

The Hon. Marsha J. Pechman

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH MCGUIRE and DAVID
WILCZYNSKI, on Behalf of Themselves and
All Others Similarly Situated,

Plaintiffs,

vs.

DENDREON CORPORATION, et al.,

Defendants.

Case No. C07-800 MJP

CLASS ACTION

**[PROPOSED] FINAL JUDGMENT
AND ORDER OF DISMISSAL
WITH PREJUDICE**

*[PROPOSED] FINAL JUDGMENT AND ORDER OF
DISMISSAL WITH PREJUDICE*

No. 2:07-cv-0800-MJP

Page 1 of 6

1364556v1/010251

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1 IT IS HEREBY ADJUDGED AND DECREED THAT:

2 1. This Final Judgment incorporates by reference the definitions in the
3 Stipulation of Settlement dated October 25, 2010 (“Agreement” or “Stipulation”), and all
4 terms used herein shall have the same meanings as set forth in the Agreement unless set
5 forth differently herein. The terms of the Agreement are fully incorporated in this Final
6 Judgment as if set forth fully herein.

7 2. The Court has jurisdiction over the subject matter of this Action and all
8 parties to the Action, including all Class Members.

9 3. On May 27, 2010, the Court certified a Class and a Subclass as follows.

10 (a) The “Class” consists of all persons and entities who purchased the
11 common stock of Dendreon Corporation between March 29, 2007 and May 8, 2007, both
12 dates inclusive (excluding the defendants, the officers and directors of Dendreon, members
13 of their immediate families, and the heirs, successors or assigns of any of the foregoing).

14 (b) The “Subclass” consists of all persons and entities who purchased the
15 common stock of Dendreon Corporation on April 2, 2007 (excluding the defendants, the
16 officers and directors of Dendreon, members of their immediate families, and the heirs,
17 successors or assigns of any of the foregoing).

18 4. Pursuant to Federal Rule of Civil Procedure 23(c)(3), all Persons who satisfy
19 the Class definition above are Class Members bound by this Final Judgment.

20 5. The list of Persons excluded from the Class because they timely filed valid
21 Requests for Exclusion (“Opt-Outs”) is attached hereto as Exhibit 1. Persons who filed
22 timely, completed Opt-Outs are not bound by this Final Judgment or the terms of the
23 Agreement, and may pursue their own individual remedies against Defendants and the
24 Released Parties. However, such Persons are not entitled to any rights or benefits provided
25 to Class Members by the terms of the Agreement.
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1 6. As set forth in the accompanying Order Approving Class Action Settlement,
2 the Claims Administrator caused to be mailed to all identified Class Members the Notice
3 which is Exhibit A-1 to the Stipulation, and caused to be published a Summary Notice of the
4 proposed Settlement, which is Exhibit A-2 to the Stipulation, and made available to Class
5 Members on the settlement website and upon request the aforementioned Notice.

6 7. For the reasons set forth in the accompanying Order Approving Class Action
7 Settlement, the Settlement of this Action on the terms set forth in the Agreement, along with
8 the Exhibits thereto, proposed by the Parties has been approved by this Court.

9 8. Pursuant to Federal Rule of Civil Procedure 23(c)(3), all Class Members who
10 have not timely and validly filed Opt-Outs are thus Class Members who are bound by this
11 Final Judgment, by the Order Approving Class Action Settlement and by the terms of the
12 Agreement.

13 9. The Released Parties are hereby released and forever discharged from any
14 and all of the Released Claims. The Releasing Parties are hereby forever barred and
15 enjoined from asserting, instituting or prosecuting, directly or indirectly, any Released
16 Claim in any court or other forum against any of the Released Parties. All Class Members
17 are bound by by paragraph 4.4 of the Stipulation (“Covenant Not to Sue”) and are hereby
18 forever barred and enjoined from taking any action in violation of the Covenant Not to Sue.

19 10. None of the provisions of the Settlement, this Final Judgment, nor the fact of
20 the Settlement constitutes any admission by any of the Parties of any liability, wrongdoing
21 or violation of law, damages or lack thereof, or of the validity or invalidity of any claim or
22 defense asserted in the Action. None of the provisions of the Settlement, this Final
23 Judgment, the accompanying Order Approving Class Action Settlement, the fact of the
24 Settlement, the proceedings related to the Settlement, the Settling Parties’ negotiations, nor
25 any documents related thereto may be offered or received in evidence or construed as an
26 admission, concession, presumption or inference against any Party in any proceeding, except
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1 insofar as may be necessary to effectuate or enforce the terms of the Settlement and this
2 Final Judgment.

3 11. The Court hereby dismisses with prejudice the Action and all Released
4 Claims against each and all Released Parties and without costs to any of the Parties as
5 against the others.

6 12. Without affecting the finality of this Final Judgment, the Court reserves and
7 retains continuing jurisdiction over the Settling Parties and the Settlement Fund for the
8 purpose of implementing, administering, and enforcing this Final Judgment and the
9 Agreement, and all matters ancillary thereto.

10 13. The award of attorneys' fees and expenses to Class Counsel and the award of
11 costs and expenses to Class Representatives, including any appeals therefrom, shall not
12 affect the finality of any other portion of this Final Judgment or delay the Effective Date of
13 the Agreement.

14 14. The Court, finding that no reason exists for delay, hereby directs the Clerk to
15 enter this Final Judgment forthwith.

16 IT IS SO ORDERED.

17 Dated: _____, 2011

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21 _____
22 Marsha J. Pechman
23 UNITED STATES DISTRICT JUDGE
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47 DISMISSAL WITH PREJUDICE

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EXHIBIT 1

DENDREON-EXCL00001
Received Date: 8/20/2010
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DENDREON-EXCL00002
Received Date: 9/2/2010
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DENDREON-EXCL00003
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DENDREON-EXCL00004
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DENDREON-EXCL00005
Received Date: 9/2/2010
Postmark Date: 8/28/2010
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Received Date: 9/2/2010
Postmark Date: 8/26/2010
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DENDREON-EXCL00007
Received Date: 9/2/2010
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DENDREON-EXCL00008
Received Date: 9/3/2010
Postmark Date: 9/2/2010
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Received Date: 8/31/2010
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Received Date: 9/7/2010
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Received Date: 9/13/2010
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