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*Counsel for the Official Equity Security Holders’  
Committee of Eiger BioPharmaceuticals, Inc.*

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

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In re:	§	Chapter 11
	§	
EIGER BIOPHARMACEUTICALS, INC.,	§	Case No. 24-80040 (SGJ)
<i>et al.</i> , <sup>1</sup>	§	
Debtors.	§	(Jointly Administered)
	§	
	§	

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**SUMMARY COVER SHEET FOR THE FIRST INTERIM AND FINAL FEE  
APPLICATION OF MCKOOL SMITH, PC AS CO-COUNSEL TO THE OFFICIAL  
EQUITY SECURITY HOLDERS’ COMMITTEE FROM  
JUNE 26, 2024 THROUGH AND INCLUDING SEPTEMBER 30, 2024**

**If you object to the relief requested, you must respond in writing. Unless otherwise directed by the Court, you must file your response electronically at <https://ecf.txnb.uscourts.gov> no more than twenty-four (24) days after the date this motion was filed. If you do not have electronic filing privileges, you must file a written objection that is actually received by the clerk and filed on the docket no more than twenty-four (24) days after the date this motion was filed. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.**

**A hearing will be conducted on the matters set forth in this motion on October 24, 2024 at 9:30 a.m. (prevailing Central Time) in Courtroom #1, 14th Floor, Earle Cabell Federal Building, 1100 Commerce Street, Suite 1254, Dallas, Texas 75242.**

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<sup>1</sup> The Debtors in these chapter 11 cases, together with the last four digits of each Debtor’s federal tax identification number, are: Eiger BioPharmaceuticals, Inc. (1591); EBPI Merger Inc. (9986); EB Pharma LLC (8352); Eiger BioPharmaceuticals Europe Limited (N/A); EigerBio Europe Limited (N/A). The Debtors’ service address is 2100 Ross Ave., Dallas, Texas 75201.



You may participate in the hearing either in person or by an audio and video connection. Audio communication will be by use of the Court’s dial-in facility. You may access the facility at 650.479.3207. Video communication will be by the use of the Cisco WebEx platform. Connect via the Cisco WebEx application or click the link on Judge Jernigan’s home page. The meeting code is 2304-154-2638. Click the settings icon in the upper right corner and enter your name under the personal information setting. WebEx hearing instructions may be obtained from Judge Jernigan’s hearing/calendar site: <https://www.txnb.uscourts.gov/judges-info/hearing-dates/chief-judge-jernigans-hearing-dates> .

Hearing appearances must be made electronically in advance of electronic hearings. To make your appearance, click the “Electronic Appearance” link on Judge Jernigan’s home page. Select the case name, complete the required fields and click “Submit” to complete your appearance.

**First Interim and Final Fee Application of:** McKool Smith, PC

**Capacity:** Co-Counsel to the Official Equity Security Holders’ Committee

**Time Period:** June 26, 2024 - September 30, 2024

**Bankruptcy Petition Filed on:** April 1, 2024

**Date of Entry of Retention Order:** August 26, 2024 [Docket No. 448]

**Fee Period:** June 26, 2024 – September 30, 2024

**Status of Case:** Plan confirmed on September 5, 2024

**Amount Requested:**

Fees: \$442,516.00  
Expenses: \$9,613.96  
Other: \$0.00  
**Total** \$452,129.96

**Reductions:**

Voluntary Fee Reductions: \$7,800.00<sup>2</sup>  
Expense Reductions: \$0.00  
**Total Reductions:** \$7,800.00

**Draw Down Request:** N/A

**Expense Detail:**

Copies – per page cost and total: \$0.00  
Fax – per page cost and total: \$0.00  
Computer Research: \$176.79  
Other (Pacer): \$6.00

**Hourly Rates**

	<b>Attorney</b>	<b>Paralegal</b>
Highest Billed Rate:	\$1,275.00	\$440.00
Total Hours Billed:	374.9	2.5
Blended Rate:	\$1,185.33	\$440.00

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<sup>2</sup> This amount represents a reduction for 50% of non-working travel time.

**PRIOR MONTHLY FEE STATEMENTS FILED**

Date Filed; Docket No.	Period Covered	Requested		Payments Received		Outstanding	
		Fees	Expenses	Fees	Expenses	Fees	Expenses
08/30/2024; Dkt. No. 578	06/26/2024 - 07/31/2024	\$110,810.80 (80% of \$138,513.50)	\$1,245.82	\$110,810.80	\$1,245.82	\$27,702.70	\$0.00
09/16/2024; Dkt. No. 667	08/01/2024 - 08/31/2024	\$121,303.20 (80% of \$151,629.00)	\$1,033.73	\$121,303.20	\$1,033.73	\$30,325.80	\$0.00
Total		\$232,114.00	\$2,279.55	\$232,114.00	\$2,279.55	\$58,028.50	\$0.00

**SUMMARY OF TOTAL FEES AND HOURS BY  
ATTORNEYS AND PARAPROFESSIONALS FOR THE FINAL  
FEE PERIOD JUNE 26, 2024 THROUGH SEPTEMBER 30, 2024**

Name	Position; Area of Expertise	Year of Admission/Years of Experience	Hourly Billing Rate	Total Hours Billed	Total Compensation
John Sparacino	Principal; Bankruptcy	1990	\$1,275	72.4	\$92,310.00
Margie Venus	Principal; Bankruptcy	1983	\$1,200	294.8	\$353,760.00
Sean O’Leary	Associate; Litigation	2023	\$605	5.2	\$3,146.00
Amanda Johns	Paralegal	N/A	\$440	2.5	\$1,100.00
<b>Total</b>				<b>374.9</b>	<b>\$450,316.00</b>
<b>Total Attorney Blended Rate</b>					<b>\$1,206.27</b>
<b>Total All Timekeepers Blended Rate</b>					<b>\$1,201.16</b>

**STATEMENT OF FEES BY PROJECT CATEGORY FOR THE FINAL FEE PERIOD  
COVERING JUNE 26, 2024 THROUGH SEPTEMBER 30, 2024**

<b>Task Description</b>	<b>Total Hours</b>	<b>Total Fees</b>
B110 Case Administration	35.0	\$42,536.00
B120 Asset Analysis and Recovery	22.1	\$27,097.50
B130 Asset Disposition	4.8	\$5,797.50
B155 Meetings of and Communications with Client	6.0	\$7,320.00
B160 Fee/Employment Applications	71.5	\$86,302.50
B185 Assumption/Rejection of Leases and Contracts	0.4	\$495.00
B195 Non-Working Travel	13.0	\$15,600.00
B230 Financing/Cash Collateral	4.1	\$4,927.50
B310 Claims Administration and Objections	16.4	\$20,017.50
B320 Plan and Disclosure Statement	201.6	\$240,222.50
<b>Total</b>	<b>374.9</b>	<b>\$450,316.00</b>
<b>Minus 50% of Non-Working Travel</b>		<b>\$7,800.00</b>
<b>Amount Requested Total</b>		<b>\$442,516.00</b>

**EXPENSE SUMMARY FOR THE FINAL  
FEE PERIOD JUNE 26, 2024 THROUGH SEPTEMBER 30, 2024**

<b>Category</b>	<b>Amount</b>
Filing Fees	\$900.00
Courier Service	\$166.47
Travel Expenses	\$2,605.90
Meals	\$110.51
On-Line Research	\$176.79
Pacer	\$6.00
Deposition Transcripts	\$5,648.29
<b>Total:</b>	<b>\$9,613.96</b>

**MCKOOL SMITH, PC**

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**IN THE UNITED STATES BANKRUPTCY COURT  
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	§	Chapter 11
In re:	§	
EIGER BIOPHARMACEUTICALS, INC.,	§	Case No. 24-80040 (SGJ)
<i>et al.</i> , <sup>1</sup>	§	(Jointly Administered)
Debtors.	§	
	§	

**FIRST INTERIM AND FINAL FEE APPLICATION OF  
MCKOOL SMITH, PC AS CO-COUNSEL TO THE OFFICIAL EQUITY SECURITY  
HOLDERS’ COMMITTEE FROM  
JUNE 26, 2024 THROUGH AND INCLUDING SEPTEMBER 30, 2024**

<sup>1</sup> The Debtors in these chapter 11 cases, together with the last four digits of each Debtor’s federal tax identification number, are: Eiger BioPharmaceuticals, Inc. (1591); EBPI Merger Inc. (9986); EB Pharma LLC (8352); Eiger BioPharmaceuticals Europe Limited (N/A); EigerBio Europe Limited (N/A). The Debtors’ service address is 2100 Ross Ave., Dallas, Texas 75201.

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A hearing will be conducted on the matters set forth in this motion on October 24, 2024 at 9:30 a.m. (prevailing Central Time) in Courtroom #1, 14th Floor, Earle Cabell Federal Building, 1100 Commerce Street, Suite 1254, Dallas, Texas 75242.

You may participate in the hearing either in person or by an audio and video connection. Audio communication will be by use of the Court's dial-in facility. You may access the facility at 650.479.3207. Video communication will be by the use of the Cisco WebEx platform. Connect via the Cisco WebEx application or click the link on Judge Jernigan's home page. The meeting code is 2304-154-2638. Click the settings icon in the upper right corner and enter your name under the personal information setting. WebEx hearing instructions may be obtained from Judge Jernigan's hearing/calendar site: <https://www.txnb.uscourts.gov/judges-info/hearing-dates/chief-judge-jernigans-hearing-dates>.

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Pursuant to sections 330 and 331 of title 11 of the United States Code (the "**Bankruptcy Code**"), Rule 2016 of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**"), Rule 2016-1 of the Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas (the "**Local Rules**"), Section F of the Procedures for Complex Cases in the Northern District of Texas (the "**Complex Case Procedures**"), and this Court's *Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Retained Professionals*, entered on May 13, 2024 [Docket No. 259] (the "**Interim Compensation Procedures Order**"), McKool Smith, PC ("**McKool Smith**"), attorneys for the Official Equity Security Holders' Committee (the "**Equity Committee**") in the above-captioned chapter 11 case (the "**Chapter 11 Case**"), hereby files this first interim and final fee application (this "**Application**") for entry of an order, substantially in the form attached to this Application as **Exhibit A** (the "**Proposed Order**") (i) granting final allowance and approval of (a) compensation for professional services McKool Smith rendered to the Equity Committee during the period June

26, 2024 through and including September 30, 2024<sup>2</sup> (the “**Final Fee Period**”) in the amount of \$442,516.00, and (b) reimbursement of 100% of the actual and necessary expenses incurred by McKool Smith during the Final Fee Period, in the amount of \$9,613.96; (ii) authorizing and directing payment of the foregoing fees and expenses, less any amounts the Debtors previously paid to McKool Smith on account of such amounts, and (iii) granting such other and further relief this Court deems just and proper. In support of this Application, McKool Smith respectfully represents as follows:

### **JURISDICTION**

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2).
2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
3. The statutory and other bases for the relief requested herein are Bankruptcy Code sections 105(a), 330, and 331. Bankruptcy Rule 2016, Local Rule 2016-1, Section F of the Complex Case Procedures, and the Interim Compensation Procedures Order.

### **BACKGROUND**

4. On April 1, 2024 (the “**Petition Date**”), each of the Debtors filed a voluntary petition with this Court under chapter 11 of the Bankruptcy Code. The Debtors are operating their business and managing their properties as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. These Chapter 11 Cases have been consolidated for procedural purposes only and are being jointly administered.

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<sup>2</sup> Pursuant to the Plan (defined herein) any reasonable fees and expenses accrued from and after the Confirmation Date, may be submitted for payment in the ordinary course. To the extent McKool Smith incurs any fees and expenses subsequent to September 30, 2024, those invoices will be submitted pursuant to such provision.

5. On May 13, 2024, this Court entered the *Interim Compensation Procedures Order* [Docket No. 259], authorizing certain estate professionals (“**Professionals**”) to submit monthly applications for interim compensation and reimbursement for expenses, pursuant to procedures specified therein. If no objections are made within ten (10) days after service of a monthly fee statement (the “**Objection Deadline**”), the Debtors are authorized to pay the Professional eighty percent (80%) of the requested fees and one hundred percent (100%) of the requested expenses. All fees and expenses paid are on an interim basis until final allowance by the Court.

6. On June 25, 2024, the United States Trustee appointed the Equity Committee [Docket No. 359]. The members appointed at that time were: (1) Adam Gui, individually; (3) Gary C. Ribe, individually; and (3) Foxhill Capital Management For Foxhill Family Partnership, LP (“**Foxhill**”). On July 23, 2024, the United States Trustee filed an *Amended Appointment of the Official Equity Security Holders’ Committee*, adding Kenneth S. Grossman as the replacement Equity Committee member for Foxhill [Docket No. 438].

7. The Equity Committee selected Porzio, Bromberg & Newman, P.C. (“**Porzio**”) as its lead counsel and McKool Smith as co-counsel, subject to Court approval. McKool Smith was retained on June 26, 2024. Both have since been actively advising the Equity Committee.

8. The Equity Committee retained McKool Smith as its co-counsel effective as of the June 26, 2024, pursuant to the Order Authorizing and Approving the Employment of McKool Smith, PC as Co-Counsel for the Official Committee of Equity Security Holders Effective as of June 26, 2024 [Docket No. 448] (the “**Retention Order**”). The Retention Order authorizes the Debtors’ estates to compensate and reimburse McKool Smith subject to allowance of such compensation and reimbursement by the Court.



9. On September 5, 2024, the Court entered the *Order Approving the Debtors' Amended Disclosure Statement and Confirming the Fifth Amended Joint Plan of Liquidation of Eiger Biopharmaceuticals, Inc. and Its Debtor Affiliates* [Docket No. 639] (the “**Confirmation Order**”) confirming the Fifth Amended Joint Plan of Liquidation of Eiger Biopharmaceuticals, Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 639-1] (as may be amended, supplemented, or modified, the “**Plan**”).

10. The Effective Date of the Plan is expected to occur on or about, September 30, 2024.

#### **MCKOOL SMITH'S PRIOR MONTHLY FEE STATEMENTS**

11. Prior to this Application and pursuant to the procedures set forth in the Interim Compensation Procedures, McKool Smith filed with the Court and served upon the appropriate notice parties two separate monthly fee statements (the “**Monthly Fee Statements**”) together covering the period from June 26, 2024 through August 31, 2024. Each of McKool Smith's Monthly Fee Statements contain detailed time and expense records which relate to the periods covered by each Monthly Fee Statement and each is incorporated herein by reference. Additionally, the detailed records of time expended providing professional services to the Equity Committee covered by the Final Fee Period are attached hereto as **Exhibit C**. A detailed statement of McKool's Smith's out-of-pocket expenses incurred during the Final Fee Period is also included in **Exhibit C**.

12. A summary of the Monthly Fee Statements previously filed in this Chapter 11 Case is set forth in the chart below:

Date Filed; Docket No.	Period Covered	Requested		Payments Received		Outstanding	
		Fees	Expenses	Fees	Expenses	Fees	Expenses
1st Monthly 08/30/2024; Dkt. No. 578	06/26/2024- 07/31/2024	\$110,810.80 (80% of \$138,513.50)	\$1,245.82	\$110,810.80	\$1,245.82	\$27,702.70	\$0.00
2 <sup>nd</sup> Monthly 09/16/2024; Dkt. No. 667	08/01/2024- 08/31/2024	\$121,303.20 (80% of \$151,629.00)	\$1,033.73	\$121,303.20	\$1,033.73	\$30,325.80	\$0.00
<b>Total</b>		<b>\$232,114.00</b>	<b>\$2,279.55</b>	<b>\$232,114.00</b>	<b>\$2,279.55</b>	<b>\$58,028.50</b>	<b>\$0.00</b>

**RELIEF REQUESTED**

13. By this Application, McKool Smith respectfully requests entry of an order (i) granting final allowance and approval of (a) compensation for professional services McKool Smith rendered to the Equity Committee during the Final Fee Period in the amount of \$442,516.00, and (b) reimbursement of 100% of the actual and necessary expenses incurred by McKool Smith during the Final Fee Period, in the amount of \$9,613.96; (ii) authorizing and directing payment of the foregoing fees and expenses, less any amounts the Debtors previously paid to McKool Smith on account of such amounts, and (iii) granting such other and further relief this Court deems just and proper.

**FEES EARNED DURING THE FINAL FEE PERIOD**

**I. Customary Billing Disclosures**

14. McKool Smith’s hourly rates are set at a level designed to compensate McKool Smith fairly for the work of its attorneys and paraprofessionals and to cover fixed and routine expenses. The hourly rates charged by McKool Smith in this Chapter 11 Case were billed in accordance with McKool Smith’s rates and procedures in effect during the Final Fee Period and in accordance with the Retention Order. As described in the Equity Committee’s retention

application of McKool Smith, the rates McKool Smith charges for the services of its attorneys and paraprofessionals in this Chapter 11 Case are consistent with the rates McKool Smith charges other comparable chapter 11 clients, regardless of the location of the case. Moreover, McKool Smith's rate structure is appropriate and not significantly different from the rates that McKool Smith charges for non-bankruptcy representations or the rates that other comparable counsel would charge to perform substantially similar services.

15. McKool Smith has received no payment or promises of payment from any source other than the Debtors in this Chapter 11 Case. There is no agreement or understanding between McKool Smith and any other entity or person, other than members of the Firm, for the sharing of compensation to be received for services rendered in or in connection with this Chapter 11 Case. All professional and paraprofessional services for which McKool Smith is requesting compensation were rendered solely on behalf of the Equity Committee.

## **II. Supporting Documentation**

16. For the convenience of the Court and parties in interest, the following information is prefixed to this Application:

- (a) a cover sheet summarizing the contents of this Application;
- (b) schedules identifying all McKool Smith attorneys and paraprofessionals who provided services to the Equity Committee during the Final Fee Period, including, with respect to each attorney and paraprofessional, as applicable, his or her position and area of expertise, date of admission or years of experience, hourly rate, hours billed and total fees charged;
- (c) a summary of McKool Smith's compensation by project matter category for services provided to the Equity Committee during the Final Fee Period; and
- (d) a summary of the actual and necessary expenses that McKool Smith incurred during the Final Fee Period in connection with its professional services to the Equity Committee.

17. In addition: (a) the Declaration of John J. Sparacino, which includes, among other things, a statement under paragraph C.5 of the U.S. Trustee Guidelines, is attached hereto as

**Exhibit B**; and (b) McKool Smith's disclosures of customary and comparable compensation, including blended hourly rates, for the period of September 1, 2023 to and including August 31, 2023 and the Final Fee Period is attached hereto as **Exhibit D**.

### **SUMMARY OF SERVICES**

18. During the Final Fee Period, McKool Smith vigorously represented the Equity Committee and enhanced its understanding of many issues critical in this Chapter 11 Case, thereby providing their constituency with the opportunity to obtain a meaningful recovery. During the Final Fee Period, the Equity Committee: (a) negotiated a settlement with the secured lender resolving numerous objections and appeals outstanding and resulted in, among other things, a largely consensual plan, (b) obtained standing for the Equity Committee to pursue certain claims held by the Debtors' estate; (c) prosecuted key discovery issues, (d) negotiated various stipulations, settlement agreements, and consensual resolutions to outstanding disputes, (e) negotiated for a plan of reorganization acceptable to all creditor groups, including strategizing with the Debtors to maximize value and decrease costs for the benefit of Equity Committee's constituency, (f) commenced and pursued critical investigations, and (g) monitored and/or participated in various litigation proceedings, including depositions, and district court appeals. The advice and assistance of McKool Smith in connection with these and all other facets of the Equity Committee's oversight of the Debtors' liquidation serves as the basis for the compensation requested in this Application.

19. The following paragraphs summarize the most significant professional services rendered by McKool Smith on behalf of the Equity Committee during the period of June 26, 2024 through September 30, 2024, grouped into the categories set forth below. McKool Smith attempted to place the services provided in the category that best relates to such services. However, because certain services may relate to one or more categories, services pertaining to one category may in

fact be included in another category. As noted above, detailed time entries for the Final Fee Period are attached hereto at **Exhibit C**.

**(a) B110 Case Administration – Category No. 7**

Final Fee Period: 35 hours; \$42,536.00

20. This matter category includes time spent on various tasks that were necessary to ensure the efficient administration of legal services related to this Chapter 11 Case. Specifically, McKool Smith professionals spent time (i) coordinating, managing and administering this Chapter 11 Case, including reviewing filings on the case docket, and monitoring critical dates; (ii) handling initial representation matters including filing notice papers and *pro hac vice* motions; (iii) reviewing procedures for case administration and docket monitoring; (iv) reviewing and executing non-disclosure agreements; (v) reviewing general issues pertaining to bank accounts; (vi) organizing and maintaining document files for the case; (vii) ensuring compliance with service and notice requirements of the Bankruptcy Code, the Bankruptcy Rules, Local Rules, including coordinating service of pleadings and related notices; (viii) ensuring compliance with all other applicable requirements of the Bankruptcy Code, Bankruptcy Rules, Local Rules and orders and procedures issued by the Court; (ix) reviewing monthly operating reports of the Debtors; and (x) communicating with the Equity Committee's other professionals regarding hearings and various procedural matters. This matter category also includes work and meetings related to multiple matters such that the time cannot be easily allocated to one of the other matter categories.

**(b) B120 Asset Analysis and Recovery –Category No. 1**

Final Fee Period: 22.1 hours; \$27,097.50

21. This matter category includes time spent by McKool Smith professionals researching and drafting provisions related to derivative standing of the Equity Committee, and

researching and preparing an emergency Rule 2004 motion and accompanying subpoenas to obtain discovery related to identifying the assets of the Debtors' estates.

**(c) B130 Asset Disposition – Category No. 2**

Final Fee Period: 4.8 hours; \$5,797.50

22. This matter category includes time spent by McKool Smith professionals reviewing and analyzing sales and related pleadings, and attendance at hearings on sales of the Debtors' assets.

**(d) B155 Committee Meetings – Category No. 15**

Final Fee Period: 6 hours; \$7,320.00

23. This matter category includes time spent by McKool Smith professionals in connection with meetings held telephonically with the Equity Committee, the Equity Committee's other professional advisors, and preparation of communications to the Equity Committee.

**(e) B160 Fee/Employment Applications – Category No. 11**

Final Fee Period: 71.50 hours; \$86,302.50

24. This matter category includes time spent by McKool Smith professionals providing services related to the preparation, review and filing of retention applications, monthly fee statements and certificates of no objection for all of the Equity Committee's professionals, review of other parties' monthly fee statements, as well as communications related to payment of same. This matter category also includes time spent by McKool Smith's professionals conducting, reviewing and filing the customary conflicts check. This matter category also includes time spent by McKool Smith professionals: (i) preparing monthly fee statement materials and exhibits; (ii) ensuring that the time entries and expense entries for which McKool Smith is requesting compensation and reimbursement pursuant to this Application comply with the applicable provisions of the Bankruptcy Rules, Local Rules and the U.S. Trustee Guidelines; (iii) reviewing

the U.S. Trustee Guidelines; (iv) advising the Equity Committee's other professionals on matters related to monthly fee statements and fee applications and compliance with U.S. Trustee Guidelines and Local Rules; and (v) engaging in correspondence with the Equity Committee and its other professionals regarding the same.

(e) **B185 Assumption/Rejection of Leases and Contracts – Category 3**

Final Fee Period: 0.4 hours; \$495.00

25. This category includes time spent reviewing the Debtors' motion seeking to extend the period to assume or reject unexpired leases.

(f) **B195 Non-Working Travel – Category 16**

Final Fee Period: 13 hours; \$15,600.00

26. This category includes time spent by McKool Smith professionals traveling to and from Houston to Dallas to attend hearings and depositions on behalf of the Equity Committee. McKool Smith has provided a reduction for half of the non-working travel time.

(g) **B230 Financing and Cash Collateral – Category No. 13**

Final Fee Period: 4.1 hours; \$4,927.50

27. This matter category includes time spent by McKool Smith professionals providing services in connection with the final cash collateral order and its appeal, as well as, preparation of a standing motion.

(h) **B310 Claims Administration and Objections – Category No. 8**

Final Fee Period: 16.4 hours; \$20,017.50

28. This matter category includes primarily time spent by McKool Smith professionals reviewing and participating in the objection and estimation of the Innovatus claim, as well as the appeal process related to the estimation.

(i) **B320 Plan and Disclosure Statement – Category No. 15**

Final Fee Period: 201.60 hours; \$240,222.50

29. This matter category includes time spent by McKool Smith professionals related to the review, analysis and negotiation surrounding the terms of the Debtors' Plan and related issues, as well as investigating potential claims and causes of action held by the Debtors' estate and being released under the Plan. Specifically, McKool Smith attorneys spent time: (i) assessing potential causes of action to leverage estate value and developing strategy for such potential litigation; (ii) researching and analyzing various discovery-related issues and pleadings, including privilege logs and document review; (iii) analyzing and advising the Equity Committee on the merits of the release and exculpation provisions contained in the Plan; (iv) analyzing multiple iterations of the Debtors' Plan and Disclosure Statement, various related pleadings, and proposed forms of orders; (v) preparing for and participating in depositions and Court hearings; and (vi) participating in negotiations for resolution of disputes and pending litigation. This matter category also includes time spent preparing, reviewing and analyzing pleadings relating to confirmation, as well as time spent researching and drafting responses to same.

#### **ACTUAL AND NECESSARY EXPENSES**

30. Attached hereto as **Exhibit C** is a detailed statement of McKool Smith's total out-of-pocket expenses incurred during the Final Fee Period totaling \$9,613.96. These expenses include, but are not limited to, court fees, out-of-town travel expenses, and litigation support vendors.

#### **MCKOOL SMITH'S REQUESTED COMPENSATION AND EXPENSE REIMBURSEMENT SHOULD BE ALLOWED**

31. Section 330 of the Bankruptcy Code provides that a court may award a professional employed under section 327 of the Bankruptcy Code "reasonable compensation for actual, necessary services rendered and reimbursement for actual, necessary expenses." 11 U.S.C.



§ 330(a)(1). Section 330 also establishes the following non-exclusive criteria to determine the amount of reasonable compensation to be awarded:

In determining the amount of reasonable compensation to be awarded, the court should consider the nature, extent, and the value of such services, taking into account all relevant factors, including—

- (a) the time spent on such services;
- (b) the rates charged for such services;
- (c) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered towards the completion of, a case under this title;
- (d) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed;
- (e) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and expertise in the bankruptcy field; and
- (f) whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this title.

11 U.S.C. § 330(a)(3).

32. McKool Smith respectfully submits that the services for which it seeks compensation in this Application were, at the time rendered, necessary for and beneficial to the Equity Committee and its constituency, and were rendered to assist the Equity Committee in discharging its statutory duties during the pendency of this Chapter 11 Case. McKool Smith further believes that its services to the Equity Committee during the Final Fee Period were performed efficiently and in an expert manner and ultimately benefitted the Equity Committee, their constituents, the Debtors, and their estate. McKool Smith submits that the compensation requested herein is reasonable in light of the nature, extent, and value of McKool Smith's services to the Equity Committee. Accordingly, the Application should be approved.

**RESERVATION OF RIGHTS**

33. McKool Smith reserves the right to modify, amend, or supplement this Application at any time before the hearing on this Application.

**NOTICE**

34. Pursuant to the Interim Compensation Order, the Application is being served upon the Application Recipients (as defined in the Interim Compensation Procedures Order) and all parties that have requested notice in this Chapter 11 Case pursuant to Bankruptcy Rule 2002. McKool Smith submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, McKool Smith respectfully requests that the Court enter the Proposed Order, attached hereto as **Exhibit A**, (i) granting final allowance and approval of (a) compensation for professional services to the Equity Committee during the Final Fee Period in the amount of \$442,516.000, and (b) reimbursement of 100% expenses that McKool Smith incurred during the Final Fee Period in the amount of \$9,613.96; (ii) authorizing and directing payment of the foregoing fees and expenses, less any amounts the Debtors previously paid to McKool Smith on account of such amounts, and (iii) granting such other and further relief this Court deems just and proper.

*[Remainder of the page intentionally left blank.]*

Dated: September 30, 2024

Respectfully submitted,

/s/ John J. Sparacino

**MCKOOL SMITH, PC**

John J. Sparacino (SBN 18873700)

S. Margie Venus (SBN 20545900)

600 Travis Street, Suite 7000

Houston, Texas 77002

Telephone: (713) 485-7300

Facsimile (713) 485-7344

jsparacino@mckoolsmith.com

mvenus@mckoolsmith.com

Travis E. DeArman (SBN 24074117)

300 Crescent Court, Suite 1200

Dallas, Texas 75201

Telephone (214) 978-4000

Facsimile (214) 978-4044

tdearman@mckoolsmith.com

*Co-Counsel to the Official Committee of Equity  
Security Holders of Eiger BioPharmaceuticals,  
Inc., et al.*

**CERTIFICATE OF SERVICE**

I certify that on September 30, 2024, I caused a copy of the foregoing document to be served by (i) the Electronic Case Filing System for the United States Bankruptcy Court for the Northern District of Texas, and (ii) via email on the Application Recipients.

/s/ John J. Sparacino

John J. Sparacino

**Exhibit A**

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:	§	Chapter 11
	§	
EIGER BIOPHARMACEUTICALS, INC.,	§	Case No. 24-80040 (SGJ)
<i>et al.</i> , <sup>1</sup>	§	
Debtors.	§	(Jointly Administered)
	§	
	§	

**ORDER GRANTING THE FIRST INTERIM AND FINAL FEE APPLICATION OF  
MCKOOL SMITH, PC AS CO-COUNSEL TO THE OFFICIAL EQUITY SECURITY  
HOLDERS' COMMITTEE FROM  
JUNE 26, 2024 THROUGH AND INCLUDING SEPTEMBER 30, 2024**

Upon consideration of the application (“**Application**”)<sup>2</sup> of McKool Smith, PC (“**McKool Smith**”) for final allowance of compensation for professional services rendered in the above

---

<sup>1</sup> The Debtors in these chapter 11 cases, together with the last four digits of each Debtor’s federal tax identification number, are: Eiger BioPharmaceuticals, Inc. (1591); EBPI Merger Inc. (9986); EB Pharma LLC (8352); Eiger BioPharmaceuticals Europe Limited (N/A); EigerBio Europe Limited (N/A). The Debtors’ service address is 2100 Ross Ave., Dallas, Texas 75201.

<sup>2</sup> Each capitalized term used but not otherwise defined herein shall have the meaning ascribed to it in the Application.

captioned Chapter 11 Case during the period from June 26, 2024 through and including September 30, 2024 (the “**Final Fee Period**”), it is HEREBY ORDERED THAT:

1. McKool Smith is granted final allowance and approval for compensation in the amount of \$442,516.00 for the Final Fee Period.

2. McKool Smith is granted final allowance and approval for reimbursement of expenses in the amount of \$9,613.96 for the Final Fee Period.

3. The Debtors, Wind-Down Debtors, Plan Administrator, and/or Liquidation Trustee, as applicable, are authorized and directed to remit payment to McKool Smith of such allowed compensation and expense reimbursement amounts, less any and all amounts previously paid on account of such fees and expenses.

4. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

### End of Order ###

Submitted by:

**MCKOOL SMITH, PC**

John J. Sparacino (TX Bar No. 18873700)

S. Margie Venus (TX Bar No. 20545900)

600 Travis Street, Suite 7000

Houston, Texas 77002

Telephone: (713) 485-7300

Facsimile: (713) 485-7344

Email: jsparacino@mckoolsmith.com

Email: mvenus@mckoolsmith.com

Travis E. DeArman (TX Bar No. 24074117)

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Houston, Texas 75201

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Facsimile: (214) 978-4044

Email: tdearman@mckoolsmith.com

*Co-Counsel for the Official Equity Security Holders' Committee  
of Eiger BioPharmaceuticals, Inc., et al.*

**Exhibit B**

Sparacino Declaration



**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

---

In re:	§	Chapter 11
	§	
EIGER BIOPHARMACEUTICALS, INC., <i>et al.</i> , <sup>1</sup>	§	Case No. 24-80040 (SGJ)
Debtors.	§	(Jointly Administered)
	§	
	§	

---

**DECLARATION OF JOHN J. SPARACINO IN SUPPORT OF THE FIRST INTERIM AND FINAL FEE APPLICATION OF MCKOOL SMITH, PC, AS CO-COUNSEL TO THE OFFICIAL EQUITY SECURITY HOLDERS' COMMITTEE FROM JUNE 26, 2024 THROUGH AND INCLUDING SEPTEMBER 30, 2024**

I, John J. Sparacino, being duly sworn, state the following under penalty of perjury:

1. I am a partner of the law firm McKool Smith, PC (“**McKool Smith**” or the “**Firm**”) located at 700 Travis Street, Suite 7000, Houston, Texas 77002.

2. I have reviewed the foregoing third and final fee application of McKool Smith for compensation as attorneys for the Official Equity Security Holders’ Committee (the “**Application**”).<sup>2</sup> To the best of my knowledge, information and belief, the statements contained in the Application are true and correct.

3. The following statement is provided in response to the questions set forth in paragraph C.5 of the U.S. Trustee Guidelines:

**Question:** Did you agree to any variations from, or alternatives to, your standard or customary billing rates, fees or terms for services pertaining to this engagement that were provided during the Final Fee Period? If so, please explain.

---

<sup>1</sup> The Debtors in these chapter 11 cases, together with the last four digits of each Debtor’s federal tax identification number, are: Eiger BioPharmaceuticals, Inc. (1591); EBPI Merger Inc. (9986); EB Pharma LLC (8352); Eiger BioPharmaceuticals Europe Limited (N/A); EigerBio Europe Limited (N/A). The Debtors’ service address is 2100 Ross Ave., Dallas, Texas 75201.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Application.

**Response:** No.

**Question:** If the fees sought in this Final Application as compared to the fees budgeted for the time period covered by this Final Application are higher by 10% or more, did you discuss the reasons for the variation with the client?

**Response:** N/A

**Question:** Have any of the professionals included in this Final Application varied their hourly rate based on the geographic location of the bankruptcy case?

**Response:** No.

**Question:** Does the Final Application include time or fees related to reviewing or revising time records or preparing, reviewing, or revising invoices? (This is limited to work involved in preparing and editing billing records that would not be compensable outside of bankruptcy and does not include reasonable fees for preparing a fee application.). If so, please quantify by hours and fees.

**Response:** No.

**Question:** Does this Final Application include time or fees for reviewing time records to redact any privileged or other confidential information? If so, please quantify by hours and fees.

**Response:** No.

If the Final Application includes any rate increases since retention:

**Question:** Did your client review and approve those rate increases in advance?

**Response:** N/A.

**Question:** Did your client agree when retaining the law firm to accept all future rate increases? If not, did you inform your client that they need not agree to modified rates or terms in order to have you continue the representation, consistent with ABA Formal Ethics Opinion 11-458?

**Response:** N/A. However, the Equity Committee's retention application for McKool Smith sets forth that the Firm may periodically adjust its billing rates.

4. Pursuant to section I.G of the Court's *Guidelines for Compensation and Expense Reimbursement of Professionals* (the "**Guidelines**"), I hereby certify to the best of my knowledge, information, and belief, formed after reasonable inquiry, that (a) the compensation and expense

reimbursement sought in the Application substantially conforms with the Guidelines, except as noted otherwise in the Application and (b) the compensation and expense reimbursement requested in the Application are billed at rates in accordance with practices no less favorable than those customarily employed by McKool Smith and generally accepted by McKool Smith's clients

5. In accordance with Bankruptcy Rule 2016(a) and section 504 of the Bankruptcy Code, no agreement or understanding exists between McKool Smith and any other entity or person, other than members of the Firm, for the sharing of compensation received or to be received for services rendered in or in connection with this Chapter 11 Case.

6. All professional and paraprofessional services for which McKool Smith is requesting compensation were rendered solely on behalf of the Official Equity Security Holders' Committee.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: September 30, 2024  
Houston, Texas

/s/ John J. Sparacino  
John J. Sparacino  
McKool Smith, PC

**Exhibit C**

Time and Expense Records

# McKool Smith

A PROFESSIONAL CORPORATION - ATTORNEYS  
300 Crescent Court, Suite 1200  
Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee  
1100 Commerce St.  
Rm. 1254  
mvenus@mckoolsmith.com  
Dallas, TX 75242

August 26, 2024  
Bill Number 120428  
File Number 05305-00001

**FOR PROFESSIONAL SERVICES**

RE: Eiger BioPharmaceuticals

**LEGAL SERVICES**

Through July 31, 2024

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
<b>B110 Case Administration</b>					
B110	06/26/24	JJS	Attention to Eiger committee engagement.	2.50	\$3,187.50
B110	06/26/24	SMV	Review and revise Notice of Appearance.	0.30	\$360.00
B110	06/26/24	SMV	Review NDTX local rules and Court's procedures.	0.50	\$600.00
B110	06/26/24	AKJ	Research and confer with M. Venus regarding local counsel for the Northern District of Texas Bankruptcy Court.	0.40	\$176.00
B110	06/27/24	SMV	Review and revise notice of appearance, add Dallas counsel, and get ready for filing.	0.30	\$360.00
B110	06/27/24	SMV	Review docket and begin to download pleadings of importance and begin review.	2.00	\$2,400.00
B110	06/28/24	JJS	Review case docket and read several filings to develop background and status understanding.	2.50	\$3,187.50
B110	06/28/24	SMV	Oversee first filing for OESH Committee and determine appropriate categories.	0.20	\$240.00
B110	06/28/24	SMV	Continue review of key pleadings in case and forward to J. Sparacino.	1.50	\$1,800.00
B110	07/01/24	JJS	Review confidentiality agreement.	0.40	\$510.00
B110	07/01/24	SMV	Review, execute, and return copy of NDA.	0.40	\$480.00
B110	07/01/24	SMV	Email regarding status of pro hac vices to be filed.	0.20	\$240.00
B110	07/02/24	JJS	Emails with M. Venus regarding case status issues.	0.40	\$510.00

# McKool Smith

A PROFESSIONAL CORPORATION - ATTORNEYS  
300 Crescent Court, Suite 1200  
Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee

August 26, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120428

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
B110	07/02/24	SMV	Review and respond to email from J. Sparacino regarding status.	0.10	\$120.00
B110	07/02/24	SMV	Conference with J. Sparacino regarding pending matters.	0.20	\$240.00
B110	07/03/24	JJS	Further docket research and analysis of various relevant filings for case background knowledge.	2.40	\$3,060.00
B110	07/03/24	SMV	Review pro hacs and finalize and direct filing.	0.40	\$480.00
B110	07/08/24	JJS	Further research regarding case events and pleadings.	1.10	\$1,402.50
B110	07/08/24	JJS	Prepare for and participate in meeting with Porzio team.	1.00	\$1,275.00
B110	07/08/24	JJS	Attention to multiple emails forwarded by R. Parisi.	0.50	\$637.50
B110	07/08/24	SMV	Continue reviewing docket and select pleadings and review same.	1.50	\$1,800.00
B110	07/15/24	JJS	Attention to trading motion.	0.20	\$255.00
B110	07/15/24	SMV	Review motion to modify equity transfer order.	0.20	\$240.00
B110	07/16/24	SMV	Attention to notice of hearing requested.	0.30	\$360.00
B110	07/19/24	SMV	Emails with Porzio regarding July 29th hearing.	0.30	\$360.00
B110	07/23/24	JJS	Attention to revised Equity Committee appointment.	0.10	\$127.50
B110	07/23/24	SMV	Review UST's amended appointment of Equity Committee.	0.20	\$240.00
B110	07/30/24	SMV	Emails with Porzio regarding transcripts.	0.20	\$240.00
B110	07/30/24	SMV	Emails with Sidley regarding transcripts.	0.20	\$240.00
B110	07/30/24	SMV	Begin review of hearing transcripts.	1.00	\$1,200.00
B110	07/31/24	SMV	Continue review of transcripts.	5.00	\$6,000.00
Task Total				26.50	\$32,328.50

**B120 Asset Analysis and Recovery**

B120	07/02/24	JJS	Review local rules and specific judge procedures, and attention to emails regarding filing/notice of standing motion.	0.70	\$892.50
B120	07/02/24	SMV	Review and respond to various emails discussing setting emergency hearing.	0.40	\$480.00
B120	07/02/24	SMV	Research local rules and court rules regarding setting emergency hearing and deadline for same and prepare email detailing procedure.	1.30	\$1,560.00

**McKool Smith**

A PROFESSIONAL CORPORATION - ATTORNEYS  
 300 Crescent Court, Suite 1200  
 Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee

August 26, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120428

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
B120	07/03/24	JJS	Initial research regarding NDTX standing motion issues and strategy.	1.20	\$1,530.00
B120	07/09/24	JJS	Research regarding standing and Louisiana World issues.	1.10	\$1,402.50
B120	07/09/24	JJS	Draft email to R. Parisi regarding inserts into potential standing motion to be filed.	0.90	\$1,147.50
B120	07/09/24	SMV	Research regarding standing issue, and provide cases located.	1.00	\$1,200.00
B120	07/09/24	SMV	Review write-up regarding standing.	0.20	\$240.00
B120	07/10/24	JJS	Research regarding divestiture rule in connection with cash collateral status and issues.	1.20	\$1,530.00
B120	07/15/24	JJS	Attention to standing motion.	0.30	\$382.50
B120	07/15/24	SMV	Attention to review and revisions, hearing date, numerous emails from parties regarding same, and preparation and filing of Derivative Standing Motion and Order.	4.00	\$4,800.00
B120	07/18/24	JJS	Review local rules and research precedent regarding Rule 2004 requisites and procedures.	0.60	\$765.00
B120	07/18/24	JJS	Email M. Venus regarding same for comment to co-counsel.	0.20	\$255.00
B120	07/18/24	JJS	Attention to emails from co-counsel and exchange emails with M. Venus regarding Rule 2004 pleadings.	0.30	\$382.50
B120	07/18/24	JJS	Review draft 2004 pleadings.	0.40	\$510.00
B120	07/18/24	SMV	Review and respond to Porzio regarding 2004 request.	0.30	\$360.00
B120	07/18/24	SMV	Review draft request for production and prepare draft emergency motion to conduct 2004 examination.	3.50	\$4,200.00
B120	07/18/24	SMV	Review edits to emergency motion and locate cite needed.	1.00	\$1,200.00
B120	07/18/24	SMV	Review numerous emails regarding setting up conference with parties.	0.30	\$360.00
B120	07/19/24	SMV	Preparation of subpoenas.	0.50	\$600.00
B120	07/22/24	SMV	Conference with Debtors regarding 2004 document requests.	0.50	\$600.00

## McKool Smith

A PROFESSIONAL CORPORATION - ATTORNEYS  
300 Crescent Court, Suite 1200  
Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee

August 26, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120428

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
B120	07/22/24	SMV	Review local rules regarding discovery.	0.20	\$240.00
B120	07/24/24	JJS	Exchange emails among Equity Committee team regarding finalizing standing stipulation.	0.30	\$382.50
B120	07/24/24	SMV	Review numerous emails and review and approve signature on joint stipulation on standing motion.	1.20	\$1,440.00
B120	07/26/24	JJS	Attention to standing stipulation revisions and filing.	0.30	\$382.50
Task Total				21.90	\$26,842.50

**B130 Asset Disposition**

B130	06/26/24	SMV	Preparation for sale hearing, review pleadings and attend hearing.	1.80	\$2,160.00
B130	06/26/24	SMV	Emails with Porzio regarding their appearance at hearing today.	0.30	\$360.00
B130	06/26/24	SMV	Conference with Porzio regarding hearing and meeting with Debtors regarding case.	0.30	\$360.00
B130	06/26/24	SMV	Email with J. Sparacino reporting on hearing.	0.20	\$240.00
Task Total				2.60	\$3,120.00

**B155 Meetings of and Communications with Client**

B155	06/26/24	SMV	Review emails with Committee members regarding attendance at hearing.	0.20	\$240.00
B155	07/03/24	JJS	Exchange emails with Equity Security Holders' Committee team regarding status and possible meeting.	0.20	\$255.00
B155	07/08/24	JJS	Prepare for and participate in meeting with Committee.	1.30	\$1,657.50
B155	07/08/24	SMV	Conference with Committee professionals in preparation for Committee meeting.	1.10	\$1,320.00
B155	07/08/24	SMV	Meeting with Committee to review pending matters.	1.10	\$1,320.00
B155	07/08/24	SMV	Review numerous communications with parties.	0.30	\$360.00
B155	07/08/24	SMV	Review agenda for Committee meeting.	0.20	\$240.00
B155	07/23/24	SMV	Review communication from Committee.	0.20	\$240.00
B155	07/23/24	SMV	Review email from new Committee member.	0.10	\$120.00
B155	07/25/24	SMV	Review email regarding selection of chairperson.	0.20	\$240.00



# McKool Smith

A PROFESSIONAL CORPORATION - ATTORNEYS  
300 Crescent Court, Suite 1200  
Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee

August 26, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120428

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
B155	07/29/24	JJS	Email equity committee member regarding status.	0.10	\$127.50
Task Total				5.00	\$6,120.00

**B160 Fee/Employment Applications**

B160	06/26/24	SMV	Review emails regarding retention.	0.20	\$240.00
B160	06/26/24	SMV	Emails with Porzio and attention to parties in interest list.	0.40	\$480.00
B160	07/01/24	SMV	Review and respond to emails regarding conflicts check.	0.40	\$480.00
B160	07/03/24	SMV	Review conflict check and email questions regarding same.	0.50	\$600.00
B160	07/09/24	JJS	Attention to employment application issues and connections review.	0.40	\$510.00
B160	07/09/24	SMV	Begin preparation of retention pleadings.	2.00	\$2,400.00
B160	07/10/24	JJS	Attention to connections review for employment pleadings.	0.60	\$765.00
B160	07/10/24	SMV	Preparation of declarations in support of retention application.	2.00	\$2,400.00
B160	07/11/24	SMV	Locate and provide additional list for review.	0.40	\$480.00
B160	07/11/24	SMV	Prepare draft application and order for retention.	2.50	\$3,000.00
B160	07/17/24	SMV	Review certificates of no objection filed by the Official Unsecured Creditors Committee.	0.30	\$360.00
B160	07/17/24	SMV	Review additional detail received regarding connections to mailing list.	0.60	\$720.00
B160	07/17/24	SMV	Review and respond to inquiry from Porzio regarding filing.	0.20	\$240.00
B160	07/18/24	SMV	Review and respond to Porzio regarding deadline for filing retention applications.	0.30	\$360.00
B160	07/22/24	JJS	Draft and revise McKool employment pleadings.	0.90	\$1,147.50
B160	07/22/24	SMV	Email to Porzio regarding retention applications and review response.	0.10	\$120.00
B160	07/22/24	SMV	Attention to conflict checks and follow up retrieving more information, and review and revise draft of retention pleadings.	3.40	\$4,080.00
B160	07/24/24	JJS	Attention to emails regarding finalizing employment	0.20	\$255.00

## McKool Smith

A PROFESSIONAL CORPORATION - ATTORNEYS  
300 Crescent Court, Suite 1200  
Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee

August 26, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120428

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
			pleadings.		
B160	07/24/24	SMV	Review Porzio's draft retention papers and modify McKool's application.	1.00	\$1,200.00
B160	07/24/24	SMV	Circulate draft retention application to Committee.	0.30	\$360.00
B160	07/25/24	SMV	Review and revise retention application and declaration regarding new chair, verify attachments for both applications are correct.	1.20	\$1,440.00
B160	07/25/24	SMV	Email chair applications for approval.	0.30	\$360.00
B160	07/25/24	SMV	Review signature pages received and provide instructions for finalizing and filing tomorrow.	0.40	\$480.00
B160	07/26/24	JJS	Exchange multiple emails among Equity Committee team regarding finalizing employment applications and filing status as to same.	0.40	\$510.00
B160	07/26/24	SMV	Review, revise and finalize retention applications for McKool and Porzio and get ready for filing.	2.50	\$3,000.00
B160	07/26/24	SMV	Emails with Porzio regarding retention applications.	0.40	\$480.00
B160	07/30/24	SMV	Review monthly fee statement.	0.20	\$240.00
Task Total				22.10	\$26,707.50

**B185 Assumption/Rejection of Leases and Contracts**

B185	07/23/24	JJS	Attention to debtors' 365(d)(4) motion.	0.20	\$255.00
B185	07/23/24	SMV	Review motion to extend time to assume/reject unexpired leases.	0.20	\$240.00
Task Total				0.40	\$495.00

**B195 Non-Working Travel**

B195	07/28/24	SMV	Travel to Dallas for hearings.	4.00	\$4,800.00
B195	07/29/24	SMV	Return travel to Houston.	3.00	\$3,600.00
Task Total				7.00	\$8,400.00

**B230 Financing/Cash Collateral**

B230	07/02/24	SMV	Review cash collateral pleadings and appeal regarding same.	2.00	\$2,400.00
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# McKool Smith

A PROFESSIONAL CORPORATION - ATTORNEYS  
300 Crescent Court, Suite 1200  
Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee

August 26, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120428

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Task Total				2.00	\$2,400.00
<b>B320 Plan and Disclosure Statement (including Business Plan)</b>					
B320	07/15/24	SMV	Review debtors' motion for entry of order regarding plan and disclosure statement.	0.40	\$480.00
B320	07/19/24	JJS	Review Debtors' plan and disclosure statement.	1.30	\$1,657.50
B320	07/19/24	JJS	Attention to Debtors' motion regarding plan and hearing notice.	0.30	\$382.50
B320	07/19/24	SMV	Review proposed plan and disclosure statement.	2.80	\$3,360.00
B320	07/23/24	JJS	Attention to exclusivity motion.	0.20	\$255.00
B320	07/23/24	SMV	Review motion to extend exclusivity.	0.20	\$240.00
B320	07/23/24	SMV	Review notice of hearing on exclusivity.	0.20	\$240.00
B320	07/23/24	SMV	Respond to Porzio regarding response deadline for disclosure statement.	0.10	\$120.00
B320	07/25/24	JJS	Attention to witness/exhibit list filings as to 7/29 hearing.	0.30	\$382.50
B320	07/25/24	SMV	Review witness/exhibit list filed by debtors.	0.20	\$240.00
B320	07/25/24	SMV	Review witness/exhibit list filed by lender.	0.20	\$240.00
B320	07/26/24	JJS	Attention to hearing agenda.	0.10	\$127.50
B320	07/26/24	JJS	Attention to witness and exhibit list issues and filings.	0.20	\$255.00
B320	07/26/24	JJS	Review draft disclosure statement objection and attention to various comments and revisions.	0.60	\$765.00
B320	07/26/24	JJS	Attention to emails among Equity Committee team regarding objection draft and filing status.	0.20	\$255.00
B320	07/26/24	JJS	Exchange emails among Equity Committee counsel team regarding needs for 7/29 hearing.	0.30	\$382.50
B320	07/26/24	SMV	Emails with Porzio regarding witness/exhibit list for 7/29 hearings.	0.30	\$360.00
B320	07/26/24	SMV	Prepare witness/exhibit list for 7/29 hearings and finalize for filing.	0.50	\$600.00
B320	07/26/24	SMV	Review, revise and finalize for filing limited objection to disclosure statement.	1.80	\$2,160.00
B320	07/26/24	SMV	Emails to Porzio with copies of filed pleadings.	0.30	\$360.00
B320	07/27/24	SMV	Emails with Porzio regarding hearings.	0.30	\$360.00

# McKool Smith

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300 Crescent Court, Suite 1200  
Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee

August 26, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120428

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
B320	07/28/24	JJS	Attention to multiple filings by debtors relating to plan and disclosure statement revisions.	1.60	\$2,040.00
B320	07/28/24	SMV	Prepare for hearings, including review amended disclosure statement and plan filed.	2.50	\$3,000.00
B320	07/28/24	SMV	Conference with Porzio in preparation for hearings.	1.00	\$1,200.00
B320	07/28/24	SMV	Review emails regarding Committee's objection and resolution of same.	0.50	\$600.00
B320	07/29/24	JJS	Review latest revised filings by debtor relating to plan and disclosure statement.	1.30	\$1,657.50
B320	07/29/24	JJS	Prepare for and attend court hearing on disclosure statement approval.	1.60	\$2,040.00
B320	07/29/24	JJS	Telephone conference with M, Venus following hearing to address issues.	0.40	\$510.00
B320	07/29/24	JJS	Attention to further revised filings post-hearing.	0.40	\$510.00
B320	07/29/24	SMV	Prepare for and attendance at disclosure statement conditional approval hearing.	4.50	\$5,400.00
B320	07/29/24	SMV	Conference with J. Sparacino to update on hearing.	0.40	\$480.00
B320	07/29/24	SMV	Review further amended plan and disclosure statement.	1.00	\$1,200.00
B320	07/30/24	SMV	Emails with Porzio regarding deadlines set for confirmation.	0.20	\$240.00
Task Total				26.20	\$32,100.00
TOTAL LEGAL SERVICES					\$138,513.50

# McKool Smith

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Tax I.D. #75-2388013

Official Equity Security Holders' Committee  
RE: Eiger BioPharmaceuticals

August 26, 2024  
Bill Number 120428  
File Number 05305-00001

## LEGAL SERVICES SUMMARY

JJS	JOHN J. SPARACINO	31.70 Hrs	1,275.00/hr	\$40,417.50
SMV	S. MARGIE VENUS	81.60 Hrs	1,200.00/hr	\$97,920.00
AKJ	AMANDA K. JOHNS	0.40 Hrs	440.00/hr	\$176.00
		113.70 Hrs		\$138,513.50

## SUMMARY OF PROJECT CATEGORY

<u>Task</u>	<u>Hours</u>	<u>Amount</u>
B110 Case Administration	26.50	32,328.50
B120 Asset Analysis and Recovery	21.90	26,842.50
B130 Asset Disposition	2.60	3,120.00
B155 Meetings of and Communications with Client	5.00	6,120.00
B160 Fee/Employment Applications	22.10	26,707.50
B185 Assumption/Rejection of Leases and Contracts	0.40	495.00
B195 Non-Working Travel	7.00	8,400.00
B230 Financing/Cash Collateral	2.00	2,400.00
B320 Plan and Disclosure Statement (including Business Plan)	26.20	32,100.00
	113.70	\$138,513.50

## DISBURSEMENTS

Through July 31, 2024

**No Task Code Defined**

Filing Fee

## McKool Smith

A PROFESSIONAL CORPORATION - ATTORNEYS  
300 Crescent Court, Suite 1200  
Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee

August 26, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120428

File Number 05305-00001

	07/03/2024 Vendor 1006247-01: S. Margie Venus; Invoice # 6782723207082226;	300.00
	Filing Fees and Related; Filing fees for (1) W.J. Martin, (2) R.A. Parisi, and (3) D.E. Sklar's motions to appear pro hac vice in bankruptcy case.	
	Check #: 10035196	
Filing Fee Total		\$300.00
<u>Travel Expense</u>		
	07/28/2024 Vendor 1006247-01: S. Margie Venus; Invoice # 6864982808161421;	31.01
	Taxi; Airport to Hotel; Uber ride from airport to hotel.	
	Check #: 10035877	
	07/28/2024 Vendor 1006247-01: S. Margie Venus; Invoice # 6864982808161421;	469.96
	Airfare Houston/Dallas 07/28/2024 - 07/29/2024 Airfare to attend hearing in Dallas.	
	07/29/2024 Vendor 1006247-01: S. Margie Venus; Invoice # 6864982808161421;	206.71
	Lodging; Hotel stay in Dallas for Eiger hearing.	
	07/29/2024 Vendor 1006247-01: S. Margie Venus; Invoice # 6864982808161421;	30.85
	Taxi; Airport to home.; Uber ride from airport to home.	
	07/29/2024 Vendor 1006247-01: S. Margie Venus; Invoice # 6864982808161421;	24.50
	Taxi; Hotel to Airport; Uber ride from hotel to airport.	
Travel Expense Total		\$763.03
<u>Westlaw On-Line Research</u>		
Westlaw On-Line Research Total		\$176.79
<u>Pacer</u>		
	06/30/2024 Vendor 001673-01: Pacer Service Center; Invoice # 2602244-Q22024;	6.00
	Pacer online services for period ending June 2024	
	Check #: 69999	
Pacer Total		\$6.00
Task Total		\$1,245.82
TOTAL DISBURSEMENTS		\$1,245.82

**McKool Smith**

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Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee

RE: Eiger BioPharmaceuticals

August 26, 2024

Bill Number 120428

File Number 05305-00001

**TOTAL - THIS BILL DUE UPON RECEIPT**

**\$139,759.32**

# McKool Smith

A PROFESSIONAL CORPORATION - ATTORNEYS  
300 Crescent Court, Suite 1200  
Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee  
1100 Commerce St.  
Rm. 1254  
mvenus@mckoolsmith.com  
Dallas, TX 75242

September 12, 2024  
Bill Number 120584  
File Number 05305-00001

**FOR PROFESSIONAL SERVICES**

RE: Eiger BioPharmaceuticals

**LEGAL SERVICES**

Through August 31, 2024

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
<b>B110 Case Administration</b>					
B110	08/05/24	SMV	Review emails regarding financial advisor.	0.20	\$240.00
B110	08/06/24	SMV	Review emails in response to financial advisor.	0.10	\$120.00
B110	08/14/24	SMV	Review notice of hearing.	0.10	\$120.00
B110	08/16/24	SMV	Review witness and exhibit lists.	0.50	\$600.00
B110	08/17/24	SMV	Email regarding hearing.	0.10	\$120.00
B110	08/17/24	SMV	Review motion to file under seal.	0.20	\$240.00
B110	08/18/24	SMV	Review agenda for hearings.	0.20	\$240.00
B110	08/18/24	SMV	Prepare for hearings.	1.40	\$1,680.00
B110	08/19/24	JJS	Review agenda for 8/20 hearing.	0.10	\$127.50
B110	08/19/24	SMV	Review and respond to Porzio's emails regarding court appearance.	0.30	\$360.00
B110	08/19/24	SMV	Review emails regarding bank account.	0.20	\$240.00
B110	08/20/24	SMV	Review further emails regarding bank account.	0.20	\$240.00
B110	08/21/24	SMV	Review emails regarding bank account.	0.20	\$240.00
B110	08/31/24	SMV	Review monthly operating reports.	0.50	\$600.00
Task Total				4.30	\$5,167.50
<b>B120 Asset Analysis and Recovery</b>					
B120	08/17/24	JJS	Attention to exhibit lists for 8/20 hearing.	0.20	\$255.00



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Tax I.D. #75-2388013

Official Equity Security Holders' Committee

September 12, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120584

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Task Total				0.20	\$255.00
 <b>B130 Asset Disposition</b>					
B130	08/02/24	SMV	Review notice of cancellation of auction.	0.20	\$240.00
B130	08/05/24	JJS	Attention to Debtors' sale motion and declaration in support.	0.30	\$382.50
B130	08/05/24	SMV	Review motion to sell and declaration.	0.50	\$600.00
B130	08/08/24	SMV	Review objection to motion to sell.	0.20	\$240.00
B130	08/14/24	SMV	Review objections to sale.	0.20	\$240.00
B130	08/19/24	JJS	Attention to Lambda sale order.	0.10	\$127.50
B130	08/19/24	JJS	Attention to Thermo objection to sale.	0.10	\$127.50
B130	08/21/24	SMV	Review order entered regarding sale.	0.20	\$240.00
Task Total				1.80	\$2,197.50
 <b>B155 Meetings of and Communications with Client</b>					
B155	08/20/24	SMV	Preparation of memo to Equity Committee regarding hearings.	1.00	\$1,200.00
Task Total				1.00	\$1,200.00
 <b>B160 Fee/Employment Applications</b>					
B160	08/05/24	SMV	Review emails regarding Kramer Levin fees.	0.10	\$120.00
B160	08/06/24	SMV	Review emails from Kramer Levin.	0.10	\$120.00
B160	08/13/24	JJS	Attention to Dundon employment application and filing.	0.30	\$382.50
B160	08/13/24	SMV	Review and comment on amended declaration and retention application for FA and finalize for filing.	1.50	\$1,800.00
B160	08/19/24	SMV	Review and revise certificates of no objections for McKool and Porzio regarding retention applications and forward same.	0.50	\$600.00
B160	08/20/24	SMV	Review comments on certificates of no objections.	0.20	\$240.00
B160	08/21/24	SMV	Review and edit certificates of no objections after comments received and finalize for filing.	0.50	\$600.00
B160	08/22/24	SMV	Review notice of ordinary course professionals report.	0.20	\$240.00

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September 12, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120584

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
B160	08/26/24	SMV	Review orders entered approving retention of Equity Committee counsel.	0.20	\$240.00
B160	08/28/24	SMV	Review and revise draft of first monthly fee statement for Equity Committee professionals.	2.00	\$2,400.00
B160	08/28/24	SMV	Review and finalize fee invoice for first monthly fee statement.	0.30	\$360.00
B160	08/29/24	JJS	Review and revise draft McKool fee statement and email M. Venus regarding same.	0.40	\$510.00
B160	08/29/24	SMV	Review and revise first monthly fee statements and attachments.	1.30	\$1,560.00
B160	08/30/24	SMV	Review and finalize for filing professionals' first monthly fee statements.	1.00	\$1,200.00
Task Total				8.60	\$10,372.50
<b>B195 Non-Working Travel</b>					
B195	08/19/24	SMV	Travel to Dallas.	3.00	\$3,600.00
B195	08/20/24	SMV	Return travel to Houston.	3.00	\$3,600.00
Task Total				6.00	\$7,200.00
<b>B230 Financing/Cash Collateral</b>					
B230	08/05/24	SMV	Review and revise withdrawal of standing motion and circulate to parties and finalize for filing.	1.00	\$1,200.00
B230	08/06/24	SMV	Review emails regarding authority to execute withdrawal and finalize filing.	0.30	\$360.00
B230	08/07/24	SMV	Review email and documents related to protective order, and research same and respond.	0.60	\$720.00
B230	08/08/24	JJS	Attention to district court notice regarding cash collateral appeal.	0.10	\$127.50
B230	08/08/24	SMV	Review entry of dismissal order.	0.10	\$120.00
Task Total				2.10	\$2,527.50
<b>B310 Claims Administration and Objections</b>					
B310	08/02/24	JJS	Initial review of Debtors' Innovatus estimation motion.	0.30	\$382.50

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RE: Eiger BioPharmaceuticals

Bill Number 120584

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
B310	08/07/24	JJS	Attention to stipulated confidentiality agreement and notice of filing.	0.50	\$637.50
B310	08/07/24	SMV	Review confidentiality agreement.	0.20	\$240.00
B310	08/09/24	JJS	Review Staut declaration regarding Innovatus.	0.30	\$382.50
B310	08/09/24	SMV	Review documents related to motion for estimation and declaration regarding Innovatus claim.	1.00	\$1,200.00
B310	08/13/24	JJS	Attention to draft Innovatus objection.	0.30	\$382.50
B310	08/13/24	SMV	Review draft objection to claim.	0.40	\$480.00
B310	08/14/24	JJS	Attention to motion for protective order.	0.20	\$255.00
B310	08/14/24	JJS	Review draft Innovatus objection from Sidley.	0.20	\$255.00
B310	08/14/24	SMV	Review motion for protective order filed by Debtors.	0.30	\$360.00
B310	08/16/24	JJS	Attention to new filings relating to Innovatus claim estimation.	0.30	\$382.50
B310	08/16/24	JJS	Review Innovatus claim objection.	0.30	\$382.50
B310	08/16/24	JJS	Attention to order to restrict.	0.10	\$127.50
B310	08/16/24	SMV	Review declarations and expert report filed.	1.00	\$1,200.00
B310	08/16/24	SMV	Review notice and revised proposed order.	0.30	\$360.00
B310	08/16/24	SMV	Review objection filed by Innovatus.	0.40	\$480.00
B310	08/17/24	JJS	Attention to Webb declaration.	0.20	\$255.00
B310	08/17/24	JJS	Attention to Innovatus objection to estimation.	0.30	\$382.50
B310	08/17/24	JJS	Attention to Keltner report.	0.20	\$255.00
B310	08/17/24	SMV	Review objection to claim.	0.50	\$600.00
B310	08/19/24	JJS	Attention to Innovatus objection.	0.20	\$255.00
B310	08/19/24	JJS	Attention to Debtor's reply in support.	0.20	\$255.00
B310	08/19/24	JJS	Attention to Debtors' limine motion.	0.20	\$255.00
B310	08/19/24	SMV	Review pleadings filed for hearing.	3.00	\$3,600.00
B310	08/20/24	SMV	Conference with Porzio regarding hearings.	0.50	\$600.00
B310	08/20/24	SMV	Preparation for and attendance at hearings.	3.50	\$4,200.00
B310	08/23/24	JJS	Attention to Innovatus claim order.	0.10	\$127.50
B310	08/23/24	SMV	Review order granting estimation of claim.	0.20	\$240.00
B310	08/30/24	SMV	Review assignment of claim filed.	0.10	\$120.00
B310	08/31/24	JJS	Attention to Innovatus motions to stay pending appeal.	0.40	\$510.00
Task Total				15.70	\$19,162.50

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September 12, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120584

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
<b>B320 Plan and Disclosure Statement (including Business Plan)</b>					
B320	08/05/24	SMV	Research regarding releases and exculpation in 5th Circuit.	2.50	\$3,000.00
B320	08/06/24	SMV	Conclude research and prepare summary of applicable 5th Circuit rulings regarding exculpation and releases.	2.50	\$3,000.00
B320	08/08/24	JJS	Teleconference with M. Venus regarding Plan issues and status issues.	0.40	\$510.00
B320	08/08/24	SMV	Conference with J. Sparacino regarding plan issues presented.	0.40	\$480.00
B320	08/14/24	SMV	Review draft plan documents.	2.50	\$3,000.00
B320	08/15/24	JJS	Initial attention to second amended plan filing by Debtors.	0.30	\$382.50
B320	08/15/24	SMV	Review draft amended plan.	1.50	\$1,800.00
B320	08/16/24	JJS	Initial attention to Plan Supplement.	0.30	\$382.50
B320	08/16/24	SMV	Review numerous communications regarding plan documents including revised documents.	3.20	\$3,840.00
B320	08/23/24	JJS	Teleconference with M. Venus regarding confirmation issues and needs	0.30	\$382.50
B320	08/23/24	JJS	Review certain pleadings and general preparation in advance of meeting with Porzio regarding confirmation objection issues and needs and production from Innovatus.	1.60	\$2,040.00
B320	08/23/24	JJS	Meeting with Porzio team regarding confirmation objection and document production.	0.70	\$892.50
B320	08/23/24	JJS	Attention to issues outline for document analysis.	0.20	\$255.00
B320	08/23/24	JJS	Begin review of production documents in connection with potential confirmation issues.	3.10	\$3,952.50
B320	08/23/24	SMV	Conference with Porzio regarding discovery.	0.70	\$840.00
B320	08/23/24	SMV	Conference with team regarding review of documents.	0.50	\$600.00
B320	08/23/24	SMV	Review and respond to various emails regarding document review.	0.50	\$600.00
B320	08/23/24	SMV	Begin review of Debtors' documents.	1.50	\$1,800.00
B320	08/23/24	SMV	Conference with J. Sparacino regarding assistance	0.30	\$360.00

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September 12, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120584

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
			with discovery.		
B320	08/23/24	SWO	Attend Teams call to discuss assist with document review over the weekend.	0.30	\$181.50
B320	08/23/24	AKJ	Confer with M. Venus regarding document review.	0.20	\$88.00
B320	08/24/24	JJS	Review documents in connection with potential confirmation issues.	2.90	\$3,697.50
B320	08/25/24	JJS	Review documents in connection with possible confirmation issues.	3.40	\$4,335.00
B320	08/25/24	SMV	Review Debtors' documents produced.	10.00	\$12,000.00
B320	08/25/24	SWO	Review relevant documents.	3.50	\$2,117.50
B320	08/26/24	JJS	Exchange emails with Porzio team regarding document analysis issues.	0.30	\$382.50
B320	08/26/24	SMV	Numerous emails regarding review of documents and findings.	0.50	\$600.00
B320	08/26/24	SWO	Review relevant documents.	1.40	\$847.00
B320	08/27/24	SMV	Review emails regarding witnesses and availability.	0.30	\$360.00
B320	08/27/24	SMV	Review documents received for inclusion on exhibit list.	1.00	\$1,200.00
B320	08/27/24	SMV	Emails regarding document review.	0.20	\$240.00
B320	08/28/24	JJS	Attention to third amended plan redline and memo in support of confirmation.	0.80	\$1,020.00
B320	08/28/24	JJS	Attention to Staut declaration.	0.30	\$382.50
B320	08/28/24	SMV	Conference with Equity Committee professionals in preparation for evidentiary hearing.	0.50	\$600.00
B320	08/28/24	SMV	Review third amended plan filed.	1.00	\$1,200.00
B320	08/28/24	SMV	Review debtors' brief filed.	1.50	\$1,800.00
B320	08/28/24	SMV	Review Staut's declaration.	0.40	\$480.00
B320	08/28/24	SMV	Review drafted portion of objection to confirmation and research Fifth Circuit cases.	2.50	\$3,000.00
B320	08/28/24	SMV	Review New York decision received regarding standard for approval of releases.	0.40	\$480.00
B320	08/28/24	SMV	Review Debtors' counsel's correspondence regarding objection to releases.	0.20	\$240.00
B320	08/29/24	JJS	Exchange several emails with M. Venus regarding confirmation objection drafting and precedent needs.	0.40	\$510.00
B320	08/29/24	JJS	Review prior precedent plans as to D&O release	1.80	\$2,295.00

# McKool Smith

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September 12, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120584

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
			issues.		
B320	08/29/24	SMV	Conference with UST regarding plan releases and exculpation provisions.	0.20	\$240.00
B320	08/29/24	SMV	Prepare email regarding UST call.	0.20	\$240.00
B320	08/29/24	SMV	Review protective order and summarize and circulate pertinent portions.	0.70	\$840.00
B320	08/29/24	SMV	Research NDTX and SDTX cases and email findings.	3.00	\$3,600.00
B320	08/29/24	SMV	Emails with J. Sparacino regarding SDTX precedent in which he was involved.	0.40	\$480.00
B320	08/30/24	JJS	Teleconference with M. Venus regarding confirmation objection and filing issues.	0.30	\$382.50
B320	08/30/24	JJS	Attention to and exchange multiple emails among Equity Committee counsel team regarding objection drafting and filing issues and status.	0.50	\$637.50
B320	08/30/24	JJS	Further research regarding precedent on D&O release issues and exchange emails with M. Venus regarding same.	2.40	\$3,060.00
B320	08/30/24	SMV	Research NDTX and SDTX cases continued.	3.50	\$4,200.00
B320	08/30/24	SMV	Numerous communications with Porzio regarding objection to plan, certification and exhibits.	1.80	\$2,160.00
B320	08/30/24	SMV	Review and respond to emails regarding possible settlement proposals.	0.30	\$360.00
B320	08/30/24	SMV	Review and attention to redacted and sealed exhibits accompanying Certification and redacted and sealed objection to plan and preparation for filing, and filing issues.	3.00	\$3,600.00
B320	08/30/24	SMV	Numerous emails with Porzio regarding difficulties with filing under seal and possible alternatives being pursued.	1.00	\$1,200.00
B320	08/30/24	SMV	Review recipients of sealed documents under protective order and draft transmittal of unfiled/sealed documents to recipients.	0.70	\$840.00
B320	08/30/24	SMV	Review docketing of protective order and revise pleadings with new docket number.	0.40	\$480.00
B320	08/30/24	SMV	Revise transmittal of filed/sealed documents to	0.30	\$360.00

# McKool Smith

A PROFESSIONAL CORPORATION - ATTORNEYS  
300 Crescent Court, Suite 1200  
Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee

September 12, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120584

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
			recipients.		
B320	08/30/24	SMV	Prepare instructions for delivery to Chambers.	0.40	\$480.00
B320	08/30/24	SMV	Circulate filed redacted and sealed documents to Equity Committee team.	0.50	\$600.00
B320	08/30/24	SMV	Emails regarding next steps.	0.30	\$360.00
B320	08/31/24	JJS	Exchange emails with Equity Committee counsel team regarding depositions and hearing 9/4 and 9/5.	0.30	\$382.50
B320	08/31/24	JJS	Attention to final filed [sealed] version of Equity Committee objection and consider deposition and trial issues.	0.60	\$765.00
B320	08/31/24	JJS	Initial assessment of research and strategy regarding remote and distant trial witness, Rule 45 and compulsion as to webex, and process strategy.	1.40	\$1,785.00
B320	08/31/24	SMV	Conference with Porzio regarding subpoena of third party witness.	0.40	\$480.00
B320	08/31/24	SMV	Review filed Innovatus notice of appeal, motion to stay pending appeal, declaration, and objection to plan and UST's objection to plan.	4.50	\$5,400.00
B320	08/31/24	SMV	Review draft subpoena.	0.30	\$360.00
B320	08/31/24	SMV	Review and respond to communications regarding logistics/preparation for depositions planned.	0.40	\$480.00
B320	08/31/24	SMV	Research related to subpoena of third party witness, and testimony via WebEx in NDTX.	1.00	\$1,200.00
B320	08/31/24	SMV	Prepare witness and exhibit list draft.	2.00	\$2,400.00
Task Total				87.60	\$103,546.50
TOTAL LEGAL SERVICES					\$151,629.00

# McKool Smith

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Official Equity Security Holders' Committee  
RE: Eiger BioPharmaceuticals

September 12, 2024  
Bill Number 120584  
File Number 05305-00001

**LEGAL SERVICES SUMMARY**

JJS	JOHN J. SPARACINO	28.20 Hrs	1,275.00/hr	\$35,955.00
SMV	S. MARGIE VENUS	93.70 Hrs	1,200.00/hr	\$112,440.00
SWO	SEAN W. O'LEARY	5.20 Hrs	605.00/hr	\$3,146.00
AKJ	AMANDA K. JOHNS	0.20 Hrs	440.00/hr	\$88.00
		127.30 Hrs		\$151,629.00

**SUMMARY OF PROJECT CATEGORY**

<u>Task</u>	<u>Hours</u>	<u>Amount</u>
B110 Case Administration	4.30	5,167.50
B120 Asset Analysis and Recovery	0.20	255.00
B130 Asset Disposition	1.80	2,197.50
B155 Meetings of and Communications with Client	1.00	1,200.00
B160 Fee/Employment Applications	8.60	10,372.50
B195 Non-Working Travel	6.00	7,200.00
B230 Financing/Cash Collateral	2.10	2,527.50
B310 Claims Administration and Objections	15.70	19,162.50
B320 Plan and Disclosure Statement (including Business Plan)	87.60	103,546.50
	<b>127.30</b>	<b>\$151,629.00</b>

**DISBURSEMENTS**

Through August 31, 2024

**No Task Code Defined**

Filing Fee



## McKool Smith

A PROFESSIONAL CORPORATION - ATTORNEYS  
300 Crescent Court, Suite 1200  
Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee

September 12, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120584

File Number 05305-00001

	08/29/2024 Vendor 1006247-01: S. Margie Venus; Invoice # 6892791609042008; Filing Fees and Related; Filing fee for Brett S. Moore's motion to appear pro hac vice in bankruptcy case.	100.00
	Check #: 10035999	
Filing Fee Total		\$100.00
<u>Travel Expense</u>		
	08/19/2024 Vendor 1006247-01: S. Margie Venus; Invoice # 6877776908262029; Taxi; Airport to Hotel; Uber ride from airport to hotel.	32.07
	08/20/2024 Vendor 1006247-01: S. Margie Venus; Invoice # 6877776908262029; Lodging; Hotel stay in Dallas for hearing.	184.27
	Check #: 10035877	
	08/20/2024 Vendor 1006247-01: S. Margie Venus; Invoice # 6877776908262029; Taxi; Hotel to Airport; Uber ride from hotel to airport.	31.55
	08/20/2024 Vendor 1006247-01: S. Margie Venus; Invoice # 6877776908262029; Taxi; Airport to home.; Uber ride from airport to home.	36.96
	08/20/2024 Vendor 1006247-01: S. Margie Venus; Invoice # 6877776908262029; Airfare Houston/Dallas 08/19/2024 - 08/20/2024 Airfare to Dallas to attend hearing.	619.97
Travel Expense Total		\$904.82
<u>Meals</u>		
	08/19/2024 Vendor 1006247-01: S. Margie Venus; Invoice # 6877776908262029; Hotel - Dinner; Dinner at hotel during stay for hearing. (S. Venus)	9.00
	08/20/2024 Vendor 1006247-01: S. Margie Venus; Invoice # 6877776908262029; Hotel - Lunch; Lunch at hotel during stay for hearing. (S. Venus)	5.50
	08/20/2024 Vendor 1006247-01: S. Margie Venus; Invoice # 6877776908262029; Hotel - Breakfast; Breakfast at hotel during stay for hearing. (S. Venus)	14.41
Meals Total		\$28.91
Task Total		\$1,033.73
	<b>TOTAL DISBURSEMENTS</b>	<b>\$1,033.73</b>

**McKool Smith**  
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300 Crescent Court, Suite 1200  
Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee

RE: Eiger BioPharmaceuticals

September 12, 2024

Bill Number 120584

File Number 05305-00001

**TOTAL - THIS BILL DUE UPON RECEIPT**

**\$152,662.73**

# McKool Smith

A PROFESSIONAL CORPORATION - ATTORNEYS  
300 Crescent Court, Suite 1200  
Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee  
1100 Commerce St.  
Rm. 1254  
mvenus@mckoolsmith.com  
Dallas, TX 75242

September 30, 2024  
Bill Number 120796  
File Number 05305-00001

**FOR PROFESSIONAL SERVICES**

RE: Eiger BioPharmaceuticals

**LEGAL SERVICES**

Through September 30, 2024

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
<b>B110 Case Administration</b>					
B110	09/06/24	SMV	Review invoices for deposition transcripts and forward for payment.	0.30	\$360.00
B110	09/06/24	SMV	Review and organize documents from hearing.	1.50	\$1,800.00
B110	09/09/24	SMV	Attention to additional invoices for deposition transcripts.	0.20	\$240.00
B110	09/09/24	SMV	Forward final deposition transcripts.	0.20	\$240.00
B110	09/10/24	SMV	Attention to administrative matters regarding hearing in Dallas.	0.30	\$360.00
B110	09/11/24	SMV	Review email from Debtors' counsel regarding omnibus hearing setting and response to same.	0.30	\$360.00
B110	09/11/24	SMV	Email regarding effective date status.	0.20	\$240.00
B110	09/11/24	SMV	Review monthly data for fee statement.	0.50	\$600.00
B110	09/11/24	SMV	Emails regarding payment of depositions and service of witness subpoena.	0.40	\$480.00
B110	09/12/24	SMV	Review joint stipulation of dismissal of appeals.	0.20	\$240.00
B110	09/13/24	SMV	Review email regarding invoices for process server.	0.10	\$120.00
Task Total				4.20	\$5,040.00

**B130 Asset Disposition**

# McKool Smith

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300 Crescent Court, Suite 1200  
Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee

September 30, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120796

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
B130	09/04/24	SMV	Review notice of Lonafarnib sale closing.	0.40	\$480.00
Task Total				0.40	\$480.00

**B160 Fee/Employment Applications**

B160	09/09/24	SMV	Email to Dundon regarding preparation of certificate of no objection to retention and review response.	0.20	\$240.00
B160	09/10/24	SMV	Review Meland Third Monthly Fee Statement.	0.20	\$240.00
B160	09/10/24	SMV	Review Deloitte first, second and third monthly fee statements.	0.20	\$240.00
B160	09/11/24	SMV	Review and respond to email regarding second monthly fee statement.	0.20	\$240.00
B160	09/11/24	SMV	Research procedure for partial payment under interim payment order.	0.40	\$480.00
B160	09/11/24	SMV	Emails to Porzio regarding payment of monthly fee statements.	0.20	\$240.00
B160	09/11/24	SMV	Preparation of certificate of no objections for initial monthly fee statements.	0.50	\$600.00
B160	09/11/24	SMV	Emails requesting wire instructions and W-9s.	0.20	\$240.00
B160	09/11/24	SMV	Transmittal of draft certificate of no objections for approval.	0.10	\$120.00
B160	09/12/24	JJS	Attention to handling of McKool and Porzio fee statements.	0.30	\$382.50
B160	09/12/24	SMV	Preparation of certificate of no objection for Dundon retention application, finalize and file.	1.20	\$1,440.00
B160	09/12/24	SMV	Emails with Porzio regarding monthly fee statements.	0.30	\$360.00
B160	09/12/24	SMV	Revise certificate of service for monthly fee statement.	0.30	\$360.00
B160	09/12/24	SMV	Numerous emails with Debtors' counsel regarding procedure for payment of monthly fee statements, review response.	0.30	\$360.00
B160	09/12/24	SMV	Prepare email notice to application recipients for payment of monthly fee statements.	0.30	\$360.00
B160	09/12/24	SMV	Begin preparation of final fee application.	0.30	\$360.00
B160	09/13/24	SMV	Review and revise Dundon first monthly fee	0.60	\$720.00

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September 30, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120796

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
			statement.		
B160	09/13/24	SMV	Review and revise McKool second monthly fee statement.	0.80	\$960.00
B160	09/13/24	SMV	Review email from Debtors' counsel and review information and respond.	0.50	\$600.00
B160	09/15/24	SMV	Review and respond to email from Dundon regarding monthly fee statements and final fee application filing.	0.30	\$360.00
B160	09/16/24	SMV	Check on status of wire receipt.	0.10	\$120.00
B160	09/16/24	SMV	Review and revise Dundon's first monthly fee statement for filing.	1.00	\$1,200.00
B160	09/16/24	SMV	Review and revise second monthly fee statement and finalize for filing.	0.50	\$600.00
B160	09/16/24	SMV	Email with Porzio regarding receipt of wire.	0.10	\$120.00
B160	09/16/24	SMV	Email Dundon regarding filed monthly fee statement.	0.20	\$240.00
B160	09/16/24	SMV	Emails with Porzio regarding status of third monthly fee statement.	0.20	\$240.00
B160	09/16/24	SMV	Emails regarding service of fee statements per Order.	0.40	\$480.00
B160	09/17/24	SMV	Email to Porzio regarding fee statement.	0.10	\$120.00
B160	09/17/24	SMV	Email regarding corrections for fee statement.	0.30	\$360.00
B160	09/17/24	SMV	Review and revise Porzio fee statement for filing.	0.40	\$480.00
B160	09/18/24	SMV	Review materials for final fee application.	2.00	\$2,400.00
B160	09/20/24	SMV	Begin final fee application draft.	2.00	\$2,400.00
B160	09/22/24	SMV	Review UST guidelines for preparation of final fee applications and prepare emails regarding information needed.	1.50	\$1,800.00
B160	09/23/24	JJS	Review fee application exhibit draft and email correspondence from M. Venus.	0.30	\$382.50
B160	09/23/24	SMV	Numerous communications regarding data needed for customary and comparable compensation exhibit.	0.80	\$960.00
B160	09/24/24	JJS	Exchange emails among Equity Committee attorney team regarding Effective Date issues and final fee application.	0.40	\$510.00
B160	09/24/24	SMV	Emails continued regarding questions about data included and conference to review same.	0.40	\$480.00
B160	09/24/24	SMV	Prepare inserts for final fee application.	2.00	\$2,400.00

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Official Equity Security Holders' Committee

September 30, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120796

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
B160	09/25/24	JJS	Teleconference with M. Venus regarding final fee application preparation and issues.	0.50	\$637.50
B160	09/25/24	JJS	Exchange emails with co-counsel regarding fee application issues.	0.30	\$382.50
B160	09/25/24	SMV	Continue drafting and revisions to final fee application.	3.50	\$4,200.00
B160	09/25/24	SMV	Emails with Dundon regarding instructions for delivery to Debtors regarding payment of First Monthly Fee Statement.	0.20	\$240.00
B160	09/26/24	SMV	Emails with Porzio regarding objection deadline on pending matters.	0.30	\$360.00
B160	09/26/24	SMV	Prepare email to Debtors regarding conclusion of objection deadline and payment of monthly fee statements.	0.40	\$480.00
B160	09/26/24	SMV	Continue drafting and revisions to final fee application and associated exhibits and data.	3.00	\$3,600.00
B160	09/27/24	SMV	Continue preparation of final fee application.	3.00	\$3,600.00
B160	09/27/24	SMV	Review final fee applications filed by Debtors' professionals.	1.30	\$1,560.00
B160	09/28/24	SMV	Emails with Alvarez regarding non-objection to fee statement.	0.20	\$240.00
B160	09/28/24	SMV	Review procedures for last date to file applications for omnibus hearing date.	0.40	\$480.00
B160	09/28/24	SMV	Review application for non-occurrence of Effective date and forward for comment.	0.30	\$360.00
B160	09/29/24	JJS	Review and revise final fee application pleadings and exchange related emails with M. Venus.	1.40	\$1,785.00
B160	09/29/24	SMV	Prepare drafts for Porzio and forward with details.	2.00	\$2,400.00
B160	09/29/24	SMV	Review edits and comments regarding final fee application and review and revise same and return with comments.	1.60	\$1,920.00
B160	09/30/24	JJS	Final review and execution of Final Fee Application.	0.30	\$382.50
B160	09/30/24	SMV	Finalize Final Fee Application for filing.	2.00	\$2,400.00
Task Total				40.80	\$49,222.50

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September 30, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120796

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
<b>B310 Claims Administration and Objections</b>					
B310	09/03/24	SMV	Review correspondence from court regarding Innovatus request and response emails.	0.40	\$480.00
B310	09/05/24	JJS	Review objection to stay pending appeal.	0.20	\$255.00
B310	09/11/24	SMV	Review Innovatus notice of appeal.	0.10	\$120.00
Task Total				0.70	\$855.00
<b>B320 Plan and Disclosure Statement (including Business Plan)</b>					
B320	09/01/24	JJS	Exchange emails with team regarding confidentiality and witness/document issues.	0.30	\$382.50
B320	09/01/24	JJS	Review protective order regarding concerns.	0.30	\$382.50
B320	09/01/24	JJS	Conference with M. Venus regarding witness issues.	1.00	\$1,275.00
B320	09/01/24	SMV	Continue draft of witness/exhibit list.	4.20	\$5,040.00
B320	09/01/24	SMV	Transmit draft of witness/exhibit list to team.	0.30	\$360.00
B320	09/01/24	SMV	Conference with J. Sparacino regarding third party witness outside 100 miles of NDTX, legal basis and approach.	1.00	\$1,200.00
B320	09/01/24	SMV	Email draft subpoena.	0.30	\$360.00
B320	09/01/24	SMV	Research use of Webex for testimony at confirmation hearing.	2.70	\$3,240.00
B320	09/01/24	SMV	Research use of confidential documents with third party witness.	0.80	\$960.00
B320	09/01/24	SMV	Prepare email with findings about means of testimony allowed based on notice, rules and case law.	1.60	\$1,920.00
B320	09/01/24	SMV	Review and respond to email regarding service of unsealed documents.	0.70	\$840.00
B320	09/01/24	SMV	Attention to locating process server in LA over the holiday.	0.40	\$480.00
B320	09/01/24	SMV	Review additional exhibits provided and revise exhibit/witness list.	1.80	\$2,160.00
B320	09/01/24	SMV	Review emails regarding issuance of subpoena and delivery of exhibits.	0.60	\$720.00
B320	09/02/24	JJS	Exchange several emails among team regarding	0.60	\$765.00

**McKool Smith**

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September 30, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120796

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
			witness, subpoena and service issues.		
B320	09/02/24	JJS	Review and provide comments to draft witness and exhibit list for Equity Committee.	0.40	\$510.00
B320	09/02/24	SMV	Review additional exhibits for witness/exhibit list.	1.50	\$1,800.00
B320	09/02/24	SMV	Emails regarding Innovatus confidential documents, motion to seal, and other sources.	0.50	\$600.00
B320	09/02/24	SMV	Review emails regarding subpoenas, witnesses and availability for depositions.	0.50	\$600.00
B320	09/02/24	SMV	Review and forward addresses for subpoenas.	0.40	\$480.00
B320	09/02/24	SMV	Review various draft and revisions to witness/exhibit list and finalize for filing.	2.10	\$2,520.00
B320	09/02/24	SMV	Review and respond to emails regarding confidentiality.	0.40	\$480.00
B320	09/02/24	SMV	Review and respond to emails regarding service of subpoena.	0.30	\$360.00
B320	09/02/24	SMV	Review emails regarding service of subpoenas and availability of witness for deposition.	0.70	\$840.00
B320	09/03/24	JJS	Further analysis of protective order and consider witness and exhibit issues for trial.	0.60	\$765.00
B320	09/03/24	JJS	Exchange emails with M. Venus regarding same.	0.30	\$382.50
B320	09/03/24	SMV	Conference with Porzio regarding deposition and testimony for hearing.	0.50	\$600.00
B320	09/03/24	SMV	Revise and circulate witness/exhibit list for last review before filing.	1.30	\$1,560.00
B320	09/03/24	SMV	Call to court clerk and email regarding question about Webex testimony and checking on Webex.	0.50	\$600.00
B320	09/03/24	SMV	Teleconference with court clerk regarding testimony via Webex.	0.20	\$240.00
B320	09/03/24	SMV	Numerous emails regarding questions on certain exhibits, and revise list accordingly.	1.80	\$2,160.00
B320	09/03/24	SMV	Review and respond to Porzio regarding delivery of exhibits and additional documents.	0.30	\$360.00
B320	09/03/24	SMV	Review and forward voice mail from UST.	0.30	\$360.00
B320	09/03/24	SMV	Numerous emails regarding delivery of subpoena.	0.80	\$960.00
B320	09/03/24	SMV	Provide instructions and oversee filing of redacted and sealed witness/exhibit lists and service of same.	1.30	\$1,560.00



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September 30, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120796

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
B320	09/03/24	SMV	Preparation of draft regarding de-designation of confidential exhibits, create chart with description of each, forward draft.	2.30	\$2,760.00
B320	09/03/24	SMV	Emails regarding contents of protective order relating to confidential documents, and question regarding potential other confidentiality agreements.	0.60	\$720.00
B320	09/03/24	SMV	Provide instructions for service of subpoena.	0.30	\$360.00
B320	09/03/24	SMV	Attention to issues with service of unredacted copies.	0.40	\$480.00
B320	09/03/24	SMV	Emails to team regarding delivery of binders of exhibits to court and parties.	0.30	\$360.00
B320	09/03/24	SMV	Emails regarding status of service of subpoena.	0.30	\$360.00
B320	09/03/24	SMV	Review numerous emails with Debtors' counsel regarding remote appearance of witness.	0.40	\$480.00
B320	09/03/24	SMV	Review numerous pleadings filed, including notice, and witness/exhibit lists.	1.00	\$1,200.00
B320	09/03/24	SMV	Conference with Porzio regarding remote appearance of witness and exhibits for testimony.	0.30	\$360.00
B320	09/03/24	SMV	Review emails regarding status of discussions with Innovatus.	0.30	\$360.00
B320	09/03/24	SMV	Review filed amended plan, and declarations.	2.00	\$2,400.00
B320	09/03/24	AKJ	Confer with M. Venus regarding assisting with getting the L. Kawas hearing subpoena served;	0.30	\$132.00
B320	09/03/24	AKJ	Confer with M. Venus regarding status of First Legal serving the subpoena.	0.30	\$132.00
B320	09/03/24	AKJ	Confer with First Legal regarding status of service of the subpoena.	0.30	\$132.00
B320	09/03/24	AKJ	Confer with M. Venus regarding First Legal will be serving the subpoena.	0.20	\$88.00
B320	09/03/24	AKJ	Confer with First Legal regarding service of subpoena and instructions for service;	0.40	\$176.00
B320	09/04/24	JJS	Email M. Venus regarding plan issues.	0.10	\$127.50
B320	09/04/24	JJS	Review Eiger brief.	0.60	\$765.00
B320	09/04/24	JJS	Attention to issues regarding amended witness and exhibit list for Equity Committee.	0.30	\$382.50
B320	09/04/24	JJS	Attention to draft confirmation order.	0.30	\$382.50
B320	09/04/24	JJS	Email Equity Committee counsel team regarding	0.10	\$127.50

# McKool Smith

A PROFESSIONAL CORPORATION - ATTORNEYS  
300 Crescent Court, Suite 1200  
Dallas, Texas 75201

Tax I.D. #75-2388013

Official Equity Security Holders' Committee

September 30, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120796

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
			preparation for hearing.		
B320	09/04/24	JJS	Review redline fourth amended plan.	0.30	\$382.50
B320	09/04/24	SMV	Travel to Dallas, review pleadings filed during travel.	3.00	\$3,600.00
B320	09/04/24	SMV	Review notices of deposition.	0.40	\$480.00
B320	09/04/24	SMV	Review update on service of subpoena and follow up.	0.50	\$600.00
B320	09/04/24	SMV	Attendance at deposition, assist with exhibits, questions, preparation of witness.	2.50	\$3,000.00
B320	09/04/24	SMV	Pull and forward exhibits for third party remote deposition.	0.60	\$720.00
B320	09/04/24	SMV	Review numerous emails regarding settlement terms and status and calculations of settlement.	1.30	\$1,560.00
B320	09/04/24	SMV	Locate and review additional exhibits, prepare supplemental exhibits list (redacted and sealed) and amended witness list.	1.80	\$2,160.00
B320	09/04/24	SMV	Research in preparation for confirmation hearing.	1.00	\$1,200.00
B320	09/04/24	SMV	Preparation for confirmation hearing, including review of proposed confirmation order, agenda for hearing, brief in support of confirmation, amended witness/exhibit list, motion in limine.	2.50	\$3,000.00
B320	09/04/24	SMV	Review and respond to email regarding plan provision.	0.50	\$600.00
B320	09/04/24	SMV	Review orders granting extension of exclusivity and extending deadline to assume/reject leases.	0.30	\$360.00
B320	09/04/24	SMV	Teleconference with court reporter regarding status of deposition transcripts and review receipt of rough draft and circulate.	0.50	\$600.00
B320	09/04/24	SMV	Review final deposition transcripts and circulate to team.	2.50	\$3,000.00
B320	09/04/24	SMV	Review voice-mail from Mike at court and teleconference regarding Webex testing for hearing.	0.30	\$360.00
B320	09/04/24	SMV	Review Debtors' privilege log.	0.50	\$600.00
B320	09/04/24	SMV	Conference with J. Sparacino regarding trial preparation and depositions.	0.40	\$480.00
B320	09/04/24	AKJ	Review emails regarding status of service from First	0.10	\$44.00

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RE: Eiger BioPharmaceuticals

Bill Number 120796

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
			Legal.		
B320	09/04/24	AKJ	Confer with M. Venus regarding witness avoiding service and request further instruction.	0.20	\$88.00
B320	09/04/24	AKJ	Confer with First Legal to stand down and do not attempt any more service.	0.10	\$44.00
B320	09/05/24	JJS	Review Debtors' limine pleadings as to Dundon.	0.40	\$510.00
B320	09/05/24	JJS	Attention to hearing agenda.	0.10	\$127.50
B320	09/05/24	JJS	Attend morning court session.	0.50	\$637.50
B320	09/05/24	JJS	Attend late morning court session.	1.00	\$1,275.00
B320	09/05/24	JJS	Review amended proposed confirmation order.	0.40	\$510.00
B320	09/05/24	JJS	Attention to fifth amended plan and redline.	0.40	\$510.00
B320	09/05/24	SMV	Review emails regarding settlement with Debtors.	0.40	\$480.00
B320	09/05/24	SMV	Preparation for confirmation hearing continued, including review of deposition transcripts received and additional pleadings filed.	7.00	\$8,400.00
B320	09/05/24	SMV	Conference with UST regarding settlement.	0.30	\$360.00
B320	09/05/24	SMV	Attendance at confirmation hearing.	3.80	\$4,560.00
B320	09/05/24	SMV	Review filed amended plan and confirmation order.	1.00	\$1,200.00
B320	09/05/24	SMV	Review and comment on language changes to plan and confirmation order and emails regarding same.	4.50	\$5,400.00
B320	09/06/24	JJS	Teleconference with M. Venus regarding trial, deposition and resolution process and next steps forward.	0.80	\$1,020.00
B320	09/06/24	SMV	Conference regarding terms of settlement.	0.80	\$960.00
B320	09/17/24	SMV	Review plan for effective date filings and deadlines.	1.00	\$1,200.00
B320	09/24/24	SMV	Emails with Porzio regarding status of Effective Date under Plan.	0.30	\$360.00
B320	09/24/24	SMV	Emails with Debtors' counsel regarding Plan provisions.	0.40	\$480.00
B320	09/24/24	SMV	Emails with Equity Committee professionals regarding interpretation of plan provisions.	0.50	\$600.00
B320	09/24/24	SMV	Review emails with Debtors' counsel regarding status of Effective Date.	0.20	\$240.00
B320	09/26/24	SMV	Review email from Alvarez and Marsal and collect data and respond to same.	1.00	\$1,200.00
B320	09/26/24	SMV	Emails with Equity Committee professionals	0.20	\$240.00

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September 30, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120796

File Number 05305-00001

<u>Task</u>	<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
			regarding projected Effective Date.		
B320	09/27/24	SMV	Review Amended Plan Supplement filed.	0.50	\$600.00
B320	09/28/24	SMV	Emails with Alvarez and Marsal regarding Effective Date status.	0.30	\$360.00
B320	09/28/24	SMV	Emails regarding non-occurrence of Effective Date.	0.30	\$360.00
Task Total				87.80	\$104,576.00
TOTAL LEGAL SERVICES					\$160,173.50

## LEGAL SERVICES SUMMARY

JJS	JOHN J. SPARACINO	12.50 Hrs	1,275.00/hr	\$15,937.50
SMV	S. MARGIE VENUS	119.50 Hrs	1,200.00/hr	\$143,400.00
AKJ	AMANDA K. JOHNS	1.90 Hrs	440.00/hr	\$836.00
		133.90 Hrs		\$160,173.50

## SUMMARY OF PROJECT CATEGORY

<u>Task</u>	<u>Hours</u>	<u>Amount</u>
B110 Case Administration	4.20	5,040.00
B130 Asset Disposition	0.40	480.00
B160 Fee/Employment Applications	40.80	49,222.50
B310 Claims Administration and Objections	0.70	855.00
B320 Plan and Disclosure Statement (including Business Plan)	87.80	104,576.00
	<b>133.90</b>	<b>\$160,173.50</b>

## McKool Smith

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September 30, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120796

File Number 05305-00001

### DISBURSEMENTS

Through September 30, 2024

#### No Task Code Defined

##### Filing Fee

09/15/2024	Vendor 1002285-02: First Legal Network Insurance Services, LLC; Invoice # 64279; Chapter 11: Filing	250.00
	Check #: 10036007	
09/15/2024	Vendor 1002285-02: First Legal Network Insurance Services, LLC; Invoice # 64278; Chapter 11: Filing	250.00
	Check #: 10036007	
Filing Fee Total		\$500.00

##### Courier Service

09/07/2024	Vendor 050100-01: Special Delivery Service, Inc.; Invoice # 727638; Delivery services for period ending 09.07.2024.	141.40
09/21/2024	Vendor 050100-01: Special Delivery Service, Inc.; Invoice # 728727; Delivery services for period ending 09.21.2024.	25.07
Courier Service Total		\$166.47

##### Travel Expense

09/03/2024	Vendor 1006247-01: S. Margie Venus; Invoice # 6913854609161936; Airfare Houston/Dallas 09/04/2024 - 09/05/2024 Airfare to and from Dallas to attend depositions and hearing.	604.96
09/04/2024	Vendor 1006247-01: S. Margie Venus; Invoice # 6913854609161936; Taxi; Home/Airport; Uber home to airport.	39.50
09/04/2024	Vendor 1006247-01: S. Margie Venus; Invoice # 6913854609161936; Taxi; Airport to Hotel; Uber airport to hotel.	53.50
09/05/2024	Vendor 1006247-01: S. Margie Venus; Invoice # 6913854609161936; Taxi; Hotel to Airport; Uber hotel to airport.	34.56
09/05/2024	Vendor 1006247-01: S. Margie Venus; Invoice # 6913854609161936; Lodging; Hotel stay in Dallas for depositions and hearing.	205.53
Travel Expense Total		\$938.05

## McKool Smith

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Official Equity Security Holders' Committee

September 30, 2024

RE: Eiger BioPharmaceuticals

Bill Number 120796

File Number 05305-00001

Court Reporter/Depositions

09/04/2024	Vendor 1002228-04: Veritext Texas; Invoice # 7690749; Veritext transcripts for D. Apelian, L.Kawas and M. Dundon depositions, invoice no. 7690749	3,474.69
	Check #: 70141	
09/04/2024	Vendor 1002228-04: Veritext Texas; Invoice # 7690961; Veritext transcripts for A. Gorman, D. Staut, and M. Shanahan depositions, invoice no. 7690961	2,173.60
	Check #: 70141	
Court Reporter/Depositions Total		\$5,648.29

Meals

09/04/2024	Vendor 1006247-01: S. Margie Venus; Invoice # 6913854609161936; Meals Other at Dunkin Donuts Coffee and snack. (S. Venus)	5.18
	Check #: 10036252	
09/04/2024	Vendor 1006247-01: S. Margie Venus; Invoice # 6913854609161936; Breakfast at Hudson Breakfast at airport. (S. Venus)	20.56
09/05/2024	Vendor 1006247-01: S. Margie Venus; Invoice # 6913854609161936; Hotel - Meals Other; Coffee at hotel in Dallas for depositions and hearing. (S. Venus)	5.00
09/05/2024	Vendor 1006247-01: S. Margie Venus; Invoice # 6913854609161936; Meals Other at Hudson Snack at airport. (S. Venus)	5.18
09/05/2024	Vendor 1006247-01: S. Margie Venus; Invoice # 6913854609161936; Meals Other at Starbucks Coffee Coffee. (S. Venus)	45.68
Meals Total		\$81.60

Task Total \$7,334.41

TOTAL DISBURSEMENTS  \$7,334.41

**McKool Smith**

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Tax I.D. #75-2388013

Official Equity Security Holders' Committee

RE: Eiger BioPharmaceuticals

September 30, 2024

Bill Number 120796

File Number 05305-00001

**TOTAL - THIS BILL DUE UPON RECEIPT**

**\$167,507.91**

**Exhibit D**

Customary and Comparable Compensation Disclosure



**CUSTOMARY AND COMPARABLE COMPENSATION DISCLOSURE**

The blended hourly rate of the McKool Smith timekeepers (including both professionals and paraprofessionals) who provided services to the Equity Committee for the Final Fee Period (June 26, 2024 through September 30, 2024) was \$1,180.36 per hour (the “Equity Committee Blended Rate”).<sup>1</sup>

The blended hourly standard rate for all of McKool Smith’s domestic, non-bankruptcy timekeepers on non-bankruptcy matters during the twelve-month period from September 1, 2023 to and including August 31, 2024 (the “Comparable Period”) was, in the aggregate, approximately \$829.17 (the “Non-Bankruptcy Blended Rate”).<sup>2</sup>

A detailed comparison of the Committee Blended Rate, and the Non-Bankruptcy Blended Rate is set forth in the chart below.

Category of Timekeeper	Committee Blended Rate	Non-Bankruptcy Blended Rate
Principal	\$1,193.55	\$1,098.15
Associate	\$605.00	\$691.46
Paralegal	\$440.00	\$364.79

Case Name: Eiger BioPharmaceuticals, Inc., *et al.*

Case Number: Case No. 24-80040 (SGJ)

Applicant’s Name: McKool Smith, PC

Date of Application: September 30, 2024

Interim or Final: Final

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<sup>1</sup> McKool Smith calculated the Equity Committee Blended Rate by dividing the dollar value of billable hours worked by McKool Smith timekeepers by the number of hours worked by such timekeepers on behalf of the Equity Committee during the Final Fee Period.

<sup>2</sup> McKool Smith calculated the Non-Bankruptcy Blended Rate by dividing the dollar value of billable hours worked by McKool Smith timekeepers by the number of hours worked for the relevant matters during the Comparable Period. All categories of McKool Smith professional and paraprofessional timekeepers are included with the exception of bankruptcy attorneys. Additionally, all bankruptcy matters have been removed from this calculation. The Non-Bankruptcy Blended Hourly Rates also reflect Firm-wide increases that took effect across all of the Firm’s practice groups on January 1, 2024.