

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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

Plaintiff,

vs.

ESPERION THERAPEUTICS, INC., et al.,

Defendants.

) Civ. No. 2:16-cv-10089-AJT-RSW
)
) CLASS ACTION
)
) SUPPLEMENTAL DECLARATION OF
) ROSS D. MURRAY REGARDING NOTICE
) DISSEMINATION AND REQUESTS FOR
) EXCLUSION RECEIVED TO DATE
)
)
)
)
)

I, ROSS D. MURRAY, declare and state as follows:

1. I am employed as a Vice President of Securities by Gilardi & Co. LLC (“Gilardi”), located at 1 McInnis Parkway, Suite 250, San Rafael, California. Pursuant to this Court’s May 6, 2021 Order Preliminarily Approving Settlement and Providing for Notice (“Notice Order”), Gilardi was appointed to supervise and administer the notice procedure as well as the processing of claims in connection with the proposed Settlement of the above-captioned litigation (the “Litigation”).¹ I oversaw the notice services that Gilardi provided in accordance with the Notice Order.

2. I submit this declaration as a supplement to my earlier declaration, the Declaration of Ross D. Murray Regarding Notice Dissemination, Publication, and Requests for Exclusion Received to Date (the “Initial Mailing Declaration”) (ECF No. 220). The following statements are based on my personal knowledge and information provided to me by other Gilardi employees and if called to testify I could and would do so competently.

UPDATE ON DISSEMINATION OF THE CLAIM PACKAGE

3. As more fully detailed in the Initial Mailing Declaration, as of July 16, 2021, Gilardi had mailed 13,025 copies of the Court-approved Notice of Pendency and Proposed Settlement of Class Action (the “Notice”) and Proof of Claim and Release form (the “Proof of Claim”) (collectively, the “Claim Package”) to potential Class Members and their nominees. *See* Initial Mailing Declaration, ¶11.

4. Since July 16, 2021, Gilardi has mailed an additional 469 copies of the Claim Package in response to requests from potential Class Members, brokers, and nominees and as a result of mail returned as undeliverable for which new addresses were identified and re-mailed to those new addresses. Therefore, as of August 16, 2021, Gilardi has mailed a total of 13,494 Claim Packages to potential Class Members and nominees.

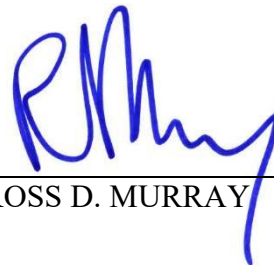
¹ All capitalized terms that are not otherwise defined herein shall have the same meanings provided in the Stipulation of Settlement dated April 26, 2021 (the “Stipulation”) (ECF No. 211).

REQUESTS FOR EXCLUSION RECEIVED TO DATE

5. Pursuant to the Notice Order, the Notice informed potential Class Members that written requests for exclusion from the Class must be mailed to *Esperion Securities Settlement*, c/o Gilardi & Co. LLC, EXCLUSIONS, 150 Royall Street, Suite 101, Canton, MA 02021, such that they are received no later than August 2, 2021. At the time of the Initial Mailing Declaration, Gilardi had not received any requests for exclusion from the Class at this mailing address. See Initial Mailing Declaration, ¶16.

6. Since the Initial Mailing Declaration was executed, and as of the date of this declaration, Gilardi has not received any requests for exclusion.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 16th day of August, 2021, at San Rafael, California.



ROSS D. MURRAY

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on August 16, 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

The following are those who are currently on the list to receive e-mail notices for this case.

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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.

Sonja Peterson
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