

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PATRICIA A. SHENK,
Individually and on Behalf of All Others Similarly
Situated,

Plaintiff,

v.

MALLINCKRODT PLC, et al.,

Defendants.

Civil Action No. 1:17-cv-00145-DLF

CONSOLIDATED ACTION

PROOF OF CLAIM AND RELEASE

A. GENERAL INSTRUCTIONS

1. The only way to receive a distribution from the Net Settlement Fund created in connection with the proposed Settlement of the action entitled *Shenk, et al. v. Mallinckrodt plc, et al.*, Civil Action No. 1:17-cv-00145-DLF (D.D.C.) (the “Action”), is to complete, sign, and timely submit this Proof of Claim and Release form (“Proof of Claim and Release Form”) as directed below. If you fail to submit a properly addressed (as set forth in paragraph 3 below) Proof of Claim and Release Form, postmarked or received by the date shown below, your claim may be rejected and you may be precluded from any recovery from the Net Settlement Fund created in connection with the proposed Settlement of the Action.

2. Submission of this Proof of Claim and Release Form, however, does not assure that you will share in the proceeds of the Settlement. You will only be entitled to receive a distribution from the Net Settlement Fund if: (i) you are an Authorized Claimant (as described in paragraph 8 of the Notice of Class Action, Proposed Settlement, Motion for Attorneys’ Fees and Expenses, and Settlement Hearing (“Notice”), which accompanies this Proof of Claim and Release Form; and (ii) you complete and sign this Proof of Claim and Release Form and timely submit it to the Claims Administrator at the address below.

3. THIS PROOF OF CLAIM AND RELEASE FORM MUST BE SUBMITTED EITHER (1) ONLINE AT WWW.MALLINCKRODTSECURITIESLITIGATION.COM NO LATER THAN OCTOBER 27, 2022 OR, (2) IF MAILED, BE POSTMARKED NO LATER THAN OCTOBER 27, 2022, ADDRESSED AS FOLLOWS:

Mallinckrodt PLC Securities Litigation
c/o A.B. Data, Ltd.
P.O. Box 170707
Milwaukee, WI 53217

If you are NOT a member of the Class (as defined in Section I and questions 5-6 of the Notice, which accompanies this Proof of Claim and Release Form), DO NOT submit a Proof of Claim and Release Form.

4. If you are a member of the Class and you have not timely requested exclusion in response to the Notice, you are bound by the terms of any judgment entered in the Action, including the releases provided therein, WHETHER OR NOT YOU SUBMIT A PROOF OF CLAIM AND RELEASE FORM OR RECEIVE A PAYMENT.

B. INSTRUCTIONS FOR COMPLETING PART I – CLAIMANT IDENTIFICATION

1. If you purchased or otherwise acquired Mallinckrodt common stock in your name, you are the beneficial purchaser or other acquirer as well as the record purchaser or other acquirer. If, however, you purchased or otherwise acquired the Mallinckrodt common stock through a third party, such as a brokerage firm, you are the beneficial purchaser or other acquirer and the third party is the record purchaser or other acquirer.

2. Use Part I of this form entitled “Claimant Information” to identify each beneficial purchaser or other acquirer of Mallinckrodt common stock that forms the basis of this claim. **THIS CLAIM MUST BE FILED BY THE ACTUAL BENEFICIAL PURCHASER(S) OR OTHER ACQUIRER(S) OR THE LEGAL REPRESENTATIVE OF SUCH PURCHASER(S) OR OTHER ACQUIRER(S) UPON WHICH THIS CLAIM IS BASED.**

NOTE: Separate Proof of Claim and Release Forms should be submitted for each separate legal entity (for example, a claim from joint owners should not include separate transactions of just one of the joint owners, and an individual should not combine his or her IRA transactions with transactions made solely in the individual’s name). Conversely, a single Proof of Claim should be submitted on behalf of one legal entity including all transactions made by that entity, no matter how many separate accounts that entity has (for example, a corporation with multiple brokerage accounts should include all transactions made in Mallinckrodt common stock during the Class Period on one Proof of Claim, no matter how many accounts the transactions were made in). All joint purchasers or other acquirers must sign this claim. Executors, administrators, guardians, conservators and trustees must complete and sign this claim on behalf of Persons represented by them and proof of 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.

C. INSTRUCTIONS FOR COMPLETING PART II – SCHEDULE OF TRANSACTIONS IN COMMON STOCK

1. Use Part II of this form entitled “Schedule of Transactions in Common Stock” 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 other acquisitions and all of your sales or other dispositions of Mallinckrodt common stock from October 6, 2015 through February 2, 2018, inclusive, whether such transactions resulted in a profit or a loss. Failure to report all such transactions may result in the rejection of your claim.

3. The date of covering a “short sale” is deemed to be the date of purchase or other acquisition of Mallinckrodt common stock. The date of a “short sale” is deemed to be the date of sale of Mallinckrodt common stock.

4. You must attach copies of broker confirmations or other documentation of your transactions in Mallinckrodt common stock to your claim. Failure to provide this documentation could delay verification of your claim or result in rejection of your claim. Lead Plaintiff does not have information about your transactions in Mallinckrodt common stock.

NOTICE REGARDING ELECTRONIC FILES: Claimants with large numbers of transactions may request, or may be requested, to submit their transaction information in electronic files. All Claimants **MUST** submit a **signed Proof of Claim and Release Form** whether or not they submit electronic files. If you wish to file your claim electronically, you must contact the Claims Administrator at (414) 921-0496 (in the U.S. and Canada) or (877) 315-0590 (outside the U.S. and Canada) to obtain the required file layout. 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.

Shenk v. Mallinckrodt plc,
Civil No. 17-CV-00145 (DLF)

Please Type or Print

3 of 7

PART II – SCHEDULE OF TRANSACTIONS IN COMMON STOCK

1. HOLDINGS AS OF OCTOBER 6, 2015. State the total number of shares of Mallinckrodt common stock held as of the opening of trading on October 6, 2015. If none, write “zero” or “0.” _____ (Must be documented.)

2. PURCHASES OR OTHER ACQUISITIONS FROM OCTOBER 6, 2015 THROUGH NOVEMBER 6, 2017. Separately list each and every purchase or other acquisition of Mallinckrodt common stock from October 6, 2015 through the close of trading on November 6, 2017. (Must be documented.)

| Date of Purchase or Other Acquisition (List Chronologically) (Month/Day/Year) | Number of Shares Purchased or Otherwise Acquired | Purchase or Other Acquisition Price Per Share | Total Purchase or Other Acquisition Price (excluding taxes, commissions, and fees) |
|---|--|---|---|
| / / | | \$ | \$ |
| / / | | \$ | \$ |
| / / | | \$ | \$ |
| / / | | \$ | \$ |

3. NUMBER OF SHARES PURCHASED OR OTHERWISE ACQUIRED FROM NOVEMBER 7, 2017 THROUGH FEBRUARY 2, 2018. State the total number of shares purchased or otherwise acquired from on November 7, 2017 through February 2, 2018. If none, write “zero” or “0.” _____.¹ (Must be documented.)¹

4. SALES FROM OCTOBER 6, 2015 THROUGH FEBRUARY 2, 2018. Separately list each and every sale of Mallinckrodt common stock from on October 6, 2015 through the close of trading on February 2, 2018. (Must be documented.)

| Date of Sale (List Chronologically) (Month/Day/Year) | Number of Shares Sold | Sale Price Per Share | Total Sale Price (excluding taxes, commissions, and fees) |
|--|-----------------------|----------------------|--|
| / / | | \$ | \$ |
| / / | | \$ | \$ |
| / / | | \$ | \$ |
| / / | | \$ | \$ |

5. HOLDINGS AS OF FEBRUARY 2, 2018. State the total number of shares of Mallinckrodt common stock held as of the close of trading on February 2, 2018. If none, write “zero” or “0.” _____ (Must be documented.)

IF YOU NEED ADDITIONAL SPACE TO LIST YOUR TRANSACTIONS, YOU MUST PHOTOCOPY THIS PAGE AND CHECK THIS BOX ☐

INCLUDE THE BENEFICIAL OWNER’S FULL NAME AND LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER/TAXPAYER IDENTIFICATION NUMBER ON EACH PAGE

YOU MUST READ AND SIGN THE RELEASE ON PAGES 5 – 6 AND SIGN ON PAGE 6. FAILURE TO SIGN THE RELEASE MAY RESULT IN A DELAY IN PROCESSING OR THE REJECTION OF YOUR CLAIM.

¹ The number of shares purchased or otherwise acquired of Mallinckrodt common stock from November 7, 2017 through February 2, 2018 are needed in order to balance your claim. NOTE that those shares are not eligible for a recovery in this Settlement.

PART III – ACKNOWLEDGMENTS AND RELEASE

A. SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS

I (We) submit this Proof of Claim and Release Form under the terms of the Stipulation and Agreement of Settlement, dated May 18, 2021, as amended July 22, 2021 (the “Stipulation”) described in the Notice. I (We) also submit to the jurisdiction of the United States District Court for the District of Columbia with respect to my (our) claim as a Class Member and for purposes of enforcing the release set forth herein. I (We) further acknowledge that I am (we are) bound by and subject to the terms of any judgment that may be entered in the Action. I (We) agree to furnish additional information to the Claims Administrator to support this claim if requested to do so. I (We) have not submitted any other claim in the Action covering the same purchases/acquisitions or sales of Mallinckrodt common stock and know of no other person having done so on my (our) behalf.

B. RELEASE AND WARRANTIES

1. I (We) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally, and forever settle, release, covenant not to sue, relinquish, and discharge any and all claims, rights and causes of action, duties, obligations, demands, actions, debts, losses, sums of money, suits, contracts, agreements, promises, damages and liabilities of any nature whatsoever, whether known or unknown (i.e. Unknown Claims as defined below), contingent or non-contingent, derivative or direct, or suspected or unsuspected, whether arising under federal or state statutory or common law or any other law, rule or regulation, whether foreign or domestic, that (a) were asserted in the Action, (b) could have been asserted in the Action or in any forum, domestic or foreign, or (c) could be asserted in the future against defendant Mallinckrodt, the Individual Defendants, and any and all of their related parties in any forum, including, without limitation, any and all of their current or former parents, subsidiaries, predecessors, successors, divisions, investment funds, joint ventures and general or limited partnerships, and each of their respective current or former officers, directors, trustees, partners, members, contractors, auditors, principals, agents, managing agents, employees, attorneys, accountants, investment bankers, underwriters, insurers and reinsurers, as well as each of the Individual Defendants’ Immediate Family members (as defined in the Stipulation), heirs, executors, personal or legal representatives, estates, beneficiaries, predecessors, successors and assigns (“Released Defendant Parties”), that (i) arise out of, or relate in any way to, or are based upon, the allegations, transactions, acts, facts, events, matters, occurrences, representations or omissions involved, set forth, alleged or referred to in the Complaint in the Action or in any of the prior complaints from the cases that were consolidated into the Action, and (ii) relate to the purchase, acquisition, sale, disposition, or holding of Mallinckrodt common stock by members of the Settlement Class during the Class Period (“Released Plaintiff’s Claims”).

“Unknown Claims” means any Released Claims that Lead Plaintiff or any other Class Member, each of the Defendants or any of the other Released Parties, 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 Released Parties, which, if known by him, her or it, might have affected his, her or its decisions(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 Released Parties 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 California Civil Code § 1542 or 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 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.

Lead Plaintiff, other Class Members, or Defendants may hereafter discover facts, legal theories, or authorities in addition to or different from those which any of them now knows or believes to be true with respect to the subject matter of the Released Plaintiff’s Claims and the Released Defendants’ Claims, but Lead Plaintiff and Defendants shall expressly, fully, finally, and forever settle and release, and each Class Member shall be deemed to have settled and released, and upon the Effective Date and by operation of the Judgment shall have settled and released, fully, finally, and forever, any and all Released Plaintiff’s Claims and Released Defendants’ Claims as applicable, without regard to the subsequent discovery or existence of such different or additional facts, legal theories, or authorities. Lead Plaintiff and Defendants acknowledge, and other Class Members by operation of law shall be deemed to have acknowledged, that the inclusion of “Unknown Claims” in the definition of Released Plaintiff’s Claims and Released Defendants’ Claims was separately bargained for and was a material element of the Settlement.

2. I (We) hereby acknowledge that I (we) will not be entitled to receive recovery in any other action against any of the Released Defendant Parties based on or arising out of the Released Plaintiff’s Claims (as these terms are defined above).

3. I (We) hereby warrant and represent that I am (we are) a Class Member as defined in the Notice, and that I (we) believe I am (we are) eligible to receive a distribution from the Net Settlement Fund under the terms and conditions of the Plan of Allocation, as set forth in the Notice.

4. I (We) hereby warrant and represent that I (we) have included information (including supporting documentation) about all of my (our) transactions in Mallinckrodt common stock which occurred during the Class Period between October 6, 2015 and November 6, 2017, inclusive, and any sales of Mallinckrodt common stock purchased or otherwise acquired during the Class Period and sold on or prior to the close of trading on February 2, 2018, as well as the number of shares of Mallinckrodt common stock held by me (us) at the opening of trading on October 6, 2015 and the close of trading on February 2, 2018.

5. I (WE) UNDERSTAND AND INTEND THAT THE SIGNATURE BELOW REGARDING CERTAIN INFORMATION FOR THE INTERNAL REVENUE SERVICE CONCERNING BACKUP WITHHOLDING ALSO SERVES AS THE SIGNATURE VERIFYING THE INFORMATION AND REPRESENTATIONS IN THIS PROOF OF CLAIM.

6. This release shall be of no force or effect unless and until the Court approves the Settlement and it becomes effective on the Effective Date.

7. 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.

8. 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 prior sentence.)

I declare under penalty of perjury under the laws of the United States of America that all of the foregoing information supplied on this Proof of Claim and Release Form 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)

REMINDER CHECKLIST

1. Please sign the above release and acknowledgement.
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 supporting documentation. **DO NOT SEND ORIGINAL STOCK CERTIFICATES.**
5. Keep a copy of your Proof of Claim and Release Form and all supporting documentation for your records.
6. The Claims Administrator will acknowledge receipt of your Proof of Claim and Release Form within 60 days. Your claim is not deemed submitted until you receive an acknowledgment e-mail or postcard. If you do not receive an acknowledgment e-mail or postcard within 60 days of mailing your Proof of Claim and Release Form, please call the Claims Administrator toll free at (414) 921-0496 (in the U.S. and Canada) or (877) 315-0590 (outside the U.S. and Canada).
7. If you move, please send your new address to:
Mallinckrodt PLC Securities Litigation
c/o A.B. Data, Ltd.
info@MallinckrodtSecuritiesLitigation.com
(414) 921-0496 (in the U.S. and Canada)
(877) 315-0590 (outside the U.S. and Canada)
8. **Do not use red pen or highlighter** on the Proof of Claim and Release Form or supporting documentation.