

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

In re QUESTCOR  
PHARMACEUTICALS, INC.  
SECURITIES LITIGATION

No. SA CV 12-01623-DMG(JPRx)

CLASS ACTION

This Document Relates To:  
  
ALL ACTIONS.

FINAL JUDGMENT AND ORDER OF  
DISMISSAL WITH PREJUDICE

1 This matter came before the Court pursuant to the Order Preliminarily  
2 Approving Settlement and Providing for Notice (“Order”) dated May 27, 2015, on the  
3 application of the parties for approval of the settlement set forth in the Stipulation of  
4 Settlement dated as of April 8, 2015 (the “Stipulation”). Due and adequate notice  
5 having been given to the Class as required in said Order, and the Court having  
6 considered all papers filed and proceedings had herein and good cause appearing  
7 therefor, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

8 1. This Judgment incorporates by reference the definitions in the  
9 Stipulation, and all terms used herein shall have the same meanings as set forth in the  
10 Stipulation, unless otherwise set forth herein.

11 2. This Court has jurisdiction over the subject matter of the Litigation and  
12 over all parties to the Litigation, including all Members of the Class.

13 3. Pursuant to Federal Rule of Civil Procedure 23, the Court hereby  
14 approves the settlement set forth in the Stipulation and finds that:

15 (a) said Stipulation and the settlement contained therein, are, in all  
16 respects, fair, reasonable, and adequate and in the best interest of the Class;

17 (b) there was no collusion in connection with the Stipulation;

18 (c) the Stipulation was the product of informed, arm’s-length  
19 negotiations among competent, able counsel; and

20 (d) the record is sufficiently developed and complete to have enabled  
21 Plaintiffs and Defendants to have adequately evaluated and considered their positions.

22 4. Accordingly, the Court authorizes and directs implementation and  
23 performance of all the terms and provisions of the Stipulation, as well as the terms and  
24 provisions hereof. Except as to any individual claim of those Persons (identified in  
25 Exhibit 1 attached hereto) who have validly and timely requested exclusion from the  
26 Class, the Court hereby dismisses the Litigation and all Released Claims of the Class  
27 with prejudice. The Settling Parties are to bear their own costs, except as and to the  
28 extent provided in the Stipulation and herein.

1           5.       Upon the Effective Date, and as provided in the Stipulation, Plaintiffs  
2 shall, and each of the Class Members shall be deemed to have, and by operation of  
3 this Judgment shall have, fully, finally, and forever released, relinquished, and  
4 discharged any and all Released Claims (including Unknown Claims) against the  
5 Released Persons, whether or not such Class Member executes and delivers the Proof  
6 of Claim and Release form or shares in the Settlement Fund. Claims to enforce the  
7 terms of the Stipulation are not released.

8           6.       Plaintiffs and all Class Members are hereby forever barred and enjoined  
9 from prosecuting any of the Released Claims against any of the Released Persons.

10          7.       Upon the Effective Date, and as provided in the Stipulation, each of the  
11 Released Persons shall be deemed to have, and by operation of this Judgment shall  
12 have, fully, finally, and forever released, relinquished, and discharged Plaintiffs, each  
13 and all of the Class Members, and Plaintiffs' counsel from all claims and causes of  
14 action of every nature and description (including Unknown Claims), whether arising  
15 under federal (including Federal Rules of Civil Procedure 11 and 37.1), state, common  
16 or foreign law, that arise out of or relate to the institution, prosecution, or settlement of  
17 the claims against Defendants, except for claims relating to the enforcement of the  
18 settlement.

19          8.       The Notice of Proposed Settlement of Class Action given to the Class  
20 was the best notice practicable under the circumstances, including the individual  
21 notice to all Members of the Class who could be identified through reasonable effort.  
22 Said notice provided the best notice practicable under the circumstances of those  
23 proceedings and of the matters set forth therein, including the settlement set forth in  
24 the Stipulation, to all Persons entitled to such notice, and said notice fully satisfied the  
25 requirements of Federal Rule of Civil Procedure 23 and the requirements of due  
26 process.

27  
28

1           9.     Any Plan of Allocation submitted by Lead Counsel or any order entered  
2 regarding any attorneys' fee and expense application shall in no way disturb or affect  
3 this Judgment and shall be considered separate from this Judgment.

4           10.    Neither the Stipulation nor the settlement contained therein, nor any act  
5 performed or document executed pursuant to or in furtherance of the Stipulation or the  
6 settlement: (a) is or may be deemed to be or may be used as an admission of, or  
7 evidence of, the validity of any Released Claim, or of any wrongdoing or liability of  
8 Defendants or their respective Related Parties, or (b) is or may be deemed to be or  
9 may be used as an admission of, or evidence of, any fault or omission of any of the  
10 Defendants or their respective Related Parties in any civil, criminal, or administrative  
11 proceeding in any court, administrative agency, or other tribunal. Defendants and/or  
12 their respective Related Parties may file the Stipulation and/or this Judgment from this  
13 action in any other action that may be brought against them in order to support a  
14 defense or counterclaim based on principles of *res judicata*, collateral estoppel,  
15 release, good faith settlement, judgment bar or reduction, or any theory of claim  
16 preclusion or issue preclusion or similar defense or counterclaim.

17           11.    Without affecting the finality of this Judgment in any way, this Court  
18 hereby retains continuing jurisdiction over: (a) implementation of this settlement and  
19 any award or distribution of the Settlement Fund, including interest earned thereon;  
20 (b) disposition of the Settlement Fund; (c) hearing and determining applications for  
21 attorneys' fees, expenses, and interest in the Litigation; and (d) all parties herein for  
22 the purpose of construing, enforcing, and administering the Stipulation.

23           12.    The Court finds that during the course of the Litigation, the Settling  
24 Parties and their respective counsel at all times complied with the requirements of  
25 Federal Rule of Civil Procedure 11.

26           13.    In the event that the settlement does not become effective in accordance  
27 with the terms of the Stipulation, or the Effective Date does not occur, or in the event  
28 that the Settlement Fund, or any portion thereof, is returned to Defendants and/or their


1 insurers, then this Judgment shall be rendered null and void to the extent provided by  
2 and in accordance with the Stipulation and shall be vacated and, in such event, all  
3 orders entered and releases delivered in connection herewith shall be null and void to  
4 the extent provided by and in accordance with the Stipulation.

5 14. Without further order of the Court, the Settling Parties may agree to  
6 reasonable extensions of time to carry out any of the provisions of the Stipulation.

7 15. The Court directs immediate entry of this Judgment by the Clerk of the  
8 Court.

9 IT IS SO ORDERED.

10  
11 DATED: September 22, 2015

  
DOLLY M. GEE  
UNITED STATES DISTRICT JUDGE

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT 1**

# Questcor Pharmaceuticals, Inc. Exclusions

OptOutNo	FirstName	LastName	Name1
QUEST-EXCL00001	DEAN	MATLOCK	
QUEST-EXCL00002	BELLE	MALONE	
QUEST-EXCL00003		LINCOLN INSTITUTE OF LAND	POLICY
QUEST-EXCL00004		NAVISTAR INC RETIREMENT PLAN	FOR SALARIED EMPLOYEES TRUST
QUEST-EXCL00005		NAVISTAR INC NON-CONTRIBUTORY	RETIREMENT PLAN TRUST
QUEST-EXCL00006		NAVISTAR INC RETIREE HEALTH	BENEFIT TRUST
QUEST-EXCL00007		ALGER MID CAP GROWTH	INSTITUTIONAL FUND
QUEST-EXCL00008		ALGER SMALL CAP GROWTH	INSTITUTIONAL FUND
QUEST-EXCL00009		ALGER MID CAP GROWTH FUND	C/O LOWENSTEIN SANDLER LLP
QUEST-EXCL00010		ALGER HEALTH SCIENCES FUND	C/O LOWENSTEIN SANDLER LLP
QUEST-EXCL00011		ALGER SMID CAP GROWTH FD	C/O LOWENSTEIN SANDLER LLP
QUEST-EXCL00012		ALGER SMALL CAP GROWTH FD	C/O LOWENSTEIN SANDLER LLP
QUEST-EXCL00013		ALGER SMALL CAP FOCUS FUND	C/O LOWENSTEIN SANDLER LLP
QUEST-EXCL00014		ALGER SMID CAP GROWTH	PORTFOLIO
QUEST-EXCL00015		ALGER SMALL CAP GROWTH	PORTFOLIO
QUEST-EXCL00016		ALGER MID CAP GROWTH	PORTFOLIO
QUEST-EXCL80001	WALTER	MIRZAK	