

Press Release

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December 7, 2018

Delaware Supreme Court upholds Fresenius' termination of merger agreement with Akorn

In the lawsuit by Akorn, Inc. against Fresenius for the consummation of the April 2017 merger agreement the Supreme Court in the U.S. state of Delaware today ruled in favor of Fresenius. As this is the highest Court in Delaware, no further appeal is possible.

Fresenius terminated the merger agreement due to Akorn's failure to fulfill several closing conditions. An independent investigation initiated by Fresenius had revealed, among other things, material breaches of FDA data integrity requirements relating to Akorn's operations. Akorn responded by suing in the Court of Chancery in Delaware for the consummation of the agreement but Akorn's lawsuit had been dismissed by the Court of Chancery of Delaware in the first instance as well as now in the second and last instance before the Delaware Supreme Court.

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Fresenius is a global health care group, providing products and services for dialysis, hospital and outpatient medical care. In 2017, Group sales were €33.9 billion. On September 30, 2018, the Fresenius Group had 277,318 employees worldwide.

For more information visit the Company's website at www.fresenius.com.

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This release contains forward-looking statements that are subject to various risks and uncertainties. Future results could differ materially from those described in these forward-looking statements due to certain factors, e.g. changes in business, economic and competitive conditions, regulatory reforms, results of clinical trials, foreign exchange rate fluctuations, uncertainties in litigation or investigative proceedings, and the availability of financing. Fresenius does not undertake any responsibility to update the forward-looking statements in this release.

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