

ESPERION THERAPEUTICS INC/MI

Form 10-Q/A

October 28, 2003

**Table of Contents**

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

**FORM 10-Q/A**

(Mark One)

QUARTERLY REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

For the quarterly period ended: **June 30, 2003**

OR

TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

For the transition period from    to

Commission file number: **001-16033**

**ESPERION THERAPEUTICS, INC.**

(Exact name of registrant as specified in its charter)

**Delaware**  
(State of incorporation)

**38-3419139**  
(IRS Employer Identification No.)

**3621 S. State Street,  
695 KMS Place  
Ann Arbor, MI 48108  
(734) 332-0506**

(Address of principal executive offices, including zip code, and telephone number, including area code)

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days.

Yes

No

Indicate by check mark whether the registrant is an accelerated filer (as defined in Rule 12b-2 of the Exchange Act).

Yes

No

The number of outstanding shares of the registrant's common stock, as of August 8, 2003, was 33,577,270.

**TABLE OF CONTENTS**

SIGNATURES

INDEX TO EXHIBITS

Advisory Services Agreement

Certification

Certification

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**Table of Contents**

**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

Dated: October 28, 2003

ESPERION THERAPEUTICS, INC.  
(Registrant)

By: /s/ Roger S. Newton

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Roger S. Newton  
President and Chief Executive Officer  
(Principal Executive Officer)

By: /s/ Timothy M. Mayleben

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Timothy M. Mayleben  
Chief Operating Officer  
and Chief Financial Officer  
(Principal Financial Officer)

**Table of Contents**

**INDEX TO EXHIBITS**

| <b>Number</b> | <b>Exhibit</b>   |
|---------------|--|
| 10.55**       | Advisory Services Agreement among Scheer & Company, Inc., David I. Scheer and Esperion Therapeutics, Inc. dated as of April 28, 2003.  |
| 10.56+        | Employment arrangement between Adeoye Y. Olukotun and Esperion Therapeutics, Inc. dated June 4, 2003.  |
| 10.57+        | Amendment No. 1 to Esperion Therapeutics, Inc. 2000 Equity Compensation Plan (Amended and Restated Effective April 18, 2002).  |
| 10.58+        | Office Lease between State 94 Properties, L.L.C. and Esperion Therapeutics, Inc. dated as of June 28, 2003.  |
| 31.1+         | Certification pursuant to Rules 13a-14 (a) or 15d-14 (a) promulgated under the Securities Exchange Act of 1934, as amended.  |
| 31.2+         | Certification pursuant to Rules 13a-14 (a) or 15d-14 (a) promulgated under the Securities Exchange Act of 1934, as amended.  |
| 31.3**        | Certification pursuant to Rules 13a-14 (a) or 15d-14 (a) promulgated under the Securities Exchange Act of 1934, as amended.  |
| 31.4**        | Certification pursuant to Rules 13a-14 (a) or 15d-14 (a) promulgated under the Securities Exchange Act of 1934, as amended.  |
| 32.1+         | Certification pursuant to 18 U.S.C. Section 1350.  |
| 32.2+         | Certification pursuant to 18 U.S.C. Section 1350.  |
|               | Confidential treatment requested with respect to portions of the Agreement indicated with brackets and asterisks [* *]. A complete copy of this Agreement, including the redacted portions, has been separately filed with the Securities and Exchange Commission. |
| **            | Filed herewith.  |
| +             | Previously filed.  |