UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

IN RE SUPREMA SPECIALTIES, INC., SECURITIES LITIGATION

Master File No. 02-168 (WHW)

PROOF OF CLAIM AND RELEASE

GENERAL INSTRUCTIONS

1. It is important that you completely read and understand the Notice of (1) Pendency of Class Action and (2) Hearing on Proposed Settlement and Attorneys' Fee Petition and Right to Share in Settlement Fund (the "Notice") and Plan of Allocation of Net Settlement Fund (the "Plan of Allocation") that accompany this Proof of Claim and Release ("Claim Form"). The Notice and Plan of Allocation describe the proposed Settlement, how the Class Members are affected by it, and the manner in which the Settlement Fund will be distributed, if the Settlement and Plan of Allocation are approved by the Court. The Notice also contains the definitions of many of the defined terms (which are indicated by initial capital letters) used in this Claim Form. By signing and submitting the Claim Form, you will be certifying that you have read and that you understand the Notice.

2. IN ORDER TO PARTICIPATE IN THE SETTLEMENT, YOU MUST MAIL YOUR COMPLETED AND SIGNED CLAIM FORM, BY FIRST-CLASS MAIL, POSTAGE PREPAID, POSTMARKED ON OR BEFORE APRIL 10, 2008, ADDRESSED TO:

SUPREMA SPECIALTIES, INC., SECURITIES LITIGATION

CLAIMS ADMINISTRATOR

c/o A.B. DATA, LTD.

POST OFFICE BOX 170500

MILWAUKEE, WI 53217

3. This Claim Form is directed to all Persons who purchased or otherwise acquired Suprema common stock from September 27, 2000, through and including December 21, 2001. Excluded from the Class are Defendants; the officers and directors of Suprema; members of their immediate families and their legal representatives, heirs, successors, or assigns; and any entity in which Defendants have or had a controlling interest. Also excluded from the Class are any Persons who exclude themselves by filing a request for exclusion in accordance with the requirements set forth in the Notice.

4. "Class Member" means any Person who is included in the definition of the Class who did not timely submit proper request for exclusion in accordance with the requirements set forth in the Notice.

5. "Authorized Claimant" means a Class Member who timely submits to the Claims Administrator a valid Claim Form that has been allowed pursuant to the terms of the Stipulation.

6. IF YOU ARE NOT A CLASS MEMBER, OR IF YOU OR SOMEONE ACTING ON YOUR BEHALF FILES A REQUEST FOR EXCLUSION FROM THE CLASS, DO NOT SUBMIT A CLAIM FORM. YOU MAY NOT, DIRECTLY OR INDIRECTLY, PARTICIPATE IN THE SETTLEMENT IF YOU ARE NOT A CLASS MEMBER. THUS, IF YOU FILE A REQUEST FOR EXCLUSION IN A TIMELY MANNER, ANY CLAIM FORM THAT YOU SUBMIT, OR WHICH MAY BE SUBMITTED ON YOUR BEHALF, WILL NOT BE ACCEPTED.

7. To recover as a Class Member, you must complete and sign this Claim Form and mail it to the Claims Administrator postmarked on or before April 10, 2008. If you fail to file a timely, properly addressed, and completed Claim Form, your claim may be rejected and you may be precluded from receiving any distribution from the Net Settlement Fund.

8. Submission of this Claim Form does not ensure that you will share in the proceeds of the Net Settlement Fund. Distributions from the Net Settlement Fund are governed by the Plan of Allocation approved by the Court. The proposed Plan of Allocation, which is subject to the Court's approval, is included in the Notice.

9. If you have questions concerning the Claim Form or need additional copies of the Claim Form or Notice, you may contact the Claims Administrator, A.B. Data, Ltd., at the above address or by toll-free phone at (866) 778-9470 or you may visit the Claims Administrator's Internet website, <u>abdatalawserve.com</u> for additional information.

10. If you are a Class Member and you do not, or someone acting on your behalf does not, submit a timely Request for Exclusion and if the Court approves the Settlement, you will be bound by the terms of any judgment that the Court enters. You will be bound by the judgment whether or not you submit a Claim Form. The judgment enjoins the filing or continued prosecution of Released Claims. It also releases the Released Claims against the Released Parties, including those that are subject to pending lawsuits or arbitrations.

11. You are required to submit genuine and sufficient documentation for all your transactions in Suprema common stock during the Class Period of September 27, 2000, through and including December 21, 2001. Documentation may be photocopies of stockbrokers' confirmation slips or stockbrokers' monthly statements (reflecting your opening and closing balances for the months specified on the actual Claim Form and in which transactions during the Class Period occurred). IF SUCH DOCUMENTS ARE NOT IN YOUR POSSESSION, PLEASE OBTAIN COPIES OR EQUIVALENT CONTEMPORANEOUS DOCUMENTS FROM YOUR BROKER. FAILURE TO SUPPLY THIS DOCUMENTATION MAY RESULT IN REJECTION OF YOUR CLAIM. DO NOT SEND ORIGINAL STOCK CERTIFICATES.

12. If you are a bank, broker, or nominee, or an individual with 70 or more transactions in your claim, you may choose to file your claim electronically. For more information on electronic claims filing or to download the electronic claims filing guidelines and template for this case, visit abdatalawserve.com/file_claims_electronically.php or call (800) 949-0194 to speak with an electronic claims filing specialist.

13. All joint purchasers must each sign this Claim Form.

14. Agents, executors, administrators, guardians, and trustees must complete and sign the Claim Form on behalf of persons represented by them and they must:

- (i) expressly state the capacity in which they are acting;
- (ii) identify the name, account number, Social Security number (or taxpayer identification number), address, and telephone number of the beneficial owner of (or other person or entity on whose behalf they are acting with respect to) the Suprema common stock; and
- (iii) furnish herewith evidence of their authority to bind the person or entity on whose behalf they are acting with respect to the Claim Form. (Authority to complete and sign a Claim Form cannot be established by stockbrokers only demonstrating that they have discretionary authority to trade stock in another's accounts.)

15. By submitting a signed Claim Form, you will be swearing that you:

- (i) own(ed) the Suprema common stock you have listed in the Claim Form; or
- (ii) are expressly authorized to act on behalf of the owner thereof.

16. By submitting a signed Claim Form, you will be swearing to the truth of the statements contained therein and the genuineness of the documents attached thereto, subject to penalties of perjury under the laws of the United States of America. The making of false statements, or the submission of forged or fraudulent documentation, will result in the rejection of your claim and may subject you to civil liability or criminal prosecution.

PLEASE BE AWARE: The Social Security (or taxpayer identification) number and telephone number of the beneficial owner may be used in verifying the claim. Failure to provide any of this information could delay verification of your claim or result in rejection of your claim.

Must Be Postmarked No Later Than: April 10, 2008

In re Suprema Specialties, Inc., Securities Litigation PROOF OF CLAIM Please Type or Print PART I: CLAIMANT IDENTIFICATION

For Official Use Only

LAST NAME (CLAIMANT)			FIRST NAME (CLAIMANT)
Last Name (Beneficial Owner if Different from	n Claimant)		First Name (Beneficial Owner)
Last Name (Co-Beneficial Owner)			First Name (Co-Beneficial Owner)
Company/Other Entity (If Claimant Is Not an	Individual)		
Trustee/Nominee/Other			
Account Number (If Claimant Is Not an Indivi	idual)		Trust/Other Date (If Applicable)
Check here to use Correspondence Address Line 1	ess for Distribution		
Correspondence Address Line 2 (If Applicable	e)		
City		State	Zip Code
Foreign Province	Foreign Zip Code		Foreign Country
Optional) Distribution Address: Distributio	n Address Line 1		
Distribution Address Line 2 (If Applicable)			
City		State	Zip Code
Foreign Province	Foreign Zip Code	1 1 1	Foreign Country
Telephone Number (Day)	Telepho	one Number ((Night)
)	
Beneficial Owner's Employer Identification N	lumber or Social Security N	umber -	
E-mail Address			
ENTITY OF CLAIMANT ndividual O Joint Owners Estate C RA, Keogh, or other type of individual retireme e of plan, mailing address, and name of current	ent plan (indicate	artnership	 Other (specify, describe on separate sheet) Legal Representative Private Pension Fund

For informational purposes only, you must also respond to the following questions: Claimant was / was not (circle one) a Defendant in the Action; an officer or director of Suprema; or a member of the immediate family, a legal representative, an heir, a successor, or an assign of an officer or director of Suprema at any time from September 27, 2000, through and including December 21, 2001, or an entity in which any of If so, state position(s) held and dates of employment or the Defendants have or had a controlling interest. affiliation

PART II: OPENING POSITION: AS OF CLOSE OF TRADING ON SEPTEMBER 26, 2000 Proof enclosed?

OPENING POSITION:

Indicate the Claimant's opening position in Suprema common stock as of the close of trading on September 26, 2000: IF NONE, CHECK HERE **o**

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PURCHASES:

PART III: PURCHASES

List all purchases of Suprema common stock made during the period September 27, 2000, through and including December 21, 2001.

through and including December 21, 2001:	gh and including December 21, 2001: IF NONE, CHECK HERE		HERE o
Trade date(s) List chronologically MM DD YYYY	Number of shares purchased	Price per share (excluding commissions, taxes, & fees)	Proof of purchase enclosed
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PART IV: ACQUISITIONS PURSUANT TO SUPREMA'S NOVEMBER 6, 2001, REGISTRATION STATEMENT

ACOUISITIONS:

Indicate the Claimant's acquisitions of Suprema common stock pursuant to the Registration Statement Suprema filed on November 6, 2001: IF NONE, CHECK HERE **O**



IF NONE CHECK HEDE

SALES:

PART V: SALES

List all sales of Suprema common stock made during the period September 27, 2000, through and including December 21, 2001.

meruding December 21, 2001.	, =,	IECK HERE
Transaction date(s) List chronologically	Number of shares soldSale price per share (excluding commissions, taxes, &	& fees) Proof of sale
MM DD YYYY		
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IF YOU REQUIRE ADDITIONAL SPACE, ATTACH EXTRA SCHEDULES IN THE SAME FORMAT AS ABOVE. PRINT THE BENEFICIAL OWNER'S FULL NAME ON EACH ADDITIONAL PAGE.

CLOSING POSITION:

Indicate the Claimant's closing position in Suprema common stock as of the close of trading on December 21, 2001, the last day of the Class Period: IF NONE, CHECK HERE \circ

				$\mathbf{V} \cap \mathbf{N}$	

Proof enclosed?

YOU MUST READ THE FOLLOWING RELEASE AND SIGN ON PAGE 6. PART VII: RELEASE OF CLAIMS

Definitions

For the purpose of the Proof of Claim, defined terms have the following meanings. [Other defined terms have the meanings given them in the Stipulation of Settlement available for download at <u>blbglaw.com</u> or <u>abdatalawserve.com</u> ("Stipulation")]. **"BDO"** means BDO Seidman, LLP.

"**DUO** Inealis DUO Seluman, LLP. "Director Defendents" moong Dudolph Acosto Ir. Doul Deco

"Director Defendants" means Rudolph Acosta, Jr., Paul Desocio, and Barry S. Rutcofsky collectively. **"Effective Date"** means the date the Judgment becomes Final (as defined in Paragraph 1.12 of the Stipulation).

"Judgment" means the Order or Orders entered by the Court, if and upon approval of the Settlement, dismissing the Action with prejudice and without costs (except to the extent awarded by the Court) to any Settling Party, certifying the Class for Settlement purposes, releasing all Released Claims as against the Released Parties, and enjoining Class Members from instituting, continuing, or prosecuting any action asserting any Released Claims against any Released Party.

"Released Claims" means collectively any and all claims (including Unknown Claims, as defined below), debts, demands, rights of action, causes of action, actions, suits, matters, and issues or liabilities of every nature and description whatsoever (including, but not limited to, any claims of negligence, gross negligence, omissions, breaches of duty of care and/or breaches of any other duty, fraud, or violations of any state or federal statutes, regulations, or rules, and any claims for damages, interest, attorneys' fees, expert or consulting fees, and any other costs, expenses, or liability whatsoever), whether known or unknown, whether fixed, contingent, accrued, unaccrued, liquidated, unliquidated, or absolute, whether suspected or unsuspected, whether disclosed or undisclosed, whether matured or unmatured, whether or not concealed or hidden, whether based on federal, state, local, statutory, or common law or any other law, rule, or regulation, at law or in equity, whether class or individual in nature, that (i) have been asserted in the Action against any of the Released Parties or (ii) could have been asserted in any forum by the Class Members or any of them against any of the Released Parties out of or are based upon the allegations, transactions, facts, matters or occurrences, representations, or omissions involved, set forth, or referred to in the Action and which relate to the purchase of Suprema common stock during the Class Period, including purchases pursuant to the Registration Statement filed by Suprema on or about November 6, 2001, or (iii) have been or could have been asserted in the Action or in any forum by the Settling Defendants or any of them or the successors and assigns of any of them against the Lead Plaintiff, any Class Member, or their attorneys, which arise out of or relate in any way to the institution, prosecution, or settlement of the Action.

"Released Parties" means the Settling Defendants and their current and former agents, employees, officers, directors, members, partners, representatives, heirs, attorneys, advisors, insurers, subsidiaries, parents, affiliates, predecessors, successors, and assigns.

"Settling Defendants" means the Underwriter Defendants, BDO, and the Director Defendants.

"Suprema" means Suprema Specialties, Inc., its predecessors, successors, subsidiaries, and assigns.

"Underwriter Defendants" means Janney Montgomery Scott LLC, Pacific Growth Equities, LLC, and ROTH Capital Partners, LLC collectively.

"Unknown Claims" means collectively all claims, demands, rights, liabilities, and causes of action of every nature and description which any Lead Plaintiff or Class Member does not know or suspect to exist in his, her, or its favor at the time of the release of the Released Parties which, if known by him, her, or it, might have affected his, her, or its settlement with and release of the Released Parties or might have affected his, her, or its decision not to object to this Settlement. With respect to any and all Released Claims, the Settling Parties stipulate and agree that, upon the Effective Date, Lead Plaintiffs shall expressly waive, and each of the Class Members shall be deemed to have waived, and by operation of the Judgment shall have waived, the provisions, rights, and benefits of California Civil Code § 1542, which provides:

A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.

Lead Plaintiff shall expressly and each of the Class Members shall be deemed to have, and by operation of the Judgment shall have, expressly waived any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or principle of common law, which is similar, comparable, or equivalent to California Civil Code § 1542. Lead Plaintiff and Class Members may hereafter discover facts in addition to or different from those which he, she, or it now knows or believes to be true with respect to the subject matter of the Released Claims, but Lead Plaintiff shall expressly fully, finally, and forever settle and release, and each Class Member, upon the Effective Date, shall be deemed to have, and by operation of the Judgment shall have, fully, finally, and forever settled and released, any and all Released Claims, known or unknown, suspected or unsuspected, contingent or noncontingent, whether or not concealed or hidden, which now exist, or heretofore have existed, upon any theory of law or equity now existing or coming into existence in the future, including, but not limited to, conduct which is negligent, intentional, with or without malice, or a breach of any duty, law, or rule, without regard to the subsequent discovery or existence of such different or additional facts. Lead Plaintiff acknowledges, and the Class Members shall be deemed by operation of the Judgment to have acknowledged, that the foregoing waiver was separately bargained for and a key element of the settlement of which this release is a part.

The Release

I (we) understand and acknowledge that without further action by anyone, on and after the Effective Date, each Class Member, **including Class Members who are parties to any other actions, arbitrations, or other proceedings against any of the Defendants that are pending on the Effective Date**, on behalf of themselves, their heirs, executors, administrators, successors, assigns, and any person they represent, for good and sufficient consideration, the receipt and adequacy of which are hereby acknowledged, shall be deemed to have, and by operation of law and of the Judgment shall have fully, finally, and forever released, relinquished, settled, and discharged all Released Claims against each and every one of the Released Parties, including such Released Claims as already may have been asserted in any pending actions, arbitrations, or other proceedings, and whether or not a Claim Form is executed and delivered by, or on behalf of, such Class Member.

PART VIII: SIGNATURE AND CERTIFICATIONS

By signing and submitting this Claim Form, the Claimant or the person who represents the Claimant certifies, as follows:

- 1. that the Claimant is a Class Member, as defined in the Notice;
- 2. that I (we) have read and understand the contents of the Notice and the Claim Form;
- 3. that I am (we are) not acting for any of the Defendants, nor am I (are we) such a Defendant or otherwise excluded from the Class;
- 4. that I (we) have not filed a Request for Exclusion from the Class and that I (we) do not know of any Request for Exclusion from the Class filed on my (our) behalf with respect to my (our) transactions in Suprema common stock;
- 5. that I (we) own(ed) the Suprema common stock identified in the Claim Form, or that, in signing and submitting this Proof of Claim, I (we) have the authority to act on behalf of the owner(s) thereof;
- 6. that Claimant may be entitled to receive a distribution from the Net Settlement Fund;
- 7. that Claimant desires to participate in the Settlement described in the Notice and agrees to the terms and conditions thereof;
- 8. that I (we) submit to the jurisdiction of the United States District Court for the District of New Jersey for purposes of investigation and discovery under the Federal Rules of Civil Procedure with respect to this Claim Form;
- 9. that I (we) agree to furnish such additional information with respect to this Claim Form as the parties or the Court may require; and
- 10. that I (we) waive trial by jury, to the extent it exists, and agree to the Court's summary disposition of the determination of the validity or amount of the claim made by this Claim Form.

SUBSTITUTE FORM W-9

Request for Taxpayer Identification Number ("TIN")

Enter taxpayer identification number ("TIN") below for the beneficial owner(s). The Internal Revenue Service ("IRS") requires such TIN. If you fail to provide this information, your claim may be rejected.

Employer Identification Number ("EIN" for estates, trusts, corporations, etc.) Social Security Number ("SSN" for individuals)

I (We) certify that I am (we are) NOT subject to backup withholding under the provisions of Section 3406(a)(1)(C) of the Internal Revenue Code because (a) I am (we are) exempt from backup withholding or (b) I (we) have not been notified by the IRS that I am (we are) subject to backup withholding as a result of a failure to report all interest or dividends or (c) the IRS has notified me (us) that I am (we are) no longer subject to backup withholding.

NOTE: If the IRS has notified you that you are subject to backup withholding, please strike out the language that you are not subject to backup withholding in the certification above.

Instructions for Substitute Form W-9

- 1. If your account is held jointly, BOTH parties must sign the form.
- 2. If you have a joint account, only the Social Security number associated with that account is required to be provided.
- 3. You may contact the Suprema Specialties, Inc., Securities Litigation Helpline at (866) 778-9470 with any questions you may have or if you need additional assistance filling out this Claim Form.

I (We) declare, under penalty of perjury under the laws of the United States of America that the statements made and answers given in this Claim Form are true and correct and that the documents submitted herewith are true and genuine.

Date
Date
t the person completing this form, e provided:

REMINDER CHECKLIST

- 1. Please sign the Claim Form above.
- 2. If this claim is being made on behalf of joint claimants, then both must sign.
- 3. Please remember to attach supporting documents. These must include documentation of (a) all opening and closing balances, as set forth in the specific sections of the Claim Form and (b) all purchases and sales of Suprema common stock during the Class Period from September 27, 2000, through and including December 21, 2001, as set forth in the specific sections of the Claim Form.
- 4. If you move, please send your new address to:

SUPREMA SPECIALTIES, INC., SECURITIES LITIGATION CLAIMS ADMINISTRATOR c/o A.B. DATA, LTD. POST OFFICE BOX 170500 MILWAUKEE, WI 53217

- 5. **DO NOT SEND** ORIGINALS OF ANY SUPPORTING DOCUMENTS.
- 6. Keep a copy of your Claim Form and all documentation submitted for your records.
- 7. You will <u>not</u> receive confirmation that your Claim Form has been received <u>unless</u> you send it via Certified Mail, Return Receipt Requested, or by some other means which provides you with proof of receipt.

ACCURATE CLAIMS PROCESSING TAKES A SIGNIFICANT AMOUNT OF TIME.

THANK YOU FOR YOUR PATIENCE.

QUESTIONS? CALL (866) 778-9470 OR VISIT ABDATALAWSERVE.COM

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