

1 WHEREAS, on April 14, 2017, prior to the filing of the *Kuc* action, a substantially similar
2 action was filed in the United States District Court for the Northern District of California, under
3 style of *Desilvio v. Lion Biotechnologies, Inc. et al.*, 3:17-cv-02086-SI (“*Desilvio*”), alleging
4 identical claims against the same Defendants, on behalf of the same putative class described in
5 the *Kuc* action (*Desilvio* Dkt. No. 1 at ¶ 1);

6 WHEREAS, the *Desilvio* action remains pending at the time of this submission;

7 WHEREAS, no Defendant in the *Kuc* action has served an answer or motion for summary
8 judgment; and

9 WHEREAS, due to the pendency of the *Desilvio* action, dismissal of the *Kuc* action will
10 not prejudice members of the class described in the two actions;

11 NOTICE IS HEREBY GIVEN that, pursuant to Federal Rule of Civil Procedure
12 41(a)(1)(A), Plaintiff Amra Kuc hereby voluntarily dismisses the above-captioned action, without
13 prejudice, as to all defendants.

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15 Dated: July 20, 2017

Respectfully submitted,

16 **POMERANTZ LLP**

17 /s/ Jennifer Pafiti

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PROOF OF SERVICE

I hereby certify that on July 30, 2017, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court’s electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court’s CM/ECF System.

/s/ Jennifer Pafiti
Jennifer Pafiti

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AMRA KUC, Individually and on Behalf of All Others Similarly Situated,)	No. 3:17-cv-02188-SI
Plaintiff,)	PROPOSED ORDER OF
v.)	DISMISSAL
LION BIOTECHNOLOGIES, INC., MANISH SINGH, MICHAEL HANDELMAN, and ELMA HAWKINS)	<u>CLASS ACTION</u>
Defendants.)	JUDGE: Hon. Susan Illston

WHEREAS, the above-captioned action, *Kuc v. Lion Biotechnologies, Inc. et al.*, 3:17-cv-02188-SI (“*Kuc*”), filed in the United States District Court for the Northern District of California on April 19, 2017, is a putative securities class action on behalf of a class consisting of all persons other than Defendants who purchased or otherwise acquired common shares of Lion Biotechnologies, Inc. between November 14, 2013 and April 10, 2017, seeking to recover compensable damages caused by Defendants’ violations of the federal securities laws and to pursue remedies under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 and Rule 10b-5 promulgated thereunder (Dkt. No. 1 at ¶ 1);

WHEREAS, on April 14, 2017, prior to the filing of the *Kuc* action, a substantially similar action was filed in the United States District Court for the Northern District of California, under style of *Desilvio v. Lion Biotechnologies, Inc. et al.*, 3:17-cv-02086-SI (“*Desilvio*”), alleging identical claims against the same Defendants, on behalf of the same putative class described in the *Kuc* action (*Desilvio* Dkt. No. 1 at ¶ 1);

WHEREAS, the *Desilvio* action remains pending;

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WHEREAS, no Defendant in the *Kuc* action has served an answer or motion for summary judgment; and

WHEREAS, due to the pendency of the *Desilvio* action, dismissal of the *Kuc* action will not prejudice members of the class described in the two actions;

IT IS HEREBY ORDERED THAT:

The *Kuc* action is dismissed without prejudice as to all Defendants.

SO ORDERED.

Dated: July 20, 2017
San Francisco, California



Honorable Susan Illston
United States District Judge
Northern District of California