

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

ROY T. LEFKOE, On Behalf of Himself and All Others Similarly Situated,	X	
	:	
Plaintiff,	:	No. 1:06-cv-01892-WMN
	:	(Consolidated)
vs.	:	
	:	<u>CLASS ACTION</u>
JOS. A. BANK CLOTHIERS, INC., et al.,	:	
	:	
Defendants.	:	
	X	

PROOF OF CLAIM AND RELEASE

I. GENERAL INSTRUCTIONS

1. To recover as a member of the Class based on your claims in the action entitled *Roy T. Lefkoe v. Jos. A. Bank Clothiers, Inc., et al.*, No. 1:06-cv-01892-WMN (the "Litigation"), you must complete and, on page 14 hereof, sign this Proof of Claim and Release. If you fail to file a properly addressed (as set forth in paragraph 3 below) Proof of Claim and Release, your claim may be rejected and you may be precluded from any recovery from the Net Settlement Fund created in connection with the proposed settlement of the Litigation.

2. Submission of this Proof of Claim and Release, however, does not assure that you will share in the proceeds of the settlement of the Litigation.

3. YOU MUST MAIL YOUR COMPLETED AND SIGNED PROOF OF CLAIM AND RELEASE POST-MARKED ON OR BEFORE JUNE 30, 2010 ADDRESSED AS FOLLOWS:

Jos. A. Bank Securities Litigation
Claims Administrator
c/o RSM McGladrey, Inc.
P.O. Box 1367
Blue Bell, PA 19422

If you are NOT a member of the Class (as defined below and in the Notice of Proposed Settlement of Class Action ("Notice")) DO NOT submit a Proof of Claim and Release form.

4. If you are a member of the Class and you did not timely request exclusion in connection with the proposed settlement, you are bound by the terms of any judgment entered in the Litigation, including the releases provided therein, WHETHER OR NOT YOU SUBMIT A PROOF OF CLAIM AND RELEASE.

II. DEFINITIONS

1. "Class" means all Persons who purchased Jos. A. Bank common stock between December 5, 2005 and June 7, 2006, inclusive. Excluded from the Class are Defendants, officers and directors of Jos. A. Bank, members of their immediate families and their legal representatives, heirs, successors and assigns, and any entity in which Defendants have or had a controlling interest. Also excluded from the Class are those Persons who timely and validly request exclusion from the Class pursuant to the Notice.

2. "Defendants" means Jos. A. Bank, Robert N. Wildrick, David E. Ullman, and R. Neal Black.

3. "Jos. A. Bank" means Jos. A. Bank Clothiers, Inc. and its past and current parents, divisions, predecessors, successors and assigns.

4. "Related Parties" means, with respect to each Defendant, the immediate family members, heirs, executors, administrators, and present and former shareholders (excepting class members), successors, assigns, employees, officers,

directors, attorneys, legal representatives, accountants, insurers, reinsurers, and agents of each of them, and any person or entity which is or was related to or affiliated with any Defendant or in which any Defendant has or had a controlling interest and the present and former parents, subsidiaries, divisions, affiliates, predecessors, successors, employees, officers, directors, shareholders (excepting class members), attorneys, assigns, legal representatives, insurers, reinsurers, and agents of each of them.

5. “Stipulation” or “Stipulation of Settlement” is the Stipulation of Settlement dated as of January 28, 2010, entered into by the parties to the Litigation for the purpose of settling the Litigation.

III. CLAIMANT IDENTIFICATION

If you purchased Jos. A. Bank common stock and held the certificate(s) in your name, you are the beneficial purchaser as well as the record purchaser. If, however, you purchased Jos. A. Bank securities and the certificate(s) were registered in the name of a third party, such as a nominee or brokerage firm, you are the beneficial purchaser and the third party is the record purchaser.

Use Part I of this form entitled “Claimant Identification” to identify each purchaser of record (“nominee”), if different from the beneficial purchaser of Jos. A. Bank common stock which forms the basis of this claim. **THIS CLAIM MUST BE FILED BY THE ACTUAL BENEFICIAL PURCHASER OR PURCHASERS, OR THE LEGAL REPRESENTATIVE OF SUCH PURCHASER OR PURCHASERS, OF THE JOS. A. BANK SECURITIES UPON WHICH THIS CLAIM IS BASED.**

All joint purchasers must sign this claim. Executors, administrators, guardians, conservators and trustees must complete and sign this claim on behalf of persons represented by them and their authority must accompany this claim and their titles or capacities must be stated. The Social Security (or taxpayer identification) number and telephone number of the beneficial owner may be used in verifying the claim. Failure to provide the foregoing information could delay verification of your claim or result in rejection of the claim.

IV. CLAIM FORM

Use Part II of this form entitled “Schedule of Transactions in Jos. A. Bank Common Stock” to supply all required details of your transaction(s) in Jos. A. Bank common stock. If you need more space or additional schedules, attach separate sheets giving all of the required information in substantially the same form. Sign and print or type your name on each additional sheet.

On the schedules, provide all of the requested information with respect to **all** of your purchases of Jos. A. Bank common stock which took place at any time between December 5, 2005 and June 7, 2006, inclusive (the “Class Period”), whether such transactions resulted in a profit or a loss. You must also provide all of the requested information with respect to **all** of the Jos. A. Bank common stock you held at the beginning of trading on December 5, 2005, and at the close of trading on September 5, 2006. Failure to report all such transactions may result in the rejection of your claim.

List each transaction in the Class Period separately and in chronological order, by trade date, beginning with the earliest. You must accurately provide the month, day and year of each transaction you list.

Copies of broker confirmations or other documentation of your transactions in Jos. A. Bank common stock should be attached to your claim. Failure to provide this documentation could delay verification of your claim or result in rejection of your claim.

UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

Roy T. Lefkoe v. Jos. A. Bank Clothiers, Inc., et al.
No. 1:06-cv-01892-WMN

PROOF OF CLAIM AND RELEASE

Must Be Postmarked No Later Than:
June 30, 2010

Please Type or Print

PART I: CLAIMANT IDENTIFICATION

Name(s) of Beneficial Owner(s)

Street No. and Street

City State Zip Code -

Foreign Province Foreign Country

Taxpayer I.D. No.

or Social Security No.

Claimant's Capacity Individual Corporation Agent Partner
 Successor Other (specify) _____

Telephone Number - (work)

Telephone Number - (home)

Record Owner's Name (if different from Beneficial Owner listed above):

PART II: SCHEDULE OF TRANSACTIONS IN JOS. A. BANK COMMON STOCK

A. Number of shares of Jos. A. Bank common stock held at the beginning of trading on December 5, 2005:

B. Purchases (December 5, 2005 and June 7, 2006, inclusive) of Jos. A. Bank common stock:

Trade Date Month/Day/Year	Number of Shares Purchased	Price Per Share	Total Purchase Price
1. <input type="text"/> - <input type="text"/> - <input type="text"/>	1. <input type="text"/>	\$ <input type="text"/> . <input type="text"/>	1. \$ <input type="text"/> . <input type="text"/>
2. <input type="text"/> - <input type="text"/> - <input type="text"/>	2. <input type="text"/>	\$ <input type="text"/> . <input type="text"/>	2. \$ <input type="text"/> . <input type="text"/>
3. <input type="text"/> - <input type="text"/> - <input type="text"/>	3. <input type="text"/>	\$ <input type="text"/> . <input type="text"/>	3. \$ <input type="text"/> . <input type="text"/>
4. <input type="text"/> - <input type="text"/> - <input type="text"/>	4. <input type="text"/>	\$ <input type="text"/> . <input type="text"/>	4. \$ <input type="text"/> . <input type="text"/>
5. <input type="text"/> - <input type="text"/> - <input type="text"/>	5. <input type="text"/>	\$ <input type="text"/> . <input type="text"/>	5. \$ <input type="text"/> . <input type="text"/>

IMPORTANT: Identify by number listed above all purchases in which you covered a “short sale”:

C. Sales (December 5, 2005 and September 5, 2006, inclusive) of Jos. A. Bank common stock:

Trade Date Month/Day/Year	Number of Shares Sold	Price Per Share	Total Sales Price
1. <input type="text"/> - <input type="text"/> - <input type="text"/>	1. <input type="text"/>	\$ <input type="text"/> . <input type="text"/>	1. \$ <input type="text"/> . <input type="text"/>
2. <input type="text"/> - <input type="text"/> - <input type="text"/>	2. <input type="text"/>	\$ <input type="text"/> . <input type="text"/>	2. \$ <input type="text"/> . <input type="text"/>
3. <input type="text"/> - <input type="text"/> - <input type="text"/>	3. <input type="text"/>	\$ <input type="text"/> . <input type="text"/>	3. \$ <input type="text"/> . <input type="text"/>
4. <input type="text"/> - <input type="text"/> - <input type="text"/>	4. <input type="text"/>	\$ <input type="text"/> . <input type="text"/>	4. \$ <input type="text"/> . <input type="text"/>
5. <input type="text"/> - <input type="text"/> - <input type="text"/>	5. <input type="text"/>	\$ <input type="text"/> . <input type="text"/>	5. \$ <input type="text"/> . <input type="text"/>

D. Number of shares of Jos. A. Bank common stock held at the close of trading on September 5, 2006:

If you require additional space, attach extra schedules in the same format as above. Sign and print your name on each additional page.

YOU MUST READ THE RELEASE. YOUR SIGNATURE ON PAGE 14 WILL CONSTITUTE YOUR ACKNOWLEDGMENT OF THE RELEASE.

V. SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS

I (We) submit this Proof of Claim and Release under the terms of the Stipulation of Settlement described in the Notice. I (We) also submit to the jurisdiction of the United States District Court for the District of Maryland, with respect to my (our) claim as a Class Member and for purposes of enforcing the release set forth herein. I (We) further acknowledge that I (we) am bound by and subject to the terms of any judgment that may be entered in the Litigation. I (We) agree to furnish additional information to the Claims Administrator to support this claim if requested to do so. I (We) have not submitted any other claim covering the same purchases or sales of Jos. A. Bank common stock during the Class Period and know of no other person having done so on my (our) behalf.

VI. RELEASE

1. I (We) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally and forever settle, release and discharge from the Released Claims each and all of the "Released Persons," defined as each and all of Defendants and each and all of their Related Parties.

2. "Released Claims" means all rights, demands, claims (including "Unknown Claims" as defined in the Stipulation) and causes of action of every nature and description, in law or equity, accrued or unaccrued, and whether known or unknown, and whether arising under federal, state, common or foreign law, that Lead Plaintiff or any member of the Class asserted, or could have asserted, arising out of, or relating to, directly or indirectly, the purchase of Jos. A. Bank common stock during the Class Period, and the facts, matters, allegations, transactions, events, disclosures, statements, acts or omissions which were alleged or that could have been alleged in the Litigation.

3. This release shall be of no force or effect unless and until the Court approves the Stipulation of Settlement and the Stipulation becomes effective on the Effective Date (as defined in the Stipulation).

4. I (We) hereby warrant and represent that I (we) have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any matter released pursuant to this release or any other part or portion thereof.

5. I (We) hereby warrant and represent that I (we) have included information about all of my (our) transactions in Jos. A. Bank common stock that occurred during the Class Period as well as the number of shares of Jos. A. Bank common stock held by me (us) at the beginning of trading on December 5, 2005, and at the close of trading on September 5, 2006.

6. 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.

Note: If you have been notified by the Internal Revenue Service that you are subject to backup withholding, please strike out the language that you are not subject to backup withholding in the certification above.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information supplied by the undersigned is true and correct.

Executed this ____ day of _____ in _____
(Month/Year) (City) (State/Country)

(Sign your name here)

(Type or print your name here)

(Sign your name here)

(Type or print your name here)

(Capacity of person(s) signing,
e.g., Beneficial Purchaser,
Executor or Administrator)

**ACCURATE CLAIMS PROCESSING TAKES A SIGNIFICANT AMOUNT OF TIME.
THANK YOU FOR YOUR PATIENCE.**

Reminder Checklist:

1. Please sign the above release and declaration.
2. Remember to attach supporting documentation, if available.
3. Do not send original stock certificates.
4. Keep a copy of your claim form for your records.
5. If you desire an acknowledgment of receipt of your claim form, please send it Certified Mail, Return Receipt Requested.
6. If you move, please send us your new address.