

CLERK OF THE COURT

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Jul 22 2016 11:38 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

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NATASHA A. LANDRUM, ESQ.
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DAVID S. DAVIS, ESQ.
Nevada Bar No. 11549

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Attorneys for Plaintiff Michael Kirsch

DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL KIRSCH, derivatively on behalf
of GALECTIN THERAPEUTICS, INC.,

Plaintiff,

-vs-

PETER G. TRABER; JAMES C. CZIRR;
JACK W. CALLICUTT; GILBERT F.
AMELIO; KEVIN D. FREEMAN; ARTHUR
R. GREENBERG; ROD D. MARTIN; JOHN
F. MAULDIN; STEVEN PRELACK;
HERMAN PAUL PRESSLER, III; and DR.
MARC RUBIN,

Defendants,

-and-

GALECTIN THERAPEUTICS, INC., a
Nevada corporation,

Nominal Defendant.

CASE NO. A-14-706397-B

DEPT. NO. XI

NOTICE OF APPEAL

LEE, HERNANDEZ, LANDRUM & GAROFALO
7575 VEGAS DRIVE, SUITE 150
LAS VEGAS, NV 89128
(702) 880-9750

DAVID L. HASBROUCK and SIU YIP,
derivatively on behalf of GALECTIN
THERAPEUTICS, INC.,

Plaintiffs-Intervenors,

-vs-

PETER G. TRABER; JAMES C. CZIRR;
JACK W. CALLICUTT; GILBERT F.
AMELIO; KEVIN D. FREEMAN; ARTHUR
R. GREENBERG; ROD D. MARTIN; JOHN
F. MAULDIN; STEVEN PRELACK;
HERMAN PAUL PRESSLER, III; DR.
MARC RUBIN; and 10X FUND, L.P.,

Defendants,

-and-

GALECTIN THERAPEUTICS, INC., a
Nevada corporation,

Nominal Defendant.

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Plaintiff, MICHAEL KIRSCH, derivatively on behalf of GALECTIN THERAPEUTICS, INC., hereby appeals to the Supreme Court of Nevada from the Order entered on April 1, 2016, on Defendants' Motions to Dismiss Shareholder Derivative Action. A copy of the Order is attached hereto as *Exhibit "1."*

DATED this 15TH day of July, 2016.

LEE, HERNANDEZ, LANDRUM
& GAROFALO

By: 

NATASHA A. LANDRUM, ESQ.
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Attorneys for Plaintiff Michael Kirsch

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CERTIFICATE OF MAILING

Michael Kirsch v. Peter Traber, et al.

In Re: Galectin Therapeutics

I HEREBY CERTIFY that on the 15th day of July, 2016, I served a copy of the above and foregoing **NOTICE OF APPEAL**, by electronic service via Wiznet/Odyssey, pursuant to Administrative Order 174-2, to the following party(ies) of record:

Lyssa S. Anderson, Esq. Ryan W. Daniels, Esq.. KAEMPFER CROWELL 8345 W. Sunset Road, Ste. 250 Las Vegas, NV 89113 Telephone: (702) 792-7000 Fax:(702) 796-7181 landerson@kcnvlaw.com ATTORNEY FOR DEFENDANT	Michael R. Smith, Esq. B. Warren Pope, Esq. Benjamin Lee, Esq. KING & SPAULDING, LLP 1180 Peachtree Street, NE Atlanta, GA 30309 ATTORNEY FOR DEFENDANT
John P. Aldrich, Esq. ALDRICH LAW FIRM, LTD 1601 S. Rainbow Blvd., Ste. 160 Las Vegas, NV 89146 (702) 853-5490 Fax: (702) 227-1975 jaldrich@johnaldricklawfirm.com ATTORNEY FOR INTERVENORS	Michael I. Fistel, Jr., Esq. JOHSON & WEAVER, LLP 40 Powder Springs St. Marietta, GA 30064 (770)200-3104 michaelf@johnsonandweaver.com ATTORNEY FOR INTERVENORS
Kathleen A. Herkenhoff, Esq. THE WEISER LAW FIRM, P.C. 12707 High Bluff Drive, Suite 200 San Diego, CA 92130 (858) 794-1441 kah@weiserlawfirm.com Attorneys for INTERVENOR – Sui Yip	

By:

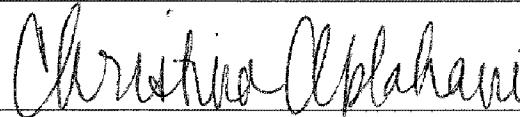
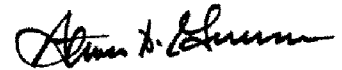

An employee of LEE, HERNANDEZ,
LANDRUM & GAROFALO

EXHIBIT "1"

Exhibit "1"

1 **ORDR**



CLERK OF THE COURT

2 **DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4 **MICHAEL KIRSCH, derivatively on behalf**
5 **of GALECTIN THERAPEUTICS, INC.,**

CASE NO. A-14-706397-B

6 **Plaintiff,**

DEPT. NO. XI

7 **-vs-**

**ORDER RE: MOTIONS TO DISMISS
SHAREHOLDER DERIVATIVE ACTION**

8 **PETER G. TRABER; JAMES C. CZIRR;**
9 **JACK W. CALLICUTT; GILBERT F.**
10 **AMELIO; KEVIN D. FREEMAN; ARTHUR**
11 **R. GREENBERG; ROD D. MARTIN; JOHN**
12 **F. MAULDIN; STEVEN PRELACK;**
13 **HERMAN PAUL PRESSLER, III; and DR.**
14 **MARC RUBIN,**

Date of Hearing: March 3, 2016
Time of Hearing: 8:30 a.m.

15 **Defendants,**

16 **-and-**

17 **GALECTIN THERAPEUTICS, INC., a**
18 **Nevada corporation,**

19 **Nominal Defendant.**

1 DAVID L. HASBROUCK and SIU YIP,
2 derivatively on behalf of GALECTIN
THERAPEUTICS, INC.,

3 Plaintiffs-Intervenors,

4 -vs-

5 PETER G. TRABER; JAMES C. CZIRR;
6 JACK W. CALLICUTT; GILBERT F.
7 AMELIO; KEVIN D. FREEMAN; ARTHUR
8 R. GREENBERG; ROD D. MARTIN; JOHN
F. MAULDIN; STEVEN PRELACK;
HERMAN PAUL PRESSLER, III; DR.
MARC RUBIN; and 10X FUND, L.P.,

9 Defendants,

10 -and-

11 GALECTIN THERAPEUTICS, INC., a
Nevada corporation,

12 Nominal Defendant.
13

14 **ORDER RE: MOTIONS TO DISMISS SHAREHOLDER DERIVATIVE ACTION**

15 This matter having come before the Court on March 3, 2016 at 8:30 a.m. on Nominal
16 Defendant Galectin Therapeutics Inc.'s Motion to Dismiss Shareholder Action and the Individual
17 Defendants' and 10X Fund L.P.'s Motion to Dismiss Shareholder Action (the "Motions"), the
18 Court having reviewed the Motions, all briefing thereon and supporting exhibits, having heard
19 oral argument, and other good cause appearing, the Court holds that the Motions are GRANTED.

20 As grounds for its ruling, the Court finds:
21

22 1. This is a shareholder derivative action brought by Plaintiff Michael Kirsch and
23 Intervenor Plaintiffs David L. Hasbrouck and Siu Yip (collectively, "Plaintiffs") who allege that
24 they are shareholders of Nominal Defendant Galectin Therapeutics Inc. ("Galectin"), a Nevada
25 corporation.

26 2. A shareholder seeking to assert claims derivatively on behalf of a Nevada
27 corporation must, among other things, either (i) make a pre-suit demand on the company's board
28

1 of directors or (ii) plead particularized facts establishing legal excuse for the failure to do so.

2 3. Plaintiffs did not make a pre-suit demand upon Galectin's board of directors, but
3 instead asserted in their complaints that such a demand was excused under Nevada law.

4 4. On June 11, 2015, the Court held a hearing on various motions filed by the parties
5 and proposed Intervenor. On August 10, 2015, the Court entered an order: (i) granting
6 Intervenor Plaintiffs Hasbrouck's and Yip's motion to intervene in this case;¹ (ii) denying
7 Defendants' motion to dismiss Mr. Kirsch's Second Amended Shareholder Derivative
8 Complaint; (iii) staying this action for 180 days pending *In re Galectin Therapeutics, Inc.*
9 *Derivative Litigation*, Lead Case No.: 1:15-CV-00208-SCJ in the United States District Court
10 for the Northern District of Georgia (the "Georgia Action"); and (iv) ordering the parties to file
11 a status report by December 11, 2015 addressing the status of the Georgia Action.
12

13 5. This Court's August 10, 2015 order staying the case for 180 days was based upon
14 representations made to the Court by Mr. Smith at the June 11, 2015 hearing that issues raised in
15 Georgia relate to class representations issues.
16

17 6. Although the Court's August 10, 2015 order was a substantive ruling on the issue
18 of demand futility, which was reached following briefing and oral argument regarding that issue,
19 it was not a final order under Nevada law.

20 7. On December 30, 2015, United States District Court Judge Steven C. Jones of the
21 United States District Court for the Northern District of Georgia, entered a final order and
22 judgment (the "Prior Final Judgment") (i) holding that under Nevada law, Intervenor Plaintiffs
23 David L. Hasbrouck and Siu Yip failed to adequately plead the futility of a pre-suit demand on
24 Galectin's board of directors in their prior-filed and substantively identical Georgia Action and
25 (ii) dismissing the Georgia Action with prejudice.
26

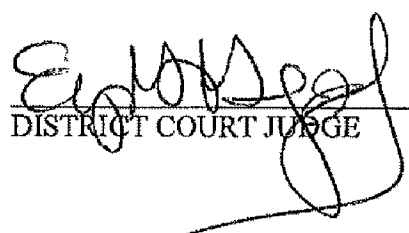
27 ¹ Intervenor Plaintiffs Hasbrouck and Yip filed their Verified Shareholder Complaint-in-
28 Intervention (the "Complaint-in-Intervention") on July 9, 2015.

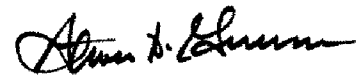
1 8. A prior final judgment by a United States District Court has preclusive effect in
2 Nevada as to an issue that: (1) is "identical to the one alleged in the prior litigation;" (2) was
3 "actually litigated in the prior litigation," and (3) was "a critical and necessary part of the earlier
4 judgment," provided that the person against whom preclusion is sought to be applied was either
5 a party to the prior final judgment or a nonparty who was "adequately represented by someone
6 with the same interest who [wa]s a party to the suit." *Bower v. Harrah's Laughlin, Inc.*, 125
7 Nev. 470, 480, 215 P.3d 709, 717 (Nev. 2009).
8

9 9. The Court finds that each of the above requirements for application of issue
10 preclusion is satisfied with respect to the issue of whether Plaintiffs have adequately pled
11 demand futility in their complaints in this action. Based on this finding and the standards set
12 forth above, this Court determines that it must give preclusive effect to the Prior Final
13 Judgment's ruling on demand futility and grant Defendants' motions to dismiss, the Complaint-
14 in-Intervention and this entire action.
15

16 IT IS HEREBY ORDERED AND ADJUDGED that this action is dismissed with
17 prejudice.
18

19 Dated this 1 day of ^{Mar}March, 2016.

20 
21 DISTRICT COURT JUDGE
22
23
24
25
26
27
28



CLERK OF THE COURT

ASTA

NATASHA A. LANDRUM, ESQ.

Nevada Bar No. 7414

DIRK W. GASPAR, ESQ.

Nevada Bar No. 10046

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jml@ilclasslaw.com

Attorneys for Plaintiff Michael Kirsch

DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL KIRSCH, derivatively on behalf
of GALECTIN THERAPEUTICS, INC.,

Plaintiff,

-vs-

PETER G. TRABER; JAMES C. CZIRR;
JACK W. CALLICUTT; GILBERT F.
AMELIO; KEVIN D. FREEMAN; ARTHUR
R. GREENBERG; ROD D. MARTIN; JOHN
F. MAULDIN; STEVEN PRELACK;
HERMAN PAUL PRESSLER, III; and DR.
MARC RUBIN,

Defendants,

-and-

GALECTIN THERAPEUTICS, INC., a
Nevada corporation,

Nominal Defendant.

CASE NO. A-14-706397-B

DEPT. NO. XI

CASE APPEAL STATEMENT

LEE, HERNANDEZ, LANDRUM & GAROFALO
7575 VEGAS DRIVE, SUITE 150
LAS VEGAS, NV 89128
(702) 880-9750

1 DAVID L. HASBROUCK and SIU YIP,
2 derivatively on behalf of GALECTIN
3 THERAPEUTICS, INC.,

4 Plaintiffs-Intervenors,

5 -VS-

6 PETER G. TRABER; JAMES C. CZIRR;
7 JACK W. CALLICUTT; GILBERT F.
8 AMELIO; KEVIN D. FREEMAN; ARTHUR
9 R. GREENBERG; ROD D. MARTIN; JOHN
10 F. MAULDIN; STEVEN PRELACK;
11 HERMAN PAUL PRESSLER, III; DR.
12 MARC RUBIN; and 10X FUND, L.P.,

13 Defendants,

14 -and-

15 GALECTIN THERAPEUTICS, INC., a
16 Nevada corporation,

17 Nominal Defendant.

18 CASE APPEAL STATEMENT

19 1. Name of appellant filing this case appeal statement:

20 Plaintiff Michael Kirsch, derivatively on behalf of Galectin Therapeutics, Inc.

21 2. Identify the judge issuing the decision, judgment, or order appealed from:

22 The Honorable Elizabeth Gonzalez

23 3. Identify each appellant and the name and address of counsel for each appellant:

24 Appellant: Plaintiff Michael Kirsch, derivatively on behalf of Galectin Therapeutics, Inc.

25 Counsel for Appellant:

26 Natasha A. Landrum, Esq.
27 Dirk W. Gaspar, Esq.
28 Lee, Hernandez, Landrum & Garofalo
7575 Vegas Drive, Suite 150
Las Vegas, Nevada 89128
(702) 880-9750
Fax: (702) 314-1210

///

Edward W. Miller, Esq.
821 Franklin Avenue, Suite 209
Garden City, New York
(516) 493-9780
Fax: (516) 280-7376

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

Respondents: Peter G. Traber, James C. Czirr, Jack W. Callicutt, Gilbert F. Amelio, Kevin D. Freeman, Arthur R. Greenberg, Rod D. Martin, John F. Mauldin, Steven Prelack, Herman Paul Pressler, III, Dr. Marc Rubin.

Counsel for Respondents:

Lyssa S. Anderson, Esq.
Kaempfer Crowell
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
(702) 792-7000
Fax: (702) 796-7181

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

Edward W. Miller, Esq.
821 Franklin Avenue, Suite 209
Garden City, New York
(516) 493-9780
Fax: (516) 280-7376

Order Admitting to Practice is attached hereto as *Exhibit "1."*

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Retained counsel

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Retained counsel

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

N/A

1 **9. Indicate the date the proceedings commenced in the district court, e.g., date**
2 **complaint, indictment, information, or petition was filed:**

3 Complaint filed August 29, 2014.

4 **10. Provide a brief description of the nature of the action and result in the district court,**
5 **including the type of judgment or order being appealed and the relief granted by the district**
6 **court:**

7 On August 29, 2014, Plaintiff Michael Kirsch ("Plaintiff") filed his Verified Shareholder
8 Derivative Complaint for breaches of fiduciary duty, unjust enrichment and corporate waste in
9 connection with Galectin Therapeutics Inc.'s ("Galectin" or the "Company") board of directors'
10 involvement in the publication of false and misleading claims that Galectin had discovered a new
11 and effective drug treatment of pre-cancerous early stage liver fibrosis or "NASH."

12 On November 17, 2014, Individual Defendants, Peter G. Traber, James C. Czirr, Jack W.
13 Callicutt, Gilbert F. Amelio, Kevin D. Freeman, Arthur R. Greenberg, Rod D. Martin, John F.
14 Mauldin, Steven Prelack, Herman Paul Pressler, III, Dr. Marc Rubin, and Nominal Defendant
15 Galectin (collectively, "Defendants") filed a Motion to Stay the Case in Deference to the Prior-
16 Filed Parallel Derivative Litigation, which the Honorable Elizabeth Gonzalez ("Judge Gonzalez")
17 denied on December 19, 2014. On January 8, 2015, Defendants filed a Motion for
18 Reconsideration of Ruling Denying Defendants' Motion to Stay the Case, which the Honorable
19 Elizabeth Gonzalez denied on February 6, 2015.

20 On March 27, 2015, Plaintiff filed his Second Amended Shareholder Derivative
21 Complaint, detailing additional allegations concerning the direct involvement of the Company's
22 directors in publishing outrageously false claims of a scientific "breakthrough" to entice investors.
23 On April 22, 2015, Defendants filed motions to dismiss the Second Amended Shareholder
24 Derivative Complaint. On April 24, 2015, Judge Gonzalez granted Plaintiff's Motion for Leave
25 to File the Second Amended Shareholder Derivative Complaint. On May 20, 2015, Plaintiff filed
26 his Combined Memorandum of Law in Opposition to Defendants' Motions to Dismiss the Second

27 ///

28 ///

1 Amended Shareholder Derivative Complaint. On May 29, 2015, David L. Hasbrouck and Siu
2 Yip filed their Motion to Intervene. On June 4, 2015, Defendants filed their Reply
3 Memorandums in Support of their Motions to Dismiss the Second Amended Shareholder
4 Derivative Complaint.

5 On June 11, 2015 the Court conducted an oral hearing on the Motion to Dismiss the
6 Second Amended Shareholder Derivative Complaint and on August 5, 2015 Judge Gonzalez
7 entered an Order denying Defendants' Motions to Dismiss the Second Amended Shareholder
8 Derivative Complaint.

9 On January 19, 2016, Defendants filed a second Motion to Dismiss the Shareholder
10 Derivative Action, on the basis of res judicata in favor of a judgment issued in the Northern
11 District of Georgia Federal District Court. On March 3, 2016, Judge Gonzalez granted
12 Defendants' Motions to Dismiss on the basis that Judge Gonzalez' August 5, 2015 Order denying
13 Defendants' Motion to Dismiss lacked preclusive effect on the Georgia federal court, and that
14 Judge Gonzalez was therefore bound by the Georgia federal court's order granting a motion to
15 dismiss in a derivative action on a different complaint. The Order granting the motion to dismiss
16 was entered on April 1, 2016.

17 On April 5, 2016, Defendants filed a Motion to Correct Order relating to the Order
18 dismissing the shareholder derivative action. On April 22, 2016, Plaintiffs filed an Opposition to
19 Defendants' Motion to Correct Order. On May 20, 2016, Defendants filed their Reply in Support
20 of Motion to Correct Order. On May 27, 2016, the Honorable Elizabeth Gonzalez denied
21 Defendants' Motion to Correct Order, and the Order was entered on June 16, 2016.

22 It is Plaintiffs' position that Judge Gonzalez' denial of Defendants' Motion to Dismiss
23 entered on August 5, 2015, had sufficient finality so as to constitute an order with preclusive
24 effect under Nevada law and that Judge Gonzalez was therefore not bound by the later dismissal
25 of the Georgia federal court to the extent that it may have contradicted her August 5, 2015 Order
26 denying dismissal.

11. Indicate whether the case has previously been the subject of an appeal or an original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding.

N/A

12. Indicate whether this appeal involves child custody or visitation:

N/A

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

Appellant believes that this matter could be settled if Respondent is willing to mediate this claim in good faith.

DATED this 15th day of July, 2016.

LEE, HERNANDEZ, LANDRUM
& GAROFALO

By: 

NATASHA A. LANDRUM, ESQ.

Nevada Bar No. 7414

DIRK W. GASPAR, ESQ.

Nevada Bar No. 10046

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Attorneys for Plaintiff Michael Kirsch

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(702) 880-9750

CERTIFICATE OF MAILING

Michael Kirsch v. Peter Traber, et al.
In Re: Galectin Therapeutics

I HEREBY CERTIFY that on the 15th day of July, 2016, I served a copy of the
above and foregoing **CASE APPEAL STATEMENT**, by electronic service via Wiznet/Odyssey,
pursuant to Administrative Order 174-2, to the following party(ies) of record:

Lyssa S. Anderson, Esq. Ryan W. Daniels, Esq.. KAEMPFER CROWELL 8345 W. Sunset Road, Ste. 250 Las Vegas, NV 89113 Telephone: (702) 792-7000 Fax:(702) 796-7181 landerson@kcnvlaw.com ATTORNEY FOR DEFENDANT	Michael R. Smith, Esq. B. Warren Pope, Esq. Benjamin Lee, Esq. KING & SPAULDING, LLP 1180 Peachtree Street, NE Atlanta, GA 30309 ATTORNEY FOR DEFENDANT
John P. Aldrich, Esq. ALDRICH LAW FIRM, LTD 1601 S. Rainbow Blvd., Ste. 160 Las Vegas, NV 89146 (702) 853-5490 Fax: (702) 227-1975 jaldrich@johnaldricklawfirm.com ATTORNEY FOR INTERVENORS	Michael I. Fistel, Jr., Esq. JOHNSON & WEAVER, LLP 40 Powder Springs St. Marietta, GA 30064 (770)200-3104 michaelf@johnsonandweaver.com ATTORNEY FOR INTERVENORS
Kathleen A. Herkenhoff, Esq. THE WEISER LAW FIRM, P.C. 12707 High Bluff Drive, Suite 200 San Diego, CA 92130 (858) 794-1441 kah@weiserlawfirm.com Attorneys for INTERVENOR – Sui Yip	

By:

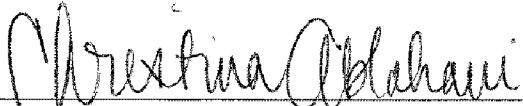

An employee of LEE, HERNANDEZ,
LANDRUM & GAROFALO

EXHIBIT "1"

Exhibit "1"


CLERK OF THE COURT

ORAP

NATASHA A. LANDRUM, ESQ.
Nevada Bar No. 7414

DAVID S. DAVIS, ESQ.
Nevada Bar No. 11549

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ddavis@lee-lawfirm.com

Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL KIRSCH, derivatively on behalf of
GALECTIN THERAPEUTICS, INC.,

Plaintiff,

-vs-

PETER G. TRABER; JAMES C. CZIRR;
JACK W. CALLICUTT; GILBERT F.
AMELIO; KEVIN D. FREEMAN; ARTHUR
R. GREENBERG; ROD D. MARTIN; JOHN F.
MAULDIN; STEVEN PRELACK; HERMAN
PAUL PRESSLER, III; and DR. MARC
RUBIN,

Defendants,

-and-

GALECTIN THERAPEUTICS, INC., a
Nevada corporation,

Nominal Defendant.

CASE NO. A-14-706397-B

DEPT. NO. XI

ORDER ADMITTING TO PRACTICE

EDWARD R. MILLER, ESQ., having filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, a Certificate of Good Standing for the State of New York, and the State Bar of Nevada Statement; said Application having been noticed, no objections having been made; and the Court being fully apprised in the premises, and good cause appearing, it is hereby:

04-23-15A05:53 RCVD

LEE, HERNANDEZ, LANDRUM & GAROFALO
7575 VEGAS DRIVE, SUITE 150
LAS VEGAS, NV 89128
(702) 880-9750

1 **ORDERED**, that said Application is hereby granted, and **EDWARD R. MILLER, ESQ.**
2 is hereby admitted to practice in the above-entitled Court for the purpose of the above-entitled
3 matter only.

4 DATED this 19th day of MAY, 2015.

5
6 
DISTRICT COURT JUDGE

7 Submitted By:

8
9 **LEE, HERNANDEZ, LANDRUM**
& GAROFALO

10
11 By: 

NATASHA A. LANDRUM, ESQ.
Nevada Bar No. 7414
DAVID S. DAVIS, ESQ.
Nevada Bar No. 11549
7575 Vegas Drive, Suite 150
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Attorneys for Plaintiff Kirsch

16 **LIFSHITZ AND MILLER**
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Facsimile: (516) 280-7376
Attorneys for Plaintiff Kirsch

DEPARTMENT 11
CASE SUMMARY
CASE NO. A-14-706397-B

Michael Kirsch, Plaintiff(s)
vs.
Peter Traber, Defendant(s)

§
§
§
§
§

Location: Department 11
Judicial Officer: Gonzalez, Elizabeth
Filed on: 08/29/2014
Cross-Reference Case Number: A706397

CASE INFORMATION

Case Type: Other Business Court Matters
Case Flags: Discovery heard by Department
Appealed to Supreme Court
Jury Demand Filed
Automatically Exempt from Arbitration

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-14-706397-B
Court	Department 11
Date Assigned	08/29/2014
Judicial Officer	Gonzalez, Elizabeth

PARTY INFORMATION

Plaintiff	Kirsch, Michael	Landrum, Natasha A. <i>Retained</i> 7028809750(W)
Defendant	Amelio, Gilbert F Removed: 04/01/2016 Dismissed	
	Callicutt, Jack W Removed: 04/01/2016 Dismissed	
	Czirr, James C Removed: 04/01/2016 Dismissed	
	Freeman, Kevin D Removed: 04/01/2016 Dismissed	
	Galectin Therapeutics, Inc. Removed: 04/01/2016 Dismissed	
	Greenberg, Arthur R Removed: 04/01/2016 Dismissed	
	Martin, Ron D Removed: 04/01/2016 Dismissed	
	Mauldin, John F Removed: 04/01/2016 Dismissed	
	Prelack, Steven Removed: 04/01/2016	

DEPARTMENT 11
CASE SUMMARY
CASE NO. A-14-706397-B

Dismissed

Pressler, Herman Paul, III
Removed: 04/01/2016
Dismissed

Rubin, Marc
Removed: 04/01/2016
Dismissed

Traber, Peter G










Simonelli, Lyssa
Retained
7027927000(W)

Intervenor
Plaintiff














Hasbrouck, David L
Removed: 04/01/2016
Dismissed

Yip, Siu
Removed: 07/16/2015
Data Entry Error

Yip, Siu
Removed: 04/01/2016
Dismissed

DATE	EVENTS & ORDERS OF THE COURT	INDEX
08/29/2014	 Complaint (Business Court) <i>Verified Shareholder Derivative Complaint</i>	
08/29/2014	 Initial Appearance Fee Disclosure Filed By: Plaintiff Kirsch, Michael	
08/29/2014	 Demand for Jury Trial Filed By: Plaintiff Kirsch, Michael	
09/05/2014	 Errata Filed By: Plaintiff Kirsch, Michael <i>Errata to Verified Shareholder Derivative Complaint</i>	
10/28/2014	 Summons Filed by: Plaintiff Kirsch, Michael <i>Summons with Affidavit of Service (Steven Prelack)</i>	
10/28/2014	 Summons Filed by: Plaintiff Kirsch, Michael <i>Summons with Affidavit of Service (Arthur R. Greenberg)</i>	
10/28/2014	 Summons Filed by: Plaintiff Kirsch, Michael <i>Summons with Affidavit of Service (Jack W. Callicutt)</i>	
10/28/2014	 Summons Filed by: Plaintiff Kirsch, Michael <i>Summons with Affidavit of Service (John F. Mauldin)</i>	
10/28/2014	 Summons Filed by: Plaintiff Kirsch, Michael <i>Summons with Affidavit of Service (Rod D. Martin)</i>	

DEPARTMENT 11
CASE SUMMARY
CASE NO. A-14-706397-B

10/28/2014	 Summons Filed by: Plaintiff Kirsch, Michael <i>Summons with Affidavit of Service (Gilbert F. Amelio)</i>
10/28/2014	 Summons Filed by: Plaintiff Kirsch, Michael <i>Summons with Affidavit of Service (Dr. Marc Rubin)</i>
10/28/2014	 Summons Filed by: Plaintiff Kirsch, Michael <i>Summons with Affidavit of Service (Peter G. Traber)</i>
10/28/2014	 Summons Filed by: Plaintiff Kirsch, Michael <i>Summons with Affidavit of Service (Kevin D. Freeman)</i>
10/28/2014	 Summons Filed by: Plaintiff Kirsch, Michael <i>Summons with Affidavit of Service (James C. Czirr)</i>
10/28/2014	 Summons Filed by: Plaintiff Kirsch, Michael <i>Summons with Affidavit of Service (Herman Paul Pressler, III)</i>
11/17/2014	 Notice of Appearance Party: Defendant Traber, Peter G <i>Special and Limited Entry of Appearance</i>
11/17/2014	 Motion to Stay Filed By: Defendant Traber, Peter G <i>Defendants' Motion to Stay the Case in Deference to Prior-Filed Parallel Derivative Litigation and Supporting Memorandum of Law</i>
11/17/2014	 Initial Appearance Fee Disclosure Filed By: Defendant Traber, Peter G <i>Initial Appearance Fee Disclosure</i>
11/17/2014	 Stipulation and Order Filed by: Defendant Traber, Peter G <i>Stipulation and Order</i>
12/01/2014	 Amended Complaint Filed By: Plaintiff Kirsch, Michael <i>Plaintiff's First Amended Shareholder Derivative Complaint</i>
12/03/2014	 Countermotion Filed By: Plaintiff Kirsch, Michael <i>Motion and Memorandum in Support of Plaintiff's Counter-Motion for Disqualification of the Company's Counsel and Memorandum in Opposition to Defendants' Motion to Stay</i>
12/11/2014	 Reply in Support Filed By: Defendant Traber, Peter G <i>Defendants' Combined Reply in Support of Motion to Stay the Case and Opposition to</i>

DEPARTMENT 11
CASE SUMMARY
CASE NO. A-14-706397-B

Plaintiff's Counter-Motion for Disqualification of the Company's Counsel

12/12/2014



Errata

Filed By: Defendant Traber, Peter G

Errata to Defendants' Combined Reply in Support of Motion to Stay the Case and Opposition to Plaintiff's Counter-Motion for Disqualification of the Company's Counsel.

12/18/2014



Motion for Order Extending Time

Filed by: Defendant Traber, Peter G

Defendants' Emergency Motion to Extend the Deadline to Respond to Plaintiff's Amended Complaint on Order Shortening Time

12/18/2014



Reply in Support

Filed By: Plaintiff Kirsch, Michael

Reply in Further Support of Plaintiff's Counter-Motion for Disqualification of Counsel

12/19/2014

Motion to Stay (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendants' Motion to Stay the Case in Deference to Prior-Filed Parallel Derivative Litigation and Supporting Memorandum of Law

12/19/2014

Opposition and Countermotion (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiff's Motion and Memorandum in Support of Plaintiff's Counter-Motion for Disqualification of the Company's Counsel and Memorandum in Opposition to Defendants' Motion to Stay

12/19/2014



All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

12/19/2014



Notice of Withdrawal of Motion

Filed By: Defendant Traber, Peter G

Notice of Withdrawal of Defendants' Emergency Motion to Extend the Deadline to Respond to Plaintiff's Amended Complaint on Order Shortening Time

12/22/2014



Stipulation and Order

Filed by: Defendant Traber, Peter G

Stipulation and Order for Extension of Time for Defendants to File Response to First Amended Complaint

12/22/2014



Notice of Entry of Stipulation and Order

Filed By: Defendant Traber, Peter G

Notice of Entry of Stipulation and Order for Extension of Time for Defendants to File Response to First Amended Complaint

12/23/2014

CANCELED Motion (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated - per Judge

Defendants' Emergency Motion to Extend the Deadline to Respond to Plaintiff's Amended Complaint on Order Shortening Time

01/05/2015



Order Denying Motion

Filed By: Defendant Traber, Peter G

Order Denying Defendants' Motion to Stay the Case in Deference to Prior-Filed Parallel Derivative Litigation

01/05/2015
















Notice of Entry of Order











Filed By: Defendant Traber, Peter G

Notice of Entry of Order Denying Defendants' Motion to Stay the Case in Deference to Prior-Filed Parallel Derivative Litigation











DEPARTMENT 11
CASE SUMMARY
CASE NO. A-14-706397-B

01/07/2015	 Notice of Entry of Order Filed By: Plaintiff Kirsch, Michael <i>Notice of Entry of Order</i>
01/07/2015	 Order Denying Motion Filed By: Plaintiff Kirsch, Michael <i>Order</i>
01/08/2015	 Motion to Reconsider Filed By: Defendant Traber, Peter G <i>Motion for Reconsideration of Ruling Denying Defendants' Motion to Stay the Case and Supporting Memorandum of Points and Authorities</i>
01/16/2015	 Notice of Entry Filed By: Defendant Traber, Peter G <i>Notice of Entry of Order for Extension of Time for Defendants to File Response to First Amended Complaint and for Briefing Schedule</i>
01/16/2015	 Stipulation and Order Filed by: Defendant Traber, Peter G <i>Stipulation and Order for Extension of Time for Defendants to File Response to First Amended Complaint and for Briefing Schedule</i>
01/26/2015	 Opposition to Motion Filed By: Plaintiff Kirsch, Michael <i>Plaintiff's Memorandum in Opposition to Defendants' Motion for Clarification/Reconsideration</i>
01/29/2015	 Motion to Associate Counsel Filed By: Defendant Traber, Peter G <i>Motion to Associate Counsel</i>
01/29/2015	 Motion to Associate Counsel Filed By: Defendant Traber, Peter G <i>Motion to Associate Counsel</i>
01/29/2015	 Motion to Associate Counsel Filed By: Defendant Traber, Peter G <i>Motion to Associate Counsel</i>
01/30/2015	 Reply in Support Filed By: Defendant Traber, Peter G <i>Defendants' Reply Memorandum in Support of Motion for Reconsideration of Ruling Denying Defendants' Motion to Stay the Case</i>
02/06/2015	 Motion For Reconsideration (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendants' Motion for Reconsideration of Ruling Denying Defendants' Motion to Stay the Case and Supporting Memorandum of Points and Authorities</i>
02/26/2015	 Motion to Dismiss Filed By: Defendant Galectin Therapeutics, Inc. <i>Nominal Defendant Galectin Therapeutics, Inc.'s Motion to Dismiss the First Amended Shareholder Derivative Complaint</i>
02/26/2015	 Motion to Dismiss














DEPARTMENT 11
CASE SUMMARY
CASE NO. A-14-706397-B

	<p>Filed By: Defendant Traber, Peter G <i>Individual Defendants' Motion to Dismiss the First Amended Shareholder Derivative Complaint</i></p>
03/05/2015	<p> Order Denying Motion Filed By: Plaintiff Kirsch, Michael <i>Order Denying Defendants' Motion to Stay Case in Deference to Prior-Filed Parallel Derivative Litigation</i></p>
03/06/2015	<p>Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendants and Nominal Defendant Galectin Therapeutics, Inc.'s Motion to Associate Counsel (Michael R. Smith, Esq.)</i></p>
03/06/2015	<p>Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendants and Nominal Defendant Galectin Therapeutics, Inc.'s Motion to Associate Counsel (Benjamin Warren Pope, Esq.)</i></p>
03/06/2015	<p>Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendants and Nominal Defendant Galectin Therapeutics, Inc.'s Motion to Associate Counsel (Benjamin Lee, Esq.)</i></p>
03/06/2015	<p> All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p>
03/06/2015	<p> Notice of Entry of Order Filed By: Plaintiff Kirsch, Michael <i>Notice of Entry of Order</i></p>
03/13/2015	<p> Order Admitting to Practice Filed By: Defendant Traber, Peter G <i>Order Admitting to Practice</i></p>
03/16/2015	<p> Notice of Entry of Order Filed By: Defendant Traber, Peter G <i>Notice of Entry of Order Admitting to Practice</i></p>
03/19/2015	<p> Motion for Leave to File Party: Plaintiff Kirsch, Michael <i>Memorandum in Support of Plaintiff's Motion for Leave to File Plaintiff's Second Amended Shareholder Derivative Complaint</i></p>
03/24/2015	<p> Stipulation and Order Filed by: Plaintiff Kirsch, Michael <i>Stipulation & Order to Continue Hearing</i></p>
03/27/2015	<p> Amended Complaint Filed By: Plaintiff Kirsch, Michael <i>Plaintiff's Second Amended Shareholder Derivative Complaint</i></p>
03/27/2015	<p> Notice of Entry of Stipulation and Order Filed By: Plaintiff Kirsch, Michael <i>Notice of Entry of Stipulation and Order</i></p>
03/31/2015	<p> Stipulation and Order Filed by: Defendant Traber, Peter G <i>Stipulation and Order for Plaintiff to File a Second Amended Complaint and Extension of Time for Defendants to File a Motion to Dismiss</i></p>

DEPARTMENT 11
CASE SUMMARY
CASE NO. A-14-706397-B

04/01/2015	 Notice of Entry of Stipulation and Order Filed By: Defendant Traber, Peter G <i>Notice of Entry of Stipulation and Order for Plaintiff to File a Second Amended Complaint and Extension of Time for Defendants to File a Motion to Dismiss</i>
04/21/2015	 Motion to Associate Counsel Filed By: Plaintiff Kirsch, Michael <i>Motion to Associate Counsel</i>
04/22/2015	 Motion to Dismiss Filed By: Defendant Traber, Peter G; Defendant Czirr, James C; Defendant Callicutt, Jack W; Defendant Amelio, Gilbert F; Defendant Freeman, Kevin D; Defendant Greenberg, Arthur R; Defendant Martin, Ron D; Defendant Mauldin, John F; Defendant Prelack, Steven; Defendant Pressler, Herman Paul, III; Defendant Rubin, Marc <i>Individual Defendants' Motion to Dismiss the Second Amended Shareholder Derivative Complaint and Memorandum of Points and Authorities</i>
04/22/2015	 Motion to Dismiss Filed By: Defendant Galectin Therapeutics, Inc. <i>Nominal Defendant Galectin Therapeutics, Inc.'s Motion to Dismiss the Second Amended Shareholder Derivative Complaint and Memorandum of Points and Authorities</i>
04/24/2015	 Motion for Leave (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Memorandum in Support of Plaintiff's Motion for Leave to File Plaintiff's Second Amended Shareholder Derivative Complaint</i>
05/14/2015	CANCELED Motion to Dismiss (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Stipulation and Order</i> <i>Nominal Defendant Galectin Therapeutics, Inc.'s Motion to Dismiss the First Amended Shareholder Derivative Complaint</i>
05/14/2015	CANCELED Motion to Dismiss (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Stipulation and Order</i> <i>Individual Defendants' Motion to Dismiss the First Amended Shareholder Derivative Complaint</i>
05/20/2015	 Opposition to Motion to Dismiss Filed By: Plaintiff Kirsch, Michael <i>Plaintiff's Combined Memorandum Of Law In Opposition To The Nominal Defendant And Individual Defendants' Motions To Dismiss The Second Amended Shareholder Derivative Complaint</i>
05/21/2015	 Notice of Non Opposition Filed By: Plaintiff Kirsch, Michael <i>Plaintiff's Notice Non-Opposition to Motion to Associate Counsel</i>
05/22/2015	 Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiff's Motion to Associate Counsel</i>
05/29/2015	 Motion to Intervene Party: Intervenor Plaintiff Hasbrouck, David L <i>David L. Hasbrouck and Siu Yip's Motion to Intervene</i>
06/01/2015	 Certificate of Service Filed by: Intervenor Plaintiff Hasbrouck, David L <i>Certificate of Service of David L. Hasbrouck and Siu Yip's Motion to Intervene</i>













DEPARTMENT 11
CASE SUMMARY
CASE NO. A-14-706397-B

06/02/2015	 Order Admitting to Practice Filed By: Plaintiff Kirsch, Michael <i>Order Admitting to Practice</i>
06/02/2015	 Order Granting Motion Filed By: Plaintiff Kirsch, Michael <i>Order Granting Plaintiff's Motion for Leave to File Second Amended Shareholder Derivative Complaint</i>
06/03/2015	 Notice of Entry of Order Filed By: Plaintiff Kirsch, Michael <i>Notice of Entry of Order Admitting to Practice (Edward R. Miller, Esq.)</i>
06/03/2015	 Notice of Entry of Order Filed By: Plaintiff Kirsch, Michael <i>Notice of Entry of Order Granting Plaintiff's Motion for Leave to File Amended Shareholder Derivative Complaint</i>
06/04/2015	 Certificate of Mailing Filed By: Plaintiff Kirsch, Michael <i>Amended Certificate of Mailing</i>
06/04/2015	 Motion to Add Party Filed By: Plaintiff Kirsch, Michael <i>Plaintiff's Motion to Joint Additional Plaintiffs on Order Shortening Time</i>
06/04/2015	 Reply in Support Filed By: Defendant Traber, Peter G <i>Individual Defendants' Reply Memorandum in Support of Their Motion to Dismiss the Second Amended Shareholder Derivative Complaint</i>
06/04/2015	 Reply in Support Filed By: Defendant Galectin Therapeutics, Inc. <i>Nominal Defendant Galectin Therapeutics, Inc.'s Reply Memorandum in Support of Its Motion to Dismiss the Second Amended Shareholder Derivative Complaint</i>
06/04/2015	 Ex Parte Motion Filed By: Intervenor Plaintiff Hasbrouck, David L <i>Ex Parte Motion for Order Shortening Time and (Proposed) Order Shortening Time</i>
06/05/2015	 Receipt of Copy Filed by: Intervenor Plaintiff Hasbrouck, David L <i>Receipt of Copy</i>
06/08/2015	 Opposition to Motion Filed By: Defendant Traber, Peter G <i>Defendants' Response in Opposition to Plaintiff's Motion to Join Additional Plaintiffs</i>
06/08/2015	 Response Filed by: Defendant Traber, Peter G <i>Defendants' Response to David L. Hasbrouck and Siu Yip's Motion to Intervene</i>
06/09/2015	 Opposition to Motion

DEPARTMENT 11
CASE SUMMARY
CASE NO. A-14-706397-B

	<p>Filed By: Plaintiff Kirsch, Michael <i>Plaintiff's Opposition to David L. Hasbrouck and Siu Yip's Motion to Intervene</i></p>
06/09/2015	<p> Reply in Support Filed By: Plaintiff Kirsch, Michael <i>Plaintiff's Reply in Support of Motion to Join Additional Plaintiffs on Order Shortening Time</i></p>
06/11/2015	<p>Motion to Dismiss (8:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Events: 04/22/2015 Motion to Dismiss <i>Individual Defendants' Motion to Dismiss the Second Amended Shareholder Derivative Complaint and Memorandum of Points and Authorities</i></p>
06/11/2015	<p>Motion to Dismiss (8:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Events: 04/22/2015 Motion to Dismiss <i>Nominal Defendant Galectin Therapeutics, Inc.'s Motion to Dismiss the Second Amended Shareholder Derivative Complaint and Memorandum of Points and Authorities</i></p>
06/11/2015	<p>Motion to Intervene (8:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>David L. Hasbrouck and Siu Yip's Motion to Intervene</i></p>
06/11/2015	<p>Motion to Intervene (8:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Intervenors, David L. Hasbrouck and Siu Yip's Ex Parte Motion for Order Shortening Time and (Proposed) Order Shortening Time</i></p>
06/11/2015	<p>Motion (8:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiff's Motion to Joint Additional Plaintiffs on Order Shortening Time</i></p>
06/11/2015	<p> All Pending Motions (8:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p>
06/18/2015	<p> Reporters Transcript <i>Transcript of Proceedings: Hearing on Motions, June 11, 2015</i></p>
06/22/2015	<p> Initial Appearance Fee Disclosure Filed By: Intervenor Plaintiff Hasbrouck, David L <i>Initial Appearance Fee Disclosure</i></p>
06/22/2015	<p> Motion to Associate Counsel Filed By: Intervenor Plaintiff Hasbrouck, David L <i>Motion to Associate Counsel - Michael Ira Fistel Jr. Esq.</i></p>
07/09/2015	<p> Complaint in Interpleader Filed By: Intervenor Plaintiff Hasbrouck, David L <i>David L. Hasbrouck and Siu Yip's Verified Shareholder Derivative Complaint-In-Intervention</i></p>
07/09/2015	<p> Disclosure Statement Party: Intervenor Plaintiff Hasbrouck, David L <i>Intervenors David L. Hasbrouck and Siu Yip's Rule 7.1 Disclosure Statement</i></p>
07/14/2015	<p> Notice of Change of Address Filed By: Defendant Traber, Peter G <i>Notice of Change of Address</i></p>
07/21/2015	<p> Notice of Entry of Stipulation and Order Filed By: Defendant Traber, Peter G <i>Notice of Entry of Stipulation and Order Regarding David L. Hasbrouck's and Siu Yip's Verified Shareholder Complaint in Intervention</i></p>




DEPARTMENT 11
CASE SUMMARY
CASE NO. A-14-706397-B

07/21/2015	 Stipulation and Order Filed by: Intervenor Plaintiff Hasbrouck, David L <i>Stipulation and Order Regarding David L. Hasbrouck's and Siu Yip's Verified Shareholder Complaint in Intervention</i>
07/24/2015	 Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Events: 06/22/2015 Motion to Associate Counsel <i>Proposed Intervenor, David L. Hasbrouck's Motion to Associate Counsel (Michael Ira Fistel, Jr., Esq.)</i>
07/27/2015	 Order Filed By: Intervenor Plaintiff Hasbrouck, David L <i>Order Re: David L. Hasbrouck's and Siu Yip's Motion to Intervene</i>
07/30/2015	 Notice of Entry of Order Filed By: Plaintiff Kirsch, Michael <i>Notice of Entry of Order Re: David L. Hasbrouck's and Siu Yip's Motion to Intervene</i>
08/05/2015	 Order Filed By: Plaintiff Kirsch, Michael <i>Order Re: June 11, 2015 Motions to Dismiss and Motion to Join Additional Plaintiffs</i>
08/10/2015	 Notice of Entry of Order Filed By: Plaintiff Kirsch, Michael <i>Notice of Entry of Order</i>
08/12/2015	 Order Admitting to Practice Filed By: Intervenor Plaintiff Hasbrouck, David L <i>Order Admitting to Practice</i>
08/12/2015	 Notice of Entry of Order Filed By: Intervenor Plaintiff Hasbrouck, David L <i>Notice of Entry of Order Admitting to Practice</i>
12/11/2015	 Status Report Filed By: Plaintiff Kirsch, Michael <i>Report Regarding Status of In re Galectin Therapeutics, Inc. Derivative Litigation, Lead Case No. 1:15-cv-00208-SCJ, in the United States District Court for the Northern District of Georgia</i>
12/11/2015	 Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) 12/11/2015, 01/05/2016
12/11/2015	 Status Report Filed By: Plaintiff Kirsch, Michael <i>Report Regarding Status of In re Galectin Therapeutics, Inc. Derivative Litigation, Lead Case No. 1:15-CV-00208-SCJ, In The United States District Court For The Northern District Of Georgia</i>
12/31/2015	 Supplemental Filed by: Defendant Traber, Peter G <i>Supplemental Report Regarding Status of In re Galectin Therapeutics, Inc. Derivative Litigation, Lead Case No. 1:15-cv-00208-SCJ, In the United States District Court for the Northern District of Georgia</i>





DEPARTMENT 11
CASE SUMMARY
CASE NO. A-14-706397-B

01/05/2016	 Motion to Associate Counsel Filed By: Intervenor Plaintiff Yip, Siu <i>Motion to Associate Counsel</i>
01/19/2016	 Motion to Dismiss Filed By: Defendant Galectin Therapeutics, Inc. <i>Nominal Defendant Galectin Therapeutics, Inc.'s Motion to Dismiss Shareholder Derivative Action</i>
01/19/2016	 Motion to Dismiss Filed By: Defendant Traber, Peter G <i>Individual Defendants' and 10X Fund L.P.'s Motion to Dismiss Shareholder Derivative Action</i>
02/05/2016	 Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Proposed Intervenor Siu Yip's Motion to Associate Counsel</i>
02/05/2016	 Opposition to Motion Filed By: Plaintiff Kirsch, Michael <i>Plaintiff's Michael Kirsch's And Intervenor Plaintiffs David L. Hasbrouck's And Sui Yip's Memorandum In Opposition To Defendants Motion To Dismiss</i>
02/08/2016	 Certificate of Mailing Filed By: Plaintiff Kirsch, Michael <i>Certificate of Mailing</i>
02/12/2016	 Order Shortening Time Filed By: Defendant Traber, Peter G <i>Defendants' Motion for Continuance of Hearing on Motions to Dismiss on Order Shortening Time</i>
02/16/2016	 Reply in Support Filed By: Defendant Traber, Peter G <i>Combined Reply Memorandum in Support of Nominal Defendant Galectin Therapeutics, Inc.'s and the Individual Defendants' Motions to Dismiss Shareholder Derivative Action</i>
02/18/2016	CANCELED Motion (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i> <i>Defendants' Motion for Continuance of Hearing on Motions to Dismiss on Order Shortening Time</i>
02/25/2016	 Notice of Appearance Party: Intervenor Plaintiff Hasbrouck, David L <i>Notice of Appearance of Counsel</i>
02/29/2016	 Order Admitting to Practice Filed By: Intervenor Plaintiff Hasbrouck, David L <i>Order Admitting to Practice</i>
03/01/2016	 Notice of Entry of Order Filed By: Intervenor Plaintiff Yip, Siu <i>Notice of Entry of Order Admitting to Practice</i>
03/03/2016	Motion to Dismiss (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Nominal Defendant Galectin Therapeutics, Inc.'s Motion to Dismiss Shareholder Derivative Action</i>

DEPARTMENT 11
CASE SUMMARY
CASE NO. A-14-706397-B

03/03/2016	Motion to Dismiss (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Individual Defendants' and 10X Fund L.P.'s Motion to Dismiss Shareholder Derivative Action</i>
03/03/2016	 All Pending Motions (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)
03/09/2016	 Reporters Transcript <i>Transcript of Proceedings: Status Check</i>
03/09/2016	 Reporters Transcript <i>Transcript of Proceedings: Hearing on Motions to Dismiss March 3 2016</i>
03/10/2016	 Reporters Transcript <i>Corrected Transcript of Proceedings: Hearing on Motion to Dismiss - 3/3/2016</i>
03/16/2016	 Reporters Transcript Filed By: Plaintiff Kirsch, Michael <i>Corrected Transcript of Proceedings: Hearing on Motions to Dismiss March 3, 2016</i>
04/01/2016	 Order <i>Order Re: Motion to Dismiss Shareholder Derivative Action</i>
04/01/2016	Order of Dismissal With Prejudice (Judicial Officer: Gonzalez, Elizabeth) Debtors: David L Hasbrouck (Intervenor Plaintiff), Siu Yip (Intervenor Plaintiff) Creditors: Peter G Traber (Defendant), James C Czirr (Defendant), Jack W Callicutt (Defendant), Gilbert F Amelio (Defendant), Kevin D Freeman (Defendant), Arthur R Greenberg (Defendant), Ron D Martin (Defendant), John F Mauldin (Defendant), Steven Prelack (Defendant), Herman Paul Pressler, III. (Defendant), Dr. Marc Rubin (Defendant), Galectin Therapeutics, Inc. (Defendant) Judgment: 04/01/2016, Docketed: 04/08/2016
04/05/2016	 Motion Filed By: Defendant Traber, Peter G <i>Defendants' Motion to Correct Order re: Motions to Dismiss Shareholder Derivative Action Pursuant to NRCP 60</i>
04/22/2016	 Opposition to Motion Filed By: Plaintiff Kirsch, Michael <i>Opposition to Motion to Correct Order re: Motion to Dismiss Shareholder Derivative Action Pursuant to NRCP 60</i>
05/20/2016	 Reply Filed by: Defendant Traber, Peter G <i>Reply Memorandum in Support of Defendants' Motion to Correct Order re: Motions to Dismiss Shareholder Derivative Action Pursuant to NRCP 60</i>
05/27/2016	 Motion (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendants' Motion to Correct Order re: Motions to Dismiss Shareholder Derivative Action Pursuant to NRCP 60</i>
06/15/2016	 Order Filed By: Plaintiff Kirsch, Michael <i>[Proposed] Order Denying Defendants' Motion to Correct Order re: Motion to Dismiss Shareholder Derivative Action Pursuant to NRCP 60</i>

DEPARTMENT 11
CASE SUMMARY
CASE NO. A-14-706397-B

06/16/2016	 Notice of Entry of Order Filed By: Plaintiff Kirsch, Michael <i>Notice Of Entry Of Order Denying Defendants' Motion To Correct Order Re: Motions To Dismiss Shareholder Derivative Action Pursuant to NRCP 60</i>
06/21/2016	 Notice of Entry of Order for Dismissal With Prejudice Filed By: Defendant Traber, Peter G <i>Notice of Entry of Order Dismissing Action with Prejudice</i>
07/15/2016	 Notice of Appeal Filed By: Plaintiff Kirsch, Michael <i>Notice of Appeal</i>
07/15/2016	 Case Appeal Statement Filed By: Plaintiff Kirsch, Michael <i>Case Appeal Statement</i>

DATE	FINANCIAL INFORMATION
	Defendant Amelio, Gilbert F Total Charges 30.00 Total Payments and Credits 30.00 Balance Due as of 7/18/2016 0.00 Defendant Callicutt, Jack W Total Charges 30.00 Total Payments and Credits 30.00 Balance Due as of 7/18/2016 0.00 Defendant Czirr, James C Total Charges 30.00 Total Payments and Credits 30.00 Balance Due as of 7/18/2016 0.00 Defendant Freeman, Kevin D Total Charges 30.00 Total Payments and Credits 30.00 Balance Due as of 7/18/2016 0.00 Defendant Galectin Therapeutics, Inc. Total Charges 30.00 Total Payments and Credits 30.00 Balance Due as of 7/18/2016 0.00 Defendant Greenberg, Arthur R Total Charges 30.00 Total Payments and Credits 30.00 Balance Due as of 7/18/2016 0.00 Intervenor Plaintiff Hasbrouck, David L Total Charges 1,483.00 Total Payments and Credits 1,483.00 Balance Due as of 7/18/2016 0.00 Defendant Martin, Ron D Total Charges 30.00 Total Payments and Credits 30.00 Balance Due as of 7/18/2016 0.00 Defendant Mauldin, John F Total Charges 30.00

DEPARTMENT 11
CASE SUMMARY
CASE NO. A-14-706397-B

Total Payments and Credits	30.00
Balance Due as of 7/18/2016	0.00
Defendant Prelack, Steven	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 7/18/2016	0.00
Defendant Pressler, Herman Paul, III	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 7/18/2016	0.00
Defendant Rubin, Marc	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 7/18/2016	0.00
Intervenor Plaintiff Yip, Siu	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 7/18/2016	0.00
Defendant Traber, Peter G	
Total Charges	1,483.00
Total Payments and Credits	1,483.00
Balance Due as of 7/18/2016	0.00
Plaintiff Kirsch, Michael	
Total Charges	1,595.50
Total Payments and Credits	1,595.50
Balance Due as of 7/18/2016	0.00
Plaintiff Kirsch, Michael	
Appeal Bond Balance as of 7/18/2016	500.00

A14-700397-B
X1

BUSINESS COURT CIVIL COVER SHEET

County, Nevada
Case No. _____
(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)


Plaintiff(s) (name/address/phone): MICHAEL KIRSCH, Derivatively and on Behalf of Galectic Therapeutics, Inc.	Defendant(s) (name/address/phone): PETER G. TRABER, et al. Defendants and GALECTIN THERAPEUTICS, INC., Nominal Defendant
Attorney (name/address/phone): Natasha A. Landrum, Esq. 7575 W. Vegas Drive, Ste. 150 Las Vegas, NV 89128	Attorney (name/address/phone):

II. Nature of Controversy (Please check the applicable boxes for both the civil case type and business court case type)

☐ Arbitration Requested

Civil Case Filing Types		Business Court Filing Types
Real Property <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Torts Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice Other Torts <input type="checkbox"/> Product Liability <input checked="" type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input checked="" type="checkbox"/> Other Tort	CLARK COUNTY BUSINESS COURT <input type="checkbox"/> NRS Chapters 78-89 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Mergers (NRS 92A) <input type="checkbox"/> Uniform Commercial Code (NRS 104) <input type="checkbox"/> Purchase/Sale of Stock, Assets, or Real Estate <input type="checkbox"/> Trademark or Trade Name (NRS 600) <input type="checkbox"/> Enhanced Case Management <input checked="" type="checkbox"/> Other Business Court Matters
Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Civil Writs <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	WASHOE COUNTY BUSINESS COURT <input type="checkbox"/> NRS Chapters 78-88 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Investments (NRS 104 Art.8) <input type="checkbox"/> Deceptive Trade Practices (NRS 598) <input type="checkbox"/> Trademark/Trade Name (NRS 600) <input type="checkbox"/> Trade Secrets (NRS 600A) <input type="checkbox"/> Enhanced Case Management <input type="checkbox"/> Other Business Court Matters
Judicial Review/Appeal/Other Civil Filing Judicial Review <input type="checkbox"/> Foreclosure Mediation Case Appeal Other <input type="checkbox"/> Appeal from Lower Court		Other Civil Filing <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

A-14-706397-B
CCS
Civil Cover Sheet
4200794




08/29/14

Date

Signature of initiating party or representative

1 **ORDR**



CLERK OF THE COURT

2 **DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4 MICHAEL KIRSCH, derivatively on behalf
5 of GALECTIN THERAPEUTICS, INC.,

6 Plaintiff,

7 -vs-

8 PETER G. TRABER; JAMES C. CZIRR;
9 JACK W. CALLICUTT; GILBERT F.
10 AMELIO; KEVIN D. FREEMAN; ARTHUR
11 R. GREENBERG; ROD D. MARTIN; JOHN
12 F. MAULDIN; STEVEN PRELACK;
13 HERMAN PAUL PRESSLER, III; and DR.
14 MARC RUBIN,

15 Defendants,

16 -and-

17 GALECTIN THERAPEUTICS, INC., a
18 Nevada corporation,

19 Nominal Defendant.

CASE NO. A-14-706397-B

DEPT. NO. XI

**ORDER RE: MOTIONS TO DISMISS
SHAREHOLDER DERIVATIVE ACTION**

Date of Hearing: March 3, 2016
Time of Hearing: 8:30 a.m.

1 DAVID L. HASBROUCK and SIU YIP,
2 derivatively on behalf of GALECTIN
3 THERAPEUTICS, INC.,

4 Plaintiffs-Intervenors,

5 -VS-

6 PETER G. TRABER; JAMES C. CZIRR;
7 JACK W. CALLICUTT; GILBERT F.
8 AMELIO; KEVIN D. FREEMAN; ARTHUR
9 R. GREENBERG; ROD D. MARTIN; JOHN
10 F. MAULDIN; STEVEN PRELACK;
11 HERMAN PAUL PRESSLER, III; DR.
12 MARC RUBIN; and 10X FUND, L.P.,

13 Defendants,

14 -and-

15 GALECTIN THERAPEUTICS, INC., a
16 Nevada corporation,

17 Nominal Defendant.

18 **ORDER RE: MOTIONS TO DISMISS SHAREHOLDER DERIVATIVE ACTION**

19 This matter having come before the Court on March 3, 2016 at 8:30 a.m. on Nominal
20 Defendant Galectin Therapeutics Inc.'s Motion to Dismiss Shareholder Action and the Individual
21 Defendants' and 10X Fund L.P.'s Motion to Dismiss Shareholder Action (the "Motions"), the
22 Court having reviewed the Motions, all briefing thereon and supporting exhibits, having heard
23 oral argument, and other good cause appearing, the Court holds that the Motions are GRANTED.

24 As grounds for its ruling, the Court finds:

25 1. This is a shareholder derivative action brought by Plaintiff Michael Kirsch and
26 Intervenor Plaintiffs David L. Hasbrouck and Siu Yip (collectively, "Plaintiffs") who allege that
27 they are shareholders of Nominal Defendant Galectin Therapeutics Inc. ("Galectin"), a Nevada
28 corporation.

2. A shareholder seeking to assert claims derivatively on behalf of a Nevada
corporation must, among other things, either (i) make a pre-suit demand on the company's board

of directors or (ii) plead particularized facts establishing legal excuse for the failure to do so.

3. Plaintiffs did not make a pre-suit demand upon Galectin's board of directors, but instead asserted in their complaints that such a demand was excused under Nevada law.

4. On June 11, 2015, the Court held a hearing on various motions filed by the parties and proposed Intervenor. On August 10, 2015, the Court entered an order: (i) granting Intervenor Plaintiffs Hasbrouck's and Yip's motion to intervene in this case;¹ (ii) denying Defendants' motion to dismiss Mr. Kirsch's Second Amended Shareholder Derivative Complaint; (iii) staying this action for 180 days pending *In re Galectin Therapeutics, Inc. Derivative Litigation*, Lead Case No.: 1:15-CV-00208-SCJ in the United States District Court for the Northern District of Georgia (the "Georgia Action"); and (iv) ordering the parties to file a status report by December 11, 2015 addressing the status of the Georgia Action.

5. This Court's August 10, 2015 order staying the case for 180 days was based upon representations made to the Court by Mr. Smith at the June 11, 2015 hearing that issues raised in Georgia relate to class representations issues.

6. Although the Court's August 10, 2015 order was a substantive ruling on the issue of demand futility, which was reached following briefing and oral argument regarding that issue, it was not a final order under Nevada law.

7. On December 30, 2015, United States District Court Judge Steven C. Jones of the United States District Court for the Northern District of Georgia, entered a final order and judgment (the "Prior Final Judgment") (i) holding that under Nevada law, Intervenor Plaintiffs David L. Hasbrouck and Siu Yip failed to adequately plead the futility of a pre-suit demand on Galectin's board of directors in their prior-filed and substantively identical Georgia Action and (ii) dismissing the Georgia Action with prejudice.

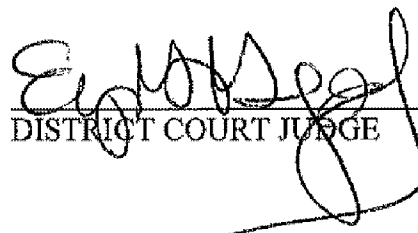
¹ Intervenor Plaintiffs Hasbrouck and Yip filed their Verified Shareholder Complaint-in-Intervention (the "Complaint-in-Intervention") on July 9, 2015.

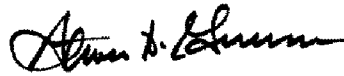
1 8. A prior final judgment by a United States District Court has preclusive effect in
2 Nevada as to an issue that: (1) is "identical to the one alleged in the prior litigation;" (2) was
3 "actually litigated in the prior litigation," and (3) was "a critical and necessary part of the earlier
4 judgment," provided that the person against whom preclusion is sought to be applied was either
5 a party to the prior final judgment or a nonparty who was "adequately represented by someone
6 with the same interest who [wa]s a party to the suit." *Bower v. Harrah's Laughlin, Inc.*, 125
7 Nev. 470, 480, 215 P.3d 709, 717 (Nev. 2009).
8

9 9. The Court finds that each of the above requirements for application of issue
10 preclusion is satisfied with respect to the issue of whether Plaintiffs have adequately pled
11 demand futility in their complaints in this action. Based on this finding and the standards set
12 forth above, this Court determines that it must give preclusive effect to the Prior Final
13 Judgment's ruling on demand futility and grant Defendants' motions to dismiss, the Complaint-
14 in-Intervention and this entire action.
15

16 IT IS HEREBY ORDERED AND ADJUDGED that this action is dismissed with
17 prejudice.
18

19 Dated this 1 day of ~~April~~ March, 2016.
20

21 
22 DISTRICT COURT JUDGE
23
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CLERK OF THE COURT

NODP
LYSSA S. ANDERSON
Nevada Bar No. 5781
KAEMPFER CROWELL
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Telephone: (702) 792-7000
Fax: (702) 796-7181
landerson@kcnvlaw.com
Attorney for Defendants

DISTRICT COURT
CLARK COUNTY, NEVADA

MICHAEL KIRSCH, derivatively on behalf of
GALECTIN THERAPEUTICS, INC.,

Case No. A-14-706397-B

Plaintiff,

Dept. No. XI

vs.

PETER G. TRABER; JAMES C. CZIRR;
JACK W. CALLICUTT; GILBERT F.
AMELIO; KEVIN D. FREEMAN; ARTHUR
R. GREENBERG; ROD D. MARTIN; JOHN
F. MAULDIN; STEVEN PRELACK;
HERMAN PAUL PRESSLER, III; and DR.
MARC RUBIN,

**NOTICE OF ENTRY OF ORDER
DISMISSING ACTION WITH
PREJUDICE**

Defendants,

-and-

GALECTIN THERAPEUTICS, INC., a
Nevada Corporation,

Nominal Defendant.

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that an Order Dismissing
this Action with Prejudice was entered in the above entitled matter on the 1st day of April, 2016.
A copy of said Order is attached hereto.

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DATED this 21st day of June, 2016.

KAEMPFER CROWELL

BY: /s/ Lyssa S. Anderson
LYSSA S. ANDERSON
Nevada Bar No. 5781
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Tel: (702) 792-7000
Fax: (702) 796-7181
Attorneys for Defendants

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on June 21, 2016, I forwarded copies of the foregoing **NOTICE OF**
3 **ENTRY ORDER REGARDING DISMISSING ACTION WITH PREJUDICE** by ECF
4 and/or U.S. Mail to the following attorneys of record:

5 John P. Aldrich
Nevada Bar No. 6877
6 1601 S. Rainbow Blvd, Suite 160
Las Vegas, Nevada 89146
7 Telephone: (702) 853-5490
Facsimile: (702) 227-1975
8 jaldrich@johnaldrichlawfirm.com

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9 **JOHNSON & WEAVER, LLP**
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12 michaelf@johnsonandweaver.com

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& GAROFALO
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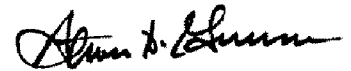
13 **JOHNSON & WEAVER, LLP**
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14 600 West Broadway, Suite 1540
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15 Telephone: (619) 230-0063
Facsimile: (619) 255-1856
16 frankj@johnsonandweaver.com

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Garden City, New York 11530
edmilleresq@aol.com
jml@jlclasslaw.com

17 **THE WEISER LAW FIRM, P.C.**
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18 Brett D. Stecker
19 James A. Ficaro
22 Cassatt Avenue, First Floor
Berwyn, PA 19312
20 Telephone: (610) 225-2677
Facsimile: (610) 408-8062
21 rw@weiserlawfirm.com
22 bds@weiserlawfirm.com
23 jmf@weiserlawfirm.com

24 /s/ Becky Hildebrand
an employee of Kaempfer Crowell

1. **ORDR**



CLERK OF THE COURT

2 **DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4 MICHAEL KIRSCH, derivatively on behalf
5 of GALECTIN THERAPEUTICS, INC.,

6 Plaintiff,

7 -vs-

8 PETER G. TRABER; JAMES C. CZIRR;
9 JACK W. CALLICUTT; GILBERT F.
10 AMELIO; KEVIN D. FREEMAN; ARTHUR
11 R. GREENBERG; ROD D. MARTIN; JOHN
F. MAULDIN; STEVEN PRELACK;
HERMAN PAUL PRESSLER, III; and DR.
MARC RUBIN,

12 Defendants,

13 -and-

14 GALECTIN THERAPEUTICS, INC., a
15 Nevada corporation,

16 Nominal Defendant.

CASE NO. A-14-706397-B

DEPT. NO. XI

**ORDER RE: MOTIONS TO DISMISS
SHAREHOLDER DERIVATIVE ACTION**

Date of Hearing: March 3, 2016
Time of Hearing: 8:30 a.m.

1 DAVID L. HASBROUCK and SIU YIP,
2 derivatively on behalf of GALECTIN
3 THERAPEUTICS, INC.,

4 Plaintiffs-Intervenors,

5 -vs-

6 PETER G. TRABER; JAMES C. CZIRR;
7 JACK W. CALLICUTT; GILBERT F.
8 AMELIO; KEVIN D. FREEMAN; ARTHUR
9 R. GREENBERG; ROD D. MARTIN; JOHN
10 F. MAULDIN; STEVEN PRELACK;
11 HERMAN PAUL PRESSLER, III; DR.
12 MARC RUBIN; and 10X FUND, L.P.,

13 Defendants,

14 -and-

15 GALECTIN THERAPEUTICS, INC., a
16 Nevada corporation,

17 Nominal Defendant.

18 **ORDER RE: MOTIONS TO DISMISS SHAREHOLDER DERIVATIVE ACTION**

19 This matter having come before the Court on March 3, 2016 at 8:30 a.m. on Nominal
20 Defendant Galectin Therapeutics Inc.'s Motion to Dismiss Shareholder Action and the Individual
21 Defendants' and 10X Fund L.P.'s Motion to Dismiss Shareholder Action (the "Motions"), the
22 Court having reviewed the Motions, all briefing thereon and supporting exhibits, having heard
23 oral argument, and other good cause appearing, the Court holds that the Motions are GRANTED.

24 As grounds for its ruling, the Court finds:

25 1. This is a shareholder derivative action brought by Plaintiff Michael Kirsch and
26 Intervenor Plaintiffs David L. Hasbrouck and Siu Yip (collectively, "Plaintiffs") who allege that
27 they are shareholders of Nominal Defendant Galectin Therapeutics Inc. ("Galectin"), a Nevada
28 corporation.

2. A shareholder seeking to assert claims derivatively on behalf of a Nevada
corporation must, among other things, either (i) make a pre-suit demand on the company's board

of directors or (ii) plead particularized facts establishing legal excuse for the failure to do so.

3. Plaintiffs did not make a pre-suit demand upon Galectin's board of directors, but instead asserted in their complaints that such a demand was excused under Nevada law.

4. On June 11, 2015, the Court held a hearing on various motions filed by the parties and proposed Intervenor Plaintiffs Hasbrouck's and Yip's motion to intervene in this case;¹ (ii) denying Defendants' motion to dismiss Mr. Kirsch's Second Amended Shareholder Derivative Complaint; (iii) staying this action for 180 days pending *In re Galectin Therapeutics, Inc. Derivative Litigation*, Lead Case No.: 1:15-CV-00208-SCJ in the United States District Court for the Northern District of Georgia (the "Georgia Action"); and (iv) ordering the parties to file a status report by December 11, 2015 addressing the status of the Georgia Action.

5. This Court's August 10, 2015 order staying the case for 180 days was based upon representations made to the Court by Mr. Smith at the June 11, 2015 hearing that issues raised in Georgia relate to class representations issues.

6. Although the Court's August 10, 2015 order was a substantive ruling on the issue of demand futility, which was reached following briefing and oral argument regarding that issue, it was not a final order under Nevada law.

7. On December 30, 2015, United States District Court Judge Steven C. Jones of the United States District Court for the Northern District of Georgia, entered a final order and judgment (the "Prior Final Judgment") (i) holding that under Nevada law, Intervenor Plaintiffs David L. Hasbrouck and Siu Yip failed to adequately plead the futility of a pre-suit demand on Galectin's board of directors in their prior-filed and substantively identical Georgia Action and (ii) dismissing the Georgia Action with prejudice.

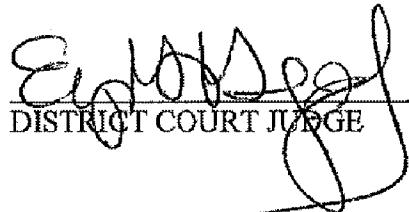
¹ Intervenor Plaintiffs Hasbrouck and Yip filed their Verified Shareholder Complaint-in-Intervention (the "Complaint-in-Intervention") on July 9, 2015.

1 8. A prior final judgment by a United States District Court has preclusive effect in
2 Nevada as to an issue that: (1) is "identical to the one alleged in the prior litigation;" (2) was
3 "actually litigated in the prior litigation," and (3) was "a critical and necessary part of the earlier
4 judgment," provided that the person against whom preclusion is sought to be applied was either
5 a party to the prior final judgment or a nonparty who was "adequately represented by someone
6 with the same interest who [wa]s a party to the suit." *Bower v. Harrah's Laughlin, Inc.*, 125
7 Nev. 470, 480, 215 P.3d 709, 717 (Nev. 2009).
8

9 9. The Court finds that each of the above requirements for application of issue
10 preclusion is satisfied with respect to the issue of whether Plaintiffs have adequately pled
11 demand futility in their complaints in this action. Based on this finding and the standards set
12 forth above, this Court determines that it must give preclusive effect to the Prior Final
13 Judgment's ruling on demand futility and grant Defendants' motions to dismiss, the Complaint-
14 in-Intervention and this entire action.

15 IT IS HEREBY ORDERED AND ADJUDGED that this action is dismissed with
16 prejudice.
17

18 Dated this 1 day of ~~March~~ ^{April}, 2016.

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20 
21 DISTRICT COURT JUDGE
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

December 19, 2014

A-14-706397-B Michael Kirsch, Plaintiff(s)
vs.
Peter Traber, Defendant(s)

December 19, 2014 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DEFENDANTS' MOTION TO STAY THE CASE IN DEFERENCE TO PRIOR-FILED PARALLEL DERIVATIVE LITIGATION AND SUPPORTING MEMORANDUM OF LAW...
...PLAINTIFF'S MOTION AND MEMORANDUM IN SUPPORT OF PLAINTIFF'S COUNTER-MOTION FOR DISQUALIFICATION OF THE COMPANY'S COUNSEL AND MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION TO STAY

COURT ORDERED, given notice of withdrawal, 12/23/14 hearing VACATED.

The Court having reviewed Motion to Stay and Countermotion for Disqualification and the related briefing and being fully informed, DENIES BOTH MOTIONS. Counsel for the respective movants are directed to submit proposed orders consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

Ms. Anderson and Mr. Davis are to be notified by way of minute order to prepare the order and notify the appropriate parties.

CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to parties. / dr
12-19-14

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

February 06, 2015

A-14-706397-B	Michael Kirsch, Plaintiff(s) vs. Peter Traber, Defendant(s)
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February 06, 2015	3:00 AM	Motion For Reconsideration	Defendants' Motion for Reconsideration of Ruling Denying Defendants' Motion to Stay the Case and Supporting Memorandum of Points and Authorities
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HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court having reviewed the motion for reconsideration and the related briefing and being fully informed, DENIES the motion. Counsel for Plaintiff is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and argument. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment.

Mr. Davis is to be notified by way of minute order to prepare the order and notify the appropriate parties.

CLERK'S NOTE: Copy of the above minute order distributed by electronic mail to: Natasha Landrum, Esq., David Davis, Esq. and Lyssa Anderson, Esq.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

March 06, 2015

A-14-706397-B Michael Kirsch, Plaintiff(s)
vs.
Peter Traber, Defendant(s)

March 06, 2015 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DEFENDANTS AND NOMINAL DEFENDANT GALECTIN THERAPEUTICS, INC.'S MOTION TO ASSOCIATE COUNSEL (MICHAEL R. SMITH, ESQ.)...
...DEFENDANTS AND NOMINAL DEFENDANT GALECTIN THERAPEUTICS, INC.'S MOTION TO ASSOCIATE COUNSEL (BENJAMIN WARREN POPE, ESQ.)...
...DEFENDANTS AND NOMINAL DEFENDANT GALECTIN THERAPEUTICS, INC.'S MOTION TO ASSOCIATE COUNSEL (BENJAMIN LEE, ESQ.)

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motions to Associate Counsel (Lee, Pope, and Smith) are deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motions are GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

Ms. Anderson is to be notified by way of minute order to prepare the order and notify the appropriate parties.

CLERK'S NOTE: A copy of the above minute order was distributed to Natasha Landrum, Esq.; David S. Davis, Esq., and Lyssa S. Anderson, Esq.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

April 24, 2015

A-14-706397-B Michael Kirsch, Plaintiff(s)
vs.
Peter Traber, Defendant(s)

April 24, 2015 3:00 AM Motion for Leave

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the motion for leave to file amendment is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

Mr. Davis is to be notified by way of minute order to prepare the order and notify the appropriate parties.

CLERK'S NOTE: A copy of the above minute order was distributed to David Davis, Esq., and Natasha Landrum, Esq., counsel for Plaintiff, and Lyssa Anderson, Esq., counsel for Defendant. / dr
4-28-15

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

May 22, 2015

A-14-706397-B Michael Kirsch, Plaintiff(s)
vs.
Peter Traber, Defendant(s)

**May 22, 2015 3:00 AM Motion to Associate
Counsel**

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to associate (Miller) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

Mr. Davis is to be notified by way of minute order to prepare the order and notify the appropriate parties.

CLERK'S NOTE: A copy of the above minute order was distributed to parties via electronic mail.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

June 11, 2015

A-14-706397-B Michael Kirsch, Plaintiff(s)
 vs.
 Peter Traber, Defendant(s)

June 11, 2015 8:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:	Daniels, Ryan W.	Attorney
	Davis, David S.	Attorney
	Lee, Benjamin	Attorney
	Miller, Edward J.	Attorney
	Smith, Michael R.	Attorney

JOURNAL ENTRIES

- INDIVIDUAL DEFENDANTS' MOTION TO DISMISS THE SECOND AMENDED SHAREHOLDER DERIVATIVE COMPLAINT AND MEMORANDUM OF POINTS AND AUTHORITIES...

...PLAINTIFF'S MOTION TO JOINT ADDITIONAL PLAINTIFFS ON ORDER SHORTENING TIME...

...DAVID L. HASBROUK AND SIU YIP'S MOTION TO INTERVENE...INTERVENORS, DAVID L. HASBROUCK AND SIU YIP'S EX PARTE MOTION FOR ORDER SHORTENING TIME AND (PROPOSED) ORDER SHORTENING TIME...

...NOMINAL DEFENDANT GALECTIN THERAPEUTICS, INC.'S MOTION TO DISMISS THE SECOND AMENDED SHAREHOLDER DERIVATIVE COMPLAINT AND MEMORANDUM OF POINTS AND AUTHORITIES

Also present: Counsel for Proposed Intervenor Catherine Hernandez, Esq. of the Aldrich Law Firm (local); Michael Fistel, Esq. of Johnson & Weaver, LLC, and Kathleen Herkenhoff, Esq. of the Weiser Law Firm, P.C., Pro Hac Vice pending.

Mr. Smith stated the threshold issue here is that Defendants filed a motion to dismiss while motions to intervene and a joinder have been filed. Mr. Smith objected to the motion to intervene as there have been fundamental issues in Plaintiff's standing in this case; he confirmed he is involved in the Georgia litigation and that the federal derivative cases were filed before these cases and they were transferred; it has not gone to ruling but they are in the process of raising 23.1 issues; the motion is due July 1st.

COURT ORDERED, motion to intervene GRANTED.

Arguments by Mr. Smith, Mr. Miller, and Mr. Fistel regarding the motions to dismiss. COURT ORDERED, motions DENIED; the allegations related to conflict of directors who may face personal liability are not the best but are not enough to merit dismissal at this point. COURT FURTHER ORDERED, the way the joinder is being done is not appropriate and needs to be filed as a motion to amend complaint to add Plaintiffs; the motion needs to include the proposed amended complaint as well as a verification from the proposed people counsel is seeking to add; in the meantime, if the intervenors want to file a complaint in intervention they may.

Finally, COURT ORDERED, aside from those two things - a motion to amend to add Plaintiffs and a complaint in intervention - CASE STAYED for ONE HUNDRED EIGHTY (180) DAYS pending the Georgia Court. Status Check SET on the December 11, 2015 Chambers calendar.

CLERK'S NOTE: Motion to Intervene ADVANCED to today's date from the 7/10/15 Chambers calendar.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

July 24, 2015

A-14-706397-B Michael Kirsch, Plaintiff(s)
vs.
Peter Traber, Defendant(s)

**July 24, 2015 3:00 AM Motion to Associate
Counsel**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Associate (Fistel) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

Mr. Aldrich is to be notified by way of minute order to prepare the order and notify the appropriate parties.

CLERK'S NOTE: A copy of the above minute order was distributed via Wiznet. / dr 7-28-15

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

December 11, 2015

A-14-706397-B Michael Kirsch, Plaintiff(s)
 vs.
 Peter Traber, Defendant(s)

December 11, 2015 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, as no status report provided, matter SET for hearing on January 5, 2016 at 8:30 AM regarding lifting the stay.

CLERK'S NOTE: Parties notified via electronic mail this date. / dr 12-11-15

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

January 05, 2016

A-14-706397-B Michael Kirsch, Plaintiff(s)
 vs.
 Peter Traber, Defendant(s)

January 05, 2016 8:30 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Aldrich, John P.	Attorney
	Daniels, Ryan W.	Attorney
	Davis, David S.	Attorney
	Fistel, Michael I.	Attorney
	Miller, Edward J.	Attorney
	Smith, Michael R.	Attorney

JOURNAL ENTRIES

- Appearances continued: Attorney Kathleen Herkenhoff for Intervenor Plaintiffs.

Mr. Fistel participated by telephone.

Court inquired what parties wished to do given the conduct of the judge in Georgia. Mr. Smith advised, as submitted in their supplemental status report, on December 30, 2015 the federal judge issued two orders dismissing the two actions with prejudice and entered judgments; for that reason, Defendants maintain that those rulings give a preclusive effect on this litigation, and they would like the Court's permission, if the stay is lifted, to file a motion to dismiss this litigation. There being no objection, COURT ORDERED, request to lift stay GRANTED. If a motion to dismiss is not received in a couple of weeks, the Judicial Executive Assistant will SET a Rule 16 conference. Mr. Smith requested the obligation to answer also be tolled. Court noted if counsel will file a motion to dismiss they do not need to file an answer, but if not, they probably need to answer. Counsel for Plaintiff

added they were planning to file a motion for leave to amend the complaint as well.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

February 05, 2016

A-14-706397-B Michael Kirsch, Plaintiff(s)
vs.
Peter Traber, Defendant(s)

February 05, 2016	3:00 AM	Motion to Associate Counsel	Proposed Intervenor Siu Yip's Motion to Associate Counsel
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HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Associate Kathleen Herkenhoff is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

Atty. John Aldrich is to be notified by way of minute order to prepare the order and notify the appropriate parties.

CLERK'S NOTE: A copy of the above minute order was distributed to parties via the E-Service Master List. / dr 2-5-16

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

March 03, 2016

A-14-706397-B Michael Kirsch, Plaintiff(s)
vs.
Peter Traber, Defendant(s)

March 03, 2016 8:30 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Aldrich, John P.	Attorney
	Daniels, Ryan W.	Attorney
	Davis, David S.	Attorney
	Lerner, Landon	Attorney
	Miller, Edward J.	Attorney
	Smith, Michael R.	Attorney

JOURNAL ENTRIES

- NOMINAL DEFENDANT GALECTIN THERPEUTICS, INC.'S MOTION TO DISMISS SHAREHOLDER DERIVATIVE ACTION...INDIVIDUAL DEFENDANTS' AND 10X FUND L.P.'S MOTION TO DISMISS SHAREHOLDER DERIVATIVE ACTION

Court noted, a denial of a motion to dismiss is not a final order in Nevada. Mr. Smith argued they have submitted to the Court the final orders from Georgia which granted the motions to dismiss; they are seeking dismissal of the instant case based upon issue preclusion and claims preclusion. Mr. Miller responded, the preclusive effect of a ruling depends on the identity of the issues. COURT ORDERED, motion GRANTED; here the parties and the issues of demand futility are identical. While the Court is concerned that the representations made to the Court by Mr. Smith at the last time this motion was argued, in June 2015, were that issues raised in Georgia relate to class representation issues, and the Court stayed the case based on those representations, the Court must give preclusive effect to the Georgia court's final order.

Defense to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

May 27, 2016

A-14-706397-B Michael Kirsch, Plaintiff(s)
 vs.
 Peter Traber, Defendant(s)

May 27, 2016 3:00 AM Motion

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court having reviewed Motion to Correct Order of Motion to Dismiss and the related briefing and being fully informed, DENIES the motion. The portion of the order requested to be modified, paragraph 5, is accurate. Counsel for Plaintiff is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment.

CLERK'S NOTE: A copy of the above minute order was distributed via the E-Service Master List. /dr
5-27-16

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER RE: MOTIONS TO DISMISS SHAREHOLDER DERIVATIVE ACTION; NOTICE OF ENTRY OF ORDER DISMISSING ACTION WITH PREJUDICE; DISTRICT COURT MINUTES

MICHAEL KIRSCH, derivatively on behalf of
GALECTIN THERAPEUTICS, INC.,

Plaintiff(s),

vs.

PETER G. TRABER; JAMES C. CZIRR; JACK
W. CALLICUTT; GILBERT F. AMELIO;
KEVIN D. FREEMAN; ARTHUR R.
GREENBERG; ROD D. MARTIN; JOHN F.
MAULDIN; STEVEN PRELACK; HERMAN
PAUL PRESSLER, III; DR. MARC RUBIN,

Defendant(s),

and.

GALECTIN THERAPEUTICS, INC.,

Nominal Defendant(s),

Case No: A-14-706397-B

Dept No: XI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 18 day of July 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

**THE LEE LAW FIRM A PROFESSIONAL CORP. DBA
LEE, HERNANDEZ, LANDRUM & GAROFALO**GENERAL ACCOUNT
7575 VEGAS DRIVE SUITE 150
LAS VEGAS, NV 89128
(702) 880-9750

90-78/1211

EZCheck® Check Fraud
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DATE	CHECK	AMOUNT
07/14/16	38886	****\$250.00

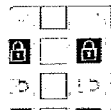
PAY

*** TWO HUNDRED FIFTY & 00/100 DOLLARS

TO THE
ORDER
OF

Supreme Court

VOID AFTER 180 DAYS



AUTHORIZED SIGNATURE

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