









name for the pending transaction between MDS and Molecular. In the six weeks leading up to the Announcement, approximately 500 such e-mails were disseminated. As part of his responsibilities at MDS, Suman had access to this e-mail traffic.

18. Also, MDS's e-mail system encountered a number of problems throughout December 2006 and January 2007. As an e-mail system administrator, Suman had access to the contents of many MDS employees' e-mail messages when he provided technical support. By virtue of his role as an information technology specialist for MDS, Suman had many opportunities to learn of the impending transaction between MDS and Molecular.

19. For example, late in the morning of January 23, 2007, Suman was called to restore an electronic document titled "Andy Monument Message." The title referred to Andy Boorn, the president of an MDS subsidiary then known as MDS Sciex. This document was to be distributed to MDS employees after the Announcement in order to explain to them the significance and impact of the MDS-Molecular transaction.

Although Suman was not able to retrieve the document, the MDS employee who had lost the document explained to Suman that the file was highly confidential and that, if he was able to find it, he was not allowed to read it.

20. After attempting to locate the "Andy Monument Message" document, Suman shortly thereafter started to search the internet for information related to the MDS-Molecular transaction. The internet browser history on Suman's work computer revealed that in the early evening of January 23, 2007, Suman was running multiple internet searches for "Molecular Devices" and "Monument." He also logged onto [www.monument-inc.com](http://www.monument-inc.com). The browser history further illustrated that Suman went back

and forth between searches focused on “Molecular” and those focused on “Monument.” Suman also visited an internet message board devoted to Molecular Devices. Although that message board contained some speculation about a possible takeover of Molecular, MDS was not mentioned as a potential acquirer.

21. On January 23, 2007 at 7:41 p.m. EST, Suman called Rahman and the two spoke for 100 minutes.

22. On January 24, 2007, starting at 9:33 a.m. EST and continuing throughout that day, Rahman placed limit orders to purchase a total of 32,000 shares of Molecular stock in an account she held at E\*Trade Canada Securities Corporation (the “E\*Trade Account”). Ultimately, orders for only 12,000 Molecular shares were executed that day, at an average price of approximately \$24 per share.

23. From January 24 to January 26, 2007, Suman and Rahman bought 900 Molecular call options in the E\*Trade Account. Each of these call options gave Suman and Rahman the right to purchase 100 Molecular shares, at an exercise price of \$25.00, by expiration dates set in February, March and April of 2007. Thus, defendants’ 900 Molecular call options gave them the right to purchase 90,000 shares of Molecular stock.

24. Suman, who accessed the E\*Trade Account from Canada, bought 870 of the 900 Molecular call options.

25. Rahman, who accessed the E\*Trade Account from Utah, bought 30 of the 900 Molecular call options.

26. A portion of the Molecular securities purchases were financed with a margin loan of approximately \$200,000.









