UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

IN RE IMMUNITYBIO, INC. SECURITIES LITIGATION	No. 3:23-cv-01216-GPC-VET
THIS DOCUMENT RELATES TO: ALL ACTIONS	

PROOF OF CLAIM AND RELEASE FORM

A. GENERAL INSTRUCTIONS & INFORMATION

- 1. You are urged to read carefully the accompanying Notice of Proposed Settlement of Class Action, Motion for Attorneys' Fees and Expense, and Settlement Fairness Hearing (the "Notice"). Unless otherwise defined herein, all capitalized terms have the meaning set forth in the accompanying Stipulation of Settlement, dated January 28, 2025 (the "Stipulation").
- 2. To recover as a Settlement Class member under the proposed Settlement of this Action, you must submit this Proof of Claim and Release Form (the "Proof of Claim"). However, such filing is not a guarantee that you will share in the proceeds of the Settlement in the Action.
- 3. You must submit your completed and signed Proof of Claim, accompanied by copies of the supporting documents specified herein, on or before July 7, 2025, addressed to the Claims Administrator as follows:

ImmunityBio Securities Settlement c/o Epiq PO Box 2239 Portland, OR 97208-2239 info@ImmunityBioSecuritiesSettlement.com

- 4. If you are a member of the Settlement Class and you do not timely request exclusion, you will be bound by the terms of any judgment entered in the Action, whether or not you submit a Proof of Claim.
 - 5. If you are **not** a member of the Settlement Class, **do not** submit a Proof of Claim.
 - 6. For help completing this Proof of Claim, please contact the Claims Administrator.

B. INSTRUCTIONS FOR FILLING OUT THE PROOF OF CLAIM FORM

Important additional information regarding the Settlement and this Proof of Claim is contained in the accompanying Notice. Please refer to the Plan of Allocation set forth in the accompanying Notice for a detailed explanation of how a Claimant's Recognized Loss will be calculated.

- 1. To be eligible to participate in the distribution of the Net Settlement Fund, you must have purchased or acquired ImmunityBio (NASDAQ: IBRX) securities between March 10, 2021 and May 10, 2023, both dates inclusive (the "Settlement Class Period") and not otherwise excluded from the Settlement Class. Excluded from the Settlement Class are the Defendants; members of the immediate family of the Defendants; the subsidiaries and affiliates of any Defendants; any person or entity who is a partner, executive officer, director or controlling person of the Defendants; any entity in which any Defendant has a controlling interest; and the legal representatives, heirs, successors, and assigns of any such excluded party.
- 2. The submission of a Proof of Claim does not ensure that your claim will be upheld or that you will share in any recovery. All claims are subject to verification and investigation. You may be requested to provide further information.

- 3. All claims must be made by persons or entities who were beneficial owners (as opposed to record holders or nominees) of ImmunityBio securities. (Brokerage firms, banks and other nominees are requested to transmit copies of the Notice and this Proof of Claim to their present or former customers who were such beneficial owners). If the ImmunityBio stock was owned jointly, all joint owners must complete and sign the Proof of Claim.
- 4. Executors, administrators, guardians, conservators and trustees may complete and sign the Proof of Claim on behalf of persons or entities represented by them, but they must identify such persons or entities and provide proof of their authority (*e.g.*, powers of attorney or currently effective letters testamentary or letters of administration) to do so.
- 5. You must file a separate Proof of Claim for each differently named account or ownership, such as an individual account, an IRA account, a joint account, or a custodial account. Joint tenants, co-owners, or custodians for a Uniform Gifts to Minors Account ("UGMA") should file a single claim. Claimants who file one or more claims (*e.g.*, one in Claimant's name and one for an IRA or joint ownership) must identify the other claims filed.
- 6. The date of purchase and/or sale of shares of ImmunityBio stock is the "trade" date and not the "settlement" date.
- 7. Exercise of option contracts will be considered to be purchases or sales of stock. Option premiums will be incorporated into the purchase/sale price of the common stock accordingly.
- 8. The date of covering a "short sale" is deemed to be the date of purchase of ImmunityBio stock; and the date of a "share sale" is deemed to be the date of ImmunityBio stock.
 - 9. No cash payment will be made on a claim where the potential distribution is less than ten dollars (\$10.00).
- 10. You must attach to your claim form **copies** of brokerage confirmations, monthly statements or other documentation of your transactions in ImmunityBio stock for your claim to be valid. If such documents are not available, a complete list of acceptable supporting documentation can be found on the Settlement website at: www.ImmunityBioSecuritiesSettlement.com. Failure to provide this documentation could delay verification of your claim or could result in rejection of your claim.
- 11. If your trading activity during the Settlement Class Period exceeds 50 transactions, you must provide all purchase and sale information required in the Schedule of Transactions in an electronic file. For a copy of instructions and the parameters concerning an electronic submission, contact the Claims Administrator by phone: (888) 853-4782; by email: info@ImmunityBioSecuritiesSettlement.com; or via the Settlement website at: www.ImmunityBioSecuritiesSettlement.com.
- 12. If you have questions or need additional Proofs of Claim, contact the Claims Administrator via the information in the preceding paragraph. You may make photocopies of this form.

In re ImmunityBio, Inc. Securities Litigation

PROOF OF CLAIM

The Claims Administrator must receive this form no later than July 7, 2025.

C. CLAIMANT IDENTIFICATION (Please Type or Print)

Bei	nefici	al (<i>)</i> wn	er's	Nar	ne (a	is it	app	ears	on.	you	r bro	oker	age	stat	emei	nt)																	
Bei	nefici	al C	Own	er's	Firs	t Na	me					_	MI	_	Ben	efic	ial (Own	er's	Las	t Na	me												
Join	nt Be	nefi	icial	Ow	ner'	's Na	me	(as	it ap	pear	rs oi	n yo	ur b	roke	erag	e sta	item	ent)																
Joi	nt Be	nefi	icial	Ow	ner'	's Fi	rst N	Jam	е				MI		Join	ıt Be	enef	icial	Ow	ner	's La	ist N	ame	e										
Str	eet A	ddr	ess	•								•		•		•				•							•							
Cit	<u>. </u>																					Stat	e		ZIP	Со	de							
																														_				
For	eign	Pro	vinc	e / (Cou	ntry				I	l										J			J						J				
Sa	ع امند	0011	rits.	Nur	nha					l	ļ		!	Tov	1007/	r Id	anti	ficat	ion	Niii	nha									l				
Social Security Number Taxpayer Identification OR									1011	Ivui	libe]																				
] _] _						OK] _								J										
Spe	ecify	<u>one</u>	of t	he f	ollo	wing	g:																											
	Ind	livid	lual	(s)									Corporation										UGMA Custodian											
	IR.	A											Par	rtne	nership										Estate									
Ē	Tru	ıst										\Box	Ot	her												(pl	ease	spec	cifv)				
					(D	`						Ш						- I	,	_		,	(E			(F-		-1-	,	,				
Tel	epho	ne N	Num]	ber	(Da _`	y) 	1		Ī	l	l	1						Tele	pho	ne I	Num]	ber	(Eve	ening	g) [T	1		1				
			_				_														_				_]				
Em	ail A	ddr	ess						1						1									1	1	ı	_			1	1			
Red	cord	Owı	ner's	s Na	me a	and	Add	ress	(if a	liffe	rent	froi	n be	nefi	icial	own	ier l	'istea	l ab	ove))													
Fire	st Na	me											MI		Las	t Na	me																	
Str	eet A	ddr	ess																															
Cit	v V				I	<u> </u>				I	l			I	1	I				<u> </u>	<u> </u>	Stat	e e		ZIP	Co	de		I	1				
	,		_	1	1	1	_		1	ı	Ι	_		ı —	1	1	1	1		1	٦ .		_	1				1	1	7		_		

D. SCHEDULE OF TRANSACTIONS IN IMMUNITYBIO'S STOCK

First Name	MI	Last Name												
Social Security Number	Tax	axpayer Identification Number												
OR	t [
1 0 1 1 1 07		1 . 1												

- 1. State the total number of ImmunityBio shares owned at the start of trading on March 10, 2021, long or short (if none, enter "0"; if other than zero, must be documented):
- 2. Separately list each and every **purchase** of ImmunityBio stock during the period March 10, 2021, **through** August 8, 2023, inclusive, and provide the following information (*must be documented*):

Purchase Date (list chronologically) Month/Day/Year	Number of Securities Purchased	Price Per Share (excluding commissions, taxes, and other fees)	Total Purchase Price (excluding commissions, taxes, and other fees)							
MM DD YYYY		\$	\$							
MM DD YYYY		\$	\$							
MM DD YYYY		\$	\$							
MM DD YYYY		\$	\$							
MM DD YYYY		\$	\$							
MM DD YYYY		\$	\$							

3. Separately list each and every **sale** of ImmunityBio stock during the period March 10, 2021, **through** August 8, 2023, inclusive, and provide the following information (must be documented):

Sale Date (list chronologically) Month/Day/Year	Number of Securities Sold	Price Per Share (excluding commissions, taxes, and other fees)	Total Sale Price (excluding commissions, taxes, and other fees)							
MM DD YYYY		\$	\$							
MM DD YYYY		\$	\$							
MM DD YYYY		\$	\$							
MM DD YYYY		\$	\$							
MM DD YYYY		\$	\$							
MM DD YYYY		\$	\$							

^{4.} State the total number of ImmunityBio shares owned at the close of trading on August 8, 2023, long or short (if none, enter "0"; if other than zero, must be documented):

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.

YOU MUST ALSO READ THE RELEASE AND SIGN THE CERTIFICATION.

E. SUBMISSION TO JURISDICTION OF THE COURT

By submitting this Proof of Claim Form and Release, I/we, and every Settlement Class member I/we represent, submit to the jurisdiction of the United States District Court for the Southern District of California for purposes of this Action and the Settlement of the Action, as reflected in the Stipulation of Settlement (the "Stipulation"). I/We further agree to be bound by the orders of the Court, agree that this Proof of Claim Form, my/our status or the status of the Settlement Class member I/we represent as a Claimant, and the allowable amount of this claim will be subject to review and further inquiry, and that I/we will furnish such additional documentation with respect to this Proof of Claim as may be required.

F. RELEASE

1. By signing this Proof of Claim and Release Form, and in consideration of the establishment of the Settlement Consideration, as of the effective date thereof, the undersigned claimant ("Claimant") on behalf of himself/herself/itself, his/her/its respective heirs, executors, administrators, predecessors, successors, and assigns, fully and unconditionally hereby releases and forever discharges (a) Defendant ImmunityBio, Inc.; (b) Defendant Richard Adcock; (c) Defendant David C. Sachs; (d) Defendant Patrick Soon-Shiong; (e) each of their respective immediate family members (for individuals) and any trust of which any individual defendant is the settler or which is for the benefit of any defendant and/or member(s) of his family; and (f) for any of the entities listed above, their respective past and present general partners, limited partners, principals, shareholders, joint venturers, members, officers, directors, managers, managing directors, supervisors, employees, contractors, consultants, auditors, accountants, financial advisors, professional advisors, investment bankers, underwriters, representatives, insurers, reinsurers, trustees, trustors, agents, attorneys, professionals, parents, subsidiaries, related entities, affiliates, predecessors, successors, assigns, heirs, executors, administrators, and any controlling person thereof, in their capacities as such, and any entity in which a Defendant has a controlling interest, from any and all claims, demands,

rights, liabilities, and causes of action of every nature and description, whether known or unknown, contingent or absolute, mature or not mature, liquidated or unliquidated, accrued or not accrued, concealed or hidden, whether direct, representative, class, or individual in nature, regardless of legal or equitable theory and whether arising under federal, state, common, or foreign law, that were asserted in the Action or could have been asserted by Lead Plaintiff or any other member of the Settlement Class (and their related parties as to be defined) in the Action or any other court or forum, that arise out of, are based upon, and relate to: (a) the allegations, transactions, facts, matters or occurrences, representations or omissions involved, set forth, or referred to in the complaints filed in the Action; or (b) the purchase or other acquisition of ImmunityBio stock during the Class Period. The Released Lead Plaintiff Parties' Claims exclude: (i) claims to enforce the settlement or the Stipulation; (ii) claims of any Settlement Class member who or which submits a request for exclusion from the Settlement Class that is accepted by the Court; and (iii) derivative claims asserted by shareholders on behalf of ImmunityBio in a related shareholder derivative lawsuit, captioned *Van Luven v. Soon-Shiong, et al.*, No. 24-CV-2014 (S.D. Cal.).

2. Conversely, Defendants and the other Released Defendant Parties, on behalf of themselves and their respective heirs, executors, administrators, predecessors, successors, and assigns, hereby fully and unconditionally release as against the Released Lead Plaintiff Parties any and all claims, demands, rights, liabilities, and causes of action of every nature and description, whether known or unknown, contingent or absolute, mature or not mature, liquidated or unliquidated, accrued or not accrued, concealed or hidden, whether direct, representative, class, or individual in nature, regardless of legal or equitable theory and whether arising under federal, state, common, or foreign law (including without limitation any claims under Fed. R. Civ. P. 11), that arise out of or relate in any way to the institution, prosecution, or settlement of the claims against Defendants, except for claims relating to enforcement of the settlement or this Stipulation, or any claims against any Settlement Class member who submits a valid request for exclusion from the Settlement Class that is accepted by the Court (i.e. the "Released Defendant Parties' Claims").

G. REPRESENTATIONS

I/We acknowledge that I/we have read the Notice, and that pursuant thereto I/we file this claim to participate in the Settlement.

I/We hereby warrant and represent that neither I/we, nor any person I/we represent, is a Defendant (as defined in the Notice) with respect to any of the claims asserted in the Action, a member of the immediate family of any of the Defendants, or anyone excluded from the Settlement Class as it is defined in the Stipulation, or a person or entity who has requested exclusion from the Settlement Class.

I/We hereby warrant and represent that I am/we are authorized to execute and deliver this Proof of Claim and Release Form.

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 thereof.

H. CERTIFICATION

I/We certify that 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.).

I/We certify that I/we purchased or otherwise acquired the ImmunityBio securities listed in the above Schedule during the period between March 10, 2021, and May 10, 2023, both dates inclusive.

I/We include and cethis _	ling omp	the lete	Soc to t	cial the b	Sect	urity of 1	y or my/	· Ta	xpa kno	yer owle	Iďe edge	ntifi e, in	icat for	ion nati	Nur	nbei and	r sh beli	owi	1 or	ı thi	s P	roof	f of	Cla	im,	are	tru	e, c	orrec
	(City)																		(Sta	ate/C	Cour	ntry))						
Sign	otur	e of	· Cla	imai	nt.											L_Si	ana	ture	e of	Ioir	ot C	lain	nant	if	nv				

(Print your name here)	(Print your name here)
(11th 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, (Executor, President,	
Custodian, etc.)	

THIS SPACE INTENTIONALLY LEFT BLANK

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

Reminder Checklist:

- 1. Remember to sign the above Release and Certification.
- 2. Remember to attach only **copies** of acceptable supporting documentation, a complete list of which can be found on the Settlement website at **www.ImmunityBioSecuritiesSettlement.com**
- 3. Do not send originals of stock certificates.
- 4. Keep copies of the completed claim form and documentation for your own records.
- 5. If you desire an acknowledgment of receipt of your claim form, please send it by Certified Mail, Return Receipt Requested, or its equivalent. You will bear all risks of delay or non-delivery of your claim.
- 6. If your address changes in the future, or if these documents were sent to an old or incorrect address, please send us **written** notification of your new address.

If you have questions or concerns regarding your claim, please contact the Claims Administrator at:

ImmunityBio Securities Settlement c/o Epiq PO Box 2239 Portland, OR 97208-2239 info@ImmunityBioSecuritiesSettlement.com