLE TO FILE THIS PROOF OF CLAIM AND RELEASE, YOU MUST BE A MEMBER OF THE CLASS. THE CLASS IS DEFINED AS:

ALL PERSONS WHO, DURING THE PERIOD FROM JULY 26, 2008 THROUGH AUGUST 14, 2012, INCLUSIVE, PURCHASED OR OTHERWISE ACQUIRED EITHER (1) COMMON STOCK OF ACCENTIA, AND/OR (2) COMMON STOCK OF BIOVEST; AND WHO WERE ALLEGEDLY DAMAGED THEREBY.

EXCLUDED FROM THE CLASS ARE: DEFENDANTS; THE CURRENT OR FORMER OFFICERS AND DIRECTORS OF ACCENTIA AND BIOVEST; THE IMMEDIATE FAMILY MEMBERS OF THE INDIVIDUAL DEFENDANTS; ANY ENTITY IN WHICH ANY EXCLUDED PERSON HAS OR HAD A CONTROLLING INTEREST; AND THE LEGAL REPRESENTATIVES, HEIRS, SUCCESSORS-IN-INTEREST OR ASSIGNS OF ANY SUCH EXCLUDED PERSON OR ENTITY.

TO BE ELIGIBLE TO RECEIVE A SHARE OF THE NET SETTLEMENT FUND, YOU MUST COMPLETE AND SIGN THIS PROOF OF CLAIM AND RELEASE FORM AND MAIL IT BY FIRST CLASS MAIL, **POSTMARKED NO LATER THAN FEBRUARY 19, 2015** TO THE FOLLOWING ADDRESS:

Accentia/Biovest Securities Litigation
c/o Berdon Claims Administration LLC
P.O. Box 9014
Jericho, NY 11753-8914

YOUR FAILURE TO SUBMIT YOUR CLAIM BY **FEBRUARY 19, 2015** WILL SUBJECT YOUR CLAIM TO REJECTION AND PRECLUDE YOUR RECEIVING ANY MONEY FROM THE SETTLEMENT. DO NOT MAIL OR DELIVER YOUR CLAIM TO THE COURT. SUBMIT YOUR CLAIM ONLY TO THE CLAIMS ADMINISTRATOR.

IF YOU ARE A MEMBER OF THE CLASS AND DO NOT REQUEST EXCLUSION, YOU ARE BOUND BY THE TERMS OF ANY JUDGMENT IN THE ACTION IN CONNECTION WITH THE SETTLEMENT WHETHER OR NOT YOU SUBMIT A PROOF OF CLAIM AND RELEASE.

I. CLAIMANT'S STATEMENT

1. I/We purchased or acquired shares of the common stock of Accentia Biopharmaceuticals, Inc. ("Accentia") and/or Biovest International, Inc. ("Biovest") during the period from July 26, 2008 through and including August 14, 2012 (the "Class Period"), or I am/ we are a representative (e.g., heir, administrator, executor, successor or assign) of a person who purchased or acquired such shares during the Class Period.

2. By submitting this Proof of Claim, I/we state that I/we believe in good faith that I am/we are a Class Member as defined above and in the Notice or am/are acting for such person; that I am/we are not a Defendant in the Action or anyone excluded from the Class; that I/we have read and understand the Notice; that I/we believe that I am/we are entitled to receive a share of the Net Settlement Fund, and that I/we elect to participate in the proposed Settlement described in the Notice; and that I/we have not filed a request to be excluded from the proposed Settlement. If the person(s) executing this Proof of Claim is/are acting in a representative capacity on behalf of a Class Member (e.g., as an executor, administrator, trustee, or other representative), that person/ those persons must submit evidence of current authority to act on behalf of that Class Member with the Proof of Claim.

3. I/We have set forth where requested below all relevant information with respect to each purchase of Accentia and/or Biovest common stock during the Class Period, and each sale, gift and/or other transfer, if any, of such securities during the Class Period.

4. I/We have enclosed copies of the stockbroker's confirmation slips, stockbroker's statements, or other documents which show each purchase or sale of Accentia and/or Biovest common stock during the Class Period, from and including July 26, 2008 through and including August 14, 2012, or retention of Accentia and/or Biovest common stock listed below in support of this claim, and which show my/our holdings of Accentia or Biovest common stock as of the close of the market on July 25, 2008 and as of the close of the market on August 14, 2012. NOTE: If any such documents are not in your possession, you will need to obtain copies or equivalent documents to prove your claim.

5. I/We understand that the information contained in the Proof of Claim is subject to such verification as the Court may direct, and I/we agree to cooperate in any such verification. I/ We further agree and understand that if the proposed Settlement is approved by the Court and becomes effective, all claims, demands, or causes of action against any or all of the Released Parties (as defined below), which have been or could have been asserted related to the subject matter of the Action will be forever and completely released, satisfied, discharged and extinguished.

6. By submitting this Proof of Claim and Release, the undersigned and any person or entity on whose behalf the undersigned is/are acting, submits to the jurisdiction of the United States District Court for the Middle District of Florida with respect to this claim.

II. FULL AND COMPLETE RELEASE

7. Pursuant to the Stipulation and Agreement of Settlement ("Stipulation"), and on the Effective Date (as defined therein), my/our signature hereto will constitute a full and complete release and discharge by me/us, or the person or entity on whose behalf this Proof of Claim submitted and by my/our or their heirs, executors, administrators, successors, and assigns, of each of the "Released Parties" of all "Settled Claims," as defined in the

Stipulation, and as described in the Notice. Accordingly, I/we understand that the release permanently bars and enjoins asserting, either individually or on behalf of any class, directly or indirectly, any Claims against any of the Released Defendant Parties or Released Plaintiff Parties.

8. The “Defendants” includes the following: Accentia Biopharmaceuticals, Inc., Samuel S. Duffey, Francis E. O’Donnell, Jr., Brian D. Bottjer, Carlos F. Santos, Ronald E. Osman, and Steven R. Arikian.

9. “Claims” being settled means any and all actions, causes of action, proceedings, offsets, contracts, judgments, obligations, suits, debts, dues, sums of money, accounts, bonds, bills, covenants, damages, demands (whether written or oral), agreements, promises, liabilities, controversies, costs, expenses, and losses whatsoever, whether in law, in admiralty, or in equity and whether based on any federal, state, or foreign statutory or common-law right of action or otherwise, whether class or individual in nature, foreseen or unforeseen, matured or unmatured, known, or unknown, existing now or to be created in the future, including Unknown Claims (defined in the Stipulation and the Notice).

10. “Settling Parties” means Plaintiffs on behalf of themselves and the Class, and each of the Defendants.

11. “Released Defendant Parties” means Accentia, its past or present or future subsidiaries (including, without limitation, Biovest), parents, affiliates, principals, successors and predecessors (collectively, the “Accentia Entities”); each of the Accentia Entities’ respective assigns, officers, directors, shareholders, trustees, partners, agents, fiduciaries, contractors, employees, and attorneys (including in-house counsel and outside attorneys), auditors, and insurers; the Individual Defendants; the Immediate Family Members, representatives, and heirs of the Individual Defendants; any trust of which any Individual Defendant is the settlor or which is for the benefit of any Immediate Family Member of any Individual Defendant; any firm, trust, corporation, or entity in which any of the Accentia Entities or Individual Defendants has a controlling interest; and any of the legal representatives, heirs, successors in interest or assigns of the Accentia Entities or Individual Defendants.

12. “Released Plaintiff Parties” means each and every Settlement Class Member, Lead Plaintiffs, Lead Plaintiffs’ Counsel, and each of their respective past, current, or future trustees, officers, directors, partners, employees, contractors, auditors, principals, agents, attorneys, predecessors, successors, assigns, parents, subsidiaries, divisions, joint ventures, general or limited partners or partnerships, and limited liability companies; and the Immediate Family Members, representatives, and heirs of each and every Settlement Class Member, Lead Plaintiff, and Lead Plaintiffs’ Counsel who is an individual, as well as any trust of which any Settlement Class Member, Lead Plaintiff, or Lead Plaintiffs’ Counsel is the settlor or which is for the benefit of any of their respective Immediate Family Members. Notwithstanding the foregoing, Released Plaintiff Parties does not include any Person who timely and validly seeks exclusion from the Settlement Class.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Accentia/Biovest Securities Litigation

PROOF OF CLAIM

Must be received by the Claims Administrator postmarked no later than February 19, 2015.

III. CLAIMANT IDENTIFICATION

Please Type or Print

Beneficial Owner's Name (as it appears on your brokerage statement)

Joint Beneficial Owner's Name (as it appears on your brokerage statement)

Street Address

City State Zip Code

Foreign Province Foreign Country

Social Security Number or Taxpayer Identification Number

Specify one of the following:

- Individual(s) Corporation UGMA Custodian IRA
 Partnership Estate Trust Other: _____

Area Code Telephone Number (Day) Area Code Telephone Number (Evening)

Facsimile Number E-Mail Address

Record Owner's Name and Address (if different from beneficial owner listed above)

Record Owner's Street Address

City State Zip Code

Area Code Telephone Number (Day) Area Code Telephone Number (Evening)

DETACH HERE



V. SCHEDULE OF TRANSACTIONS IN ACCENTIA COMMON STOCK

- A. State the total number of shares of Accentia common stock owned at the close of trading on July 25, 2008, long or short (if none, enter "0"; if other than zero, must be documented): _____
- B. Separately list each and every **purchase** of Accentia common stock during the period July 26, 2008 through August 14, 2012 and provide the following information (must be documented):¹

Trade Date <i>(list chronologically)</i> Month/Day/Year	Number of Shares Purchased	Price per Share <i>(excluding commissions, taxes and fees)</i>

- C. Separately list each and every **sale** of Accentia common stock during the period July 26, 2008 through August 14, 2012 and provide the following information (must be documented):

Trade Date <i>(list chronologically)</i> Month/Day/Year	Number of Shares Sold	Price per Share <i>(excluding commissions, taxes and fees)</i>

- D. State the total number of shares of Accentia common stock owned at the close of trading on August 14, 2012, long or short (if none, enter "0"; if other than zero, must be documented): _____

¹ **NOTE:** For shares received by gift or other transfer, the original purchase date and information should be designated, not the date of gift or transfer to you.

If you need additional space, attach the required information on separate, numbered sheets in the same format as above and print your name and Social Security or Taxpayer Identification number at the top of each additional sheet.



DETACH HERE

VI. SCHEDULE OF TRANSACTIONS IN BIOVEST COMMON STOCK

- A. State the total number of shares of Biovest common stock owned at the close of trading on July 25, 2008, long or short (*if none, enter "0"; if other than zero, must be documented*): _____
- B. Separately list each and every **purchase** of Biovest common stock during the period July 26, 2008 **through** August 14, 2012 and provide the following information (*must be documented*): ¹

Trade Date (list chronologically) Month/Day/Year	Number of Shares Purchased	Price per Share (excluding commissions, taxes and fees)

- C. Separately list each and every **sale** of Biovest common stock during the period July 26, 2008 **through** August 14, 2012 and provide the following information (*must be documented*):

Trade Date (list chronologically) Month/Day/Year	Number of Shares Sold	Price per Share (excluding commissions, taxes and fees)

- D. State the total number of shares of Biovest common stock owned at the close of trading on August 14, 2012, long or short (*if none, enter "0"; if other than zero, must be documented*): _____

¹ **NOTE:** For shares received by gift or other transfer, the original purchase date and information should be designated, not the date of gift or transfer to you.

If you need additional space, attach the required information on separate, numbered sheets in the same format as above and print your name and Social Security or Taxpayer Identification number at the top of each additional sheet.



VII. CERTIFICATION

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 been notified by the I.R.S. that I am/we are subject to backup withholding as a result of a failure to report all interest or dividends; or (c) the I.R.S. has notified me/us that I am/we are no longer subject to backup withholding.

NOTE: If you have been notified by the I.R.S. that you are subject to backup withholding, please strike out the word "NOT" in the first line of the above certification.

I/We further certify that, if I am/we are acting in a representative capacity on behalf of a Class Member (e.g., as an executor, administrator, trustee, or other representative), I am/we are currently authorized to act on behalf of that Class Member, and have enclosed evidence establishing such authority with this Proof of Claim and Release.

UNDER THE PENALTIES OF PERJURY, I/WE CERTIFY THAT ALL OF THE INFORMATION PROVIDED ON THIS FORM IS TRUE, CORRECT AND COMPLETE.

Signature of Claimant

(Print your name here)

Signature of Joint Claimant, if any

(Print your name here)

Signature of person signing on behalf of Claimant

(Print your name here)

Capacity of person signing on behalf of Claimant, if
Other than an individual (e.g., Executor, Custodian,
President, etc.)

Date: _____

THIS PROOF OF CLAIM MUST BE SUBMITTED TO THE CLAIMS ADMINISTRATOR AT THE ADDRESS BELOW NO LATER THAN FEBRUARY 19, 2015. ACCURATE CLAIMS PROCESSING TAKES A SIGNIFICANT AMOUNT OF TIME. THANK YOU FOR YOUR PATIENCE.

DETACH HERE



Reminder Checklist:

1. Remember to sign the above Release and Certification on page 20.
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.
4. Keep copies of the completed claim form and documentation for your own records.
5. For an acknowledgment of receipt of your claim form, send it by Certified Mail, Return Receipt Requested, or its equivalent, and retain the receipt. **You will bear all risk of delay or non-delivery of your claim.**
6. If your address changes in the future, or if this Notice and Proof of Claim Form was sent to an old or incorrect address, please send us **written** notification of your new address.
7. If you have any questions or concerns regarding your claim, please contact the Claims Administrator at:

Accentia/Biovest Securities Litigation
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P.O. Box 9014
Jericho, NY 11753-8914
Toll-free phone: 800-766-3330
Fax: 516-931-0810
Website: www.berdonclaims.com