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Filed in The District Court  
of Travis County, Texas

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At 10:33 M.  
Velva L. Price, District Clerk

CAUSE NO. D-1-GN-17-003063

YOGINA REZKO, AARON LE AND  
ANDREW BANK, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

XBIOTECH INC., JOHN SIMARD,  
QUEENA HAN, FABRIZIO BONANNI, W.  
THORPE MCKENZIE, DANIEL  
VASELLA, and W.R. HAMBRECHT +  
CO., LLC,

Defendants.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

200TH JUDICIAL DISTRICT

ORDER AND FINAL JUDGMENT GRANTING DEFENDANTS' RULE 91A MOTIONS

After considering the Rule 91a Motions to Dismiss and Special Exceptions filed by all Defendants in this action, as well as all relevant briefing, oral argument and all other materials properly reviewable on these motions, the Court grants the Motions to Dismiss in their entirety for the reasons set forth in Defendants' briefing.

It is hereby ordered, adjudged and decreed that this suit is dismissed in its entirety, with prejudice, as to all Defendants and that Plaintiffs shall take nothing on their claims. Defendants have waived their right to claim recovery of their attorneys' fees from Plaintiffs in this proceeding, and Plaintiffs have waived their right to appeal or otherwise challenge this judgment. This is a final judgment disposing of all claims and parties in this litigation.

SIGNED this 13th day of November, 2018.

  
\_\_\_\_\_  
THE HONORABLE DUSTIN M. HOWELL

Approved as to Substance With Respect to  
Waiver of Plaintiffs' Right to Appeal or  
Challenge Judgment; Approved as to Form in  
All Other Respects:

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/s/ Yusuf Bajwa

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