

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

FREDERIC N. ESHELMAN,)

Plaintiff,)

v.)

ALAN H. AUERBACH and PUMA)
BIOTECHNOLOGY, INC.,)

Defendants.)

**JUDGMENT IN A
CIVIL CASE
CASE NO. 7:16-cv-18-D**

Decision by Court and Jury. This action came before this Court and Jury for ruling as follows.

IT IS ORDERED, ADJUDGED, AND DECREED that on May 2, 2016, defendant Alan H. Auerbach was voluntarily dismissed without prejudice from this action.

IT IS FURTHER ORDERED, AND DECREED that on June 12, 2017, the Court GRANTED Eshelman's motion to dismiss for failure to state a claim upon which relief can be granted and DENIED AS MOOT Eshelman's motion for relief under California's anti-SLAPP statute.

IT IS FURTHER ORDERED, AND DECREED that on September 28, 2018 the Court GRANTED IN PART and DENIED IN PART Eshelman's motion for partial summary judgment and DENIED Puma's motion for summary judgment and EXPOUNDED on these conclusions on October 29, 2018.

IT IS FURTHER ORDERED, AND DECREED that pursuant to a jury verdict entered March 15, 2019, when read in the context of the entire presentation, Defendant Puma Biotechnology, Inc.'s statements that plaintiff Frederic N. Eshelman was "replaced as CEO of PPD" after being "involved in clinical trial fraud" were false.

IT IS FURTHER ORDERED, AND DECREED that pursuant to a jury verdict entered March 15, 2019, defendant Puma Biotechnology, Inc. acted with actual malice when it accused plaintiff Frederic N. Eshelman of being "replaced as CEO of PPD" after being "involved in clinical trial fraud".

IT IS FURTHER ORDERED, AND DECREED that pursuant to a jury verdict entered March 15, 2019, plaintiff Frederic N. Eshelman is entitled to recover from Defendant Puma Biotechnology, Inc. compensatory damages in the amount of \$15,850,000.00, with post-judgment interest at the rate of 2.52% per annum.

IT IS FURTHER ORDERED, AND DECREED that pursuant to a jury verdict entered March 15, 2019, the amount of punitive damages plaintiff Frederic N. Eshelman is awarded is \$6,500,000.00, with post-judgment interest at the rate of 2.52% per annum.

This Judgment Filed and Entered on March 25, 2019, and Copies To:

Thomas A. Clare
Daniel P. Watkins
Dustin A. Pusch
Elizabeth M. Locke
Joseph Ronald Oliveri
Megan L. Meier
Andrew Kent McVey
Devlin K. Horton
David L. Levy

(via CM/ECF electronic notification)
(via CM/ECF electronic notification)
(via CM/ECF electronic notification)
(via CM/ECF electronic notification)
(via CM/ECF electronic notification)
(via CM/ECF electronic notification)
(via CM/ECF electronic notification)
(via CM/ECF electronic notification)
(via CM/ECF electronic notification)

DATE:
March 25, 2019

PETER A. MOORE, JR., CLERK
(By) /s/ Nicole Sellers
Deputy Clerk