

CLERK OF THE COURT

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Jul 25 2016 09:35 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

**NOAS**

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[Additional counsel listed on signature page.]

Attorneys for Plaintiff-Intervenor *Siu Yip*

**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**

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

#### 19 NOTICE OF APPEAL

20 NOTICE IS HEREBY GIVEN that Plaintiff-Intervenor, SIU YIP, hereby appeals to the  
21 Supreme Court of Nevada from the Order entered on April 1, 2016, on Defendants' Motions to  
22 Dismiss Shareholder Derivative Action, and all appealable orders. A copy of the April 1, 2016  
23 Order is attached hereto as *Exhibit "1."*

24 **DATED** this 18<sup>th</sup> day of July, 2016.

25 **ALDRICH LAW FIRM, LTD.**

26 /s/ John P. Aldrich  
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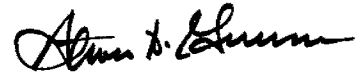
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Counsel for Plaintiff

**EXHIBIT 1**

**EXHIBIT 1**



CLERK OF THE COURT

1 **ORDR**

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

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;<sup>1</sup> (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

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

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

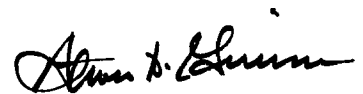
9. The Court finds that each of the above requirements for application of issue preclusion is satisfied with respect to the issue of whether Plaintiffs have adequately pled demand futility in their complaints in this action. Based on this finding and the standards set forth above, this Court determines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

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

Dated this 1 day of ~~March~~ <sup>April</sup>, 2016.

DISTRICT COURT JUDGE





CLERK OF THE COURT

**ASTA**

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[Additional counsel listed on signature page.]

Attorneys for Plaintiff-Intervenor *Siu Yip*

**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.  
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R. GREENBERG; ROD D. MARTIN; JOHN  
F. MAULDIN; STEVEN PRELACK;  
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MARC RUBIN,

Defendants,

-and-

GALECTIN THERAPEUTICS, INC., a  
Nevada corporation,

Nominal Defendant.

CASE NO. A-14-706397-B

DEPT. NO. XI

**CASE APPEAL STATEMENT**

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-Intervenor Siu Yip

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: Siu Yip.

25 Counsel for Appellant:

26 JOHN P. ALDRICH (NV Bar No. 6877)  
27 1601 S. Rainbow Blvd., Suite 160  
28 Las Vegas, Nevada 89146  
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12 THE WEISER LAW FIRM, P.C.  
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15 San Diego, CA 92130  
16 Telephone: (858) 794-1441  
17 Facsimile: (858) 794-1450  
18 kah@weiserlawfirm.com

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

22 Respondents: Peter G. Traber, James C. Czirr, Jack W. Callicutt, Gilbert F. Amelio, Kevin  
23 D. Freeman, Arthur R. Greenberg, Rod D. Martin, John F. Mauldin, Steven Prelack,  
24 Herman Paul Pressler, III, Dr. Marc Rubin, and Nominal Defendant Galectin  
25 Therapeutics, Inc.

26 Counsel for Respondents:

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

5 Kathleen A. Herkenhoff, Esq.  
6 The Weiser Law Firm, P.C.  
7 12707 High Bluff Drive, Suite 200  
8 San Diego, CA 92130  
9 (858) 794-1441  
10 Fax: (858) 794-1450  
11 [kah@weiserlawfirm.com](mailto:kah@weiserlawfirm.com)

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

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

15 Retained counsel

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

18 Retained counsel

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

21 No.

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

24 Complaint filed August 29, 2014.

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

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

On November 17, 2014, Individual Defendants, Peter G. Traber, James C. Czirr, Jack W.

1 Callicutt, Gilbert F. Amelio, Kevin D. Freeman, Arthur R. Greenberg, Rod D. Martin, John F.  
2 Mauldin, Steven Prelack, Herman Paul Pressler, III, Dr. Marc Rubin, and Nominal Defendant  
3 Galectin (collectively, “Defendants”) filed a Motion to Stay the Case in Deference to the Prior-  
4 Filed Parallel Derivative Litigation, which the Honorable Elizabeth Gonzalez (“Judge Gonzalez”)   
5 denied on December 19, 2014. On January 8, 2015, Defendants filed a Motion for  
6 Reconsideration of Ruling Denying Defendants’ Motion to Stay the Case, which the Honorable  
7 Elizabeth Gonzalez denied on February 6, 2015.

8 On March 27, 2015, Plaintiff Kirsch filed his Second Amended Shareholder Derivative  
9 Complaint, detailing additional allegations concerning the direct involvement of the Company’s  
10 directors in publishing outrageously false claims of a scientific “breakthrough” to entice investors.  
11 On April 22, 2015, Defendants filed motions to dismiss the Second Amended Shareholder  
12 Derivative Complaint. On April 24, 2015, Judge Gonzalez granted Plaintiff Kirsch’s Motion for  
13 Leave to File the Second Amended Shareholder Derivative Complaint. On May 20, 2015,  
14 Plaintiff Kirsch filed his Combined Memorandum of Law in Opposition to Defendants’ Motions  
15 to Dismiss the Second Amended Shareholder Derivative Complaint. On May 29, 2015, David L.  
16 Hasbrouck and Siu Yip filed their Motion to Intervene. On June 4, 2015, Defendants filed their  
17 Reply Memorandums in Support of their Motions to Dismiss the Second Amended Shareholder  
18 Derivative Complaint.

19 On June 11, 2015 the Court conducted an oral hearing on the Motion to Dismiss the  
20 Second Amended Shareholder Derivative Complaint and on August 5, 2015 Judge Gonzalez  
21 entered an Order denying Defendants’ Motions to Dismiss the Second Amended Shareholder  
22 Derivative Complaint.

23 On January 19, 2016, Defendants filed a second Motion to Dismiss the Shareholder  
24 Derivative Action, on the basis of res judicata in favor of a judgment issued in the Northern  
25 District of Georgia Federal District Court. On March 3, 2016, Judge Gonzalez granted  
26 Defendants’ Motions to Dismiss on the basis that Judge Gonzalez’ August 5, 2015 Order denying  
27 Defendants’ Motion to Dismiss lacked preclusive effect on the Georgia federal court, and that  
28

Judge Gonzalez was therefore bound by the Georgia federal court's order granting a motion to dismiss in a derivative action on a different complaint. The Order granting the motion to dismiss was entered on April 1, 2016.

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

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

No, however, on Friday, July 15, 2016, Plaintiff Kirsch filed a Notice of Appeal in this same matter and of the same Order. As of the filing of this Notice of Appeal, the case had not yet been docketed by the Nevada Supreme Court.

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

No.

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

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

5 DATED this 18<sup>th</sup> day of July, 2016.

6 **ALDRICH LAW FIRM, LTD.**

7  
8 /s/ John P. Aldrich

9 JOHN P. ALDRICH (NV Bar No. 6877)

10 1601 S. Rainbow Blvd., Suite 160

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Counsel for Plaintiff

**EXHIBIT 1**

**EXHIBIT 1**



  
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*Counsel for Proposed Intervenors  
David L. Hasbrouck and Siu Yip*

**DISTRICT COURT**

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MICHAEL KIRSCH, derivatively on behalf of  
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Plaintiff,

-vs-

PETER G. TRABER; JAMES C. CZIRR;  
JACK W. CALLICUTT; GILBERT F.  
AMELIO; KEVIN D. FREEMAN; ARTHUR  
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MARC RUBIN,

Defendants,

-and-

GALECTIN THERAPEUTICS, INC., a  
Nevada corporation,

Nominal Defendant.

Case No. A-14-706397-B

DEPT. NO. XI

**NOTICE OF ENTRY OF ORDER  
ADMITTING TO PRACTICE**

PLEASE TAKE NOTICE that an Order Admitting to Practice was entered by the  
Court in the above-captioned action on the 29<sup>th</sup> day of February, 2016, a true and correct

///

///

///

///

1 copy of which is attached hereto.

2 DATED this 1<sup>st</sup> day of March, 2016.

3 **ALDRICH LAW FIRM, LTD.**

4 /s/ John P. Aldrich

5 John P. Aldrich, Esq.

6 Nevada Bar No.: 6877

7 1601 South Rainbow Boulevard, Suite 160

8 Las Vegas, Nevada 89146

9 (702) 853-5490

10 *Attorneys for Proposed Intervenor*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 1<sup>st</sup> day of March, 2016, I caused the foregoing  
**NOTICE OF ENTRY OF ORDER ADMITTING TO PRACTICE** to be electronically  
filed and served with the Clerk of the Court using Wiznet which will send notification of  
such filing to the email addresses denoted on the Electronic Mail Notice List, or by U.S.  
mail, postage prepaid, if not included on the Electronic Mail Notice List, to the following  
parties:

Lyssa S. Anderson, Esq.  
KAEMPFER CROWELL  
8345 West Sunset Road, Suite 250  
Las Vegas, NV 89113

Michael Smith, Esq.  
B. Warren Pope, Esq.  
Benjamin Lee, Esq.  
KING & SPALDING  
1180 Peachtree Street  
Atlanta, GA 30309

*Attorneys for Galectin Therapeutics, Inc.*

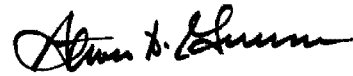
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LEE HERNANDEZ LANDRUM &  
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Edward W. Miller, Esq.  
Joshua M. Lifshitz, Esq.  
LIFSHITZ & MILLER  
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Garden City, NY 11530

*Attorneys for Defendants*

/s/ T. Bixenmann  
An employee of ALDRICH LAW FIRM, LTD.



CLERK OF THE COURT

**ORDR**

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*Counsel for Proposed Intervenors  
David L. Hasbrouck and Siu Yip*

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**CLARK COUNTY, NEVADA**

MICHAEL KIRSCH, derivatively on behalf of  
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Plaintiff,

-vs-

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Case No. A-14-706397-B

DEPT. NO. XI

**ORDER ADMITTING TO PRACTICE**

Kathleen Herkenhoff, Esq. having filed her 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 California, 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


1 ORDERED, that said Application is hereby granted, and Kathleen Herkenhoff, Esq.  
2 is hereby admitted to practice in the above-entitled Court for the purposes of the above-  
3 entitled matter only. Motions and pleadings with an out-of-state law firm's caption must be  
4 mailed from inside the State of Nevada pursuant to NRCP 5(b)(2)(B).

5 DATED this 25<sup>th</sup> day of February, 2016.

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7   
8 DISTRICT COURT JUDGE

9 Submitted by:

10 **ALDRICH LAW FIRM, LTD.**

11  
12   
13 John P. Aldrich, Esq.  
14 Nevada Bar No.: 6877  
15 1601 S. Rainbow Blvd., Suite 160  
16 Las Vegas, Nevada 89146  
17 Tel: (702) 853-5490  
18 *Counsel for Intervenors*  
19 *David L. Hasbrouck and Siu Yip*  
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DEPARTMENT 11  
**CASE SUMMARY**  
**CASE NO. A-14-706397-B**

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

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§

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

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**CASE INFORMATION**

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

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**DATE**

**CASE ASSIGNMENT**

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**Current Case Assignment**

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

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**PARTY INFORMATION**

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

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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>	

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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>



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*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*











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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	 <b>Motion For Reconsideration</b> (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











# CASE SUMMARY

## CASE NO. A-14-706397-B



Filed By: Defendant Traber, Peter G  
*Individual Defendants' Motion to Dismiss the First Amended Shareholder Derivative Complaint*

03/05/2015	 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>
03/06/2015	<b>Motion to Associate Counsel</b> (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>
03/06/2015	<b>Motion to Associate Counsel</b> (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>
03/06/2015	<b>Motion to Associate Counsel</b> (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendants and Nominal Defendant Galectin Therapeutics, Inc.'s Motion to Associate Counsel (Benjamin Lee, Esq.)</i>
03/06/2015	 <b>All Pending Motions</b> (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
03/06/2015	 Notice of Entry of Order Filed By: Plaintiff Kirsch, Michael <i>Notice of Entry of Order</i>
03/13/2015	 Order Admitting to Practice Filed By: Defendant Traber, Peter G <i>Order Admitting to Practice</i>
03/16/2015	 Notice of Entry of Order Filed By: Defendant Traber, Peter G <i>Notice of Entry of Order Admitting to Practice</i>
03/19/2015	 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>
03/24/2015	 Stipulation and Order Filed by: Plaintiff Kirsch, Michael <i>Stipulation &amp; Order to Continue Hearing</i>
03/27/2015	 Amended Complaint Filed By: Plaintiff Kirsch, Michael <i>Plaintiff's Second Amended Shareholder Derivative Complaint</i>
03/27/2015	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Kirsch, Michael <i>Notice of Entry of Stipulation and Order</i>
03/31/2015	 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>










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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	 <b>Motion for Leave</b> (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	<b>CANCELED Motion to Dismiss</b> (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	<b>CANCELED Motion to Dismiss</b> (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	 <b>Motion to Associate Counsel</b> (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>













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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


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	Filed By: Plaintiff Kirsch, Michael <i>Plaintiff's Opposition to David L. Hasbrouck and Siu Yip's Motion to Intervene</i>
06/09/2015	 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>
06/11/2015	<b>Motion to Dismiss</b> (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>
06/11/2015	<b>Motion to Dismiss</b> (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>
06/11/2015	<b>Motion to Intervene</b> (8:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>David L. Hasbrouck and Siu Yip's Motion to Intervene</i>
06/11/2015	<b>Motion to Intervene</b> (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>
06/11/2015	<b>Motion</b> (8:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiff's Motion to Joint Additional Plaintiffs on Order Shortening Time</i>
06/11/2015	 <b>All Pending Motions</b> (8:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
06/18/2015	 Reporters Transcript <i>Transcript of Proceedings: Hearing on Motions, June 11, 2015</i>
06/22/2015	 Initial Appearance Fee Disclosure Filed By: Intervenor Plaintiff Hasbrouck, David L <i>Initial Appearance Fee Disclosure</i>
06/22/2015	 Motion to Associate Counsel Filed By: Intervenor Plaintiff Hasbrouck, David L <i>Motion to Associate Counsel - Michael Ira Fistel Jr. Esq.</i>
07/09/2015	 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>
07/09/2015	 Disclosure Statement Party: Intervenor Plaintiff Hasbrouck, David L <i>Intervenors David L. Hasbrouck and Siu Yip's Rule 7.1 Disclosure Statement</i>
07/14/2015	 Notice of Change of Address Filed By: Defendant Traber, Peter G <i>Notice of Change of Address</i>
07/21/2015	 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>

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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	 <b>Motion to Associate Counsel</b> (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	 <b>Status Check</b> (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <b>12/11/2015, 01/05/2016</b>
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>

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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	 <b>Motion to Associate Counsel</b> (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	<b>CANCELED Motion</b> (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	<b>Motion to Dismiss</b> (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Nominal Defendant Galectin Therapeutics, Inc.'s Motion to Dismiss Shareholder Derivative Action</i>



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03/03/2016	<b>Motion to Dismiss</b> (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	 <b>All Pending Motions</b> (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	<b>Order of Dismissal With Prejudice</b> (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	 <b>Motion</b> (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>
07/18/2016	 Notice of Appeal Filed By: Intervenor Plaintiff Yip, Siu <i>Notice of Appeal</i>
07/18/2016	 Case Appeal Statement Filed By: Intervenor Plaintiff Yip, Siu <i>Case Appeal Statement</i>

DATE	FINANCIAL INFORMATION
	<b>Defendant</b> Amelio, Gilbert F Total Charges 30.00 Total Payments and Credits 30.00 <b>Balance Due as of 7/20/2016 0.00</b>
	<b>Defendant</b> Callicutt, Jack W Total Charges 30.00 Total Payments and Credits 30.00 <b>Balance Due as of 7/20/2016 0.00</b>
	<b>Defendant</b> Czirr, James C Total Charges 30.00 Total Payments and Credits 30.00 <b>Balance Due as of 7/20/2016 0.00</b>
	<b>Defendant</b> Freeman, Kevin D Total Charges 30.00 Total Payments and Credits 30.00 <b>Balance Due as of 7/20/2016 0.00</b>
	<b>Defendant</b> Galectin Therapeutics, Inc. Total Charges 30.00 Total Payments and Credits 30.00 <b>Balance Due as of 7/20/2016 0.00</b>
	<b>Defendant</b> Greenberg, Arthur R Total Charges 30.00 Total Payments and Credits 30.00 <b>Balance Due as of 7/20/2016 0.00</b>
	<b>Intervenor Plaintiff</b> Hasbrouck, David L Total Charges 1,483.00 Total Payments and Credits 1,483.00

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

<b>Balance Due as of 7/20/2016</b>	<b>0.00</b>
<b>Defendant</b> Martin, Ron D	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 7/20/2016</b>	<b>0.00</b>
<b>Defendant</b> Mauldin, John F	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 7/20/2016</b>	<b>0.00</b>
<b>Defendant</b> Prelack, Steven	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 7/20/2016</b>	<b>0.00</b>
<b>Defendant</b> Pressler, Herman Paul, III	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 7/20/2016</b>	<b>0.00</b>
<b>Defendant</b> Rubin, Marc	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 7/20/2016</b>	<b>0.00</b>
<b>Intervenor Plaintiff</b> Yip, Siu	
Total Charges	54.00
Total Payments and Credits	54.00
<b>Balance Due as of 7/20/2016</b>	<b>0.00</b>
<b>Defendant</b> Traber, Peter G	
Total Charges	1,483.00
Total Payments and Credits	1,483.00
<b>Balance Due as of 7/20/2016</b>	<b>0.00</b>
<b>Plaintiff</b> Kirsch, Michael	
Total Charges	1,595.50
Total Payments and Credits	1,595.50
<b>Balance Due as of 7/20/2016</b>	<b>0.00</b>
<b>Plaintiff</b> Kirsch, Michael	
Appeal Bond Balance as of 7/20/2016	<b>500.00</b>

A14-706397-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)

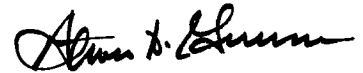
☐ Arbitration Requested

Civil Case Filing Types		Business Court Filing Types
<b>Real Property</b> <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <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 <b>Judicial Review/Appeal/Other Civil Filing</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court	<b>Torts</b> <b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice <b>Other Torts</b> <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 <b>Civil Writs</b> <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 <b>Other Civil Filing</b> <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters	<b>CLARK COUNTY BUSINESS COURT</b> <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 <b>WASHOE COUNTY BUSINESS COURT</b> <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 <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">           A-14-706397-B            CCS            Civil Cover Sheet            4200794   </div>

08/29/14

Date

Signature of initiating party or representative



CLERK OF THE COURT

1 **ORDR**

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;<sup>1</sup> (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.

---

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

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

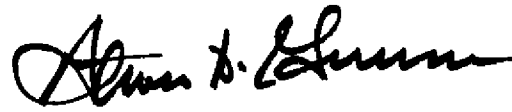
9. The Court finds that each of the above requirements for application of issue preclusion is satisfied with respect to the issue of whether Plaintiffs have adequately pled demand futility in their complaints in this action. Based on this finding and the standards set forth above, this Court determines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

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

Dated this 1 day of ~~March~~, 2016.

DISTRICT COURT JUDGE





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.,

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 ENTRY OF ORDER  
DISMISSING ACTION WITH  
PREJUDICE**

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 1<sup>st</sup> day of April, 2016.  
A copy of said Order is attached hereto.

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DATED this 21<sup>st</sup> 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**

KAEMPFER CROWELL RENSHAW  
GRONAUER & FIORENTINO  
1980 Festival Plaza Drive  
Suite 650  
Las Vegas, Nevada 89135

**CERTIFICATE OF SERVICE**

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

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

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**JOHNSON & WEAVER, LLP**  
Michael I. Fistel, Jr.  
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Marietta, GA 30064  
Telephone: (770) 200-3104  
Facsimile: (770) 200-3101  
[michaelf@johnsonandweaver.com](mailto:michaelf@johnsonandweaver.com)

**LEE, HERNANDEZ, LANDRUM  
& GAROFALO**  
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David S. Davis, Esq.  
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Las Vegas, Nevada 89128  
[nlandrum@lee-lawfirm.com](mailto:nlandrum@lee-lawfirm.com)  
[ddavis@lee-lawfirm.com](mailto:ddavis@lee-lawfirm.com)

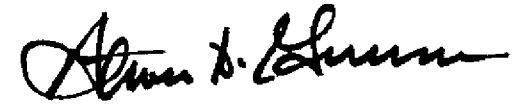
**JOHNSON & WEAVER, LLP**  
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San Diego, CA 92101  
Telephone: (619) 230-0063  
Facsimile: (619) 255-1856  
[frankj@johnsonandweaver.com](mailto:frankj@johnsonandweaver.com)

**LIFSHITZ AND MILLER**  
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**THE WEISER LAW FIRM, P.C.**  
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[rw@weiserlawfirm.com](mailto:rw@weiserlawfirm.com)  
[bds@weiserlawfirm.com](mailto:bds@weiserlawfirm.com)  
[jmf@weiserlawfirm.com](mailto:jmf@weiserlawfirm.com)

/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  
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

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 Plaintiffs Hasbrouck's and Yip's motion to intervene in this case;<sup>1</sup> (ii) denying  
6 Intervenor Plaintiffs Hasbrouck's and Yip's motion to intervene in this case;<sup>1</sup> (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 <sup>1</sup> Intervenor Plaintiffs Hasbrouck and Yip filed their Verified Shareholder Complaint-in-  
28 Intervention (the "Complaint-in-Intervention") on July 9, 2015.

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

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

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

Dated this 1 day of ~~March~~ <sup>April</sup>, 2016.

~~DISTRICT COURT JUDGE~~

**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)

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**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**

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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**

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

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**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**

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

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**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**

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A-14-706397-B	Michael Kirsch, Plaintiff(s) vs. Peter Traber, Defendant(s)
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May 22, 2015	3:00 AM	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 (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**

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

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**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**

<b>PRESENT:</b>	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**

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

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<b>July 24, 2015</b>	<b>3:00 AM</b>	<b>Motion to Associate Counsel</b>
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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 (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**

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

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**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**

<b>PRESENT:</b>	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**

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

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<b>February 05, 2016</b>	<b>3:00 AM</b>	<b>Motion to Associate Counsel</b>	<b>Proposed Intervenor Siu Yip's Motion to Associate Counsel</b>
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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**

<b>PRESENT:</b>	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**

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

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**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



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

JOHN P. ALDRICH  
1601 S. RAINBOW BLVD., SUITE 160  
LAS VEGAS, NV 89146

DATE: July 20, 2016  
CASE: A-14-706397-B

**RE CASE:** MICHAEL KIRSCH, derivatively on behalf of GALECTIN THERAPEUTICS, INC. 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

NOTICE OF APPEAL FILED: July 18, 2016

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

*Please refer to Rule 3 for an explanation of any possible deficiencies.*

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**\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

# 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 SHAREHOLDERS DERIVATIVE ACTION; NOTICE OF ENTRY OF ORDER DISMISSING ACTION WITH PREJUDICE; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

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.

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

Plaintiff(s)-Intervenor(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

Case No: A-14-706397-B

Dept No: XI

PAUL PRESSLER, III; DR. MARC RUBIN,

Defendant(s),

- and -

GALECTIN THERAPEUTICS, INC.,

Nominal Defendant.

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 20 day of July 2016.

Steven D. Grierson, Clerk of the Court

*Chaunte Pleasant*

Chaunte Pleasant, Deputy Clerk