

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE HUMANIGEN, INC.
SECURITIES LITIGATION

Case No. 2:22-cv-05258-WJM-AME

PROOF OF CLAIM AND RELEASE

I. GENERAL INSTRUCTIONS

1. To recover as a member of the Settlement Class based on your claims in the action entitled *In re Humanigen, Inc. Securities Litigation*, Case No. 2:22-cv-05258-WJM-AME (the “Litigation”), you must complete and, on page 7 hereof, sign this Proof of Claim and Release. If you fail to file a properly addressed (as set forth in paragraph 3 below) Proof of Claim and Release, your claim may be rejected and you may be precluded from any recovery from the Settlement Fund created in connection with the proposed settlement of the Litigation.¹
2. Submission of this Proof of Claim and Release, however, does not assure that you will share in the proceeds of settlement in the Litigation.
3. YOU MUST MAIL YOUR COMPLETED AND SIGNED PROOF OF CLAIM AND RELEASE POSTMARKED ON OR BEFORE MARCH 7, 2024, ADDRESSED AS FOLLOWS:

HUMANIGEN, INC. SECURITIES LITIGATION

Claims Administrator

c/o A.B. Data, Ltd.

P.O. Box 173107

Milwaukee, WI 53217

(877-354-3785)

Online Submission: www.HumanigenSecuritiesLitigation.com

4. If you are a Settlement Class Member, you are bound by the terms of any judgment entered in the Action, WHETHER OR NOT YOU SUBMIT A PROOF OF CLAIM AND RELEASE FORM, unless you timely and validly request exclusion from the Settlement Class pursuant to the Notice.

II. CLAIMANT IDENTIFICATION

1. If you purchased or acquired Humanigen securities during the period from May 16, 2020, to July 12, 2022, inclusive, and held the certificate(s) in your name, you are the beneficial purchaser or acquirer as well as the record purchaser or acquirer. If, however, the certificate(s) were registered in the name of a third party, such as a nominee or brokerage firm, you are the beneficial purchaser and the third party is a record purchaser.
2. Use Part I of this form entitled “Claimant Identification” to identify each purchaser of record (“nominee”), if different from the beneficial purchaser of Humanigen securities which form the basis of this claim. THIS CLAIM MUST BE FILED BY THE ACTUAL BENEFICIAL PURCHASER OR PURCHASERS, OR THE LEGAL REPRESENTATIVE OF SUCH PURCHASER OR PURCHASERS OF THE HUMANIGEN SECURITIES UPON WHICH THIS CLAIM IS BASED.

¹ Unless otherwise stated, all terms used in this Proof of Claim and Release shall have the same meanings as set forth in the Stipulation of Settlement filed with the Court.

3. All joint purchasers must sign this claim. Executors, administrators, guardians, conservators, and trustees must complete and sign this claim on behalf of Persons represented by them; their authority must accompany this claim and their titles or capacities must be stated. The Social Security (or Taxpayer Identification) Number and telephone number of the beneficial owner may be used in verifying the claim. Failure to provide the foregoing information could delay verification of your claim or result in rejection of the claim.

III. CLAIM FORM

1. Use Part II of this form entitled “Schedule of Transactions in Humanigen Securities” to supply all required details of your transaction(s). If you need more space or additional schedules, attach separate sheets giving all of the required information in substantially the same form. Sign and print or type your name on each additional sheet.
2. On the schedules, provide all of the requested information with respect to *all* of your purchases or acquisitions and *all* of your sales of Humanigen securities which took place at any time beginning May 16, 2020, through October 10, 2022, whether such transactions resulted in a profit or a loss and even though the Class Period ends on July 12, 2022. Failure to report all such transactions may result in the rejection of your claim.
3. List each 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 transaction you list. For option transactions, you must also provide type of contract (*e.g.*, call or put), number of contracts, maturity date, strike price, and transaction type (*e.g.*, buy to open, buy to close, sell to open, sell to close).
4. Broker confirmations or other documentation of your transactions in Humanigen securities should be attached to your claim. Failure to provide this documentation could delay verification of your claim or result in rejection of your claim.
5. The above requests are designed to provide the minimum amount of information necessary to process the simplest claims.
6. NOTICE REGARDING ELECTRONIC FILES: Certain claimants with large numbers of transactions may request, or may be requested, to submit information regarding their transactions in electronic files. All such claimants MUST also submit a manually signed paper Proof of Claim and Release, whether or not they also submit electronic copies. If you wish to submit your claim electronically, you must contact the Claims Administrator at info@HumanigenSecuritiesLitigation.com or 1-877-354-3785 to obtain the mandatory file layout.

Any file that does not comply with the required electronic filing format will be subject to rejection. No electronic files will be considered to have been properly submitted unless the Claims Administrator issues to the claimant a written acknowledgment of receipt and acceptance of electronically submitted data. Do not assume that your file has been received until you receive this email. If you do not receive such an email within 10 days of your submission, you should contact the Claims Administrator’s electronic filing department at efiling@abdata.com to inquire about your file and confirm it was received.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

In re Humanigen, Inc. Securities Litigation

Case No. 2:22-cv-05258-WJM-AME

PROOF OF CLAIM AND RELEASE

Must be Postmarked No Later Than March 7, 2024.

Please Type or Print.

PART I: CLAIMANT IDENTIFICATION

The Claims Administrator will use this information for all communications regarding this Claim Form. If this information changes, you **MUST** notify the Claims Administrator in writing at the address above. Complete names of all persons and entities must be provided.

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

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

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

Last 4 digits of Social Security Number or Taxpayer Identification Number

Street Address

City

State/Province

ZIP Code

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Foreign Postal Code *(if applicable)*

Foreign Country *(if applicable)*

<input type="text"/>	<input type="text"/>
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Telephone Number (Day)

Telephone Number (Evening)

<input type="text"/>	<input type="text"/>
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Email Address (email address is not required, but if you provide it you authorize the Claims Administrator to use it in providing you with information relevant to this claim)

Type of Beneficial Owner:

Specify one of the following:

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

PART II: SCHEDULE OF TRANSACTIONS IN HUMANIGEN COMMON STOCK

A. HOLDINGS AS OF MAY 15, 2020. State the total number of shares of Humanigen common stock held as of the close of trading on May 15, 2020. If none, write “zero” or “0.” _____.
(Must be documented.)

B. PURCHASES FROM MAY 16, 2020, THROUGH AND INCLUDING OCTOBER 10, 2022. Separately list each purchase or acquisition of Humanigen common stock between May 16, 2020, and October 10, 2022, inclusive. (Must be documented.)

Trade Date (M/D/YY)	Number of Shares Purchased/ Acquired	Price Per Share	Total Purchase/ Acquisition Price
/ /		\$	\$
/ /		\$	\$
/ /		\$	\$
/ /		\$	\$

C. SALES FROM MAY 16, 2020, THROUGH AND INCLUDING OCTOBER 10, 2022. Separately list each purchase or acquisition of Humanigen common stock between May 16, 2020, and October 10, 2022, inclusive. (Must be documented.)

Trade Date (M/D/YY)	Number of Shares Sold	Price Per Share	Total Sale Price
/ /		\$	\$
/ /		\$	\$
/ /		\$	\$
/ /		\$	\$

D. HOLDINGS AS OF OCTOBER 10, 2022. State the total number of shares of Humanigen common stock held as of the close of trading on October 10, 2022. If none, write “zero” or “0.” _____.
(Must be documented.)

PART III: SCHEDULE OF TRANSACTIONS IN HUMANIGEN CALL OPTIONS

A. BEGINNING HOLDINGS – Separately list all positions in Humanigen Call Option contracts in which you had an open interest as of the close of trading on May 15, 2020. (Must be documented.)

Strike Price of Call Option Contract	Expiration Date of Call Option Contract (M/D/YY)	Number of Call Option Contracts in Which You Had an Open Interest
\$	/ /	
\$	/ /	
\$	/ /	
\$	/ /	

B. PURCHASES OF HUMANIGEN CALL OPTIONS – Separately list each purchase/acquisition (including free receipts) of Humanigen Call Option contracts from after the opening of trading on May 16, 2020, through and including the close of trading on July 13, 2022. (Must be documented.)

Purchase Date (M/D/YY)	Strike Price	Number of Call Option Contracts	Expiration Date (M/D/YY)	Purchase/Acquisition Price Per Call Option Contract	Total Purchase/Acquisition Price (excluding taxes, commissions, and fees)	Insert an “E” if Exercised. Insert an “X” if Expired. Insert an “A” if Assigned.	Exercise Date (M/D/YY)
/ /	\$		/ /	\$	\$		/ /
/ /	\$		/ /	\$	\$		/ /
/ /	\$		/ /	\$	\$		/ /
/ /	\$		/ /	\$	\$		/ /

C. SALES OF HUMANIGEN CALL OPTIONS – Separately list each sale/disposition (including free deliveries) of Humanigen Call Option contracts from after the opening of trading on May 16, 2020, through and including the close of trading on July 13, 2022. (Must be documented.)

Date of Sale (M/D/YY)	Strike Price	Expiration Date	Number of Call Option Contracts	Sale Price Per Call Option Contract	Total Sale Price	Insert an “A” if Assigned. Insert an “X” if Expired.	Assignment Date (Month/Day/Year)
/ /	\$	/ /		\$	\$		/ /
/ /	\$	/ /		\$	\$		/ /
/ /	\$	/ /		\$	\$		/ /
/ /	\$	/ /		\$	\$		/ /

D. ENDING HOLDINGS – Separately list all positions in Humanigen Call Option contracts in which you had an open interest as of the close of trading on July 13, 2022. (Must be documented.)

Strike Price of Call Option Contract	Expiration Date of Call Option Contract (M/D/YY)	Number of Call Option Contracts in Which You Had an Open Interest
\$	/ /	
\$	/ /	
\$	/ /	
\$	/ /	

If you require additional space, attach extra schedules in the same format as above. Please attach extra schedules for option transactions that contain the information requested above in Section III. Sign and print your name on each additional page.

YOU MUST READ AND SIGN THE RELEASE ON PAGE 7. FAILURE TO SIGN THE RELEASE MAY RESULT IN A DELAY IN PROCESSING OR THE REJECTION OF YOUR CLAIM.

IV. SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS

1. I (We) submit this Proof of Claim and Release under the terms of the Stipulation of Settlement, dated as of September 22, 2023 (“Stipulation”), described in the Notice. I (We) also submit to the jurisdiction of the United States District Court for the District of New Jersey, with respect to my (our) claim as a Settlement Class Member (as defined in the Notice) and for purposes of enforcing the release set forth herein. I (We) further acknowledge that I am (we are) bound by and subject to the terms of any judgment that may be entered in the Litigation. I (We) agree to furnish additional information to Lead Counsel to support this claim if required to do so. I (We) have not submitted any other claim covering the same purchases or sales of Humanigen securities during the Class Period and know of no other Person having done so on my (our) behalf.

V. RELEASE

1. I (We) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally, and forever settle, release, relinquish, and discharge all of the Released Plaintiffs’ Claims.
2. “Released Plaintiffs’ Claims” means any and all claims and causes of action of every nature and description, whether known or Unknown Claims, asserted or unasserted, whether arising under federal, state, statutory, regulatory, common, or foreign law concerning, based on, arising out of, or in connection with : (i) the purchase or other acquisition or sale of Humanigen securities during the Class Period; (ii) the allegations, transactions, acts, facts, matters, occurrences, disclosures, statements, filings, representations, omissions, or events that were or could have been alleged or asserted in the Litigation; and (iii) disclosures, public filings, registration statements, press releases, presentations, or other statements made by Defendants during the Class Period.
3. “Unknown Claims” means any and all Released Claims which Plaintiffs, Plaintiffs’ Counsel, any Settlement Class Members, Defendants, or Defendants’ counsel do not know or suspect to exist in his, her, its, or their favor at the time of the release which, if known by him, her, it, or them, might have affected his, her, its, or their settlement with and release of the Settling Parties, or might have affected his, her, its, or their decision(s) with respect to the Settlement. Unknown Claims include those Released Claims in which some or all of the facts comprising the claim may be suspected, or that may be undisclosed or hidden. With respect to any and all Released Claims, the Settling Parties stipulate and agree that, upon the Effective Date, Plaintiffs and the Settlement Class Members shall be deemed to have, and by operation of the Judgment shall have, expressly waived and relinquished the provisions, rights, and benefits conferred by or under California Civil Code § 1542, or any other law of the United States or any state or territory of the United States, or principle of common law that is similar, comparable, or equivalent to § 1542, which provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

Plaintiffs acknowledge that they may hereafter discover facts in addition to or different from those which they or their counsel now knows or believes to be true with respect to the subject matter of the Released Claims, but the Plaintiffs shall expressly settle and release, and each Settlement Class Member, upon the Effective Date, shall be deemed to have, 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, conduct which is negligent, reckless, 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, and the Settlement Class Members shall be deemed by operation of the Judgment to have acknowledged, that the foregoing waiver was separately bargained for and is a key element of the Settlement of which this release is a part.

4. This release shall be of no force or effect unless and until the Court approves the Settlement set forth in the Stipulation and it becomes effective on the Effective Date.
5. 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.
6. I (We) hereby warrant and represent that I (we) have included information about all of my (our) transactions in Humanigen securities that occurred during the Class Period as well as the number and type of Humanigen securities held by me (us) on May 15, 2020, and July 12, 2022.
7. 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.

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.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information supplied by the undersigned is true and correct.

Executed this _____ day of _____ in _____, _____.
(Month / Year) (City) (State/Country)

Signature of Claimant

Signature of Joint Claimant, if any

Print Name of Claimant

Print Name of Joint Claimant, if any

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 declaration.
2. If this Claim is being made on behalf of Joint Claimants, then both must sign.
3. Remember to attach copies of supporting documentation, if available.
4. Do not send originals of certificates.
5. Keep a copy of your Claim Form and all supporting documentation for your records.
6. If you desire an acknowledgment of your Claim Form, send it Certified Mail, Return Receipt Requested.
7. If you move, please send your new address to the address below.
8. Do not use red pen or highlighter on the Claim Form or supporting documentation.

THIS PROOF OF CLAIM MUST BE MAILED NO LATER THAN MARCH 7, 2024.

HUMANIGEN, INC. SECURITIES LITIGATION

Claims Administrator

c/o A.B. Data, Ltd.

P.O. Box 173107

Milwaukee, WI 53217

(877-354-3785)

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