

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE IMMUCOR, INC. SECURITIES LITIGATION

Civil Action No.  
1:09-cv-2351-TWT

**NOTICE OF PENDENCY OF CLASS ACTION AND PROPOSED  
SETTLEMENT, FINAL APPROVAL HEARING, AND MOTION FOR  
ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION EXPENSES.**

*A Federal Court authorized this Notice. This is not a solicitation from a lawyer.*

- If approved by the Court, the Settlement will provide a \$3.9 million Settlement Fund to settle certain claims of all Persons and entities who purchased or otherwise acquired Immucor common stock during the period from October 19, 2005, through and including June 25, 2009 (the "Class Period").
- Your legal rights are affected whether you act or do not act. Read this Notice carefully.
- The Court will review the Settlement at the Final Approval Hearing or Settlement Hearing to be held on June 6, 2013.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>REMAIN A MEMBER OF THE CLASS AND SUBMIT A VALID CLAIM FORM.</b>	This is the only way to receive a payment. If you wish to obtain a payment as a member of the Class, you will need to file a Proof of Claim Form (the "Claim Form"), which is included with this Notice, postmarked no later than July 24, 2013.
<b>EXCLUDE YOURSELF FROM THE CLASS BY SUBMITTING A WRITTEN REQUEST FOR EXCLUSION SO THAT IT IS RECEIVED NO LATER THAN MAY 16, 2013.</b>	Receive no payment. This is the only option that allows you to ever be part of any other lawsuit against any of the Defendants or the Defendants' Releasees. <sup>1</sup>
<b>OBJECT TO THE SETTLEMENT BY SUBMITTING WRITTEN OBJECTIONS SO THAT THEY ARE RECEIVED NO LATER THAN MAY 16, 2013.</b>	Write to the Court and explain why you do not like the Settlement, the proposed Plan of Allocation, or the request for attorneys' fees and reimbursement of expenses. You cannot object to the Settlement unless you are a member of the Class and do not validly exclude yourself.
<b>FILE A NOTICE OF INTENTION TO APPEAR AT THE FINAL APPROVAL HEARING SO THAT IT IS RECEIVED NO LATER THAN MAY 16, 2013 AND ATTEND THE HEARING.</b>	Ask to speak in Court about the fairness of the Settlement, the proposed Plan of Allocation, or the request for attorneys' fees and reimbursement of expenses.
<b>DO NOTHING.</b>	Receive no payment, remain a Class Member, give up your rights and be bound by the Final Order and Judgment entered by the Court if it approves the Settlement, including the Release of the Released Claims.

<sup>1</sup> Capitalized terms not defined herein shall have the same meaning as those defined in the Stipulation and Agreement of Settlement that is on file with the Court and available at [www.immucorsecuritieslitigation.com](http://www.immucorsecuritieslitigation.com).

**NOTICE OF PENDENCY OF CLASS ACTION:** Please be advised that your rights may be affected by a class action lawsuit pending in this Court (the “Action”) if you purchased or otherwise acquired Immucor common stock during the period from October 19, 2005, through and including June 25, 2009.

**NOTICE OF SETTLEMENT:** Please also be advised that the Court-appointed Lead Plaintiff, Colleges of Applied Arts and Technology Pension Plan, on behalf of the Class (as defined below), have reached a proposed Settlement of this Action for a total of \$3.9 million in cash that will resolve all claims in the Action (the “Settlement”).

This Notice explains important rights you may have, including your possible receipt of cash from the Settlement. Your legal rights will be affected whether or not you act. Please read this Notice carefully and in its entirety!

1. **Description of the Litigation and the Class:** This Notice relates to the pendency and proposed Settlement of a class action lawsuit against Immucor, Inc., Gioacchino De Chirico, Ralph A. Eatz, Edward L. Gallup, Joseph E. Rosen, Richard A. Flynt, Patrick D Waddy, Roswell S. Bowers, John A. Harris and Didier L. Lanson (“Defendants”). Plaintiff and the Defendants are collectively referred to herein as the “Settling Parties.” The proposed Settlement, if approved by the Court, will settle certain claims of all persons and entities who purchased or otherwise acquired Immucor common stock during the period from October 19, 2005, through and including June 25, 2009 (the “Class Period”).

The “Class” consists of all persons and entities who purchased or otherwise acquired Immucor common stock during the period from October 19, 2005 through and including June 25, 2009. Excluded from the Class are: (a) Defendants; (b) members of the immediate families of any Individual Defendant; and (c) the legal representatives, heirs, successors, or assigns of any of the foregoing excluded persons or entities. Also excluded from the Class are any persons who exclude themselves by filing a timely and valid request for exclusion in accordance with the requirements set forth in the Notice.

2. **Statement of Class Recovery:** The Net Settlement Fund (the Settlement Fund less taxes, notice and administration costs, and attorneys’ fees and certain Litigation Expenses awarded to Lead Counsel) will be distributed in accordance with a plan of allocation (the “Plan of Allocation”) that may be approved by the Court and will determine how the Net Settlement Fund shall be allocated to the members of the Class. The proposed Plan of Allocation is included in this Notice at p.6, and may be modified by the Court without further notice.

3. **Statement of Average Amount of Damages Per Share:** The Settlement Fund consists of a total of \$3.9 million plus interest earned. Your recovery will depend upon the number of shares of Immucor common stock you purchased and the timing of those transactions. It will also depend on the number of valid Claim Forms that members of the Class submit and the amount of such claims. Assuming that all of the investors who purchased or otherwise acquired Immucor common stock during the Class Period and suffered damages thereby participate in the Settlement, Lead Counsel estimates that the estimated average distribution will be approximately \$0.07 per damaged share of Immucor common stock before the deduction of Court-approved fees and Litigation Expenses as described below and the cost of notice and claims administration. Historically, less than all eligible investors submit claims, resulting in higher average distributions per share.

4. **Statement of the Parties’ Positions on Damages:** The Defendants deny all claims of wrongdoing, deny that they are liable to Plaintiff and/or the Class and deny that Plaintiff or other members of the Class suffered any injury. Moreover, the parties do not agree on the amount of recoverable damages or on the average amount of damages per share that would be recoverable if Plaintiff was to prevail on each of its claims. The issues on which the parties disagree include, but are not limited to: (1) whether the statements made or facts allegedly omitted were material, false or misleading, or whether the Defendants are otherwise liable under the securities laws for those statements or omissions; (2) the amount by which the price of Immucor common stock was allegedly inflated (if at all) during the Class Period; and (3) the effect of various market forces influencing the trading price of Immucor common stock at various times during the Class Period.

5. **Statement of Attorneys’ Fees and Expenses Sought:** Lead Counsel will apply to the Court for an award of attorneys’ fees from the Settlement Fund of 25% of the total Settlement Fund, plus interest earned at the same rate and for the same period as earned by the Settlement Fund. In addition, Lead Counsel also will apply for the reimbursement of certain Litigation Expenses paid or incurred in connection with the prosecution and resolution of the Action in an amount not to exceed \$ 250,000 plus interest earned at the same rate and for the same period as earned by the Settlement Fund. Litigation Expenses may include reimbursement of the expenses of the Lead Plaintiff in accordance with 15 U.S.C. § 78u-4(a)(4). If the Court approves Lead Counsel’s fee and expense application, the average cost per damaged share of Immucor common stock will be approximately \$0.02 per damaged share.

6. **Identification of Attorney Representatives:** Lead Plaintiff and the Class are being represented by Frederic S. Fox, Esq. of Kaplan Fox & Kilsheimer, LLP, the Court-appointed Lead Counsel. Any questions regarding the Settlement should be directed to Frederic S. Fox, Esq. at Kaplan Fox & Kilsheimer, LLP, 850 Third Avenue, 14th Floor, New York, NY 10022, (212) 687-1980.

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## WHY DID I GET THIS NOTICE?

7. This Notice is being sent to you pursuant to an Order of the United States District Court for the Northern District of Georgia (the "Court") because you or someone in your family may have purchased or otherwise acquired Immucor common stock during the Class Period. The Court has directed us to send you this Notice because, as a potential Class Member, you have a right to know about your options before the Court rules on the proposed settlement of this case. Additionally, you have the right to understand how a class action lawsuit may generally affect your legal rights. If the Court approves the Settlement, a Claims Administrator selected by Lead Plaintiff and approved by the Court will make payments pursuant to the Settlement after any objections and appeals are resolved.
8. In a class action lawsuit, the Court selects one or more people, known as class representatives, to sue on behalf of all people with similar claims, commonly known as the class or the class members. In this Action, the Court has appointed the Colleges of Applied Arts and Technology Pension Plan as Lead Plaintiff under a federal law governing lawsuits such as this one, and approved Lead Plaintiff's selection of the law firm of Kaplan Fox & Kilsheimer, LLP to serve as Lead Counsel in the Action. Lead Plaintiff is the Class Representative. A class action is a type of lawsuit in which the claims of a number of individuals are resolved together, thus providing the class members with both consistency and efficiency. Once the class is certified, the Court must resolve all issues on behalf of the class members, except for any persons who choose to exclude themselves from the class. (For more information on excluding yourself from the Class, please read "What If I Do Not Want To Be A Part Of The Settlement? How Do I Exclude Myself?" located below.)
9. The class action case brought on behalf of purchasers of Immucor common stock is known as *In re Immucor, Inc. Securities Litigation*, and the court in which it is pending is the United States District Court for the Northern District of Georgia. The Judge presiding over this case is the Honorable Thomas W. Thrash, Jr., United States District Judge. The people who are suing are called Plaintiffs, and those who are being sued are called Defendants.
10. This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to receive them. The purpose of this Notice is to inform you of this case, that it is a class action, how you might be affected, and how to exclude yourself from the Class if you wish to do so. It also is being sent to inform you of the terms of the proposed Settlement, and of a hearing to be held by the Court to consider the fairness, reasonableness and adequacy of the proposed Settlement, the fairness and reasonableness of the proposed Plan of Allocation, and the application by Lead Counsel for attorneys' fees and reimbursement of expenses (the "Final Approval Hearing" or "Settlement Hearing").
11. The Final Approval Hearing will be held on June 6, 2013 at 10:00 a.m., before the Honorable Thomas W. Thrash, Jr., at the United States District Court for the Northern District of Georgia, United States Courthouse, Richard B. Russell Federal Building and Courthouse, 75 Spring Street, SW, Atlanta, GA 30303-3361 to determine:
  - whether the Court should grant final certification of the Class solely for purposes of the Settlement;

- whether the proposed Settlement is fair, reasonable, adequate and in the best interests of the Class and should be approved by the Court;
- whether certain claims against the Defendants and the Defendants' Releasees should be dismissed with prejudice and fully and finally released by Plaintiff and the Class as set forth in the Stipulation of Settlement entered into by the Lead Plaintiff and the Defendants as of December 7, 2012 (the "Stipulation");
- whether the proposed Plan of Allocation is fair and reasonable and should be approved by the Court; and
- whether Lead Counsel's request for an award of attorneys' fees and reimbursement of certain litigation expenses should be approved by the Court.

12. This Notice does not express any opinion by the Court concerning the merits of any claim in the Action, and the Court still has to decide whether to approve the Settlement. If the Court approves the Settlement, payments to Authorized Claimants (defined below) will be made after any appeals are resolved and other remaining conditions to the Settlement, if any, are met, and after the completion of all claims processing. Please be patient.

### WHAT IS THIS CASE ABOUT? — WHAT HAS HAPPENED SO FAR?

13. Beginning on or about August 27, 2009, putative class action complaints were filed against Immucor and certain Individual Defendants in the United States District Court for the Northern District of Georgia, asserting violations of the federal securities laws. Pursuant to the Private Securities Litigation Reform Act of 1995 (the "PSLRA"), notice to the public was issued setting forth the deadline by which putative class members could move the Court to be appointed to act as lead plaintiff.
14. By Order dated January 14, 2010, the Court consolidated the related actions, appointed the Lead Plaintiff and appointed Kaplan Fox & Kilsheimer, LLP as lead counsel ("Lead Counsel").
15. On April 2, 2010, Lead Plaintiff on behalf of a putative class of persons who purchased or otherwise acquired Immucor common stock filed the Consolidated Amended Class Action Complaint (the "Complaint") in the Action, asserting claims under §§ 10(b) and 20(a) of the Exchange Act and Rule 10b-5 promulgated thereunder against Immucor, De Chirio, Eatz, and Gallup.
16. On June 25, 2010, Defendants moved to dismiss the Complaint, which Lead Plaintiff opposed on August 30, 2010. Reply memoranda were filed on October 11, 2010.
17. By Order dated June 30, 2011, the Court granted Defendants' motions to dismiss the Complaint.
18. On July 29, 2011, Lead Plaintiff filed a Motion for Reconsideration. Defendants filed an opposition on August 17, 2011. By Order dated August 29, 2011, the Court denied Lead Plaintiff's motion.
19. On September 28, 2011, Lead Plaintiff filed a Notice of Appeal before the Eleventh Circuit Court of Appeals. Lead Plaintiff filed, on November 15, 2011, its brief in support of the appeal. Defendants' brief in opposition was filed on December 19, 2011. Lead Plaintiff filed a reply brief on January 5, 2012.
20. On January 17, 2012, Lead Plaintiff and Defendants had a mandatory telephonic mediation session before the Circuit Mediator Bill Roland. No Settlement was reached during the mediation. The Parties continued Settlement effort through counsel.
21. On September 28, 2012, the parties reached an agreement and documented it in a memorandum of understanding dated September 28, 2012.
22. On October 1, 2012, the parties requested a stay from the 11th Circuit pending the finalization of the Settlement. On October 2, 2012, the 11th Circuit granted the stay and removed the oral argument scheduled for October 3, 2012 from the calendar.
23. Lead Counsel have conducted an extensive investigation relating to the claims and the underlying events and transactions alleged in the Complaints. Lead Counsel have analyzed evidence adduced during their investigations and in discovery and have researched the applicable law with respect to the claims of Plaintiff and the Class against Defendants, as well as the potential defenses thereto.

24. Based upon their investigation, Lead Counsel has concluded that the terms and conditions of this Stipulation are fair, reasonable and adequate to Lead Plaintiff and the Class, and in their best interests, and have agreed to settle the claims raised in the Action pursuant to the terms and provisions of this Stipulation, after considering (i) the benefits that Plaintiff and the members of the Class will receive from resolution of the Action as against the Defendants, (ii) the attendant risks of litigation, and (iii) the desirability of permitting the Settlement to be consummated as provided by the terms of this Stipulation.
25. On March 6, 2013, the Court preliminarily approved the Settlement, preliminarily certified the Class, authorized this Notice to be sent to potential members of the Class, and scheduled the Final Approval Hearing to consider whether to grant final approval to the Settlement.

### HOW DO I KNOW IF I AM AFFECTED BY THE SETTLEMENT?

26. If you are a member of the Class, you are subject to the Settlement unless you timely request to be excluded. The Class consists of all persons and entities who purchased or otherwise acquired Immucor common stock during the period from October 19, 2005, through and including June 25, 2009, excluding Defendants and their affiliates. See ¶¶ 74-78 for Exclusions from Class. (Also see “What If I Do Not Want To Be a Part of The Settlement? How Do I Exclude Myself?” below.)
27. **RECEIPT OF THIS NOTICE DOES NOT NECESSARILY MEAN THAT YOU ARE A CLASS MEMBER OR THAT YOU ARE ELIGIBLE TO RECEIVE PROCEEDS FROM THE SETTLEMENT. IF YOU WISH TO PARTICIPATE IN THE SETTLEMENT, YOU MUST SUBMIT THE ENCLOSED CLAIM FORM POSTMARKED NO LATER THAN JULY 24, 2013.**

### WHAT ARE THE SETTLING PARTIES' REASONS FOR THE SETTLEMENT?

28. Lead Plaintiff and Lead Counsel believe that the claims asserted against the Defendants have merit. Lead Plaintiff and Lead Counsel recognize, however, the expense and length of continued proceedings necessary to pursue their claims against the Defendants through trial and appeals, as well as the difficulties in establishing liability for allegations of fraud. Lead Plaintiff and Lead Counsel have considered the uncertain outcome and trial and appellate risk in complex lawsuits like this one.
29. In light of the procedural posture of the case (Defendants' motion to dismiss had been granted) and the immediacy of recovery to the Class, Lead Plaintiff and Lead Counsel believe that the proposed Settlement is fair, reasonable and adequate, and in the best interests of the Class. Lead Plaintiff and Lead Counsel believe that the Settlement provides an immediate benefit, namely \$3.9 million (less the various deductions described in this Notice), as compared to the risk that the Court of Appeals would have affirmed the District Court's dismissal of the Complaint.
30. Defendants have denied and continue to deny that they have committed any act or omission giving rise to any liability and/or violation of law, including any violations of the federal securities laws or any other legal obligation or duty potentially giving rise to the Released Claims, and are entering into this Settlement to eliminate the burden and expense of further litigation and the risk of an adverse judgment were the Action to proceed. Neither the Settlement nor any of its terms shall in any way be construed or deemed to be evidence of, or an admission or concession on the part of any of the Defendants with respect to, any claim of fault or liability or wrongdoing or damage whatsoever, or any infirmity in the defenses that the Settling Defendants have, or could have, asserted. The Settling Parties recognize, however, that the Action has been filed by Lead Plaintiff and defended by the Defendants in good faith, that no party has violated Rule 11 of the Federal Rules of Civil Procedure, that the Action is being voluntarily settled on terms that each party believes to be reasonable considering the merits of its claims or defenses and taking into account the expense and uncertainty of continued litigation. This Stipulation shall not be construed or deemed to be a concession by Plaintiff of any infirmity in the claims asserted in the Action.

### WHAT MIGHT HAPPEN IF THERE WERE NO SETTLEMENT?

31. If there were no Settlement and Plaintiff failed to establish any essential legal or factual element of its claims, neither Plaintiff nor the Class would recover anything from the Defendants. Also, if the Defendants were successful in proving any of their defenses, the Class likely would recover substantially less than the amount provided in the Settlement, or nothing at all.

## HOW MUCH WILL MY PAYMENT BE?

32. The \$3.9 million total Settlement Amount, and the interest earned thereon, shall be the Gross Settlement Fund. The Gross Settlement Fund, less all taxes, approved costs, fees and expenses (the “Net Settlement Fund”), shall be distributed based on the acceptable Claim Forms submitted by members of the Class (“Authorized Claimants”). The Net Settlement Fund will be distributed to Authorized Claimants who submit timely Claim Forms under the Plan of Allocation described below, or as otherwise ordered by the Court.
33. Your share of the Net Settlement Fund will depend on the total number of shares of Immucor common stock represented by valid Claim Forms that members of the Class submit to the Claims Administrator, and the aggregate amount of those claims relative to the Net Settlement Fund, how many shares you held, and when you bought and sold them. A payment to any Authorized Claimant that would amount to less than \$10.00 in total will not be included in the calculation of the Net Settlement Fund, and no payment to these members of the Class will be made.
34. For purposes of determining the amount an Authorized Claimant may recover under the Plan of Allocation, Lead Counsel conferred with a damages consultant in order to prepare a plan for equitable distribution of the Net Settlement Fund among damaged Class Members.
35. Defendants have denied and continue to deny, among other things, the characterization that Plaintiff or the Class have suffered any damages.
36. If approved by the Court, the plan of allocation set forth below (the “Plan of Allocation”) will determine how the net proceeds of the Settlement will be distributed to Class Members who submit timely and valid Claim Forms. For purposes of this Plan of Allocation only, “Class Member” shall refer to any member of the Class.
37. At this time, it is not possible to make any precise determination as to how much a Class Member may receive from the Settlement.

### **THE PROPOSED PLAN OF ALLOCATION: GENERAL PROVISIONS**

38. Defendants shall not have any liability, obligation, or responsibility for the administration of the Settlement or disbursement of the Net Settlement Fund or the Plan of Allocation.
39. Approval of the Settlement is independent from approval of the Plan of Allocation. Any determination as to the Plan of Allocation will not affect the Settlement if approved.
40. Only those Class Members who purchased or otherwise acquired common stock of Immucor during the Class Period will be eligible to share in the distribution of the Net Settlement Fund. Each person wishing to participate in the distribution must timely submit a valid Proof of Claim Form (“Claim Form”) establishing membership in the Class, and including all required documentation, postmarked no later than **July 24, 2013**, to the address set forth in the Claim Form. Unless the Court otherwise orders, any Class Member who fails to submit a Claim Form postmarked no later than **July 24, 2013** shall be forever barred from receiving payments pursuant to the Settlement but will in all other respects remain a Class Member and be subject to the provisions of the applicable Stipulation, including the terms of any Judgments entered and releases given.
41. The Court has reserved continuing jurisdiction to allow, disallow, or adjust the Claim of any Class Member on equitable grounds.
42. The Court has also reserved the right to modify the Plan of Allocation without further notice to Class Members. Any Orders regarding a modification of the Plan of Allocation will be posted on the Settlement website, [www.immucorsecuritieslitigation.com](http://www.immucorsecuritieslitigation.com).
43. Payment pursuant to the Plan of Allocation approved by the Court shall be conclusive against all Authorized Claimants. No person shall have any claim against the Defendants, the Defendants’ Counsel, Lead Plaintiff, Lead Counsel, the Claims Administrator or other agent designated by Lead Counsel arising from distributions made substantially in accordance with the Stipulation, the Plan of Allocation, or further orders of the Court. Lead Plaintiff, Defendants, their respective counsel, and all other Released Persons shall have no responsibility or liability whatsoever for the investment or distribution of the Total Settlement Fund, the Net Settlement Fund, the Plan of Allocation, or the determination, administration, calculation, or payment of any claim or nonperformance of the Claims Administrator, the payment or withholding of taxes owed by the Total Settlement Fund, or any losses incurred in connection therewith.

44. Each Claimant shall be deemed to have submitted to the jurisdiction of the United States District Court for the Northern District of Georgia with respect to his, her or its Claim Form.
45. **PLEASE NOTE:** Persons and entities that exclude themselves from the Class will not be eligible to receive a distribution from the Net Settlement Fund and should not submit Claim Forms.
46. Each Claim Form **must** provide all of the information requested therein and provide sufficient supporting documentation as set forth therein. Failure to provide **all** of the information, transactions and/or required documentation as requested in the Claim Form may result in the rejection of your claim.
47. A “Recognized Loss Amount” will be calculated for each purchase of Immucor common stock during the Class Period that is listed in the Claim Form and for which adequate documentation is provided. The total of a Claimant’s Recognized Loss Amounts shall be the Claimant’s Recognized Claim.
48. The objective of the Plan of Allocation is to equitably distribute the Net Settlement Fund to those Class Members who suffered economic losses as a result of the alleged violations of the federal securities laws, as opposed to losses caused by market and industry factors or Company-specific factors not related to those alleged violations.<sup>2</sup> The Plan of Allocation reflects Lead Plaintiff’s damages expert’s analysis undertaken to that end, including a review of publicly available information regarding Immucor and statistical analyses of the price movements of Immucor common stock and the price performance of relevant market and industry indices during the Class Period.
49. The Plan of Allocation generally measures the amount of loss that a Class Member can claim for purposes of making *pro rata* allocations of the cash in the Net Settlement Fund to Authorized Claimants. The Plan of Allocation is not a formal damage analysis.
50. Recognized Loss Amounts are calculated according to a damage analysis consistent with Section 10(b) of the Securities and Exchange Act of 1934 and Rule 10b-5 promulgated thereunder (“Section 10(b)”).

#### **SPECIFIC RECOGNIZED LOSS AMOUNTS**

51. For each share of Immucor common stock purchased between October 19, 2005 and June 25, 2009, inclusive, and:
  - a. Sold prior to the close of trading on June 25, 2009, the Recognized Loss is \$0.00.
  - b. Sold at a loss between June 26, 2009 and September 24, 2009, the Recognized Loss shall be the lesser of \$2.31 per share; or the difference between the purchase price per share and the mean trading price per share beginning June 26, 2009 through the date of sale.
  - c. Held as of the close of trading on September 24, 2009, the Recognized Loss shall be the lesser of \$2.31 per share; or the difference between the purchase price per share and \$16.65 per share, if greater than zero.<sup>3</sup>

For each share of Immucor common stock purchased after June 25, 2009, the Recognized Loss is \$0.00.

#### **ADDITIONAL PROVISIONS**

52. The Net Settlement Fund will be allocated among all eligible Class Members who are Authorized Claimants, subject to the \$10.00 threshold for payments from the Net Settlement Fund set forth below.
53. Each Authorized Claimant’s Recognized Claim shall be the total of his, her or its Recognized Loss Amounts. Each Authorized Claimant shall receive a distribution from the Net Settlement Fund equal to his, her or its (i) *pro rata* share of the Net Settlement Fund based on the amount of the Authorized Claimant’s Recognized Loss Amounts associated

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<sup>2</sup> The Defendants take no position on the Plan of Allocation and, as stated above, continue to deny that Immucor common stock was ever artificially inflated in price.

<sup>3</sup> Pursuant to Section 21(D)(e)(1) of the Private Securities Litigation Reform Act of 1995, “in any private action arising under this title in which the plaintiff seeks to establish damages by reference to the market price of a security, the award of damages to the plaintiff shall not exceed the difference between the purchase or sale price paid or received, as appropriate, by the plaintiff for the subject security and the mean trading price of that security during the 90-day period beginning on the date on which the information correcting the misstatement or omission that is the basis for the action is disseminated.” \$ 16.65 was the mean closing price of Immucor common stock during the 90-day period beginning on June 26, 2009 and ending on September 24, 2009.

with his, her or its purchases of Immucor common stock during the Class Period, if any, in comparison to the total Recognized Loss Amounts of all Authorized Claimants associated with purchases of Immucor common stock. ***If the Authorized Claimant's distribution payment calculates to less than \$10.00, it will not be included in the calculation and it will not be distributed.***

54. The amount of a Class Member's Recognized Claim and Recognized Loss Amount as computed above are not intended to be estimates of what a Class Member might have been able to recover at trial, and are not estimates of the amount that will be paid pursuant to these Settlements. Instead, these computations are only a method to weigh Class Members' claims against one another.
55. If a Class Member has more than one transaction in Immucor common stock during the Class Period, all purchases and sales of like securities shall be matched on a First-In-First-Out ("FIFO") basis, and Class Period sales will be matched against purchases in chronological order, beginning with the earliest purchase made during the Class Period.
56. Purchases and sales of Immucor common stock shall be deemed to have occurred on the "contract" or "trade" date as opposed to the "Settlement" or "payment" date. The receipt or grant by gift, inheritance or operation of law of Immucor common stock during the Class Period shall not be deemed a purchase for the calculation of an Authorized Claimant's Recognized Loss Amounts nor shall such receipt or grant be deemed an assignment of any claim relating to the purchase of such shares unless (i) the donor or decedent purchased or otherwise acquired the Immucor shares during the Class Period; (ii) no Proof of Claim was submitted by or on behalf of the donor or decedent, or by anyone else with respect to such Immucor shares; and (iii) it is specifically so provided in the instrument of gift or assignment. If Immucor common stock was acquired as a result of exercise of an option, for purposes of the calculations in this Plan, the exercise price shall be considered the purchase price.
57. The date of covering a "short sale" is deemed to be the date of purchase of Immucor shares. The date of a "short sale" is deemed to be the date of sale of Immucor shares. However, the Recognized Loss Amount on "short sales" shall be \$0.
58. If a Claimant had a market gain from his, her or its overall transactions in the Immucor securities during the Class Period, the value of his, her or its Recognized Claim will be \$0. To the extent a Claimant suffered an overall market loss on his, her or its overall transactions in Immucor common stock during the Class Period, but that market loss was less than the Recognized Claim calculated above, then the Claimant's Recognized Claim shall be limited to the amount of the actual market loss.
59. For purposes of determining whether a Claimant had a gain from his, her or its overall transactions in Immucor common stock during the Class Period or suffered an overall loss, the Claims Administrator shall: (i) total the amount the Claimant paid for all Immucor common stock purchased during the Class Period (the "Total Purchase Amount"); (ii) total the amount received from sales of Immucor common stock purchased or acquired during the Class Period and sold on or before September 24, 2009 (together, the "Sales Proceeds"). The difference between (a) the Total Purchase Amount and (b) the sum of the Sales Proceeds and the Holding Value<sup>4</sup> will be deemed a Claimant's gain or loss on his, her or its overall transactions in the Immucor common stock during the Class Period.
60. If any funds remain in the Net Settlement Fund after the initial distribution because of uncashed distributions or other reasons, then, after the Claims Administrator has made reasonable and diligent efforts to have Authorized Claimants cash their distribution checks, any balance remaining in the Net Settlement Fund one (1) year after the initial distribution shall be redistributed to Authorized Claimants who have cashed their initial distributions and who would receive at least \$10.00 from such re-distribution based on their Recognized Claim, after payment of any unpaid costs or fees incurred in administering the Net Settlement Fund. If any funds remain in the Net Settlement Fund after such re-distribution, additional re-distributions shall occur thereafter in approximately six-month intervals until Lead Counsel, in consultation with the Claims Administrator, determine that a re-distribution is not cost effective, at which time the balance of the Net Settlement Fund will be donated, in equal amounts, to Georgia Legal Services and the Atlanta Legal Aid Society, both non-sectarian, not-for-profit 501(c)(3) organization(s) designated by Lead Counsel subject to approval by the Court.
61. The Plan of Allocation set forth herein is the Plan that is being proposed by Lead Plaintiff and Lead Counsel to the Court for approval. The Court may approve this plan as proposed or it may modify the plan or approve a different plan of allocation without further notice to the Class.

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<sup>4</sup> The Claims Administrator shall ascribe a value of \$16.65 per share (the average closing price of Immucor common stock during the 90 post class period beginning on June 26, 2009 and ending on September 24, 2009) for Immucor common stock purchased or acquired during the Class Period and still held as of the close of business on September 24, 2009 (the "Holding Value").

## WHAT RIGHTS AM I GIVING UP BY AGREEING TO THE SETTLEMENT?

### **RELEASES GIVEN BY THE CLASS WITH RESPECT TO THE SETTLEMENT**

62. “Defendants’ Releasees” means each Defendant and the respective present and former direct and/or indirect parents, subsidiaries, divisions and affiliates of each and their respective present and former employees, members, partners, principals, directors, agents, attorneys, advisors, administrators, representatives, accountants, auditors, and insurers; the respective present and former employees, members, partners, principals, directors, agents, attorneys, advisors, administrators, representatives, accountants, auditors and insurers of all such present and former direct and/or indirect parents, subsidiaries, divisions and affiliates; the predecessors, successors, estates, heirs, executors, trusts, trustees, administrators, and assigns of each of them, in their capacity as such; and any firm, trust, corporation or other entity in which any Defendant has or had a controlling interest.
63. “Released Claims” means all Released Defendants’ Claims and all Released Lead Plaintiff’s Claims.
64. “Released Defendants’ Claims” means any and all claims against each and any of Lead Plaintiff’s Releasees, including any and all causes of action of every nature and description, including both known claims and Unknown Claims, whether based on federal, state, local or foreign statutory law or common law, rule or regulation, whether fixed or contingent, foreseen or unforeseen, matured or unmatured, accrued or unaccrued, liquidated or unliquidated, existing now or to be created in the future, that arise out of or relate in any way to the institution, prosecution, or Settlement of the claims by Lead Plaintiff, the Class and their counsel, including Lead Counsel, against Defendants, except for claims relating to the enforcement of the Settlement.
65. “Released Lead Plaintiff’s Claims” means any and all claims against each Defendant and any of Defendants’ Releasees, including any and all causes of action of every nature and description, including both known claims and Unknown Claims, whether based on federal, state, local or foreign statutory law or common law, rule or regulation, whether fixed or contingent, foreseen or unforeseen, matured or unmatured, accrued or unaccrued, liquidated or unliquidated, existing now or to be created in the future, whether direct, representative, class or individual in nature, that Lead Plaintiff or any other member of the Class (a) asserted in the Action, or (b) could have asserted in any forum that arise out of, are based upon or are related to the purchase, other acquisition, or sale of Immucor common stock and the allegations, transactions, facts, matters or occurrences, representations or omissions involved, set forth, or referred to in the Complaint. Released Lead Plaintiff’s Claims do not include claims relating to the enforcement of the Settlement.
66. “Releasee(s)” means each and any of Defendants’ Releasees and Lead Plaintiff’s Releasees.
67. “Unknown Claims” means any Released Claims which Lead Plaintiff or any other Class Member, each of the Defendants or any of the other Releasees, does not know or suspect to exist in his, her or its favor at the time of the release of each or any of the other Releasees, which, if known by him, her or it, might have affected his, her or its decision(s) with respect to the Settlement. With respect to any and all Released Claims, the Parties stipulate and agree that, upon the Effective Date of the Settlement, Lead Plaintiff and each of the Defendants shall expressly waive, and each of the other Class Members and each of the other Releasees shall be deemed to have waived, and by operation of the Judgment shall have expressly waived, any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States, or principle of common law or foreign law, which is similar, comparable, or equivalent to California Civil Code §1542, which 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.

The parties acknowledge, and Class Members and Releasees by operation of law shall be deemed to have acknowledged, that the inclusion of Unknown Claims in the definition of Released Claims was separately bargained for and was a key element of the Settlement.

## WHAT PAYMENT ARE THE ATTORNEYS FOR THE CLASS SEEKING? — HOW WILL THE LAWYERS BE PAID?

68. Lead Counsel have not received any payment for their services in pursuing claims against Defendants on behalf of the Class, nor have Lead Counsel been reimbursed for their out-of-pocket expenses. Before final approval of the Settlement, Lead Counsel intend to apply to the Court for an award of attorneys’ fees from the Settlement Fund of 25% of the total Settlement Fund of \$3.9 million, plus interest at the same rate and for the same time period as earned by the Settlement Fund. At the same time, Lead Counsel also intend to apply for the reimbursement of certain Litigation Expenses in an amount not to exceed \$250,000 plus interest at the same rate and for the same time period as earned by the Settlement Fund. Litigation Expenses may include reimbursement of the expenses of Lead Plaintiff in accordance with 15 U.S.C. § 78u-4(a)(4). The sums approved by the Court will be paid from the Settlement Fund. Members of the Class are not personally liable for the payment of these sums.

69. The Defendants take no position on the request by Lead Counsel for attorneys' fees and reimbursement of Litigation Expenses or on the allocation of attorneys' fees and expenses among counsel representing the Class.

## HOW DO I PARTICIPATE IN THE SETTLEMENT? – WHAT DO I NEED TO DO?

70. If you purchased or otherwise acquired Immucor common stock during the Class Period, and you are not excluded by the definition of the Class and you do not elect to exclude yourself from the Class, then you are a member of the Class and you will be bound by the proposed Settlement if the Court approves it, and by any judgment or determination of the Court affecting the Class. If you are a member of the Class, you must submit a Claim Form and supporting documentation to establish your entitlement to share in the Settlement. A Claim Form is included with this Notice, or you may go to the website maintained by the Claims Administrator for the Settlement to download a copy of the Claim Form. The website is [www.immucorsecuritieslitigation.com](http://www.immucorsecuritieslitigation.com). You may also request a Claim Form by calling the toll-free telephone number (877) 810-7247. Copies of the Claim Form can also be downloaded from Lead Counsel's websites at [www.kaplanfox.com](http://www.kaplanfox.com). Those who exclude themselves from the Class, and those who do not submit timely and valid Claim Forms with adequate supporting documentation, will not be eligible to share in the Settlement. Please retain all records of your ownership of, or transactions in Immucor common stock, as they may be needed to document your claim.
71. As a Class Member, you are represented by Lead Plaintiff and Lead Counsel, unless you enter an appearance through counsel of your own choice at your own expense. You are not required to retain your own counsel, but if you choose to do so, such counsel must file a notice of appearance on your behalf and must serve copies of his or her notice of appearance on the attorneys listed in the section entitled, "When and Where Will the Court Decide Whether to Approve the Settlement?" below.
72. If you do not wish to remain a Class Member, you may exclude yourself from the Class by following the instructions in the section entitled, "What If I Do Not Want To Be A Part Of The Settlement? How Do I Exclude Myself?" below.
73. If you wish to object to the Settlement or any of its terms, the proposed Plan of Allocation, or Lead Counsel's application for attorneys' fees and reimbursement of Litigation Expenses, and if you do not exclude yourself from the Class, you may present your objections by following the instructions in the section entitled, "When and Where Will the Court Decide Whether to Approve the Settlement?" below.

## WHAT IF I DO NOT WANT TO BE A PART OF THE SETTLEMENT? – HOW DO I EXCLUDE MYSELF?

74. Each Class Member will be bound by all determinations and judgments in this lawsuit, including those concerning the Settlement, whether favorable or unfavorable, unless such person or entity mails, by first-class mail (or its equivalent outside the United States), or otherwise delivers a written Request for Exclusion from the Class, addressed to *In re Immucor, Inc. Securities Litigation*, Exclusions, PO Box 4234, Portland, OR 97208-4234. The exclusion request must be received no later than May 16, 2013. You will not be able to exclude yourself from the Class after that date. Each Request for Exclusion must (i) state the name and address of the person or entity requesting exclusion; (ii) state that such person or entity requests exclusion from the Class in *In re Immucor, Inc. Securities Litigation*, No. 09 cv 2351 (TWT) (N.D.Ga); (iii) be signed by the person or entity requesting exclusion; (iv) provide a telephone number for that person or entity; and (v) provide the date(s), price(s) and number(s) of shares of all purchases, acquisitions and sales of Immucor common stock during the Class Period. Requests for exclusion will not be valid if they are not received within the time stated above, unless the Court otherwise determines. Keep a copy of everything you mail, in case something is lost during shipping or processing.
75. If you do not want to be part of the Class, you must follow these instructions for exclusion even if you have pending, or later file, another lawsuit, arbitration or other proceeding concerning any of the Released Claims.
76. If a person or entity requests to be excluded from the Class, that person or entity will not receive any benefit provided for in the Settlement.
77. No request for exclusion shall be valid unless it is made within the time provided and in the manner specified herein. Any request for exclusion that does not comply with these prerequisites for exclusion will be invalid.
78. If a portion of the Class, equal to or greater than the portion specified in a separate Supplemental Agreement between Plaintiff and the Defendants, delivers timely and valid requests for exclusion from the Class, then Defendants shall have the option to terminate their participation in the Settlement pursuant to the terms set forth in the Supplemental Agreement.

**WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?  
DO I HAVE TO COME TO THE HEARING? – MAY I SPEAK AT THE HEARING IF I DON'T LIKE THE SETTLEMENT?**

79. The Final Approval Hearing will be held on June 6, 2013, at 10:00 a.m. before the Honorable Thomas W. Thrash, Jr. at the United States District Court for the Northern District of Georgia, United States Courthouse, Richard B. Russell Federal Building and Courthouse, 75 Spring Street, SW, Atlanta, GA 30303-3361. The Court reserves the right to approve the Settlement, the Plan of Allocation or the request for attorneys' fees and reimbursement of litigation expenses at or after the Final Approval Hearing without further notice to the members of the Class.
80. If you do not wish to object in person to the proposed Settlement, the proposed Plan of Allocation, and/or the application for attorneys' fees and reimbursement of litigation expenses, you do not need to attend the Final Approval Hearing. You can object to or participate in the Settlement without attending the Final Approval Hearing.
81. If you do not request exclusion from the Class, you may file a written objection to the proposed Settlement, the Plan of Allocation, and/or the motion for attorneys' fees and reimbursement of litigation expenses and appear and show cause why the proposed Settlement, the Plan of Allocation, and/or the motion for attorneys' fees and reimbursement of litigation expenses should not be approved. However, no Class Member shall be heard or entitled to contest the approval of the terms and conditions of the proposed Settlement, the Plan of Allocation, and/or the motion for attorneys' fees and reimbursement of litigation expenses unless that person or entity has filed written objections with the Court and served copies of such objections in the manner provided at ¶ 82 below, such that it is received no later than twenty-one (21) calendar days prior to the Settlement Hearing or by May 16, 2013, on:

**Clerk's Office**

United States District Court  
Northern District of Georgia  
Richard B. Russell Federal Building and  
Courthouse  
75 Spring Street, SW  
Atlanta, GA 30303-3361

**Lead Counsel for the Class**

KAPLAN FOX & KILSHEIMER, LLP  
Frederic S. Fox, Esq.  
850 Third Avenue, 14th Floor  
New York, NY 10022

**Counsel for Defendants**

SUTHERLAND ASBILL & BRENNAN,  
LLP-GA  
Patricia Gorham, Esq.  
999 Peachtree Street, N.E.  
Suite 2300  
Atlanta, GA 30309-3996

BONDURANT, MIXSON & ELMORE,  
LLP  
Jeffrey O. Bramlett, Esq.  
1201 West Peachtree Street, NW  
Suite 3900  
Atlanta, GA 30309

82. Any objections, filings and other submissions must contain: (a) your full name, address, and phone number; (b) a list of all of your transactions in Immucor common stock during the Class Period, including brokerage confirmation receipts or other competent documentary evidence of such transactions and the dates and prices of each purchase, acquisition and/or sale; (c) a written statement of all grounds for the objection accompanied by any legal support for the objection; (d) copies of any papers, briefs or other documents upon which the objection is based; (e) a list of all persons who will be called to testify in support of the objection; (f) a statement of whether you intend to appear at the Settlement Hearing; (g) a list of other cases in which you or your counsel have appeared either as Settlement objectors or as counsel for objectors in the preceding five years; and (h) your signature, even if represented by counsel. If you do not make your objection in the manner provided herein you shall be deemed to have waived your right to object to the Settlement and the request for attorneys' fees and reimbursement of litigation expenses and shall forever be barred and foreclosed from objecting to the fairness, reasonableness or adequacy of the proposed Settlement, the request for attorneys' fees or the requested reimbursement.
83. If you wish to be heard orally at the hearing in opposition to the approval of the Settlement, the Plan of Allocation, or Lead Counsel's request for an award of attorneys' fees and reimbursement of Litigation Expenses, and if you have filed and served a timely written objection as described above, you also must notify the above counsel on or before May 16, 2013 concerning your intention to appear. Persons who intend to object and desire to present evidence at the Final Approval

Hearing must include in their written objections the identity of any witnesses they may call to testify and exhibits they intend to introduce into evidence at the hearing.

84. If you object to the Settlement, the Plan of Allocation and/or Lead Counsel's request for an award of attorneys' fees and reimbursement of Litigation Expenses, or otherwise request to be heard at the Final Approval Hearing in the manner stated above, you are submitting to the jurisdiction of the Court with respect to the subject matter of the Settlement, including, but not limited to, the release of the Released Claims contained in the Final Order and Judgment. If the Court overrules your objection and approves the Settlement or the part of the Settlement to which you have objected, you will be potentially eligible to share in the Settlement Fund only if you file a Claim Form in the manner stated above and the Claims Administrator approves your claim.
85. You are not required to hire an attorney to represent you in making written objections or in appearing at the Final Approval Hearing. If you decide to hire an attorney, which will be at your own expense, however, he or she must file a notice of appearance with the Court and serve it on Lead Counsel so that the notice is received on or before May 16, 2013.
86. The Final Approval Hearing may be adjourned by the Court without further written notice to the Class. If you intend to attend the Final Approval Hearing, you should confirm the date and time with Lead Counsel.

**UNLESS THE COURT ORDERS OTHERWISE, ANY CLASS MEMBER WHO DOES NOT OBJECT IN THE MANNER DESCRIBED ABOVE WILL BE DEEMED TO HAVE WAIVED ANY OBJECTION AND SHALL BE FOREVER FORECLOSED FROM MAKING ANY OBJECTION TO THE PROPOSED SETTLEMENT, THE PROPOSED PLAN OF ALLOCATION, OR LEAD COUNSEL'S REQUEST FOR AN AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION EXPENSES. CLASS MEMBERS DO NOT NEED TO APPEAR AT THE HEARING OR TAKE ANY OTHER ACTION TO INDICATE THEIR APPROVAL.**

#### WHAT IF I BOUGHT STOCK ON SOMEONE ELSE'S BEHALF?

87. NOTICE TO BROKERS OR OTHER NOMINEES: If you purchased or otherwise acquired Immucor common stock during the Class Period for the beneficial interest of a person or organization other than yourself, you must either (i) send a copy of this Notice to the beneficial owner of such Immucor common stock, postmarked no later than fourteen (14) days after you receive this Notice, or (ii) provide the names and addresses of such persons no later than fourteen (14) days after you receive this Notice to *In re Immucor, Inc. Securities Litigation*, Claims Administrator, PO Box 4234, Portland, OR 97208-4234. If you choose the second option, the Claims Administrator will send a copy of the Notice to the beneficial owner. Upon full compliance with these directions, such nominees may seek reimbursement of their reasonable expenses actually incurred, by providing the Claims Administrator with proper documentation supporting the expenses for which reimbursement is sought. Copies of this Notice may also be obtained by calling toll-free (877) 810-7247, may be downloaded from the settlement website, [www.immucorsecuritieslitigation.com](http://www.immucorsecuritieslitigation.com) or from Lead Counsel's website, [www.kaplanfox.com](http://www.kaplanfox.com).

#### CAN I SEE THE COURT FILE? — WHOM SHOULD I CONTACT IF I HAVE QUESTIONS?

88. This Notice contains only a summary of the terms of the proposed Settlement. More detailed information about the matters involved in the Action is available at [www.immucorsecuritieslitigation.com](http://www.immucorsecuritieslitigation.com), including, among other documents, copies of the Stipulation and the Claim Form.
89. All inquiries concerning this Notice or the Claim Form should be directed to:

**Claims Administrator**  
***In re Immucor, Inc. Securities Litigation***  
Claims Administrator  
PO Box 4234  
Portland, OR 97208-4234

**Lead Counsel**  
Frederic S. Fox, Esq.  
**KAPLAN FOX & KILSHEIMER, LLP**  
850 Third Avenue, 14th Floor  
New York, NY 10022  
(212) 687-1980

**DO NOT CALL OR WRITE THE COURT OR THE OFFICE OF THE CLERK OF COURT REGARDING THIS NOTICE.**

Dated: March 6, 2013

By Order of the Clerk of Court  
United States District Court  
Northern District of Georgia