

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HUBERT OWENS, Derivatively	§	
on Behalf of ESPERION	§	
THERAPEUTICS, INC.,	§	
	§	No. 110, 2020
Plaintiff Below	§	
Appellant,	§	
	§	
v.	§	Court Below – Court of Chancery
	§	of the State of Delaware
TIM M. MAYLEBEN, ROGER S.	§	
NEWTON, MARY P.	§	C.A. No. 12985-VCS
MCGOWAN, NICOLE	§	
VITULLO, DOV A.	§	
GOLDSTEIN, DANIEL JANNEY,	§	
ANTONIO M. GOTTO, JR.,	§	
MARK E. MCGOVERN,	§	
GILBERT S. OMENN, SCOTT	§	
BRAUNSTEIN, and PATRICK G.	§	
ENRIGHT,	§	
	§	
Individual Defendants Below,	§	
Appellees,	§	
	§	
and	§	
	§	
ESPERION THERAPEUTICS,	§	
INC.,	§	
	§	
Nominal Defendant Below	§	
Appellee.	§	

Submitted: October 14, 2020  
Decided: October 29, 2020  
Corrected: November 18, 2020

Before **SEITZ**, Chief Justice; **VAUGHN**, and **MONTGOMERY-REEVES**, Justices.

## **ORDER**

On this 29<sup>th</sup> day of October, 2020, after careful consideration of the parties' briefs and the record on appeal, and after oral argument, we find it evident that the final judgment of the Court of Chancery should be affirmed on the basis of and for the reasons stated in the February 13, 2020 memorandum opinion.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Court of Chancery is AFFIRMED.

BY THE COURT:

/s/ Tamika R. Montgomery-Reeves  
Justice