

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEVIN L. DOUGHERTY, Individually )  
and On Behalf of All Others Similarly )  
Situated, )

Civ. No. 2:16-cv-10089-AJT-RSW

Plaintiff, )

CLASS ACTION

v. )

ESPERION THERAPEUTICS, INC., et )  
al. )

Defendants )

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**DECLARATION OF RONALD E. WALLACE IN SUPPORT OF  
MOTION FOR (1) AN AWARD OF ATTORNEYS' FEES AND EXPENSES  
AND (2) REIMBURSEMENT OF COSTS AND EXPENSES TO CLASS  
REPRESENTATIVES**

I, Ronald E. Wallace, in accordance with 28 U.S.C. § 1746, hereby declare as follows:

1. I am one of two Court-appointed Lead Plaintiffs and Class Representatives in the above-captioned action (the “Action”). I submit this Declaration in support of the: (i) motion for final approval of settlement; (ii) motion for award of attorneys’ fees and reimbursement of litigation expenses; and (iii) my request for the reimbursement of the reasonable costs incurred in connection with my involvement as a Lead Plaintiff and Class Representative in the prosecution and resolution of the Action.

2. I have personal knowledge of the facts as set forth herein and, if called as a witness, I could and would competently testify thereto.

3. By Order dated April 5, 2016, I was appointed Lead Plaintiff pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”). By Order dated November 19, 2020, I was appointed as a Class Representative in this Action.

4. During my involvement in the Action, I have dedicated a substantial amount of time monitoring the progress of the litigation and the efforts of Class Counsel on behalf of the Class. I believe I have faithfully performed my duties as a Lead Plaintiff and Class Representative.

5. Specifically, in connection with this litigation, I: (i) located and produced all documents relevant to my filing for appointment as co-Lead Plaintiff;

(ii) located and produced all documents relevant to my motion for class certification; (iii) reviewed Defendants' discovery requests upon me in this action and helped provide responses, including gathering relevant documents; (iv) reviewed drafts of all filings made in this Action, including the Amended Complaint, provided my feedback on those drafts prior to filing with the Court, and reviewed the documents once they were filed with the Court; (v) read key Court orders and hearing transcripts; (vi) discussed litigation and settlement strategy with my attorneys about this Action on a regular basis; (vii) prepared for my class deposition and traveled from Medford, Oregon to San Francisco, California for my deposition in my role as Lead Plaintiff on July 10, 2019; (viii) traveled from Medford, Oregon to Detroit, Michigan to attend the Class Certification hearing in person on November 26, 2019; and (ix) participated in, and remained available throughout the mediation process, including three full days of mediation by telephone and videoconference.

6. Throughout the course of the Action, my attorneys at Kahn Swick & Foti, LLC ("KSF") regularly kept me apprised of the status of the litigation through many written and telephonic communications and conversations.

7. With respect to the settlement mediation process, I engaged in discussions with KSF concerning the pros and cons of mediation and the strategies to be employed when negotiating. I also spent considerable time and effort deciding whether to approve the settlement that was ultimately reached in this matter.

8. Pursuant to 15 U.S.C. § 78u-4(a)(4) of the PSLRA, I am seeking reimbursement for the time and expenses I incurred relating directly to my service as a Lead Plaintiff and Class Representative.

9. Since its inception five years ago in 2016, I have devoted significant time to this Action, as described in ¶ 5, above. Accordingly, I seek reimbursement in the amount of \$7,500.00 for total time spent in connection with my role as a Lead Plaintiff and Class Representative.

10. Through my involvement as Lead Plaintiff and a Class Representative, as well as my continuous discussions with KSF, I understand the strengths and weaknesses of the Action and am aware of the obstacles regarding summary judgment, proving loss causation, and damages. My understanding of the facts and law in the Action enable me to strongly support presentation of the settlement to the Court for approval.

11. I strongly endorse the settlement, particularly given the risks of continuing to prosecute the claims in the Action and the extraordinary result achieved in this case. I also support Class Counsel's request for a fee of 32.5% for their outstanding work bringing this challenging matter to resolution, as well as reimbursement for their costs and litigation expenses. I also understand and appreciate that Class Counsel have kept expenses and claims administration reasonable.

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

Executed on this day, 6/30/2021, in Medford, Oregon.

DocuSigned by:  
*Ronald Wallace*  
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RONALD E. WALLACE

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on July 19, 2021, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/Ellen Gusikoff Stewart

ELLEN GUSIKOFF STEWART

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## Mailing Information for a Case 2:16-cv-10089-AJT-RSW Dougherty v. Esperion Therapeutics, Inc. et al

### Electronic Mail Notice List

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### **Manual Notice List**

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)