

Exhibit I

**Declaration of Elizabeth A. Fegan in Support of
Lead Counsel's Motion for Attorneys' Fees,
Litigation Expenses, and Lead Plaintiff's
Reasonable Costs and Expenses,
Filed on Behalf of Fegan Scott LLC**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MARK COLWELL, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

EXICURE, INC., DAVID A. GILJOHANN,
BRIAN C. BOCK, and GRANT T. CORBETT,

Defendants.

Case No. 1:21-CV-06637

Honorable John F. Kness

**DECLARATION OF ELIZABETH A. FEGAN IN SUPPORT OF
LEAD COUNSEL'S MOTION FOR ATTORNEYS' FEES, LITIGATION
EXPENSES, AND LEAD PLAINTIFF'S REASONABLE COSTS AND
EXPENSES, FILED ON BEHALF OF FEGAN SCOTT LLC**

ELIZABETH A. FEGAN declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true:

1. I am a managing member of Fegan Scott LLC, local counsel for Lead Plaintiff in the above-captioned action (the “Action”).¹

2. I submit this declaration in support of Lead Counsel’s Motion for Attorneys’ Fees, Litigation Expenses, and Lead Plaintiff’s Reasonable Costs and Expenses. I have personal knowledge of the matters set forth herein based on my active participation in the prosecution and settlement of the Action.

I. FEGAN SCOTT’S WORK, RATES, AND LODESTAR

3. My firm is highly experienced in class action litigation, and I have helped recover more than a billion dollars for clients nationwide. Attached hereto as **Exhibit 1** is Fegan Scott’s firm resume.

4. My firm actively participated in the prosecution of the claims on behalf of Lead Plaintiff and the Settlement Class. In particular, my firm performed work at the direction and under the supervision of Court-appointed Lead Counsel Bleichmar Fonti & Auld LLP. My firm participated in, among other tasks, assisting with briefing on the motion for appointment of lead plaintiff and ensuring compliance with the Court’s local civil rules.

5. Table 1 below is a schedule summarizing the amount of time I spent from inception of the Action through and including November 30, 2024, with my billing rate and lodestar calculation.

¹ Capitalized terms not defined herein have the meanings stated in the Stipulation of Settlement (the “Stipulation,” ECF 99).

6. Table 1 was prepared from contemporaneous daily time records regularly prepared and maintained by my firm. I reviewed these time records to prepare this declaration to confirm both the accuracy of the time entries and the necessity for, and reasonableness of, the time committed to the Action. Time expended on this application for fees has not been included in this request.

7. My lodestar figure is based upon my current billing rate, which does not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my billing rates.

8. The total number of hours reflected in Table 1 from inception of the Action through and including November 30, 2024, is 52.2 hours. The total lodestar reflected in Table 1 for that period is \$28,650.

TABLE 1

Timekeeper Name	Position	Hours	Hourly Rate	Lodestar
Elizabeth A. Fegan	Managing Member	20.8	\$1000	\$20,800
Alissa Giler	Paralegal	26.5	\$250	\$6,625
Wendy Purcell	Paralegal	4.9	\$250	\$1,225

9. My rate is based on my relevant experience and expertise and is comparable to the rates set by my peer firms for attorneys of similar skill and experience.

Dated: December 6, 2024



Elizabeth A. Fegan

EXHIBIT 1

Colwell v. Exicure, Inc., et al.
Case No. 1:21-CV-06637

FEGAN SCOTT FIRM RESUME



FIRM RESUME

FeganScott LLC is a nationwide class-action law firm dedicated to helping victims of consumer fraud, antitrust violations, toxic torts, sexual abuse, and discrimination, while also addressing community-driven legal needs. Established in 2019 and growing at a quick, but concerted pace, the firm has offices in Chicago, New York, Pittsburgh, Houston, and Washington, D.C.

Built on core values of justice, integrity, and excellence, FeganScott is not simply another law firm. It is a passionate group of skilled lawyers who put clients first – fighting to impose accountability and enact global change. With the success of founder Elizabeth A. Fegan and experience of seasoned civil and commercial trial attorney Timothy A. Scott, the firm's legal industry veterans have recovered more than \$1 billion for clients. More information regarding the firm and its current cases can be found at www.feganscott.com.

ATTORNEY BIOGRAPHIES

Managing Members

Elizabeth A. Fegan (Chicago)

Founder and Managing Member Elizabeth Fegan fights for victims of sexual abuse, discrimination, consumer fraud, antitrust violations, toxic torts, and other offenses. In 27 years practicing law, Beth has recovered more than \$1 billion for her clients nationwide.



Beth is on the vanguard in the legal battles surrounding sexual assault, abuse, and harassment. In 2022, Beth represented the First Partner of California in connection with her testimony against Harvey Weinstein in the criminal trial in the Superior Court of California (County of Los Angeles). In addition to working on the front lines of the #MeToo movement, Beth has successfully led antitrust, consumer protection, and commercial class actions. Several examples follow:

Hyundai-Kia ABS Module Litigation (C.D. Cal): Beth was appointed Co-Lead Counsel in an automobile defect class action relating to a defect in a vehicle component that would cause the vehicle to spontaneously erupt in flames. The parties reached a settlement on

behalf of an estimated three million class members, which was granted final approval in May 2023. The settlement is valued at a minimum of \$326 million.

In re Kia-Hyundai Vehicle Theft Litigation, MDL No. 3052 (C.D. Cal): Beth was appointed *sua sponte* as Interim Class Counsel and later appointed as Co-Lead Counsel for consumers in an automobile defect class action relating to the nationwide epidemic of stolen Kia and Hyundai vehicles. On October 1, 2024, the court granted final approval of a settlement valued in excess of \$200 million, covering approximately nine million class vehicles.

In re Aqueous Film-Forming Foams Products Liability Litigation (D.S.C.): Beth was appointed Class Counsel in two class action settlements for classes of Public Water Systems alleging chemical manufacturers 3M Corporation and DuPont were liable for contamination of public water systems with “forever chemicals.” Final approval of the settlements was granted in April 2024, with the 3M settlement creating a common fund of \$10.3 billion, and the DuPont settlement creating a common fund of \$1.2 billion.

In re TikTok, Inc., Consumer Privacy Litigation, MDL No. 2948 (N.D. Ill.): Beth was appointed *sua sponte* as Co-Lead Counsel and achieved an historic \$92 million settlement in that case. The settlement, which received final approval in 2022, was one of the largest ever achieved in a consumer privacy class action lawsuit.

NCAA Student-Athlete Concussions (N.D. Ill.): Beth prosecuted class claims as part of the Lead Counsel team against the NCAA for negligence due to lack of an enforceable concussion management protocol. Result: Settlement providing for the implementation of protocols that meet best practices, and the establishment of a \$75 million, 50-year medical monitoring program for all current and former student-athletes.

Multi-Year Grants-in-Aid (athletic scholarships) (S.D. Ind.): In a series of antitrust class actions, Beth prosecuted antitrust claims against the NCAA based on the prohibition of multi-year grants-in-aid (GIAs) which, together with caps on the number of GIAs per team, worked to the detriment of student-athletes. Result: the NCAA lifted the ban on multi-year GIAs.

USC Student Health Center Sexual Abuse (C.D. Cal.): In this Title IX and negligence action for sexual abuse by a university gynecologist of thousands of students, Beth was part of the lead counsel team for the nationwide class. The parties reached a \$240 million settlement, which received final approval in 2020.

Senior annuities consumer protection class actions: In a series of class actions against insurance companies that sold equity-indexed deferred annuities that targeted, but were inappropriate for, senior citizens, Beth was appointed to lead counsel and executive committee positions. These cases led to numerous settlements, *e.g.*, American Equity

Senior Annuities Fraud (C.D. Cal.) (\$129 million settlement) and Midland Senior Annuities Fraud (C.D. Cal.) (\$79.5 million settlement).

Baby Products Antitrust (E.D. Pa.): As co-lead counsel for a class of consumers overcharged for high-end baby products (e.g., strollers, highchairs) as the result of a price-fixing conspiracy between Babies 'R Us and baby product manufacturers, Beth and the team achieved a \$35 million settlement after class certification was granted, summary judgment denied, and on the eve of trial.

In re Stericycle, Inc., Sterisafe Contract Litig. (N.D. Ill.): As local counsel and part of the lead counsel team, Beth prosecuted this breach of contract class action on behalf of customers whose subscription charges were increased without approval over time. The \$295 million settlement received final approval in 2018.

Pre-Filled Propane Tank Marketing and Sales Practices (W.D. Mo.): As co-lead counsel for a class of consumers who purchased propane tanks for barbecues, Beth prosecuted this antitrust class action against the two dominant manufacturers who engaged in price fixing. The case settled for a \$35 million common fund.

Nexium Pharmaceutical Antitrust Fraud (Mass.): After class certification, Beth was appointed to the lead trial team to try antitrust claims on behalf of Massachusetts payors for Nexium. This single-state case was settled the night before trial for \$20 million.

Prior to founding FeganScott, Beth launched the Chicago office of Hagens Berman Sobol Shapiro, where she grew the firm significantly during her 15 years of leadership as managing partner. Before that, she was partner at The Wexler Firm in Chicago, where she launched her plaintiffs'-side career as interim managing partner.

Additionally, as an associate at Shefsky & Froelich in Chicago, Beth served in several local government appointments, including positions as special assistant corporation counsel to the City of Chicago, the Chicago Park District, and the Public Building Commission of Chicago. She also served on special master teams in federal and state court class actions, including with the Hon. Wayne Andersen (ret.), Northern District of Illinois. From 2001-2004, Beth taught legal writing at her alma mater, Loyola University Chicago School of Law.

Timothy A. Scott (Chicago)

Timothy Scott is a founding member of FeganScott with more than two decades of experience. He has advocated on behalf of a wide range of clients, from individuals in catastrophic personal injury cases to classes of consumers and corporate defendants in highly complex, multi-district litigation.



As a managing member, Tim serves many corporate clients in commercial litigation matters involving breaches of contracts, deceptive business practices, defaults in financing and security agreements, and breaches of representations and warranties.

Tim has extensive experience in class action litigation including cases involving antitrust and consumer fraud, often serving as lead or co-lead counsel in these complex cases.

Of Counsel

Lynn A. Ellenberger (Pittsburgh, PA)

Throughout her career, Lynn A. Ellenberger, Of Counsel at FeganScott, has challenged violations of civil and constitutional rights. At FeganScott, she fights for victims of sexual abuse and harassment, demands accountability for consumers injured or defrauded by large corporations, and represents individuals alleging employment discrimination and other civil rights violations. She also represents criminal defendants challenging their convictions in federal habeas corpus proceedings and appeals.



Lynn recently led a FeganScott team at trial in a sexual abuse case against a spa and massage therapist on behalf of nine women who were abused by the masseuse during their treatments. The spa settled in the middle of trial for more than \$3 million and the jury returned a verdict against the massage therapist for more than \$10 million.

Before establishing FeganScott's Pittsburgh office, Lynn was an Assistant Federal Public Defender in the Western District of Pennsylvania. She represented clients on death row and those serving near-life prison sentences. She obtained one client's release from prison after serving 28 years for an unconstitutional conviction. Her former client is on the National Registry of Exonerations. She also succeeded in overturning a death sentence for an intellectually

disabled client and reversing a death sentence of a profoundly mentally ill client. Then and now, Lynn's passion to provide skilled legal representation to those unable to afford it has resulted in life-changing victories for her clients.

Prior to serving as an Assistant Federal Public Defender, Lynn was a partner at the Chicago law firm of Shefsky & Froelich where she represented businesses and governmental agencies in trial and appellate proceedings. After law school, Lynn was law clerk to Honorable Maurice B. Cohill, Jr. of the United States District Court, Western District of Pennsylvania.

Lynn received her law degree from Vanderbilt University School of Law where she was awarded the Junius I. Allison Prize for Public Interest Work. Lynn graduated Phi Beta Kappa and *magnum cum laude* with honors from the Economics department from Washington and Jefferson College. Today she serves on W&J's Pre-Law Advisory Committee.

Lynn is a sought-after speaker and author on topics that include sexual abuse, mental illness, intellectual disabilities, the death penalty, and appellate practice. Lynn is an avid tennis player and organizes tennis community service events that provide free tennis racquets and instruction to local children interested in the game of tennis.

Jonathan D. Lindenfeld (New York)

Jonathan Lindenfeld, Of Counsel at FeganScott, has developed an impressive record representing victims of consumer and securities frauds in class actions against some of the largest Fortune 500 companies in the financial, pharmaceutical, and automotive industries.



Jonathan was an integral part of the Lead Counsel team in *Zakikhani, et al. v. Hyundai Motor Company, et al.*, 8:20-cv-01584-SB-JDE (C.D. Cal.), which concerned a potentially deadly defect affecting millions of Hyundai and Kia vehicles, across dozens of models and over a decade of production model years. After several years of hard-fought litigation, FeganScott was able to achieve a settlement with the defendants on behalf of approximately three million class vehicle owners and lessees. When granting preliminary approval of the settlement, Judge Blumenfeld noted that the settlement was "comprehensive" and without "any obvious deficiencies." The settlement is valued at a minimum of \$326 million and may exceed \$650 million. Jonathan also played a central role in litigating through final approval of a settlement valued in excess of \$200 million in *In re Kia-Hyundai Vehicle Theft Litigation*, MDL No. 3052 (C.D. Cal).

Jonathan continues to litigate automobile defect class actions against the most popular car manufacturers in the world, including Hyundai, Kia, Honda, and Ford. In April 2023, Jonathan was appointed to the Plaintiffs' Executive Committee in *Mackie et al v. American Honda Motor*

Co., Inc. et al., No. 2022-cv-00736 (D. Minn.), an automobile class action representing millions of owners of Honda vehicles suffering from an engine defect.

Jonathan's prior experience includes securities litigation and shareholder derivative litigation while representing individual and institutional investors. Joining FeganScott in 2020, Jonathan opened the firm's New York City office.

Before joining FeganScott, Jonathan was an associate at the New York-based firm Pomerantz LLP, where his practice focused on federal securities litigation. At Pomerantz, Jonathan litigated cases against some of the largest generic pharmaceutical companies in the United States, arising from their alleged anticompetitive practices. Jonathan has worked alongside economic and legal experts to obtain numerous precedent-setting decisions, which have paved new avenues of relief for damaged investors.

Jonathan earned his Juris Doctor from Hofstra University School of Law, where he graduated *cum laude* with an honors business law concentration and interned at the U.S. Attorney's Office, Eastern District of New York. He was also an editor for the Hofstra Law Journal of International Business and Law. After law school, Jonathan was an associate at Levi & Korsinsky LLP. Jonathan earned his bachelor's degree in economics from Queens College.

Jonathan has been named to the New York *Super Lawyers* "Rising Stars" list each year since 2020 and to *Best Lawyers* "Ones to Watch" list for 2024 and 2025.

Jonathan is licensed in the states of New York and New Jersey; Southern District of New York; District of New Jersey; Eastern District of Michigan; and U.S. Courts of Appeals for the Third and Tenth Circuits.

Michael von Klemperer (Washington, D.C.)

Mike von Klemperer has devoted his career to fighting corporate fraud and wrongdoing. With over a decade of experience prosecuting high-profile and complex cases in a wide range of areas, including healthcare fraud, consumer protection, employment discrimination, class actions, whistleblower qui tam cases, antitrust, and patent infringement suits. Mike joined FeganScott in 2024 to serve the firm's consumer fraud practice from its newly opened Washington, D.C. office.



Before starting at FeganScott, Mike was a shareholder at Baron & Budd P.C. There, he played a leading role in cases seeking to hold the pharmaceutical industry accountable for its role in the opioid crisis and represented states and other government entities in litigation against

manufacturers, distributors, and retail pharmacies, ultimately helping to recover over \$1 billion for his clients.

Mike earned his Juris Doctor from Vanderbilt University Law School and then clerked at the U.S. District Court for the District of Columbia. After his clerkship, von Klemperer served as an associate for Kotchen & Low L.L.P. a boutique litigation firm based in Washington, D.C.

Senior Associate

Megan Shannon (Chicago)

Megan Shannon is a senior associate attorney at FeganScott's Chicago office. In this role, she helps prosecute class action cases across the firm's numerous practice areas, with particular attention on data privacy.



Prior to joining FeganScott, Megan was an associate attorney with Stephan Zouras LLP, where she started as a law clerk in 2017. After starting as an associate attorney in 2019, Megan independently managed over thirty complex class action cases, most of which focused on Illinois Biometric Information Privacy Act ("BIPA") claims and wage and hour matters under the Fair Labor Standards Act. Through her BIPA practice, Megan gained invaluable experience litigating matters of first impression, including assisting in various appeals to the Seventh Circuit and Illinois Appellate Court.

Megan earned her Juris Doctor from Chicago-Kent College of Law, where she graduated cum laude with a certificate in Workplace Litigation and Alternative Dispute Resolution. During her time at Chicago-Kent, Megan held the position of student editor for the Employee Rights and Employment Policy Journal and served as a fundraising event chair for the Kent Justice Foundation. As a law student, Megan interned in the City of Chicago Legal Department's Labor Division. She earned Bachelor of Arts degrees in political science and international studies from Loyola University Chicago.

Kyle Jacobsen (Philadelphia, PA)

Attorney Kyle A. Jacobsen has spent nearly a decade working on a variety of complex civil and criminal matters. Joining FeganScott in 2024, Kyle supports the Firm's antitrust and class action practices from its newly opened Philadelphia office.

At his previous firm, Ross Feller Casey, LLP, Kyle litigated cases primarily involving catastrophic medical malpractice, products liability, sexual assault, and wrongful death. He second-chaired multiple jury trials that went to verdict, and helped recover several tens of millions of dollars for victims and their families.

Kyle graduated cum laude from Temple University's Beasley School of Law and earned his undergraduate degree from Penn State University's Smeal College of Business.



Associate

Georgia Zacest (Texas)

Georgia Zacest is an associate attorney at FeganScott, where she supports the firm's civil rights and class action practice groups.

Prior to joining FeganScott, Georgia was an associate attorney at Case Law Ltd., a San Francisco-based personal injury firm, where she started as an intern in 2022. Her responsibilities there included drafting legal documents, communicating with clients, and negotiating successful settlements both pre-litigation and in mediation and settlement conferences.



Georgia earned her Juris Doctor from the University of Oregon School of Law, graduating Order of the Coif and with Outstanding Pro Bono Honors and a Mediation Certificate. During her time at Oregon Law, Georgia was Executive Editor of the Oregon Review of International Law. She also engaged in a project with the Honorable Karsten J. Rasmussen, drafting documents to submit to the Department of Interior and the Bureau of Land Management regarding forestland taxation in Oregon. Georgia earned a Bachelor of Arts in History and English from Boise State University, where she was a Division I athlete and a Top Ten Scholar.

Ashali Chimata (Washington, D.C.)

Ashali Chimata is an associate at FeganScott's Washington, D.C. office, where she supports the firm's class action practice.

Before joining FeganScott, Ashali served as a law clerk to the Honorable Robert E. Grossman of the United States Bankruptcy Court for the Eastern District of New York.

Ashali earned her J.D. from William & Mary Law School, where she was the Senior Notes Editor of the William & Mary Law Review and wrote her Note on the treatment of mass tort victims under the Bankruptcy Code. She earned her Bachelor of Arts in International Affairs from Texas A&M University.



Staff Attorney

Shannon Lohrentz

Shannon Lohrentz joined the FeganScott team as a staff attorney in 2024, bringing extensive experience managing complex e-discovery and document review initiatives to the firm.

Throughout her career, Shannon has used her e-discovery and document review expertise to advance litigation across antitrust, securities and employment practice areas. Most recently, Shannon excelled as a document review attorney at KLDISCOVERY, where she led quality control and privilege review projects, utilizing a variety of e-discovery software.

Shannon earned her Juris Doctor with a Certificate in International and Comparative Law from DePaul University College of Law and her Bachelor of Arts in English from DePaul University.



Dawn Ehlke

Dawn Ehlke joined FeganScott as a staff attorney in 2024. Experienced in document review and class action administration, she brings valuable expertise to support litigation across the firm's practice areas.

Previously, Dawn worked at K&L Gates as an e-discovery attorney before spending 15 years in senior customer success positions at various software companies, including Limeade, Zonar Systems and Thomson Reuters.

Dawn earned her Juris Doctor from Temple University School of Law and her Bachelor of Arts in History from the University of Washington.



Barbara Moran

Barbara Moran is a staff attorney at FeganScott specializing in class action litigation. With over thirty years of experience, she brings extensive expertise in document review and legal research to the firm.

Barbara has honed her skills in roles at several leading law firms and through her own practice, which she operated for 11 years. Most recently, she worked as an associate attorney at Slater, Slater, Schulman, where she was part of the litigation team that secured a historic \$2.45 billion settlement fund against the Boy Scouts of America on behalf of child sex abuse survivors.

After receiving her Bachelor of Arts at Rutgers University, Barbara earned her Juris Doctor from Stetson University College of Law.

