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*Counsel for the Official Equity Security Holders’
Committee*

**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> , ¹	§	(Jointly Administered)
Debtors.	§	
	§	
	§	

**SUMMARY COVER SHEET FOR THE FIRST INTERIM AND FINAL FEE
APPLICATION OF DUNDON ADVISERS LLC AS FINANCIAL ADVISOR TO THE
OFFICIAL EQUITY SECURITY HOLDERS’ COMMITTEE FROM
AUGUST 1, 2024 THROUGH AND INCLUDING SEPTEMBER 26, 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.

¹ 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: Dundon Advisers LLC

Capacity: Financial Advisors to the Official Equity Security Holders’ Committee

Time Period: August 1, 2024 - September 26, 2024

Bankruptcy Petition Filed on: April 1, 2024

Date of Entry of Retention Order: September 12, 2024 [Docket No. 663]

Fee Period: August 1, 2024 – September 26, 2024

Status of Case: Plan confirmed on September 5, 2024

Amount Requested:

Fees: \$80,486.00
Expenses: \$2,122.47
Other: \$0.00
Total \$82,590.47

Reductions:

Voluntary Fee Reductions: \$0.00
Expense Reductions: \$0.00
Total Reductions: \$0.00

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: \$0.00
Travel: \$2,112.47

Hourly Rates

Professional
Highest Billed Rate: \$960.00
Total Hours Billed: 105.4
Blended Rate: \$763.62

PRIOR MONTHLY FEE STATEMENTS FILED

		Requested		Payments Received		Outstanding	
Date Filed; Docket No.	Period Covered	Fees	Expenses	Fees	Expenses	Fees	Expenses
09/16/2024; Dkt. No. 668	08/01/2024 - 08/31/2024	\$24,958.40 (80% of \$31,198.00)	\$0.00	\$24,958.40	\$0.00	\$6,239.60	\$0.00
Total		\$24,958.40	\$0.00	\$24,958.40	\$0.00	\$6,239.60	\$0.00

**SUMMARY OF TOTAL FEES AND HOURS BY
PROFESSIONAL FOR THE FINAL
FEE PERIOD AUGUST 1, 2024 THROUGH SEPTEMBER 26, 2024**

Name	Position	Hourly Billing Rate	Total Hours Billed	Total Compensation
Matthew Dundon	Principal	\$960	34.50	\$26,160.00
Joshua Nahas	Managing Director	\$850	33.30	\$28,305.00
Tabish Rizvi	Managing Director	\$850	1.60	\$1,360.00
Gregory Hill	Director	\$700	31.10	\$21,770.00
Michael Whalen	Associate Director	\$590	4.90	\$2,891.00
Total			105.40	\$80,486.00
Blended Rate				\$763.62

**STATEMENT OF FEES BY PROJECT CATEGORY FOR THE FINAL FEE PERIOD
COVERING AUGUST 1, 2024 THROUGH SEPTEMBER 26, 2024**

Categories	Hours	Fees
Business Analysis	90.90	\$ 68,560.00
Committee Member/Professional Meetings & Communications	7.40	\$ 6,003.00
Debtor Professional and Client Meeting	0.50	\$ 425.00
Debtor/Lender Professional and Staff Meetings	0.60	\$ 510.00
Exit and Post-Effective Date Planning	1.50	\$ 1,440.00
Investigations	0.40	\$ 340.00
Other Professionals' Retention and Fee Applications	0.40	\$ 340.00
Retention and Fee Applications	2.10	\$ 1,508.00
Sales Process	0.50	\$ 425.00
Plan and Disclosure Statement	1.10	\$ 935.00
Total	105.40	\$ 80,486.00

**EXPENSE SUMMARY FOR THE FINAL
FEE PERIOD AUGUST 1, 2024 THROUGH SEPTEMBER 26, 2024**

Date	Category	Amount
9/5/2024	Two meals DFW Hyatt	\$ 79.72
9/5/2024	Two nights lodging DFW Hyatt	\$ 742.41
9/4/2024	Home to JFK Uber	\$ 95.62
9/4/2024	DFW to Sidley Uber	\$ 39.34
9/4/2024	Sidley to Hotel Uber	\$ 53.79
9/5/2024	Hotel to Court Uber	\$ 57.41
9/5/2024	Court to DFW Uber	\$ 58.06
9/5/2024	JFK to Home Uber	\$ 166.12
9/4/2024	Flight JFK to DFW American Airlines	\$ 410.00
9/5/2024	Flight DFW to JFK American Airlines	\$ 410.00
Total		\$2,112.47

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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**"), Dundon Advisers LLC ("**Dundon**"), financial advisors 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 Dundon rendered to the Equity Committee during the period August 1,

2024 through and including September 26, 2024² (the “**Final Fee Period**”) in the amount of \$80,486.00, and (b) reimbursement of 100% of the actual and necessary expenses incurred by Dundon during the Final Fee Period, in the amount of \$2,112.47; (ii) authorizing and directing payment of the foregoing fees and expenses, less any amounts the Debtors previously paid to Dundon on account of such amounts, and (iii) granting such other and further relief this Court deems just and proper. In support of this Application, Dundon 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.
5. On May 13, 2024, this Court entered the *Interim Compensation Procedures Order* [Docket No. 259], authorizing certain estate professionals (“**Professionals**”) to submit monthly

² 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 Dundon incurs any fees and expenses subsequent to September 26, 2024, those invoices will be submitted pursuant to such provision.

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. as its lead counsel and McKool Smith, PC as co-counsel, subject to Court approval.

8. The Equity Committee retained Dundon Advisers LLC (“**Dundon**”) as its financial advisor effective, pursuant to the *Order Authorizing and Approving the Employment and Retention of Dundon Advisors LLC as Financial Advisor for the Official Equity Security Holders’ Committee, Effective as of August 1, 2024* [Docket No. 664] (the “**Retention Order**”). The Retention Order authorizes the Debtors’ estates to compensate and reimburse Dundon 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.

DUNDON’S PRIOR MONTHLY FEE STATEMENTS

11. Prior to this Application and pursuant to the procedures set forth in the Interim Compensation Procedures, Dundon filed with the Court and served upon the appropriate notice parties a monthly fee statement (the “**Monthly Fee Statement**”) covering the period from August 1, 2024 through August 31, 2024. Dundon’s Monthly Fee Statement contains detailed time and expense records which relate to the period covered by the Monthly Fee Statement and 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 Dundon’s out-of-pocket expenses incurred during the Final Fee Period are attached hereto as **Exhibit D**.

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

		Requested		Payments Received		Outstanding	
Date Filed; Docket No.	Period Covered	Fees	Expenses	Fees	Expenses	Fees	Expenses
09/16/2024; Dkt. No. 668	08/01/2024 - 08/31/2024	\$24,958.40 (80% of \$31,198.00)	\$0.00	\$24,958.40	\$0.00	\$6,239.60	\$0.00
Total		\$24,958.40	\$0.00	\$24,958.40	\$0.00	\$6,239.60	\$0.00

RELIEF REQUESTED

13. By this Application, Dundon respectfully requests entry of an order (i) granting final allowance and approval of (a) compensation for professional services Dundon rendered to the Equity Committee during the Final Fee Period in the amount of \$80,486.00, and (b) reimbursement of 100% of the actual and necessary expenses incurred by Dundon during the Final Fee Period, in the amount of \$2,112.47; (ii) authorizing and directing payment of the foregoing fees and expenses, less any amounts the Debtors previously paid to Dundon 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. Dundon's hourly rates are set at a level designed to compensate Dundon fairly for the work of its professionals and to cover fixed and routine expenses. The hourly rates charged by Dundon in this Chapter 11 Case were billed in accordance with Dundon'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 Dundon, the rates Dundon charges for the services of its professionals in this Chapter 11 Case are consistent with the rates Dundon charges other comparable chapter 11 clients, regardless of the location of the case. Moreover, Dundon's rate structure is appropriate and not significantly different from the rates that Dundon charges for non-bankruptcy representations or the rates that other comparable professionals would charge to perform substantially similar services.

15. Dundon 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 Dundon 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 services for which Dundon 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 Dundon professionals who provided services to the Equity Committee during the Final Fee Period, including, with respect to each, his or her position, hourly rate, hours billed and total fees charged;
- (c) a summary of Dundon'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 Dundon incurred during the Final Fee Period in connection with its professional services to the Equity Committee.

17. In addition: (a) the Declaration of Joshua R. Nahas, 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) Dundon's disclosures of customary and comparable compensation, including blended hourly rates, for the period of July 1, 2023 to and including June 30, 2024 and the Final Fee Period is attached hereto as **Exhibit E**.

SUMMARY OF SERVICES

18. During the Final Fee Period, Dundon 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 provided, among other things, a largely consensual plan, (b) 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. The advice and assistance of Dundon 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 Dundon on behalf of the Equity Committee during the period of August 1, 2024 through September 26, 2024, grouped into the categories set forth below. Dundon 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) Business Analysis

Final Fee Period: 90.9 hours; \$68,560.00

This matter category includes time spent on various tasks. Specifically, Dundon professionals spent time analyzing and reviewing (i) relevant court docket filings (e.g., plan and disclosure statement documents), (ii) the debtors' SEC filings, (iii) monthly operating reports, (iv) asset purchase agreements and bids for assets of the debtors, (v) recovery and waterfall models, and (vi) deposition preparation, among other related matters.

(b) Committee Member/Professional Meetings & Communications

Final Fee Period: 7.4 hours; \$6,003

This matter category includes time spent by Dundon professionals participating in regularly scheduled meetings with Committee members.

(c) Debtor Professional and Client Meeting

Final Fee Period: 0.5 hours; \$425.00

This matter category includes time spent by Dundon professionals related to discussions with the debtors about NOLs, Section 173 tax deduction, and private sale motions to be teed up for the Lonafarnib and lambda assets.

(d) Debtor/Lender Professional and Staff Meetings

Final Fee Period: 0.6 hours; \$510.00

This matter category includes time spent by Dundon professionals related to meetings with debtor professionals with respect to waterfall and recovery analysis.

(e) Exit and Post-Effective Date Planning

Final Fee Period: 1.5 hours; \$1,440.00

This matter category includes time spent by Dundon professionals providing services related to discussions on exit and post-effective date planning issues.

(e) Investigations

Final Fee Period: 0.4 hours; \$340.00

This category includes time spent investigation communications regarding a settlement of D&O claims in exchange for potential release.

(f) Other Professionals' Retention and Fee Application

Final Fee Period: 0.4 hours; \$340.00

This category includes time spent reviewing fee applications and economics of the debtor professionals.

(g) Plan and Disclosure Statement

Final Fee Period: 1.1 hours; \$935.00

This matter category includes time spent by Dundon professionals providing services in connection with reviewing plan and disclosure statement documents.

(g) Retention and Fee Applications

Final Fee Period: 2.1 hours; \$1,508.00

This matter category includes primarily time spent by Dundon professionals drafting retention and fee applications.

(h) **Sales Process**

Final Fee Period: 0.5 hours; \$425.00

This matter category includes time spent by Dundon professionals related to attending relevant sale hearing(s).

ACTUAL AND NECESSARY EXPENSES

20. Attached hereto as **Exhibit D** is a detailed statement of Dundon's total out-of-pocket expenses incurred during the Final Fee Period totaling \$2,112.47. These expenses include, but are not necessarily limited to, out-of-town travel expenses.

**DUNDON'S REQUESTED COMPENSATION AND
EXPENSE REIMBURSEMENT SHOULD BE ALLOWED**

21. 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).

22. Dundon 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. Dundon 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. Dundon submits that the compensation requested herein is reasonable in light of the nature, extent, and value of Dundon's services to the Equity Committee. Accordingly, the Application should be approved.

RESERVATION OF RIGHTS

23. Dundon reserves the right to modify, amend, or supplement this Application at any time before the hearing on this Application.

NOTICE

24. 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. Dundon submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, Dundon 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 \$80,486.00, and (b) reimbursement of 100% expenses that Dundon incurred during the Final Fee Period in the amount of \$2,112.47; (ii) authorizing and directing payment of the foregoing fees and expenses, less any amounts the Debtors previously paid to Dundon on account of such amounts, and (iii) granting such other and further relief this Court deems just and proper.

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Dated: October 1, 2024

Respectfully submitted,

McKool Smith, PC

/s/ S. Margie Venus

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

-and-

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*Financial Advisor to the Official Committee of
Equity Security Holders of Eiger
BioPharmaceuticals, Inc., et al.*

CERTIFICATE OF SERVICE

I certify that on October 1, 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/ S. Margie Venus

S. Margie Venus

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> , ¹	§	(Jointly Administered)
Debtors.	§	
	§	

**ORDER GRANTING THE FINAL FEE APPLICATION OF
DUNDON ADVISERS LLC AS FINANCIAL ADVISOR TO THE
OFFICIAL EQUITY SECURITY HOLDERS' COMMITTEE FROM
AUGUST 1, 2024 THROUGH AND INCLUDING SEPTEMBER 26, 2024**

Upon consideration of the application (“**Application**”)² of Dundon Advisers LLC (“**DA**”) for final allowance of compensation for professional services rendered in the above captioned

¹ 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.

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

Chapter 11 Case during the period from August 1, 2024 through and including September 26, 2024 (the “**Final Fee Period**”), it is HEREBY ORDERED THAT:

1. DA is granted final allowance and approval for compensation in the amount of \$80,486.00 for the Final Fee Period.
2. DA is granted final allowance and approval for reimbursement of expenses in the amount of \$2,112.47 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 DA 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

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S. Margie Venus (TX Bar No. 20545900)
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-and-

PORZIO, BROMBERG & NEWMAN, P.C.

Warren J. Martin Jr. (admitted *pro hac vice*)
Rachel A. Parisi (admitted *pro hac vice*)
David E. Sklar (admitted *pro hac vice*)
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*Counsel for the Official Equity Security Holders' Committee
of Eiger BioPharmaceuticals, Inc., et al.*

Exhibit B

Nahas Declaration

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

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

**DECLARATION OF JOSHUA R. NAHAS IN SUPPORT OF THE FINAL FEE
APPLICATION OF DUNDON ADVISERS LLC, AS FINANCIAL ADVISOR TO THE
OFFICIAL EQUITY SECURITY HOLDERS' COMMITTEE FROM
AUGUST 1, 2024 THROUGH AND INCLUDING SEPTEMBER 30, 2024**

I, Joshua Nahas, being duly sworn, state the following under penalty of perjury:

1. I am a Managing Director of Dundon Advisers LLC (“DA”) located at 10 Bank Street, Suite 1100, White Plains, NY 10606.

2. I have reviewed the foregoing final fee application of DA for compensation as financial advisors for the Official Equity Security Holders’ Committee (the “**Application**”).² 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.

¹ 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.

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

Response: Yes. At the request of the Committee, and upon the approval of the Court, DA agreed to the following special terms of retention:

- I. To the extent that holders of Allowed Existing Equity Interests receive a \$10 or less per share recovery, DA shall receive 80% of its Allowed fees;
- II. To the extent that holders of Allowed Existing Equity Interests receive a per share recovery from \$10.01-\$12.50, DA shall receive 90% of its Allowed fees;
- III. To the extent that holders of Allowed Existing Equity Interests receive a per share recovery between \$12.51-\$15.00, DA shall receive 100% of its Allowed fees;
- IV. To the extent that holders of Allowed Existing Equity Interests receive a per share recovery between \$15.01-\$18.00 by no later than March 31, 2025, DA shall receive 125% of its Allowed fees;
- V. To the extent that holders of Allowed Existing Equity Interests receive a per share recovery greater than \$18.00 by no later than March 31, 2025, DA shall receive 150% of its Allowed fees.

If the milestone dates in (iv) and (v) are not met, DA is to receive 100% of its Allowed fees and 100% of its Allowed disbursements.

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 DA 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 DA 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 DA and generally accepted by DA's clients

5. In accordance with Bankruptcy Rule 2016(a) and section 504 of the Bankruptcy Code, no agreement or understanding exists between DA and any other entity or person, other than members of DA, 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 services for which DA 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: October 1, 2024
Houston, Texas

/s/Joshua R. Nahas
Joshua R. Nahas
Dundon Advisers LLC
Telephone: (917) 650-2968
jn@dundon.com

Exhibit C

Time Records

Timekeeper	Date	Activity	Description	Billable Time	Billable Amt
Gregory Hill	08/09/2024	Business Analysis	Review and analysis of sale motion and consideration for Lonafarnib and Lambda	1.00	\$700.00
Gregory Hill	08/09/2024	Business Analysis	Review and analysis of sale motion and consideration for Lonafarnib and Lambda	1.80	\$1,260.00
Gregory Hill	08/12/2024	Business Analysis	Participated in call with A&M on case status and sale update	0.60	\$420.00
Gregory Hill	08/13/2024	Committee Member/Professional Meetings & Communications	Participated in committee call with professionals from Porzio and Dundon	1.00	\$700.00
Gregory Hill	08/13/2024	Business Analysis	Review and analysis of Lonafarnib and Lambda sale motion and APA	2.10	\$1,470.00
Gregory Hill	08/13/2024	Business Analysis	Review and analysis of Innovatus POF	0.90	\$630.00
Gregory Hill	08/13/2024	Business Analysis	Review and analysis of claim estimation motion and POF of Innovatus	1.40	\$980.00
Gregory Hill	08/14/2024	Business Analysis	Review of docket updates and entries	0.70	\$490.00
Gregory Hill	08/14/2024	Business Analysis	Review and analysis of Lonafarnib and Lambda sale motion and APA	2.60	\$1,820.00
Gregory Hill	08/14/2024	Business Analysis	Review and analysis of June MORs	1.10	\$770.00
Gregory Hill	08/15/2024	Business Analysis	Review and analysis of the Plan document	2.40	\$1,680.00
Gregory Hill	08/15/2024	Business Analysis	Review and analysis of the Plan and Disclosure Statement documents	1.90	\$1,330.00
Gregory Hill	08/20/2024	Business Analysis	Participated in sale motion hearing	1.40	\$980.00
Gregory Hill	08/22/2024	Business Analysis	Review and analysis of waterfall and recoveries	0.90	\$630.00
Gregory Hill	08/22/2024	Business Analysis	Review and analysis of insider payments listed in statement of financial affairs	0.90	\$630.00
Gregory Hill	08/22/2024	Committee Member/Professional Meetings & Communications	Participated in committee call with professionals from Porzio and Dundon	1.00	\$700.00

Gregory Hill	08/23/2024	Business Analysis	Constructing sensitivity analysis of recovery waterfall for severance and innovatus claims	2.10	\$1,470.00
Gregory Hill	08/23/2024	Business Analysis	Constructing sensitivity analysis of recovery waterfall for severance and innovatus claims	1.30	\$910.00
Gregory Hill	08/23/2024	Business Analysis	Review of innovatus claims estimation motion	0.60	\$420.00
Gregory Hill	08/24/2024	Business Analysis	Review and analysis of docket updates	0.20	\$140.00
Totals For Gregory Hill				25.90	\$18,130.00
Joshua Nahas	08/02/2024	Other Professionals' Retention and Fee Applications	Review draft of retention application	0.40	\$340.00
Joshua Nahas	08/07/2024	Retention and Fee Applications	Review revised retention application	0.40	\$340.00
Joshua Nahas	08/09/2024	Business Analysis	Review motion and declaration in support of approval sale of Lonafarnib and Lambda on an expedited basis	0.70	\$595.00
Joshua Nahas	08/12/2024	Debtor/Lender Professional and Staff Meetings	Call with A&M to discuss waterfall	0.60	\$510.00
Joshua Nahas	08/12/2024	Business Analysis	Review docket to date in advance of A&M call	1.50	\$1,275.00
Joshua Nahas	08/13/2024	Business Analysis	Review PoR and DS	1.50	\$1,275.00
Joshua Nahas	08/13/2024	Business Analysis	Review June MORs	1.20	\$1,020.00
Joshua Nahas	08/13/2024	Business Analysis	Review May MORs	0.90	\$765.00
Joshua Nahas	08/13/2024	Committee Member/Professional Meetings & Communications	Pre call with Porzio	0.50	\$425.00
Joshua Nahas	08/13/2024	Committee Member/Professional Meetings & Communications	Call with EC and counsel	0.90	\$765.00
Joshua Nahas	08/20/2024	Sales Process	Attend remote sale hearing	0.50	\$425.00
Joshua Nahas	08/26/2024	Investigations	Review Porzio letter to debtors for settlement of D&O claims in exchange release	0.40	\$340.00
Joshua Nahas	08/26/2024	Business Analysis	Review and revise recovery sensitivity model	1.00	\$850.00
Joshua Nahas	08/27/2024	Business Analysis	Review and revise sensitivity and recovery analysis	1.50	\$1,275.00
Totals For Joshua Nahas				12.00	\$10,200.00

Matthew Dundon	08/21/2024	Exit and Post-Effective Date Planning	Open issues discussions with J. Nahas	0.70	\$672.00
Matthew Dundon	08/21/2024	Exit and Post-Effective Date Planning	Open issues discussion with W. Miller	0.40	\$384.00
Matthew Dundon	08/21/2024	Exit and Post-Effective Date Planning	Open issues discussion with K. Grossman and J. Nahas	0.40	\$384.00
Totals For Matthew Dundon				1.50	\$1,440.00
Michael Whalen	08/02/2024	Retention and Fee Applications	Prepare Retention app and pull references	0.20	\$118.00
Michael Whalen	08/27/2024	Business Analysis	Conduct sensitivity analysis for share price based on secured and priority claims	1.50	\$885.00
Totals For Michael Whalen				1.70	\$1,003.00
Tabish Rizvi	08/02/2024	Debtor Professional and Client Meeting	Participate in discussion with debtors and equity committee about NOLs, Section 173 tax deduction, and private sale motions to be teed up for the Lonafarnib and lambda assets.	0.50	\$425.00
Totals For Tabish Rizvi				0.50	\$425.00
August 2024 Total				41.60	\$31,198.00

User	Date	Activity	Description	Billable Time	Billable Amt
Gregory Hill	09/03/2024	Business Analysis	Review and analysis of monthly operating report	0.90	\$630.00
Gregory Hill	09/09/2024	Retention and Fee Applications	Drafting first monthly fee application	1.50	\$1,050.00
Gregory Hill	09/09/2024	Business Analysis	Review of fifth amended and approved disclosure statement and plan	1.40	\$980.00
Gregory Hill	09/13/2024	Business Analysis	Drafting monthly fee statement for August	0.90	\$630.00
Gregory Hill	09/20/2024	Committee Member/Professional Meetings & Communications	Participated in weekly committee call with professionals from Porzio and Dundon	0.50	\$350.00
Totals For Gregory Hill				5.20	\$3,640.00
Joshua Nahas	09/01/2024	Business Analysis	Review TSAs and related Avexitide and Zokinvy APAs to determine benefits and necessity of Apelian's post petition services in prep for Dundon deposition	3.50	\$2,975.00

Joshua Nahas	09/02/2024	Committee Member/Professional Meetings & Communications	Deposition preparation with M Dundon and Porzio	0.90	\$765.00
Joshua Nahas	09/02/2024	Business Analysis	Review articles of incorporation / stockholders agreement for any provisions on calling annual or special meeting	1.40	\$1,190.00
Joshua Nahas	09/03/2024	Business Analysis	Review Monthly Operating Reports	0.80	\$680.00
Joshua Nahas	09/04/2024	Committee Member/Professional Meetings & Communications	Post-deposition strategy discussion with Committee members and professionals	0.80	\$680.00
Joshua Nahas	09/04/2024	Business Analysis	Review and analyze updated A&M recovery based on various secured claim settlements for Innovatus.	2.50	\$2,125.00
Joshua Nahas	09/04/2024	Business Analysis	Review release provisions for Glenn in APA	0.70	\$595.00
Joshua Nahas	09/05/2024	Business Analysis	Review and provide comments on various settlement proposal constructs and how it would impact recoveries	1.20	\$1,020.00
Joshua Nahas	09/05/2024	Business Analysis	Review order approving and confirming 5th amended joint plan of liquidation	2.20	\$1,870.00
Joshua Nahas	09/06/2024	Business Analysis	Review and analyze impact of settlement on recoveries	1.50	\$1,275.00
Joshua Nahas	09/07/2024	Business Analysis	Review amended plan/DS	2.00	\$1,700.00
Joshua Nahas	09/16/2024	Committee Member/Professional Meetings & Communications	Call with D Staut on PA	0.50	\$425.00
Joshua Nahas	09/26/2024	Business Analysis	Call with S Staut on PA Budget and D&O	0.50	\$425.00
Joshua Nahas	09/26/2024	Business Analysis	Review terms of D&O coverage	0.80	\$680.00
Joshua Nahas	09/26/2024	Committee Member/Professional Meetings & Communications	Call with K Grossman	0.50	\$425.00
Joshua Nahas	09/26/2024	Business Analysis	Reveiw LTA and PA agreement	1.50	\$1,275.00
Totals For Joshua Nahas				21.30	\$18,105.00
Matthew Dundon	09/02/2024	Business Analysis	Deposition preparation meeting with Committee counsel and J. Nahas	0.90	\$864.00
Matthew Dundon	09/03/2024	Business Analysis	Deposition preparation	2.50	\$2,400.00
Matthew Dundon	09/04/2024	Business Analysis	Attendance at depositions	8.20	\$7,872.00
Matthew Dundon	09/04/2024	Business Analysis	Deposition preparation	3.20	\$3,072.00

Matthew Dundon	09/04/2024	Business Analysis	Non-working travel to and from deposition preparation	3.50	\$1,680.00
Matthew Dundon	09/04/2024	Committee Member/Professional Meetings & Communications	Post-deposition strategy discussion with Committee members and professionals	0.80	\$768.00
Matthew Dundon	09/05/2024	Business Analysis	Non-working travel to and from trial session	1.00	\$480.00
Matthew Dundon	09/05/2024	Business Analysis	Attendance at confirmation trial and interstitial meetings.	2.90	\$2,784.00
Matthew Dundon	09/05/2024	Business Analysis	Non-working travel home from Dallas.	5.00	\$2,400.00
Matthew Dundon	09/06/2024	Business Analysis	Non-working travel back to New York from trial and depositions	5.00	\$2,400.00
Totals For Matthew Dundon				33.00	\$24,720.00
Michael Whalen	09/18/2024	Business Analysis	Prepare presentation for Equity Committee outlining recovery scenarios and sensitivity analysis	2.40	\$1,416.00
Michael Whalen	09/19/2024	Business Analysis	Turn comments on recovery presentation provided by Porzio and circulate to Committee	0.80	\$472.00
Totals For Michael Whalen				3.20	\$1,888.00
Tabish Rizvi	09/10/2024	Plan and Disclosure Statement	Review updated/amended plan and disclosure statement filed in case	1.10	\$935.00
Totals For Tabish Rizvi				1.10	\$935.00
September 2024 Total				63.80	\$49,288.00
Grand Total				105.40	\$80,486.00

Exhibit D

Expense Detail

Date	Category	Amount
9/5/2024	Two meals DFW Hyatt	\$ 79.72
9/5/2024	Two nights lodging DFW Hyatt	\$ 742.41
9/4/2024	Home to JFK Uber	\$ 95.62
9/4/2024	DFW to Sidley Uber	\$ 39.34
9/4/2024	Sidley to Hotel Uber	\$ 53.79
9/5/2024	Hotel to Court Uber	\$ 57.41
9/5/2024	Court to DFW Uber	\$ 58.06
9/5/2024	JFK to Home Uber	\$ 166.12
9/4/2024	Flight JFK to DFW American Airlines	\$ 410.00
9/5/2024	Flight DFW to JFK American Airlines	\$ 410.00
Total		\$2,112.47

Exhibit E

Customary and Comparable Compensation Disclosure

CUSTOMARY AND COMPARABLE COMPENSATION DISCLOSURE

The blended hourly rate of the Dundon Advisers LLC timekeepers who provided services to the Equity Committee for the Final Fee Period (August 1, 2024 through September 26, 2024) was \$763.62 per hour (the “Equity Committee Blended Rate”).¹

The blended hourly rate for all of Dundon Advisers LLC’s domestic, non-bankruptcy timekeepers on non-bankruptcy matters during the twelve-month period from July 1, 2023, to and including June 30, 2024 (the “Comparable Period”) was the same as bankruptcy related matters in the aggregate, approximately \$720 per hour (the “Non-Bankruptcy Blended Rate”).^{2,3}

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 Rate (post July 1, 2024)	Non-Bankruptcy Rate (post July 1, 2024)	Committee/Non-Bankruptcy Rate (July 1, 2023 – June 30, 2024)
Principal	\$960.00	\$960.00	\$890.00
Managing Director	\$850.00	\$850.00	\$790.00
Director	\$700.00	\$700.00	\$650.00
Associate Director	\$590.00	\$590.00	\$550.00

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

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

Applicant’s Name: Dundon Advisers LLC

Date of Application: October 1, 2024

Interim or Final: Final

¹ Dundon calculated the Equity Committee Blended Rate by dividing the dollar value of billable hours worked by Dundon timekeepers by the number of hours worked by such timekeepers on behalf of the Equity Committee during the Final Fee Period.

² Dundon calculated the Non-Bankruptcy Blended Rate by adding the billable rate of each category of timekeeper then dividing by the number of timekeeper categories.

³ Dundon had a firmwide rate increase across both bankruptcy and non-bankruptcy matters on July 1, 2024, which was properly noticed on all applicable retention applications and reflected in the chart below.