

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:22-cv-00453-PAB-KAS

MICHAEL BILINSKY, Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

v.

GATOS SILVER, INC.,
STEPHEN ORR,
ROGER JOHNSON,
PHILIP PYLE,
JANICE STAIRS,
ALI ERFAN,
IGOR GONZALES,
KARL HANNEMAN,
DAVID PEAT,
CHARLES HANSARD, and
DANIEL MUÑIZ QUINTANILLA,

Defendants.

**JOINT DECLARATION OF JOSEPH A. FONTI AND KATHRYN A. REILLY
IN SUPPORT OF: (I) PLAINTIFFS' MOTION FOR FINAL APPROVAL
OF THE SETTLEMENT AND APPROVAL OF THE PLAN OF ALLOCATION
AND (II) LEAD COUNSEL AND WTO'S MOTION FOR AWARDS OF
ATTORNEYS' FEES, LITIGATION EXPENSES, AND
REASONABLE COSTS AND EXPENSES TO PLAINTIFFS**

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JOSEPH A. FONTI and KATHRYN A. REILLY declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true:

1. Joseph A. Fonti is a partner at Bleichmar Fonti & Auld LLP (“Lead Counsel” or “BFA”), Court-appointed Class Counsel in the above-captioned action (the “Action”).¹ Kathryn A. Reilly is a partner with the law firm of Wheeler Trigg O’Donnell LLP (“WTO”), Liaison Counsel in the Action.

2. We submit this declaration in support of (I) Plaintiffs’ Motion for Final Approval of the Settlement and Approval of the Plan of Allocation and (II) Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Class Representatives.

3. We have personal knowledge of the matters set forth herein based on our active participation in the prosecution and settlement of the Action.

4. Attached hereto are true and correct copies of the following documents:

- a) Exhibit A – The Declaration of Lead Plaintiff Bard Betz in Support of:
(I) Plaintiffs’ Motion for Final Approval of the Settlement and Approval of the Plan of Allocation and (II) Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs (the “Betz Declaration” or “Betz Decl.”).

¹ Capitalized terms not defined herein have the meanings stated in the Amended Class Action Complaint for Violations of the Securities Laws (ECF No. 54) and the Stipulation and Agreement of Settlement dated September 12, 2023 (ECF No. 85-1).

- b) Exhibit B – The Declaration of Named Plaintiff Jude Sweidan in Support of:
(I) Plaintiffs’ Motion for Final Approval of the Settlement and Approval of the Plan of Allocation and (II) Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs (the “Sweidan Declaration” or “Sweidan Decl.”).
- c) Exhibit C – The Declaration of Robert A. Meyer in Support of the Settlement (the “Meyer Declaration” or “Meyer Decl.”).
- d) Exhibit D – The Declaration of Morgan Kimball Regarding (I) Mailing of Notice; (II) Publication of Summary Notice; (III) the Settlement Website and Contact Center Services; (IV) Claim Filing; and (V) Requests for Exclusion and Objections Received to Date (the “Kimball Declaration” or “Kimball Decl.”).
- e) Exhibit E – The Declaration of Kyle S. Bingham on Implementation of CAFA Notice (the “Bingham Declaration” or “Bingham Decl.”).
- f) Exhibit F – The Declaration of Joseph A. Fonti in Support of Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs, Filed on Behalf of Bleichmar Fonti & Auld LLP (the “Fonti Declaration” or “Fonti Decl.”).
- g) Exhibit G – The Declaration of Kathryn A. Reilly in Support of Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs, Filed on Behalf of Wheeler Trigg O’Donnell LLP (the “Reilly Declaration” or “Reilly Decl.”).

- h) Exhibit H – The Declaration of Brian Schall in Support of Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs, Filed on Behalf of The Schall Law Firm (the “Schall Declaration” or “Schall Decl.”).
- i) Exhibit I – The Declaration of Susan R. Podolsky in Support of Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs, Filed on Behalf of The Law Offices of Susan R. Podolsky (the “Podolsky Declaration” or “Podolsky Decl.”).

I. PLAINTIFFS’ PROSECUTION OF THE ACTION

A. Commencement of the Action and Appointment of Lead Plaintiff

5. The initial complaint in this action was filed on February 22, 2022, by Plaintiff Michael Bilinsky. (ECF No. 1.) The initial complaint alleged false and misleading statements in violation of Sections 11 and 15 of the Securities Act of 1933 (the “Securities Act”) and Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (the “Exchange Act”) against Gatos Silver, Inc., Stephen Orr (Gatos’s former CEO), Roger Johnson (Gatos’s former CFO), members of Gatos’s Board of Directors, and the underwriters of Gatos’s October 28, 2020 Initial Public Offering.

6. On April 25, 2022, Mr. Bard Betz moved for appointment as Lead Plaintiff pursuant to the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 78u-4(a)(3)(B). (ECF No. 16.) Seven other individuals and groups also moved for appointment as lead plaintiff: Kenneth Pigford (ECF No. 6); Richard Kennay (ECF No. 8); Mark Lloyd

(ECF No. 11); John Teselsky and Hong Nguyen (ECF No. 12); William Algeo (ECF No. 13); John Dockter, Scott Gelb, and Kaan Yazgan (ECF No. 14); and Kathleen Marcus (ECF No. 17).

7. On June 3, 2022, the Court appointed Mr. Betz as Lead Plaintiff and approved his selection of BFA as Lead Counsel. (ECF No. 49.) The Court found that “Mr. Betz satisfies the typicality and adequacy requirements of Rule 23,” and acknowledged BFA’s experience representing investors “in dozens of securities class actions” and that the firm’s partners have “secured significant recoveries on behalf of investors in some of the most prominent fraud cases in recent decades.” (*Id.* at 5-6.)

8. From inception of the Action through June 3, 2022, Lead Counsel devoted 180.75 hours to the Action, including conducting an initial investigation of the facts of the case and preparing the lead plaintiff motion and related papers, with a total lodestar of \$132,575.

9. After Lead Plaintiff and Lead Counsel’s appointment, the parties met and conferred, and submitted an agreed-upon proposed schedule for Lead Plaintiff to file an amended class action complaint and for briefing on Defendants’ anticipated motion to dismiss. (ECF No. 50.) The Court entered an order approving the schedule on June 14, 2022. (ECF No. 53.)

B. Plaintiffs’ Investigation and Filing of the Amended Class Action Complaint

10. Immediately after Mr. Betz was appointed Lead Plaintiff and BFA was appointed Lead Counsel, BFA commenced an extensive investigation to prepare the amended class action complaint.

11. As part of that investigation, BFA analyzed Gatos’s U.S. Securities and Exchange Commission (“SEC”) filings and Defendants’ other public statements, media reports, analyst reports, and historic stock data. BFA (working with investigators) also conducted an extensive

search to locate former Gatos employees with potentially relevant information, and the amended class action complaint (ECF No. 54) ultimately incorporated information from two former employees: a process manager at Gatos's CLG mine (FE-1), and the CLG mine manager (FE-2). (*Id.* ¶¶300-01.) These former employees provided detailed information that was critical to maximizing the value of the Class's claims. In addition, BFA retained forensic accounting experts at Hemming Morse LLP to assist in the evaluation of Gatos's financial statements.

12. On August 15, 2022, Lead Plaintiff and Named Plaintiff Jude Sweidan (with Lead Plaintiff, "Plaintiffs"), filed the Amended Class Action Complaint for Violations of the Securities Laws (the "Amended Complaint"). (ECF No. 54.) The Amended Complaint alleged violations of Sections 11 and 15 of the Securities Act and Sections 10(b) and 20(a) of the Exchange Act against Defendants Orr and Johnson, members of Gatos's Board of Directors (Defendants Stairs, Erfan, Gonzales, Hanneman, Peat, Hansard, and Quintanilla), as well as against Defendant Pyle, Gatos's former Chief Geologist.

13. Based on Plaintiffs' Counsel's investigation, the Amended Complaint significantly expanded and bolstered the allegations of the initial complaint, including by advancing detailed allegations that Gatos's financial statements violated Generally Accepted Accounting Principles ("GAAP") by understating depletion and depreciation expenses and overstating net income.²

14. The Amended Complaint also incorporated new, significant allegations concerning falsity and scienter. In particular, the Amended Complaint incorporated information from two former Gatos employees and alleged that Gatos's outside consultant, David Linebarger,

² "Plaintiffs' Counsel" refers collectively to Lead Counsel, WTO, The Schall Law Firm ("Schall"), and The Law Offices of Susan R. Podolsky ("Podolsky").

determined that there was an error in the 2020 Technical Report due to an incorrect software parameter such that the actual mineral reserves were 20 percent less than the 2020 Technical Report represented, and that Defendants Pyle (whom the Amended Complaint added as a Defendant), Orr, and Johnson were made aware of Linebarger's report detailing those findings. The Amended Complaint also alleged that the 2020 Technical Report's author, Tetra Tech, confirmed the error in the Report when confronted with Linebarger's findings, and that a third expert, Stantec, also agreed that the error existed. In addition, Lead Counsel identified and alleged insider sales of Gatos stock by Defendant Pyle and Mr. Huerta (Vice President of Gatos).

15. On October 3, 2022, after Plaintiffs had filed the Amended Complaint, Gatos publicly stated in a Form 8-K filed with the SEC that the 2020 Technical Report contained "material and compounding errors," including an incorrect software parameter—*i.e.*, the same alleged error identified in the Amended Complaint before Gatos publicly acknowledged it.

16. From June 4, 2022 through and including October 13, 2022, Lead Counsel devoted 1,093.25 hours and \$904,489 in total lodestar to investigating and preparing the Amended Complaint.

C. Defendants' Motion to Dismiss

17. On October 14, 2022, Defendants moved to dismiss the Amended Complaint, and filed a 41-page memorandum of law in support of their motion. (ECF No. 63.) Defendants argued that Plaintiffs had failed to allege any actionable misstatements or omissions, failed to raise a strong inference of scienter under the Exchange Act, and that Plaintiffs lacked standing to assert claims under the Securities Act—arguments that threatened to end or significantly narrow this litigation. Specifically, Defendants argued that:

- a) Defendants' challenged statements regarding the 2020 Technical Report's reserve and resource estimates were non-actionable opinions under the Supreme Court's decision in *Omnicare, Inc. v. Laborers Dist. Council Constr. Indus. Pension Fund*, 575 U.S. 175 (2015), and the Second Circuit's decision in *Martin v. Quartermain*, 732 F. App'x 37 (2d Cir. 2018), which held that statements estimating future gold production were non-actionable opinions, despite an expert consultant advising the company that its production figures were overstated;
- b) The Amended Complaint failed to allege the falsity of Defendants' challenged statements regarding the definitions and methodology associated with the reserve and resource estimates and Gatos's new drilling efforts because nothing in those statements was alleged to be false;
- c) The Amended Complaint failed to allege the falsity of Gatos's risk factor disclosure regarding the reserve and resource estimates because Plaintiffs failed to allege that Defendants knew those estimates were inaccurate;
- d) The Amended Complaint failed to allege the falsity of statements regarding Gatos's financial performance, GAAP compliance, internal controls, and impairment testing because the Company had not restated its financial results, admitted that its prior estimates did not comply with GAAP, admitted a material weakness in internal controls, or admitted that the Company should have performed impairment testing;

- e) The Amended Complaint failed to allege an actionable violation of Item 303 because it did not allege that Defendants should have credited Linebarger's report to the same extent as the 2020 Technical Report prepared by Tetra Tech;
- f) The Amended Complaint failed to allege Defendants' scienter because the more reasonable inference was that Defendants reasonably relied on the estimates prepared by Tetra Tech in the 2020 Technical Report, and the Amended Complaint failed to allege that Defendants should have relied on Linebarger's report instead;
- g) Defendants' statements regarding actual mining production results did not support an inference of scienter because they were true;
- h) Defendants' other challenged statements did not support scienter because Defendants had no reason to believe that Gatos's financial statements or its mineral reserve estimates were incorrect;
- i) The sales of Gatos stock by Defendant Pyle and Mr. Huerta did not support an inference of scienter because they were not unusual, these individuals maintained significant Gatos holdings after the sales, and other Defendants did not sell any stock;
- j) The departures of Defendants Orr, Johnson, and Pyle and of Mr. Kinyon (Gatos's former COO) did not support scienter because the Amended Complaint did not allege that their departures related to the mineral reserve errors; and

- k) Plaintiffs did not adequately allege standing to pursue the Section 11 claims because they did not purchase directly in Gatos's IPO or the July 2021 Offering, and could not trace their purchases to either offering.

18. On November 23, 2022, Plaintiffs filed a 41-page memorandum of law in opposition to Defendants' motion to dismiss. (ECF No. 67.) Plaintiffs argued that:

- a) Defendants' alleged false statements regarding mineral reserves and resources were false statements of present fact because (i) a fact-based estimate is not a subjective opinion that is protected under *Omnicare*, (ii) Defendants' "estimates" were objectively false when made; and (iii) Gatos admitted that the 2020 Technical Report contained "errors," meaning the "estimates" were false when issued under applicable industry and accounting standards;
- b) Even if the reserve and resource estimates were opinions, they still were actionable under *Omnicare* because (i) Defendants did not sincerely believe their statements in light of their receipt of the Linebarger report; (ii) the statements embedded false statements of fact, including claims that Tetra Tech had "verified" the mine plan in calculating the reserves, and that the estimates complied with stringent SEC requirements; and (iii) the statements were actionably misleading in omitting the allegedly known, material errors in the 2020 Technical Report;
- c) The Amended Complaint adequately alleged that Defendants violated Item 303 in omitting the known (1) uncertainty of the errors and overstatement in the 2020 Technical Report, and (2) trend that CLG's production rate was

unsustainable because the reserves would run out years earlier, and because Defendants allegedly knew the 2020 Technical Report was false based on the verification of three different experts;

- d) No formal restatement was required for Plaintiffs to allege the falsity of Gatos's financial statements and statements about GAAP compliance, internal controls, and impairment testing;
- e) The Amended Complaint adequately alleged the falsity of the other challenged statements, including definitions and methodology regarding the reserves and resources, Gatos's statements about risks related to reserve and resource estimates, and Defendants' statements touting new drilling activity that would purportedly result in more reserves;
- f) Defendant Pyle, Orr, and Johnson's actual knowledge of the error in the 2020 Technical Report demonstrated their scienter and they could not reasonably rely on Tetra Tech, particularly after Tetra Tech allegedly verified the existence of the error;
- g) Tetra Tech's ministerial consents to Gatos's re-filing of the 2020 Technical Report in a later SEC filing and its failure to withdraw the report did not replace Defendants' duty to tell the truth;
- h) Defendant Pyle's and Mr. Huerta's stock sales supported an inference of scienter because they generated substantial profits, amounted to sales of significant portions of their stock, and were unusual in timing;

- i) Defendants were motivated to maintain Gatos's stock price and complete the \$118 million July 2021 Offering;
- j) Defendants Orr and Johnson admitted to Gatos's lenders that they had provided them with an overestimation of mineral reserves that was incorrect when provided, supporting their scienter;
- k) Defendants Orr's and Pyle's statements touting their involvement in CLG's mining operations and the accuracy of the reserve and resource estimates supported their scienter;
- l) Gatos's "core operation" was to operate the CLG mine and extract its reserves and resources, supporting Defendants' knowledge of the alleged material errors;
- m) Defendants' alleged GAAP violations and Defendants Orr's and Johnson's Sarbanes-Oxley certifications further supported scienter;
- n) The magnitude and duration of alleged fraud, with an alleged overstatement of the amount of minerals by more than \$1.6 billion, supported scienter;
- o) The termination of Mr. Kinyon and Defendants Orr, Johnson, and Pyle supported scienter;
- p) Plaintiffs had standing to pursue the Section 11 claims because (i) they purchased shares that were traceable to the IPO and July 2021 Offering, (ii) Defendants failed to demonstrate that unregistered shares entered the market prior to Plaintiffs' purchases, and (iii) any insider sales had no impact on Plaintiffs' standing because they were made pursuant to a registration

statement that incorporated the same alleged misstatements as those made in the IPO and July 2021 Offering.

19. On December 23, 2022, Defendants filed a 35-page reply memorandum of law in further support of their motion to dismiss the Amended Complaint. (ECF No. 70.)

20. From October 14, 2022 through and including February 28, 2023, Lead Counsel devoted 479.35 hours with a total lodestar of \$421,218 to researching and drafting Plaintiffs' opposition to Defendants' motion to dismiss, analyzing Defendants' reply memorandum of law, and continuing to investigate the case pending oral argument or a decision on Defendants' motion to dismiss.

D. Joint Motion to Stay the Case and Pursue Settlement Negotiations

21. After completion of the motion to dismiss briefing, the parties agreed to engage in private mediation before Robert A. Meyer of JAMS. To facilitate that mediation, on April 13, 2023, the parties filed a joint motion to stay a ruling on Defendants' motion to dismiss the Amended Complaint, and advised the Court that they would provide a joint status update on or before June 15, 2023. (ECF No. 78.) The Court granted the motion and stayed the case on April 26, 2023. (ECF No. 79.)

E. Mediation Session with Robert A. Meyer

22. On June 13, 2023, the parties, their counsel, and representatives of Defendants' insurers participated in a full-day mediation with Mr. Meyer.

23. In advance of the mediation, the parties exchanged detailed mediation statements addressing liability, damages, and the strength of Defendants' pending motion to dismiss, among other issues.

24. On June 13, 2023, the parties exchanged multiple demands and counteroffers under Mr. Meyer's auspices. After vigorous negotiations and discussion, at the conclusion of the session, Mr. Meyer made a formal mediator's proposal that the case settle for \$21 million, and the parties accepted the mediator's proposal.

25. From March 1, 2023 through and including June 13, 2023, Lead Counsel devoted 123.1 hours with a total lodestar of \$132,909 to preparing for and attending the mediation session.

26. On June 15, 2023, the parties advised the Court that they had reached an agreement in principle to settle the Action and requested that the Court grant a temporary stay of proceedings pending submission of proposed settlement papers. (ECF No. 80.) On June 16, 2023, the Court entered an order continuing the prior stay of proceedings.

F. The Stipulation of Settlement and Plaintiffs' Motion for Preliminary Approval

27. After reaching an agreement in principle, the parties engaged in several weeks of negotiations to prepare the Stipulation and its exhibits, including the Notice, Long-Form Notice, Proof of Claim, and Summary Notice, and developed the Plan of Allocation with expert assistance.

28. The Settlement documents and unopposed preliminary approval motion were filed on July 13, 2023. (*See* ECF No. 82.)

29. Defendants' Counsel have advised that, on July 19, 2023, Defendants served the notice required under the Class Action Fairness Act, 28 U.S.C. § 1715 (2005), *et seq.* (*See* Ex. E (Bingham Decl.).)

30. Following the filing of the preliminary approval motion, counsel for Kathleen Marcus contacted the parties and raised a concern as to the scope of the Stipulation's Release with respect to claims for breach of fiduciary duty, unjust enrichment, or waste brought

by or on behalf of Gatos against the Individual Defendants or others, in connection with a litigation demand sent by Ms. Marcus to Gatos on April 27, 2023. In response to these concerns, the parties and Ms. Marcus agreed to revise the Release with clarifying language. The parties filed a joint notice informing the Court of the amendments to the Settlement documents on September 12, 2023. (*See* ECF No. 85.)

31. On February 29, 2024, the Court entered the Preliminary Approval Order. (ECF No. 87.)

32. From June 14, 2023 through April 19, 2024, Lead Counsel devoted 105.5 hours with a total lodestar of \$96,218 to Settlement-related efforts, including preparing the Motion for Preliminary Approval and accompanying papers, overseeing the Notice Plan, and preparing the motion for final approval of the proposed Settlement. All time concerning fee and expense award matters is excluded from these calculations.

II. THE SETTLEMENT IS FAIR, ADEQUATE, AND REASONABLE

A. The Settlement Is in the Best Interests of the Class Given the Risks Faced and the Settlement's Recovery of a Reasonable Range of Potential Damages

33. The proposed Settlement provides the Settlement Class with an immediate and certain cash benefit of \$21 million, which represents a meaningful percentage of reasonably recoverable damages, and is a highly favorable result given the risks of further litigation.

34. Plaintiffs and Plaintiffs' Counsel endorse the proposed Settlement. (*See* Ex. A (Betz Decl.) ¶¶7-10; Ex. B (Sweidan Decl.) ¶¶7-9.) Plaintiffs, who have overseen the prosecution of the action, understand and have executed their fiduciary duty to act in the best interest of the Settlement Class. Lead Counsel BFA specializes in complex securities class action litigation and is highly experienced in such litigation, and WTO has significant experience in class action

litigation. (*See* Ex F (Fonti Decl.) at Ex. 1 (BFA Resume); Ex. G (Reilly Decl.) at Ex. 1 (WTO Resume).) Based on their experience and knowledge of the facts and applicable law, Plaintiffs and Plaintiffs' Counsel have determined that the Settlement is in the best interest of the Settlement Class.

35. Although Plaintiffs and Plaintiffs' Counsel believe that the claims asserted are meritorious, continued litigation nonetheless posed significant risks to securing any recovery (much less a larger recovery than the proposed Settlement).

36. For example, Defendants' motion to dismiss threatened to end the Action by raising threshold issues of whether Plaintiffs adequately alleged any actionable misstatement or omission, scienter, and Securities Act standing. Had Defendants' falsity arguments prevailed, any potential recovery would have been eliminated altogether, while Defendants' arguments on scienter and standing threatened to significantly reduce any recovery.

37. Even assuming the Amended Complaint had survived Defendants' motion to dismiss, Defendants would maintain significant defenses, including arguments on falsity, materiality, scienter, and Securities Act standing, as well as loss causation and damages, which would have arisen at subsequent stages of the litigation, including summary judgment, trial, and on appeal.

38. Even if Plaintiffs had prevailed on liability at trial and on appeal, proving damages (and their amount) raised additional risks and would depend heavily on numerous variables, including whether Plaintiffs proved their Exchange Act and Securities Act claims, whether purchases prior to the July 2021 Offering were traceable to the IPO for purposes of the Securities Act, and the impact of Defendants' negative causation defense under the Securities Act.

39. These factors and risks resulted in a range of estimated damages. At the low end, for example, with expert assistance, Lead Counsel estimates that if Plaintiffs only prevailed on Securities Act claims based on the July 2021 Offering and Defendants proved negative causation, estimated damages would be approximately \$33.2 million. In that scenario, the proposed Settlement would amount to a 63% recovery—over half of estimated damages.

40. At the high end, estimated damages would be approximately \$224.5 million if Plaintiffs prevailed on all claims but Defendants prevailed on negative causation under the Securities Act. The \$224.5 million figure is far in excess of Defendants' realistic ability to pay; indeed, near the time of Settlement (as of May 31, 2023) the Company reported that it had only \$10.5 million in cash and \$9 million in outstanding debt. Setting aside the practical inability to recover \$224.5 million in damages, in this scenario, the proposed Settlement would amount to a 9.4% recovery.

41. Thus, the Settlement recovers between 9.4% and 63% of potential estimated damages. Setting aside the risks of achieving any recovery at all, even the low end of this range of potential recovery significantly exceeds the median recovery in other securities cases. For example, according to industry research, the median recovery in cases alleging violations of the Exchange Act (whether alone or in addition to other claims) was 4.8% between 2014 and 2022. *See* Cornerstone Research, *Securities Class Action Settlements, 2023 Review and Analysis* at 6, *available at* <https://www.cornerstone.com/wp-content/uploads/2024/03/Securities-Class-Action-Settlements-2023-Review-and-Analysis.pdf>. Here, even the low end of the percentage recovery (9.4%) is almost twice the median.

42. The \$21 million Settlement is a particularly favorable result in light of Gatos's financial condition at the time of the Settlement. For example, Gatos reported that it had a cash balance of \$10.5 million and \$9 million in outstanding debt as of May 31, 2023 (and although Gatos holds a 70% interest in a joint venture with additional cash, it cannot access those funds absent authorized distributions). Meanwhile, Gatos's primary asset—the CLG mine at issue in this Action—is being depleted, with Gatos reporting near the time the parties agreed to the proposed Settlement that the life of Gatos's only production mine, CLG, will end in 2028. Gatos cautioned in its 2023 Form 10-K that there is “no assurance” that Gatos will identify “any additional proven or probable mineral reserves,” and that the “failure to establish additional proven or probable mineral reserves would severely restrict our ability to implement our strategies for long-term growth, which include extending the current CLG life of mine.”

43. Importantly, the proposed Settlement guarantees the Settlement Class a prompt, favorable cash recovery and eliminates the substantial risks and delay of further litigation. Thus, Plaintiffs and Plaintiffs' Counsel firmly believe that the Settlement is in the best interest of the Settlement Class.

B. Notice, Claims, and Settlement Fund Administration

44. At Lead Counsel's direction, immediately after the Preliminary Approval Order, the Court-appointed notice and claims administrator, Epiq Class Action and Claims Solutions, Inc. (“Epiq”), began implementing the Court-approved notice program. Lead Counsel has received, and continues to receive, regular updates from Epiq on the status of the notice and claims process.

45. On March 8, 2024, Epiq activated the Settlement Website (www.GatosSecuritiesLitigation.com), which provides investors with access to the Notice,

Summary Notice, Long-Form Notice, the Proof of Claim form, important case documents, as well as FAQs and instructions on how to submit claims, opt-out from the Settlement, or submit an objection. (Ex. D (Kimball Decl.) ¶¶14-19.)

46. On March 11, 2024, the Court-approved Summary Notice was published in *Investor's Business Weekly* and transmitted over *PR Newswire*. (*Id.* ¶12.) That same day, Epiq caused the Summary Notice to be published by the Depository Trust Corporation (“DTC”) on the DTC Legal Notice System (“LENS”), which enables participating banks and brokers to review the Summary Notice and directly contact Epiq to obtain copies of the Notice for clients who may be Settlement Class Members. (*Id.* ¶13.)

47. In addition, commencing on March 11, 2024 and continuing through April 9, 2024, Epiq caused banner advertisements regarding the proposed Settlement to appear on millions of webpages containing *Yahoo! Finance* and *Google Display Network* digital properties. (*Id.* ¶12.)

48. On March 21, 2024, Epiq began delivering notices directly to the Gatos investors identified in the transfer list provided by Gatos to Epiq and to each entity included on a proprietary list of approximately 1,400 nominees, as provided in the notice plan set forth in Plaintiffs’ memorandum of law in support of their motion for preliminary approval (ECF No. 82-1 at 21), and the declaration of Morgan Kimball attached thereto (ECF No. 82-9), and in accordance with the Court’s instructions in the Preliminary Approval Order (ECF No. 87). (Ex. D (Kimball Decl.) ¶¶3-5.)

49. At Lead Counsel’s direction, Epiq also took additional steps with respect to nominees and brokers. Namely, Epiq followed up with certain nominees and brokers to ensure that they had received copies of the Notice, that they were following the Notice’s specific

instructions, and that they were communicating copies of the Notice to investors via email where possible. (*Id.* ¶7.)

50. To date, Epiq has sent 10,266 Notices. This includes 9,204 Notices either sent directly to investors identified by nominees or provided to nominees at their request so they can provide them directly to investors. To date, Epiq has received 3,649 names and addresses of potential Settlement Class Members from Nominees, and has received requests for, and provided, 5,555 copies of the Notice to nominees for them to forward to their customers. In addition, one nominee, Broadridge, has informed Epiq that it emailed 18,889 copies of the Notice to beneficial owners. The total of 29,155 Notices that have been sent to investors is 97% of Epiq's estimate when it first prepared the Notice plan. (*Id.* ¶¶5, 8-11.)

51. Pursuant to the Preliminary Approval Order, the deadline for Settlement Class Members to opt out of the Settlement is May 5, 2024, and the deadline for Settlement Class Members to object to the proposed Settlement is May 10, 2024. (*See* ECF No. 87 at 22-23.) To date, Epiq has not received any requests for exclusion or any objections. (Ex. D (Kimball Decl.) ¶¶27, 29.) Lead Counsel will file reply papers by May 24, 2024 to respond to any objections.

52. By March 30, 2024, per the terms of the Stipulation, The Huntington National Bank, as Escrow Agent, received the \$21 million Settlement Amount from Defendants and their insurance carriers. Per the terms of the Stipulation, the full amount has been invested in United States Agency or Treasury securities or other instruments backed by the full faith and credit of the United States Government or fully insured by the United States Government or any agency thereof.

C. The Plan of Allocation

53. The Plan of Allocation, contained in the Long-Form Notice, is designed to achieve the fair, equitable, and reasonable distribution of the Net Settlement Fund to Authorized Claimants based on estimates of their recognized losses in transactions in Gatos Securities during the Class Period.

54. Specifically, the Plan of Allocation (developed by Lead Counsel with expert assistance) calculates a “Recognized Loss Amount” for each purchase or acquisition of Gatos Securities (Gatos common stock, call options of Gatos, and put options of Gatos) during the Class Period listed on the Proof of Claim form for which the claimant provides adequate documentation.

55. Transactions in Gatos Securities may result in Exchange Act Recognized Loss Amounts, with the calculation depending on when the claimant purchased and/or sold the Gatos Securities and whether the claimant held the Gatos Securities through the 90-day look-back period after the end of the Class Period. *See* 15 U.S.C. § 78u-4(e).

56. Transactions in Gatos common stock traceable to the IPO or July 2021 Offering may result in Securities Act Recognized Loss Amounts. To avoid double-counting, the Plan of Allocation provides that a claimant’s Recognized Loss Amount for each purchase or acquisition of Gatos common stock during the Class Period shall be the greater of (a) the Securities Act Recognized Loss Amount (if any) or (b) the Exchange Act Recognized Loss Amount (if any). The calculation of Securities Act Recognized Loss Amounts generally reflects the Securities Act’s statutory damages formula and depends on the amount paid for each share of Gatos Common Stock (not to exceed the IPO or July 2021 Offering price, as applicable) and the price or value of the stock at the time of suit or the time of sale. *See* 15 U.S.C. § 78k(e).

57. A claimant's "Recognized Claim" is the sum of the claimant's Recognized Loss Amounts. The Net Settlement Fund will be allocated to Authorized Claimants on a *pro rata* basis based on their Recognized Claims in proportion to all Recognized Claims, as determined by Epiq.

58. In sum, the proposed Plan of Allocation, developed by Lead Counsel with expert assistance, was designed to fairly and rationally allocate the Net Settlement Fund among Authorized Claimants based on estimates of recognized losses calculated using the amounts, prices, and dates of their transactions, and appropriately recognizes the different methods to calculate damages under the Securities Act and the Exchange Act. Accordingly, Lead Counsel respectfully submits that the proposed Plan of Allocation is fair, reasonable, and adequate and should be approved.

III. LEAD COUNSEL AND WTO'S APPLICATION FOR ATTORNEYS' FEES, LITIGATION EXPENSES, AND REASONABLE COSTS AND EXPENSES TO PLAINTIFFS

59. Lead Counsel and WTO seek an award of attorneys' fees of 28% of the Settlement Fund, which includes interest at the same rate and for the same period as earned by the Settlement Fund (until paid). The requested fee award (equivalent to \$5,880,000 before interest) is the same amount that was conveyed to Settlement Class Members in the Notice (the "Fee Application"). Lead Counsel and WTO also request payment from the Settlement Fund for litigation expenses incurred in connection with the prosecution of the action in the amount of \$226,314, and awards totaling \$15,000 to Plaintiffs in recognition of their reasonable costs and expenses directly related to their representation of the Settlement Class (the "Expense Application").

A. Fee Application

60. For Plaintiffs' Counsel's efforts in achieving the \$21 million Settlement on behalf of the Settlement Class, Lead Counsel and WTO seek an award of attorneys' fees of 28% of the Settlement Fund.

61. With Plaintiffs' and the Settlement Class's support, Lead Counsel and WTO respectfully submit that the requested fee award is fair and reasonable and should be approved based on the time and labor expended by Plaintiffs' Counsel, the skill with which Plaintiffs' Counsel litigated the complex and difficult issues presented, the outstanding result achieved for the benefit of the Class, the risk and contingent nature of the representation, and counsel's experience and ability.

62. Indeed, as discussed in Lead Counsel and WTO's memorandum, the requested 28% fee is below the 33% typically awarded in similarly complex cases in this Circuit. Nationally, research by NERA Economic Consulting has found that in securities class action settlements between \$10 million and \$25 million in value, the median fee award was 27.5% (from 2014-2023), comparable to the 28% request here.³

1. Plaintiffs, and the Reaction of the Proposed Settlement Class, Support the Fee Request

63. Plaintiffs support the fee request. (*See* Ex. A (Betz Decl.) ¶¶11-15; Ex. B (Sweidan Decl.) ¶¶10-12.) The fee request is consistent with Lead Plaintiff Betz's retention agreement with counsel entered at the outset of Mr. Betz's involvement in this Action. (*See* Ex. A (Betz Decl.)

³ *See* Edward Flores and Svetlana Starykh, *Recent Trends in Securities Class Action Litigation, 2023 Full-Year Review*, NERA, 29 (Jan. 23, 2024).

¶13.) Plaintiffs’ support and *ex ante* agreement regarding the fee request weighs heavily in favor of approval of the requested fee.

64. The reaction of the Settlement Class to the proposed Settlement, including the fee request, further supports approval. The Notice advised Settlement Class Members that counsel would apply to the Court for an award of attorneys’ fees not to exceed 28% of the Settlement Fund, and over 29,000 Notices were transmitted. (Ex. D (Kimball Decl.) ¶11.) While the deadline for filing objections is May 10, 2024, to date, no Settlement Class Member has filed an objection to the proposed Settlement or the requested fee award. (*Id.* ¶29.) The absence of objections supports the requested fee. *See In re Crocs Sec. Litig.*, No. 07-cv-02351-PAB-KLM, 2014 WL 4670886, at *5 (D. Colo. Sept. 18, 2014) (“the fact that none of the class members objected to the requested attorneys’ fees is significant and weighs in favor of the requested award”); *McKeon v. Integrity Pizza LLC*, No. 18-cv-0932-WJM-KLM, 2020 WL 6782238, at *2 (D. Colo. Nov. 18, 2020) (same).

2. The Time and Labor Expended by Plaintiffs’ Counsel

65. Plaintiffs’ Counsel have devoted significant time and effort to the prosecution of this Action over the last two years: 2,210.55 hours with a total lodestar of \$1,853,045. (*See* Ex. F (Fonti Decl.) ¶8; Ex. G (Reilly Decl.) ¶9; Ex. H (Schall Decl.) ¶9; Ex. I (Podolsky Decl.) ¶8.) This time includes, among other things, investigating, drafting, and filing the Amended Complaint, which detailed complex and highly technical factual allegations; opposing Defendants’ motion to dismiss; and successfully leveraging this work in mediation to secure, through arms-length negotiations under Mr. Meyer’s auspices, a highly favorable resolution for the Settlement Class.

Plaintiffs' Counsel has excluded all time concerning fee and expense award matters from these calculations.

66. Attached hereto as Exhibits F, G, H, and I are declarations from Joseph A. Fonti, Kathryn A. Reilly, Brian Schall, and Susan R. Podolsky in support of the request for an award of attorneys' fees and litigation expenses. These declarations respectively identify the BFA, WTO, Schall, and Podolsky attorneys and support staff who have worked on this case; each individual's qualifications, experience, and role in the litigation; schedules summarizing the amount of time spent by the attorneys and professional support staff from inception through April 19, 2024, the rates applicable to each individual, and a lodestar calculation for each individual. The Reilly, Schall, and Podolsky Declarations further describe the work performed by WTO as Liaison Counsel, and the work performed by Schall and Podolsky as additional counsel for Plaintiffs, each under Lead Counsel's direction and supervision. (Ex. G (Reilly Decl.) ¶5; Ex. H (Schall Decl.) ¶5; Ex. I (Podolsky Decl.) ¶4.)

67. BFA's hourly billing rates for the attorneys involved in this matter (using current rates for current attorneys, and the rate in the final year of employment for attorneys no longer employed by BFA) range from \$950 to \$1,250 for partners, \$895 for Special Counsel, \$650 to \$795 for associates, and \$575 for Senior Project Associates.⁴ (Ex. F (Fonti Decl.) ¶¶8-9.)

⁴ Plaintiffs' Counsel have used current rates to account for inflation and the delay in payment. *See Bratcher v. Bray-Doyle Indep. Sch. Dist. No. 42 of Stephens Cty., Okl.*, 8 F.3d 722, 726 (10th Cir. 1993) ("The delay in payment of fees may be remedied 'by the application of current rather than historic hourly rates.'") (quoting *Missouri v. Jenkins*, 491 U.S. 274, 283-84 (1989)); *Duran v. Koehler*, No. 10-cv-01569, 2014 WL 4197578, at *3 (D. Colo. Aug. 25, 2014) (similar). For context, applying Lead Counsel's rates at the time the parties agreed to the proposed Settlement (in 2023), Lead Counsel's lodestar (which is 91% of Plaintiffs' Counsel's total) would be \$1,556,224, compared to \$1,687,409 at current rates.

68. WTO's current billing rates for attorneys involved in this matter range from \$630 to \$1,045 for partners, and \$475 for Staff Counsel. (Ex. G (Reilly Decl.) ¶¶8-9.)

69. The current billing rates for Schall attorneys involved in this matter range from \$800 to \$900 for partners. (Ex. H (Schall Decl.) ¶¶8-9.)

70. Ms. Podolsky's current billing rate as Principal of Podolsky is \$750. (Ex. I (Podolsky Decl.) ¶¶7-8.)

71. We believe these rates compare favorably to (and are significantly lower than) the rates charged by Defendants' counsel in this Action, which are paid on an hourly basis without regard to risk or result. In fact, based on information recently filed publicly in United States Bankruptcy Courts, the hourly rates of Defendants' counsel significantly exceed those of Plaintiffs' Counsel. *See, e.g., In re Instant Brands Acquisition Holdings Inc.*, No. 23-90716 (Bankr. S.D. Tex. Feb. 15, 2024), ECF No. 1093 (Davis Polk & Wardwell LLP's monthly fee statement for December 2023 showing hourly rates for partners ranged from \$1,975 to \$2,155; hourly rates for counsel of \$1,615; and hourly rates for associates ranged from \$645 to \$1,465).

3. The Novelty and Difficulty of the Questions Presented by the Litigation and Counsel's Skill in Representing the Class

72. The difficulties presented by this complex securities class action, and the skill required to successfully navigate them, favor approval of the requested fee award.

73. The Amended Complaint reflects Plaintiffs' Counsel's extensive work to develop highly technical allegations regarding the alleged overstatements of reserves and resources, and detailed accounting allegations that quantify the alleged financial impact of those overstatements. Lead Counsel deployed its experience and skill in securities litigation to develop these complex allegations.

74. In their motion to dismiss the Amended Complaint, Defendants’ primary argument was that the allegations showed, at most, competing expert opinions from Tetra Tech and Linebarger concerning the accuracy of reserves, coupled with arguments that Linebarger’s views were entitled to little or no weight because he was not Gatos’s official “qualified person” under relevant mining reporting regulations.

75. These arguments raised significant challenges with respect to the falsity of Defendants’ statements and their scienter. Specifically, invoking *Omnicare*, Defendants argued that Defendants’ statements were inactionable opinions, leveraging the Second Circuit’s decision in *Quartermain*, which affirmed that certain statements regarding mining reserve estimates were not actionable notwithstanding an expert consultant’s views. Plaintiffs’ Counsel skillfully responded to these arguments, but nonetheless faced substantial risk that they could defeat or substantially narrow the Class’s claims.

76. Finally, Plaintiffs’ Counsel leveraged the allegations of the Amended Complaint and the strength of Plaintiffs’ opposition to the motion to dismiss in connection with the mediation under the auspices of Mr. Meyer. These efforts resulted in securing a \$21 million recovery for the Settlement Class before a decision on the motion to dismiss.

4. The Outstanding Result Obtained

77. The \$21 million proposed Settlement achieved in this Action is an outstanding result by any measure. It is the eleventh-largest securities settlement in this District, and nationally, it significantly exceeds the median securities settlement in 2023 (\$14 million).⁵ As described

⁵ See Edward Flores and Svetlana Starykh, *Recent Trends in Securities Class Action Litigation, 2023 Full-Year Review*, NERA, 20 (Jan. 23, 2024).

above, the proposed Settlement represents a recovery of 9.4% to 63% of estimated damages—far more than the typical recoveries achieved in a securities class action. (*See* ¶¶39-41, *supra*.) Specifically, the recovery represents as much as 63% of estimated damages (in a scenario where Plaintiffs only prevailed on Securities Act claims based on the July 2021 Offering and Defendants proved negative causation). Even under a scenario where Plaintiffs prevailed on both the Exchange Act and Securities Act claims, subject to negative causation on the latter, the recovery represents 9.4% of estimated damages. This percentage is almost double the median 4.8% recovery in other securities cases—an exceptional result even before considering the practical inability to recover \$224.5 million in damages in light of Gatos’s serious financial constraints.

78. Notably, Plaintiffs’ Counsel has achieved this outstanding recovery promptly, without Settlement Class Members being subject to years of uncertainty that would accompany further litigation through discovery, summary judgment, trial, and appeals.

5. The Contingency of the Fee and Preclusion of Other Employment

79. The requested fee award is also reasonable in light of the significant risks assumed by Plaintiffs’ Counsel in prosecuting this complex class action on a fully contingent basis. Plaintiffs’ Counsel undertook the representation of the Class knowing that the litigation could last for years, provided no guarantee of any compensation, and would require the substantial investment of time that would otherwise have been devoted to other cases. Plaintiffs’ Counsel also assumed the risk of advancing all costs and expenses necessary to successfully prosecute the Action with no guarantee of any reimbursement.

80. Plaintiffs’ Counsel assumed the risk of a fully contingent representation in the face of Defendants’ vigorous opposition. Defendants’ team of highly experienced and skilled counsel

at Davis Polk sought to terminate this Action at the pleading stage on the basis that none of the alleged misstatements was actionable, including because the allegedly false resource and reserve estimates were forecasts and/or opinions. In addition, the Class's Section 10(b) claims require proof of scienter, which presented additional risks. Even if Plaintiffs defeated Defendants' motion to dismiss and summary judgment motions, then proceeded to trial, Plaintiffs faced a real risk that the jury would accept Defendants' arguments that their statements were merely subjective opinions—potentially eliminating any recovery—or credit Defendants' arguments that they reasonably relied on Tetra Tech's expert opinion, potentially foreclosing scienter and any recovery on the Exchange Act claims.

81. Plaintiffs' Counsel recognized these risks but nevertheless assumed responsibility for litigating the Action with no guarantee of any compensation. To date, Plaintiffs' Counsel has invested more than 2,200 hours of time into this action and incurred over \$226,000 in expenses, while receiving no compensation or reimbursement of any kind. Plaintiffs' Counsel's assumption of such significant risk, coupled with the quality of the results achieved, support the requested fee.

6. Counsel's Experience, Reputation, and Ability

82. BFA's, WTO's, Schall's, and Podolsky's firm resumes are attached to the Fonti Declaration (Ex. F), the Reilly Declaration (Ex. G), the Schall Declaration (Ex. H), and the Podolsky Declaration (Ex. I), respectively, which include further biographical information about each firm's attorneys and staff involved in this case, as well as background information about each firm and its experience.

83. Since its founding in 2014, BFA has recovered nearly \$2 billion for investors. Securities class actions that BFA has prosecuted and successfully resolved include a \$420 million

recovery in *In re Teva Securities Litigation*, No. 17-cv-0558 (D. Conn.); a \$234 million recovery in *In re MF Global Holdings Securities Litigation*, 11-cv-07866-VM (S.D.N.Y.); a \$219 million recovery in *In re Genworth Financial Inc. Securities Litigation*, 14-cv-00682-JAG (E.D. Va.); a \$129 million recovery in *Greene v. Granite Construction Inc.*, No. 19-cv-04744 (N.D. Cal.); and a \$120 million recovery in *Freedman v. Weatherford Int'l, Ltd.*, 12-cv- 02121-LAK (S.D.N.Y.).

84. BFA also serves as lead counsel in a number of high-profile pending securities class action lawsuits throughout the country, including *Ciarciello v. Bioventus Inc.*, No. 23-cv-00032 (M.D.N.C.); *Lozada v. TaskUs, Inc.*, No. 22-cv-01479 (S.D.N.Y.); *In re Talis Biomedical Securities Litigation*, No. 22-cv-00105 (N.D. Cal.); *Peters v. Twist Bioscience Corp.*, No. 22-cv-08168 (N.D. Cal.); and *Chow v. Enochian Biosciences Inc.*, No. 22-cv-01374 (C.D. Cal.).

85. As demonstrated in its firm resume, WTO has significant experience in class action litigation, having handled hundreds of class actions in state and federal courts in at least 33 states. (Ex. G (Reilly Decl.) ¶3, Ex. 1.) WTO leveraged its valuable experience litigating in this District in this Action.

86. Schall also has ample experience in securities litigation. Schall has helped recover nearly half a billion dollars for investors since 2017 and is singularly committed to recovering shareholder money from publicly traded companies that commit fraud. (Ex. H (Schall Decl.) ¶3, Ex. 1.)

87. Podolsky has over a decade of experience prosecuting securities class actions and has assisted in recovering \$898 million for investors. (Ex. I (Podolsky Decl.) ¶3.)

B. Expense Application

1. Plaintiffs’ Counsel’s Litigation Expenses

88. Lead Counsel and WTO respectfully request \$226,314 in litigation expenses that Plaintiffs’ Counsel has incurred in the prosecution of the case. Plaintiffs’ Counsel incurred these expenses with full knowledge that they might not recover any of them if the litigation was unsuccessful.

89. Given the fully contingent representation and the risks of litigation, Plaintiffs’ Counsel was incentivized to prosecute this Action as efficiently as possible without undermining its aggressive litigation strategy. Notably, the requested amount of expenses is nearly \$100,000 lower than the maximum amount of \$325,000 estimated in the Notice disseminated to the Class. To date, no Settlement Class Member has objected to the maximum amount of expenses set forth in the Notice, confirming the reasonableness of the requested expenses.

90. The litigation expenses incurred by Plaintiffs’ Counsel in prosecuting this Action are summarized by category and vendor below in Table 1, and are further described in the Fonti Declaration (Ex. F ¶¶13-16) and the Reilly Declaration (Ex. G ¶11).

TABLE 1

CATEGORY	CATEGORY TOTAL
Computer Research	\$2,103
Expert Fees	\$87,078
Litigation Support Vendor Fees	\$30,926
Outside Counsel	\$91,899
Mediation Fees	\$9,475
Postage and Overnight Mail	\$24
Service and Filing Fees	\$1,127
Accommodations	\$1,076
Meals	\$150

CATEGORY	CATEGORY TOTAL
Local Transportation	\$155
Out-of-Town Transportation	\$1,889
Miscellaneous	\$412
TOTAL	\$226,314

91. As noted in Plaintiffs’ declarations, Plaintiffs believe that the litigation expenses for which counsel is seeking reimbursement are reasonable and represent costs and expenses necessary for the prosecution of the case. (Ex. F (Fonti Decl.) ¶15; Ex. G (Reilly Decl.) ¶11.)

2. Plaintiffs’ Reasonable Costs and Expenses

92. Plaintiffs Bard Betz and Jude Sweidan also seek awards, pursuant to 15 U.S.C. § 78u-4(a)(4), of their costs and expenses directly related to their representation of the Class. As detailed in the Betz and Sweidan Declarations (Exhibits A and B, respectively), based on Plaintiffs’ time devoted to this Action, Lead Plaintiff Betz seeks an award of \$10,000 and Named Plaintiff Sweidan seeks an award of \$5,000. Together, these amounts are equal to the \$15,000 that the Notice advised the Settlement Class could be requested.

93. We respectfully submit that these awards are consistent with Congress’s intent, as expressed in the PSLRA, of encouraging investors to take active roles in supervising securities actions. As set forth in their declarations, Mr. Betz and Mr. Sweidan have been committed to pursuing this Action and diligently and effectively fulfilled their obligations as representative plaintiffs. We respectfully submit that their efforts and contributions merit the requested awards.

Dated: April 26, 2024

s/ Joseph A. Fonti

Joseph A. Fonti

s/ Kathryn A. Reilly

Kathryn A. Reilly

EXHIBIT A

Declaration of Lead Plaintiff Bard Betz in Support of:
(I) Plaintiffs' Motion for Final Approval of the Settlement and Approval of the Plan of Allocation and
(II) Lead Counsel and WTO's Motion for Awards of Attorneys' Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:22-cv-00453-PAB-KAS

MICHAEL BILINSKY, Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

v.

GATOS SILVER, INC.,
STEPHEN ORR,
ROGER JOHNSON,
PHILIP PYLE,
JANICE STAIRS,
ALI ERFAN,
IGOR GONZALES,
KARL HANNEMAN,
DAVID PEAT,
CHARLES HANSARD, and
DANIEL MUÑIZ QUINTANILLA,

Defendants.

**DECLARATION OF LEAD PLAINTIFF BARD BET IN SUPPORT OF:
(I) PLAINTIFFS' MOTION FOR FINAL APPROVAL OF THE SETTLEMENT AND
APPROVAL OF THE PLAN OF ALLOCATION AND (II) LEAD COUNSEL
AND WTO'S MOTION FOR AWARDS OF ATTORNEYS' FEES, LITIGATION
EXPENSES, AND REASONABLE COSTS AND EXPENSES TO PLAINTIFFS**

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

1. I am the Court-appointed Lead Plaintiff in the above-captioned action (the “Action”).¹

2. I submit this Declaration in support of (I) Plaintiffs’ Motion for Final Approval of the Settlement and Approval of the Plan of Allocation and (II) Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Class Representatives.

3. The matters set forth herein are based on my personal knowledge and/or discussion with Plaintiffs’ Counsel.

4. I purchased Gatos Securities during the Class Period and suffered substantial losses as a result of the alleged violations of the federal securities laws alleged in the Action. (*See* ECF No. 16-3, 16-6.)

5. Beyond seeking to recover the significant losses that I suffered as a result of my investment in Gatos Securities, I sought to serve as Lead Plaintiff in this Action because the allegations of wrongdoing—including that Defendants engaged in accounting fraud by overstating CLG mine’s mineral reserves and resources—affect the integrity of the securities markets.

¹ Capitalized terms not defined herein have the meanings stated in the Amended Class Action Complaint for Violations of the Securities Laws (ECF No. 54), the Stipulation and Agreement of Settlement dated September 12, 2023 (ECF No. 85-1), and the Joint Declaration of Joseph A. Fonti and Kathryn A. Reilly in Support of: (I) Plaintiffs’ Motion for Final Approval of the Settlement and Approval of the Plan of Allocation and (II) Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs (the “Joint Declaration” or “Joint Decl.”).

6. In seeking appointment as Lead Plaintiff and Class Representative in this Action, I understood my responsibility to serve the best interests of the Class by supervising the effective prosecution of this Action, and have done so at all times.

I. APPROVAL OF THE SETTLEMENT

7. I support approval of the proposed Settlement. I believe that the Settlement is the product of Plaintiffs' hard-fought negotiation and careful consideration on behalf of the Settlement Class.

8. I attended the parties' June 13, 2023, full-day mediation session in Los Angeles, California with Robert A. Meyer, Mr. Betz, Bleichmar Fonti & Auld LLP ("BFA"), The Schall Law Firm ("Schall"), Defendants' Counsel, and representatives of Gatos and various insurance carriers, leading to Mr. Meyer issuing a mediator's proposal that the case settle for \$21 million.

9. I carefully considered Mr. Meyer's recommendation in consultation with Plaintiffs' Counsel, including consideration of (among other things) the strength of the merits, Gatos's financial condition, the amount of realistically recoverable damages, and the risks of further litigation.

10. Based on my active involvement in the Action, my participation in the mediation session, and my understanding of the factors outlined above, I determined that the proposed Settlement was fair, reasonable, and adequate to the Settlement Class. I believe the Settlement represents an outstanding result that is fair, reasonable, and adequate to the Settlement Class.

II. LEAD COUNSEL AND WTO'S MOTION FOR AWARDS OF ATTORNEYS' FEES AND LITIGATION EXPENSES

11. I support Lead Counsel and WTO's motion for awards of attorneys' fees and litigation expenses.

12. As Lead Plaintiff, in retaining BFA and Schall for this matter, I determined that BFA and Schall were particularly well qualified based on their experience successfully litigating securities class actions on behalf of investors. I understood that Lead Counsel would devote the resources necessary to fully prepare the Class's claims for trial, if necessary, including by investing heavily in time and expenses to litigate the Action. In addition to BFA and Schall, Plaintiffs relied on valuable counsel from Wheeler Trigg O'Donnell LLP and The Law Offices of Susan R. Podolsky.

13. I recognize that the Court must approve any fee award. Prior to seeking appointment as Lead Plaintiff, I negotiated and entered into a retention agreement whereby I authorized counsel to request a fee of 28% of the amount recovered in the Action. The requested fee is consistent with my *ex ante* agreement with counsel.

14. In light of the result achieved, the work performed, and the risks faced in the Action, I support Lead Counsel and WTO's request for a fee award of 28% of the Settlement Fund and believe the requested amount represents a reasonable attorneys' fee award in the Action.

15. I further believe that the litigation expenses for which Lead Counsel and WTO are seeking reimbursement are reasonable, and represent costs and expenses necessary for the effective prosecution and resolution of this complex action, including consulting expert analysis regarding financial accounting and estimation of mineral reserves and resources.

III. LEAD PLANTIFF'S REQUEST FOR AN AWARD OF REASONABLE COSTS AND EXPENSES

16. I understand that the PSLRA authorizes the award of class representatives' reasonable costs and expenses, including lost wages. *See* 15 U.S.C. § 78u-4(a)(4). Accordingly,

I seek an award of my reasonable costs and expenses incurred in connection with my representation of the Settlement Class.

17. My costs and expenses in the Action total \$10,000, consisting of the estimated cost of 64 hours of time that I devoted to the Action based on a review of records. This time was primarily spent: consulting with Plaintiffs' Counsel on a regular basis; reviewing pleadings, motion papers, and other filings; and attending the mediation session on June 13, 2023, as described above.

18. Using a reasonable hourly rate of \$160, I request an award of \$10,000 in respect of the 64 hours of time that I devoted to the Action.

IV. CONCLUSION

19. As the Court-appointed Lead Plaintiff and proposed class representative, I strongly endorse the proposed Settlement as fair, reasonable, and adequate, and believe it represents an outstanding result for the Settlement Class.

20. I further support Lead Counsel and WTO's request for awards of attorneys' fees and litigation expenses and believe that it represents fair and reasonable compensation in light of the result achieved and the quality and amount of work that Plaintiffs' Counsel performed on a fully contingent basis, in the face of significant risks and uncertainties.

21. I also request an award of my reasonable costs and expenses in the Action, as set forth above.

Dated: 4/25/2024

DocuSigned by:
Bard Betz
9483973125A4464...

Bard Betz

EXHIBIT B

Declaration of Named Plaintiff Jude Sweidan in Support of:
(I) Plaintiffs' Motion for Final Approval of the Settlement and
Approval of the Plan of Allocation and
(II) Lead Counsel and WTO's Motion for Awards of Attorneys'
Fees, Litigation Expenses, and
Reasonable Costs and Expenses to Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:22-cv-00453-PAB-KAS

MICHAEL BILINSKY, Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

v.

GATOS SILVER, INC.,
STEPHEN ORR,
ROGER JOHNSON,
PHILIP PYLE,
JANICE STAIRS,
ALI ERFAN,
IGOR GONZALES,
KARL HANNEMAN,
DAVID PEAT,
CHARLES HANSARD, and
DANIEL MUÑIZ QUINTANILLA,

Defendants.

**DECLARATION OF NAMED PLAINTIFF JUDE SWEIDAN IN SUPPORT OF:
(I) PLAINTIFFS' MOTION FOR FINAL APPROVAL OF THE SETTLEMENT AND
APPROVAL OF THE PLAN OF ALLOCATION AND (II) LEAD COUNSEL AND
WTO'S MOTION FOR AWARDS OF ATTORNEYS' FEES, LITIGATION EXPENSES,
AND REASONABLE COSTS AND EXPENSES TO PLAINTIFFS**

JUDE SWEIDAN declares under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the following is true:

1. I am a Named Plaintiff in the above-captioned action (the “Action”).¹
2. I submit this Declaration in support of (I) Plaintiffs’ Motion for Final Approval of the Settlement and Approval of the Plan of Allocation and (II) Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Class Representatives.
3. The matters set forth herein are based on my personal knowledge and/or discussion with Plaintiffs’ Counsel.
4. I purchased Gatos common stock during the Class Period and suffered substantial losses as a result of the alleged violations of the federal securities laws alleged in the Action. (*See* ECF No. 54-1.)
5. Beyond seeking to recover the significant losses that I suffered as a result of my investment in Gatos Securities, I sought to serve as a Named Plaintiff in this Action because the allegations of wrongdoing—including that Defendants engaged in accounting fraud by overstating CLG mine’s mineral reserves and resources—affect the integrity of the securities markets.

¹ Capitalized terms not defined herein have the meanings stated in the Amended Class Action Complaint for Violations of the Securities Laws (ECF No. 54), the Stipulation and Agreement of Settlement dated September 12, 2023 (ECF No. 85-1), and the Joint Declaration of Joseph A. Fonti and Kathryn A. Reilly in Support of: (I) Plaintiffs’ Motion for Final Approval of the Settlement and Approval of the Plan of Allocation and (II) Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs (the “Joint Declaration” or “Joint Decl.”).

6. As a Named Plaintiff and in seeking to serve as a class representative in this Action, I understood my responsibility to serve the best interests of the Class by supervising the effective prosecution of this Action, and have done so at all times.

I. APPROVAL OF THE SETTLEMENT

7. I support approval of the proposed Settlement. I believe that the Settlement is the product of Plaintiffs’ hard-fought negotiation and careful consideration on behalf of the Settlement Class.

8. I understand that on June 13, 2023, the parties engaged in a formal full-day mediation session in Los Angeles, California with Robert A. Meyer, Mr. Betz, Bleichmar Fonti & Auld LLP (“BFA”), The Schall Law Firm (“Schall”), Defendants’ Counsel, and representatives of Gatos and various insurance carriers, leading to Mr. Meyer issuing a mediator’s proposal that the case settle for \$21 million.

9. Based on my involvement in the Action and my understanding of the strength of the merits, Gatos’s financial condition, the amount of realistically recoverable damages, and the risks of further litigation, I believe the Settlement represents an outstanding result that is fair, reasonable, and adequate to the Settlement Class.

II. LEAD COUNSEL AND WTO’S MOTION FOR AWARDS OF ATTORNEYS’ FEES AND LITIGATION EXPENSES

10. I support Lead Counsel and WTO’s motion for awards of attorneys’ fees and litigation expenses.

11. In light of the result achieved, the work performed, and the risks faced in the Action, I support Lead Counsel and WTO’s request for a fee award of 28% of the Settlement Fund and believe the requested amount represents a reasonable attorneys’ fee award in the Action.

12. I further believe that the litigation expenses for which Lead Counsel and WTO are seeking reimbursement are reasonable, and represent costs and expenses necessary for the effective prosecution and resolution of this complex action, including consulting expert analysis regarding financial accounting and estimation of mineral reserves and resources.

III. NAMED PLAINTIFF’S REQUEST FOR AN AWARD OF REASONABLE COSTS AND EXPENSES

13. I understand that the PSLRA authorizes the award of class representatives’ reasonable costs and expenses, including lost wages. *See* 15 U.S.C. § 78u-4(a)(4). Accordingly, I seek an award of my reasonable costs and expenses incurred in connection with my representation of the Settlement Class.

14. My costs and expenses in the Action total \$5,000, consisting of the estimated cost of 20 hours of time that I devoted to the Action in place of my regular employment. This time was primarily spent consulting with Plaintiffs’ Counsel on a regular basis.

15. Using a reasonable hourly rate of \$250, I request an award of \$5,000 in respect of the 20 hours of time that I devoted to the Action in place of my regular employment.

IV. CONCLUSION

16. As a Named Plaintiff and proposed class representative, I strongly endorse the proposed Settlement as fair, reasonable, and adequate, and believe it represents an outstanding result for the Settlement Class.

17. I further support Lead Counsel and WTO’s request for awards of attorneys’ fees and litigation expenses and believe that it represents fair and reasonable compensation in light of the result achieved and the quality and amount of work that Plaintiffs’ Counsel performed on a fully contingent basis, in the face of significant risks and uncertainties.

18. I also request an award of my reasonable costs and expenses in the Action, as set forth above.

Dated: 4/24/2024

DocuSigned by:
Jude Sweidan
090523f0706438...

Jude Sweidan

EXHIBIT C

Declaration of Robert A. Meyer in Support of the Settlement

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:22-cv-00453-PAB-KLM

MICHAEL BILINSKY, Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

v.

GATOS SILVER, INC.,
STEPHEN ORR,
ROGER JOHNSON,
PHILIP PYLE,
JANICE STAIRS,
ALI ERFAN,
IGOR GONZALES,
KARL HANNEMAN,
DAVID PEAT,
CHARLES HANSARD, and
DANIEL MUÑIZ QUINTANILLA,

Defendants.

DECLARATION OF ROBERT A. MEYER IN SUPPORT OF SETTLEMENT

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

1. I submit this Declaration in my capacity as the mediator in the above-captioned action (the “Action”) and in connection with the proposed settlement of the Action.¹ I make this Declaration based on personal knowledge and am competent to testify.

I. BACKGROUND AND QUALIFICATIONS

2. I currently serve at JAMS in Los Angeles, California as a mediator in complex business litigation pending throughout the United States, including securities class actions, derivative and stockholder actions, professional liability lawsuits against accounting and law firms, litigation involving banking and complex financial instruments, cases arising under ERISA, intellectual property disputes, consumer class actions, high-profile employment matters, and other commercial disputes.

3. Prior to joining JAMS, I was a partner and Chair of Professional Services Litigation and General Counsel at Loeb & Loeb LLP, where I practiced from 1975 to 2017.

4. I am a Fellow of the American College of Trial Lawyers and have represented both plaintiffs and defendants in derivative litigation, securities and class action suits, intellectual property litigation (including copyright, trademark, and right of publicity lawsuits), attorneys’ and accountants’ professional liability lawsuits, and claims involving breach of contract and commercial fraud.

¹ Capitalized terms not defined herein have the meanings stated in the Complaint (ECF 54), or the Amended Stipulation of Settlement (ECF 85-1).

5. I earned my Bachelor of Arts degree from the American University School of International Service in 1972 and my Juris Doctor degree from Georgetown University Law Center in 1975.

II. THE ARM'S-LENGTH SETTLEMENT NEGOTIATIONS

6. On June 13, 2023, the parties, their counsel, and representatives of Defendants' insurers attended an in-person, full-day mediation session in Los Angeles, California. The attendees included counsel for Plaintiff (Bleichmar Fonti & Auld LLP and The Schall Law Firm) and counsel for Gatos and the Individual Defendants (Davis Polk & Wardwell LLP).

7. Prior to that mediation conference, the parties exchanged confidential mediation statements, addressing issues of liability and the strength of the allegations in the Amended Complaint and the pending motion to dismiss.

8. During the June 13, 2023 mediation conference, the parties separately conferred with me regarding the strengths and weaknesses of the parties' claims and defenses. In separate discussions with Plaintiff's counsel and Defendants' counsel, the parties exchanged several rounds of demands and counter-offers, but the parties were not able to independently reach a resolution. At the conclusion of the session, in an effort to resolve the case, I issued a mediator's proposal that the case settle for \$21 million. The parties accepted this proposal.

9. The mediation process was conducted with a high degree of professionalism from beginning to end and was conducted by experienced and able counsel on both sides. Throughout the mediation process, the negotiations between the parties were vigorous and conducted at arm's-length and in good faith. Because the parties submitted their mediation statements and arguments in the context of a confidential mediation process pursuant to Federal Rule of Evidence 408, I

cannot reveal their content. I can say, however, that the arguments and positions asserted by all involved were the product of substantial work, they were complex and reflected a detailed and in-depth understanding of the strengths and weaknesses of the claims and defenses in this case, and the negotiations were extremely hard-fought.

III. CONCLUSION

10. Based on my experience as a litigator and a mediator, I believe that it was in the best interests of the parties that they avoid the burdens and risks associated with further litigation and that the settlement represents a recovery and outcome that is reasonable and fair for all parties involved. I support the Court's approval of the settlement in all respects, except that I do not take a position on any application for attorney's fees, litigation expenses, or Plaintiffs' costs and expenses.

Dated: April 16, 2024


s/ Robert A. Meyer

EXHIBIT D

Declaration of Morgan Kimball Regarding (I) Mailing of Notice; (II) Publication of Summary Notice; (III) the Settlement Website and Contact Center Services; (IV) Claim Filing; and (V) Requests for Exclusion and Objections Received to Date

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:22-cv-00453-PAB-KAS

MICHAEL BILINSKY, Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

v.

GATOS SILVER, INC.,
STEPHEN ORR,
ROGER JOHNSON,
PHILIP PYLE,
JANICE STAIRS,
ALI ERFAN,
IGOR GONZALES,
KARL HANNEMAN,
DAVID PEAT,
CHARLES HANSARD, and
DANIEL MUÑIZ QUINTANILLA,

Defendants.

**DECLARATION OF MORGAN KIMBALL REGARDING (I) MAILING OF NOTICE;
(II) PUBLICATION OF SUMMARY NOTICE; (III) THE SETTLEMENT WEBSITE
AND CONTACT CENTER SERVICES; (IV) CLAIM FILING; AND (V) REQUESTS
FOR EXCLUSION AND OBJECTIONS RECEIVED TO DATE**

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

1. I am a Project Manager for Epiq Class Action and Claims Solutions, Inc. (“Epiq”). I am providing this declaration at the request of Lead Counsel Bleichmar Fonti & Auld LLP (“Lead Counsel”), on behalf of Plaintiffs, in connection with Plaintiffs’ Motion for Final Approval of the Settlement and Approval of the Plan of Allocation.¹ This declaration supplements my prior declaration. (ECF No. 82-9.) I make this declaration based on personal knowledge, and if called to testify, I could and would do so competently.

2. Pursuant to the Court’s February 29, 2024 Preliminary Approval Order (ECF No. 87), Epiq is authorized to act as the Claims Administrator in connection with the Settlement of the above-captioned action (the “Action”). This declaration provides information regarding: (i) the mailing of the Notice; (ii) the publication of the Summary Notice; (iii) the implementation of the Settlement Website and contact center services; (iv) the current status of claim filings; and, (v) the requests for exclusion and objections received by Epiq to date.

I. MAILING OF THE NOTICE

3. On March 21, 2024, in accordance with the Preliminary Approval Order, Epiq began mailing the Court-approved self-mailer notice (the “Notice”) to potential Settlement Class

¹ Capitalized terms not defined herein have the meanings stated in the Amended Class Action Complaint for Violations of the Securities Laws (ECF No. 54), the Stipulation and Agreement of Settlement dated September 12, 2023 (ECF No. 85-1), and the Joint Declaration of Joseph A. Fonti and Kathryn A. Reilly in Support of: (I) Plaintiffs’ Motion for Final Approval of the Settlement and Approval of the Plan of Allocation and (II) Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs (the “Joint Declaration” or “Joint Decl.”).

Members and banks, brokers, and other nominees (the “Initial Mailing”). The Initial Mailing included 71 Notices that were mailed via United States Postal Service (“USPS”) First-Class Mail to the addresses contained in the Transfer List provided by Defendants.

4. As in most class actions of this nature, the large majority of potential Settlement Class Members are expected to be beneficial purchasers whose securities are held in “street name”—*i.e.*, the securities are purchased and held by brokerage firms, banks, institutions, and other third-party nominees on behalf of the beneficial purchasers. Epiq maintains and updates a proprietary internal list of approximately 1,400 nominees, including the largest and most common banks, brokers, and other nominees. The Initial Mailing included 990 Notices mailed to addresses from Epiq’s internal list of nominees.

5. In total, Epiq mailed 1,061 copies of the Notice as part of the Initial Mailing. A copy of the Notice in the form it was mailed is attached hereto as Exhibit 1.

6. The Notice directed nominees and brokers who purchased Gatos Securities for the beneficial interest of a person or organization other than themselves to, within seven (7) calendar days of receipt of the Notice, either: (i) provide a list of the names and addresses of all such beneficial owners to Epiq; or (ii) request from Epiq sufficient copies of the Notice to forward to all such beneficial owners, and, within seven (7) calendar days of receipt of those Notices, forward them to all such beneficial owners.

7. At Lead Counsel’s direction, Epiq took additional steps to provide nominees and brokers with advance notice of the Initial Mailing, to follow up with nominees and brokers that it had not yet heard from to ensure that they had received Notices, to ensure they were following the Notice’s specific instructions to provide beneficial owner information or request copies of the

Notice for forwarding to beneficial owners, and to confirm that nominees and brokers were communicating copies of the Notice to investors via email where possible. Prior to the Initial Mailing, Epiq identified the top 26 nominees from Epiq's internal list of nominees. Epiq emailed these nominees to let them know that the Initial Mailing would occur on March 21, 2024, to encourage quick submissions of broker mailing requests or inquiries, and to provide a copy of the Notice they will be receiving. Following the Initial Mailing, for any of these nominees that had not yet responded to the Notice, an Epiq representative personally called and/or emailed the nominees to remind them to do so, and followed up at least twice with nominees that did not respond to this individual outreach.

8. From the Initial Mailing through the date of this Declaration, Epiq received, and mailed Notices to, an additional 3,649 names and addresses of potential Settlement Class Members obtained from brokerage firms, banks, and other nominees. Epiq has also received requests from brokers and nominees for 5,555 Notices to be forwarded by them to their customers, which Epiq provided to those brokers and nominees, as well as requests from potential Settlement Class Members by telephone or correspondence for one (1) Notice. All such requests have been, and will continue to be, addressed and completed in a timely manner.

9. As of the date of this Declaration, a total of 10,266 Notices have been mailed to potential Settlement Class Members, including Notices sent directly to nominees at their request for transmission to investors.

10. In addition, one nominee, Broadridge, has informed Epiq that it emailed 18,889 copies of the Notice to beneficial owners.

11. While Epiq initially estimated that up to 30,000 Notices could be mailed, this estimate was developed before receiving the Transfer List from Defendants and the names and addresses of beneficial owners from brokers and nominees. Epiq believes that the dissemination of 29,155 Notices to date compares favorably with the scope of individual notice in other large securities class action settlements. Further, Epiq believes that, as discussed below, the distribution of 29,155 Notices, together with the publication of the Summary Notice and establishment of the Settlement Website, has provided potential Settlement Class Members with the best notice practicable under the circumstances, and effectively advised them of the Settlement and the opportunity to submit claims, object, or seek exclusion.

II. PUBLICATION OF THE SUMMARY NOTICE

12. On March 11, 2024, the Court-approved Summary Notice was published in *Investor's Business Daily* and was transmitted over *PR Newswire*. On March 11, 2024, and continuing through April 9, 2024, Epiq also published digital notice in the form of banner advertisements on the *Google Display Network* and *Yahoo! Finance* websites. Copies of the proofs of publication of the Summary Notice in *Investor's Business Daily*, transmission over *PR Newswire*, and digital notice on *Google Display Network* and *Yahoo! Finance* are attached hereto as Exhibit 2.

13. On March 11, 2024, Epiq also caused the Summary Notice to be published by the Depository Trust Corporation (“DTC”) on the DTC Legal Notice System (“LENS”), which enables participating banks and brokers to review the Summary Notice and directly contact Epiq to obtain copies of the Notice for clients who may be Settlement Class Members.

III. THE SETTLEMENT WEBSITE

14. Epiq, in coordination with Lead Counsel, designed, implemented, and maintains a website dedicated to the Settlement of the Action (www.GatosSecuritiesLitigation.com) (the “Settlement Website”). The Settlement Website’s address is set forth in the Notice and Long-Form Notice delivered to potential Settlement Class Members and nominees, and was published in the Summary Notice.

15. The Settlement Website became operational on March 8, 2024, ahead of the Court-ordered schedule, and is accessible 24 hours a day, 7 days a week. The Settlement Website provides summary information regarding the case and Settlement, and highlights important dates, including dates to submit claims, opt out, or file objections, as well as the date of the Fairness Hearing.

16. The Settlement Website provides copies of the Notice, Summary Notice, Long-Form Notice, and Proof of Claim form, as well as answers to frequently asked questions, instructions on how to submit claims, how to opt out of the Settlement, and how to submit objections.

17. The Settlement Website also contains downloadable copies of other documents related to the Action, including the Court’s Preliminary Approval Order, the Amended Class Action Complaint filed August 15, 2022, the Stipulation, and Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Settlement filed July 13, 2023. In addition, Epiq will promptly post copies of the papers being filed in support of final approval of the Settlement, approval of the Plan of Allocation, and awards of attorneys’ fees, litigation expenses, and reasonable costs and expenses to Plaintiffs.

18. The Settlement Website also includes a link to a claim filing module through which Settlement Class Members may submit their claims online, a link to an opt-out module through which Settlement Class Members may submit their requests for exclusion online, and a link to a nominee module through which nominees and brokers may electronically submit claims on behalf of Settlement Class Members and lists of the names and addresses of potential Settlement Class Members to which Epiq will mail Notices. Epiq will continue operating, maintaining and, as appropriate, updating the Settlement Website until the conclusion of the claims administration process.

19. As of the date of this Declaration, there have been 5,114 unique visitors to the Settlement Website and 9,005 pageviews. Additionally, of those 9,005 pageviews, 170 were of the downloadable Proof of Claim form.

IV. CONTACT CENTER SERVICES

20. Epiq reserved a toll-free telephone number for the Settlement, 1-877-757-6172. Epiq also published the telephone number in the Notice, Summary Notice, Long-Form Notice, and on the Settlement Website.

21. The telephone number, which became operational on March 8, 2024, connects callers with an Interactive Voice Response (“IVR”) system. The IVR provides callers with access to additional information that has been pre-recorded and is in operation 24 hours a day, 7 days a week. The pre-recorded message provides callers with a brief summary of the Settlement and the option to select one of several more detailed recorded messages addressing frequently asked questions. The IVR also allows callers to request that a copy of the Long-Form Notice and Proof of Claim form be mailed to them, or the caller may opt to speak with a trained operator Monday

through Friday from 7:00 a.m. to 7:00 p.m. M.T. (excluding official holidays) regarding the status of the Settlement and/or to obtain answers to questions they may have.

22. As of the date of this Declaration, Epiq has received a total of 43 calls to the telephone number dedicated to the Settlement, including 25 calls that were handled by a live operator. Epiq has promptly responded to each telephone inquiry and mailing request and will continue to do so.

23. Additionally, Epiq maintains and monitors an email address established for the Settlement (info@GatosSecuritiesLitigation.com) as well as a P.O. Box dedicated to this Settlement (*Gatos U.S. Securities Litigation*, P.O. Box 5678, Portland, OR 97228-5678) for potential Settlement Class Members and nominees to submit questions and inquiries via email and mail. As of the date of this Declaration, Epiq has received 83 emails and mailed correspondence and responded as appropriate.

V. CLAIM FILING

24. The Notice, Summary Notice, Long-Form Notice, IVR, and Settlement Website inform potential Settlement Class Members that, to be eligible to receive a payment from the Net Settlement Fund, they must submit a Proof of Claim form online via the Settlement Website by June 19, 2024, or by mail such that it is postmarked by June 19, 2024. As is typical in other claims administration matters of this kind, Epiq will continue to process claims received or postmarked after June 19, 2024, until such time as the receipt and processing of new late claims will impact decisions on disbursements.

25. As of the date of this Declaration, Epiq has received 182 Proof of Claim forms from potential Settlement Class Members and brokerage firms, banks, institutions, and other nominees.

VI. REQUESTS FOR EXCLUSION AND OBJECTIONS

26. The Notice, Summary Notice, Long-Form Notice, IVR, and Settlement Website inform potential Settlement Class Members that requests for exclusion from the Settlement Class must be electronically submitted via the Settlement Website or postmarked no later than May 5, 2024. The Notice, Long-Form Notice, and Settlement Website instruct potential Settlement Class Members who wish to exclude themselves from the Settlement Class to submit a written request for exclusion that provides specific information, including records of their transactions in Gatos Securities.

27. As of the date of this Declaration, Epiq has not received and is not aware of any requests for exclusion.

28. The Notice, Summary Notice, Long-Form Notice, IVR, and Settlement Website also inform potential Settlement Class Members that they may object to the Settlement, the proposed Plan of Allocation, or the application for awards of attorneys' fees, litigation expenses, and reasonable costs and expenses to Plaintiffs pursuant to 15 U.S.C. § 78u-4(a)(4); that the objection must be made in writing and filed with the Court in accordance with all of the instructions set forth in the Long-Form Notice; and, that objections must be received or filed, not simply postmarked, on or before May 10, 2024.

29. As of the date of this Declaration, Epiq has not received and is not aware of any objections to the Settlement, the proposed Plan of Allocation, or the application for awards of attorneys' fees, litigation expenses, and reasonable costs and expenses to Plaintiffs pursuant to 15 U.S.C. § 78u-4(a)(4).

Dated: April 26, 2024


By: 
_____ Morgan Kimball

Exhibit 1

Notice of Proposed Settlement of Class Action

Gatos U.S. Securities Litigation
Claims Administrator
P.O. Box 5768
Portland, OR 97228-5768

PRESORTED
FIRST-CLASS MAIL
AUTO
U.S. POSTAGE
PAID
PORTLAND, OR
PERMIT NO. 2882

**IMPORTANT NOTICE FROM THE
UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLORADO**

NOTICE OF CLASS SETTLEMENT

If you purchased or otherwise acquired Gatos common stock during the period from October 28, 2020 through January 25, 2022 (both inclusive), or purchased or otherwise acquired publicly traded call options on Gatos common stock and/or sold publicly traded put options on Gatos common stock during the period from December 9, 2020 through January 25, 2022 (both inclusive), you may be affected by a proposed class settlement.

**THE SETTLEMENT MAY AFFECT YOUR
LEGAL RIGHTS. YOU MAY BE ELIGIBLE
FOR A CASH PAYMENT. PLEASE READ
THIS NOTICE CAREFULLY.**

This Notice provides only limited information about the Settlement. For more information, please visit www.GatosSecuritiesLitigation.com (the “Settlement Website”) or call the Claims Administrator at 877-757-6172.

Important Settlement Notice: *Bilinsky v. Gatos Silver Inc. et al.*, No. 1:22-cv-00453-PAB-KLM (D. Colo.) (the “Action”)

The Parties have reached a proposed Settlement that, if approved, will resolve the Released Claims against the Defendants and their Related Parties on behalf of the Settlement Class.

Gatos and/or its insurance carriers have agreed to pay \$21,000,000. This amount, plus accrued interest, and after deduction of Court-approved attorneys’ fees and expenses (including any awards to Plaintiffs), Notice and Administration Costs, and Taxes, will be allocated, pursuant to the Plan of Allocation in the Long-Form Notice, among Settlement Class Members who submit valid claims.

You may be a Settlement Class Member if you purchased or otherwise acquired Gatos common stock pursuant or traceable to the 2020 Registration Statement or the 2021 Registration Statement or purchased or otherwise acquired Gatos common stock or publicly traded call options on Gatos common stock and/or sold publicly traded put options on Gatos common stock during the period from December 9, 2020 through January 25, 2022 (both inclusive).

TO BE ELIGIBLE FOR PAYMENT, YOU MUST SUBMIT A VALID PROOF OF CLAIM ONLINE OR POSTMARKED BY JUNE 19, 2024. THE FORM IS AVAILABLE FROM THE SETTLEMENT WEBSITE, WWW.GATOSSECURITIESLITIGATION.COM, OR BY MAIL UPON REQUEST THROUGH THE WEBSITE OR BY CALLING THE CLAIMS ADMINISTRATOR AT 877-757-6172.

The Settlement Website contains a Long-Form Notice with additional information that you should review.

You must comply with the Long-Form Notice's complete instructions on how to submit a Proof of Claim, exclude yourself, or object. In summary, you have three options:

Option 1: Submit a Proof of Claim (with further options to object to the Settlement and/or appear at the Fairness Hearing).

Option 2: Exclude yourself from the Settlement Class, as detailed below.

Option 3: Do nothing. You will still be bound by the Settlement and will fully release all Released Claims against Defendants and their Related Parties.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

OPTION 1: SUBMIT A PROOF OF CLAIM SUBMITTED ONLINE OR POSTMARKED BY JUNE 19, 2024

This is the only way to be eligible to get a payment from the Settlement. If you wish to participate in the Settlement, you will need to complete and submit the Proof of Claim, available at www.GatosSecuritiesLitigation.com or by calling the Claims Administrator at 877-757-6172. Settlement Class Members who do not complete and submit the Proof of Claim in accordance with the instructions on the Proof of Claim and within the time required will be bound by the Settlement and shall have fully released all of the Released Claims against Defendants and their Related Parties, but will not be eligible to participate in any distribution of the Net Settlement Fund.

OPTION 2: EXCLUDE YOURSELF FROM THE SETTLEMENT CLASS BY SUBMITTING A WRITTEN REQUEST FOR EXCLUSION SUBMITTED ONLINE OR POSTMARKED BY MAY 5, 2024	If you wish to exclude yourself from the Settlement, you must submit a written request for exclusion that is submitted online or postmarked by May 5, 2024. You will not be bound by the results of the Litigation, you cannot object to the Settlement, and you will not receive any payment. This is the only option that allows you to ever bring or be part of any other lawsuit against Defendants or their Related Parties related to the issues raised in the Litigation.
OPTION 3: DO NOTHING	If you are a Settlement Class Member but do not request exclusion and do not submit a Proof of Claim submitted online or postmarked by June 19, 2024, you will not be eligible to receive any payment from the Settlement Fund. You will, however, be bound by the Settlement and shall have fully released all of the Released Claims against Defendants and their Related Parties.

If you are a Settlement Class Member, you may also object to the Settlement (whether or not you file a Proof of Claim) by submitting a written objection so that it is received or filed no later than May 10, 2024. If you believe the Settlement is objectionable in any respect, you may write to the Court about why you oppose the Settlement, the Plan of Allocation, and/or the request for attorneys' fees, costs, and expenses. You will still be a Settlement Class Member who is bound by the Settlement and shall have fully released all of the Released Claims against Defendants and their Related Parties.

You may attend the Fairness Hearing on May 31, 2024 at 10:00 a.m. (Mountain Time), and provide a notice of intention to appear to Lead Counsel and Defendants' Counsel so that it is received no later than May 10, 2024. You do not need to attend the Fairness Hearing unless you wish to speak in support of any objection you may have submitted, and have indicated your intention to appear to Lead Counsel and Defendants' Counsel so that it is received no later than May 10, 2024. The Court may postpone the Fairness Hearing without further notice to you.

What is this case about? Why is there a settlement? The Litigation alleges that certain Defendants made material misstatements and omissions regarding, *inter alia*, mineral resource and mineral reserve estimates for Gatos' Cerro Los Gatos mine. Defendants deny any wrongdoing or liability. The Parties disagree on liability and damages. Plaintiffs wish to avoid the risk and delay of further litigation and secure a substantial benefit for the Settlement Class. Defendants wish to avoid the cost and distraction of further litigation.

How much will I recover? The estimated average recovery per affected Gatos Security is approximately \$0.61 per share of Gatos common stock (or \$0.54 for stock purchased in or traceable to the IPO or SPO), \$0.42 per put option, and \$0.09 per call option, each before deduction of Court-approved fees, expenses, and costs. This amount is an average, and your recovery will vary based on (among other things) the number of valid claims and the size and timing of your transactions in Gatos Securities.

The Court will hold a hearing on May 31, 2024 at 10:00 a.m. (Mountain Time) to consider whether to approve the Settlement and Lead Counsel Bleichmar Fonti & Auld LLP's request for attorneys' fees not to exceed 28% of the Settlement Amount, expenses not to exceed \$325,000, and awards to Plaintiffs of no more than \$15,000 in the aggregate (an average of approximately \$0.18 per affected share of Gatos common stock (or \$0.16 for stock purchased in or traceable to the IPO or SPO), \$0.13 per affected put option, and \$0.03 per affected call option). You may, but are not required to, attend, and may also appear through counsel of your choice and at your own expense.

How can I get more information? Visit the Settlement Website at www.GatosSecuritiesLitigation.com, contact the Claims Administrator at 877-757-6172, or contact Lead Counsel: Joseph A. Fonti, Bleichmar Fonti & Auld LLP, 7 Times Square, 27th Floor, New York, NY 10036, Telephone: (888) 879-9418, Email: gatossettlement@bfalaw.com.

SPECIAL NOTICE TO NOMINEES

Nominees who purchased or otherwise acquired Gatos common stock pursuant or traceable to the 2020 Registration Statement or the 2021 Registration Statement, or purchased or otherwise acquired Gatos common stock or publicly traded call options on Gatos common stock and/or sold publicly traded put options on Gatos common stock during the period from December 9, 2020 through January 25, 2022 (both inclusive), for the beneficial interest of other Persons or entities shall, within seven (7) calendar days of receipt of this Notice, either: (i) request from the Claims Administrator sufficient copies of the Notice to forward to all such beneficial owners and do so promptly after receipt of those Notices; or (ii) provide a list of the names and addresses of all such beneficial owners to the Claims Administrator at *Gatos U.S. Securities Litigation*, P.O. Box 5768, Portland, OR 97228-5768.

If you choose the first option, you must send a statement to the Claims Administrator confirming that the mailing was made and **you must retain your mailing records for use in connection with any further notices that may be provided in the Litigation.**

If you choose the second option, the Claims Administrator will send a copy of the Notice to the beneficial owners.

Upon full and timely compliance with these directions, such nominees may seek reimbursement of their reasonable expenses actually incurred by providing the Claims Administrator with proper documentation supporting the expenses for which reimbursement is sought.

**For more information, please visit
www.GatosSecuritiesLitigation.com (the “Settlement Website”) or
Call the Claims Administrator at 877-757-6172.**

The following QR code links to the Settlement Website



Exhibit 2

Proof of Publication of Summary Notice

CONFIRMATION OF PUBLICATION

IN THE MATTER OF: *Gatos US Securities Litigation*

I, Kathleen Komraus, hereby certify that

(a) I am the Media & Design Manager at Epiq Class Action & Claims Solutions, a noticing administrator, and;

(b) The Notice of which the annexed is a copy was published in the following publications on the following dates:

3.11.2024 – Investor’s Business Weekly

3.11.2024 – PR Newswire

(c) Banner advertisements are appearing on the following digital properties on the following dates:

3.11.2024 – 4.9.2024 – Google Display Network

3.11.2024 – 4.9.2024 – Yahoo! Finance

X *Kathleen Komraus*

(Signature)

Media & Design Manager

(Title)

MUTUAL FUND PERFORMANCE

WEEK OF MARCH 11, 2024 A13

INVESTORS.COM

36 Mo Performance Rating	YTD % Chg	12M % Chg	5 Yr % Tax Rtn	Net Asset Value	NAV % Chg
Hennessy Funds					
\$3.0 bil 800-966-4354					
A- Crnst MdCp	+12+19	+14	23.29	0.12	
A- Crnst Val	+2+7	+7	19.69	0.03	
A- Gas Utility	+1+2	+3	23.21	0.14	
Hillman					
\$233 mil 800-773-3863					
A HillmanValu	+3+9	+9	32.01n	0.20	
Homestead Funds					
\$2.1 bil 800-258-3030					
A- Stock Index	+8+13	+11	37.41n	0.38	
A Value	+9+14	+9	53.20n	0.39	
Hatchis and Wiley					
\$3.0 bil 866-493-8637					
A- Lg Cap Val	+4+10	+8	42.23	0.19	
A Mid Cap Val	+1+6	+8	53.09	0.42	
A- Sm Cap Val	+0+8	+9	76.36	0.90	
A Value Opps	+1+9	+10	37.23	0.24	
IFP US Equity Fund					
\$1.9 bil 855-233-0437					
A- FranchPrtmr	+5+11	+10	19.29	0.13	
Invesco Funds A					
\$116 bil 800-959-4246					
A Cap Appr	+16+20	+10	74.31	1.17	
A Charter	+9+13	+7	18.51	0.19	
A- ComstockSic	+5+10	+8	33.84	0.20	
A- Comstock	+5+10	+8	28.76	0.22	
C DiscryMCG	+14+20	+8	26.91	0.27	
A Div Inc	+4+9	+5	25.58	0.09	
A- DvstD Div	+5+10	+5	18.48	0.09	
A Energy	+4+7	+5	28.96	0.23	
B Eq & Income	+4+8	+5	10.48	0.05	
A- Eq-Wtd 500	+5+11	+7	72.53	0.58	
B Global Fd	+12+17	+7	100.21	1.75	
E Global Opp	-1+8	0	50.23	0.46	
A Gr & Income	+6+12	+6	21.49	0.13	
D- HY Mun	+1+3	+2	8.58	0.01	
A Main SAC	+10+10	0	25.18	0.27	
A- Main St MC	+7+12	+6	28.51	0.22	
A Main Street	+9+14	+8	54.41	0.61	
D Muni Income	+1+2	+2	12.07	0.01	
A- Rising Div	+8+12	+9	24.94	0.19	
D RO Muni Opp	+1+3	+3	6.92	0.02	
D- Ro NY Mun	+1+3	+3	15.44	0.04	
A- S&P 500 ldx	+8+13	+10	54.75	0.56	
A- SC Value	+8+17	+11	21.86	0.20	
A- SP MLP AI	+12+14	+4	7.08	0.00	
A- SP MLP In	+11+12	+6	5.57	0.01	
Invesco Funds P					
\$2.6 bil 800-959-4246					
B Summit	+14+20	+11	25.90n	0.45	
Invesco Funds Y					
\$28.5 bil 800-959-4246					
E Dev Mkt	+0+5	0	38.58	0.27	
C- OppentlGr	+6+12	+6	37.69	0.66	
A- SP MLP SI	+9+11	+6	8.30	0.02	
Ivy Funds					
\$28.3 bil 800-923-3355					
A- Core Equity	+10+15	+10	16.71	0.19	
A- Gbl Growth	+10+14	+7	34.40	0.36	
A- LargeCapGro	+8+11	+14	35.31	0.35	
C- MidCapGro	+7+15	+10	32.35	0.38	
A- Science&Tech	+18+26	+11	53.97	1.11	
A- Value Fund	+5+9	+6	17.30	0.05	
-J-K-L-					
Janus Henderson C					
\$27.8 bil 877-335-2687					
B Balanced	+6+9	+6	44.15	0.35	
Janus Henderson S					
\$27.8 bil 877-335-2687					
A- Forry	+12+17	+12	47.81	0.59	
JHF III DvSVal					
\$33.0 bil 888-972-8696					
A- DS Val	+5+9	+8	23.93	0.20	
A- DVMC	+6+13	+8	29.11	0.24	
JHITFundCapCrdF					
\$2.8 bil 800-225-5291					
A- HancockFdm	+5+9	+10	65.44	0.64	
John Hancock					
\$23.9 bil 800-525-5291					
A- HancockBond	+0+2	+1	13.50	0.02	
A- HancockCisc	+3+9	+7	35.91	0.27	
A Cap Ap	+15+20	+13	15.96	0.27	
A- GSYd	+5+9	+5	11.34	0.08	
D- Intlgt	+7+11	+5	26.39	0.19	
John Hancock Class 1					
\$23.6 bil 800-344-1029					
B- BCr Gro	+13+17	+9	53.81	0.85	
B- MM Ls Ag	+6+12	+7	13.92	0.13	
C- MM Ls Bl	+4+8	+5	12.96	0.08	
B- MM Ls Gr	+5+10	+6	13.55	0.11	
John Hancock Funds A					
\$16.0 bil 800-225-5291					
B- HancockBala	+5+9	+6	27.55	0.23	
JPMorgan Class					
\$47.6 bil 800-480-4111					
C- Inv Bal	+4+7	+4	15.63	0.10	
B- Inv Cvsr Gr	+2+5	+2	12.38	0.05	
B- Inv Gr&Inc	+5+9	+6	18.87	0.15	
B- Inv Gr&Inc	+7+11	+7	24.22	0.23	
A- Intl Val	+5+8	+3	13.73	0.13	
A- US Value	+5+10	+8	73.35	0.44	
JPMorgan R Class					
\$7.1 bil 800-480-4111					
A- MidCap Val	+6+11	+7	37.96	0.24	
JPMorgan R Class					
\$5.5 bil 800-480-4111					
E- Core Bond	+0+2	+1	10.23	0.01	
D- Core Pl Bd	+0+2	+1	7.21	0.02	
C- High Yield	+1+4	+2	6.42	0.01	
D- Mgt Secs	+0+2	+1	10.11	0.02	
D- Sh Dur Bd	+1+2	+1	10.71	0.02	
A- US Res EnE	+9+13	+12	40.19	0.42	
Laudus Funds					
\$2.1 bil 800-648-5300					
A SelectLgCap	+13+18	+11	23.99n	0.35	
Lazard Instl					
\$16.3 bil 800-823-6300					
C- Emg Mkt Eq	+3+9	+2	17.73	0.16	
A- GblStdfntr	+3+3	+6	15.69	0.14	
C- Intl Str Eq	+6+12	+4	16.47	0.16	
Legg Mason I					
\$4.6 bil 877-721-1926					
C- Intl Gro	+9+14	+6	66.50	1.09	
A Value Trust	+5+11	+10	122.29	1.25	
Leuthold Funds					
\$64.4 mil 800-273-6886					
A- Core Inv	+5+9	+6	22.39	0.16	
Loomis Sayles Fds					
\$8.0 bil 800-633-3330					
D- Bond	+1+4	+1	11.64	0.03	
A- SCV	+4+11	+7	23.16	0.20	
36 Mo Performance Rating	YTD % Chg	12M % Chg	5 Yr % Tax Rtn	Net Asset Value	NAV % Chg
Lord Abbett A					
\$39.6 bil 888-522-2388					
A Affilted	+8+13	+5	18.13	0.10	
A- Div Gro	+9+13	+9	21.18	0.18	
A Fund Eq	+9+14	+6	14.49	0.12	
D- Hl Muni	+2+4	+2	10.87	0.02	
D- Intl TrF	+1+2	+1	10.29	0.02	
A- MdCp Stk	+8+14	+6	34.67	0.34	
D- Natl TF	+1+3	+2	10.54	0.02	
Lord Abbett I					
\$44.9 bil 888-522-2388					
D- Bond Deb	+1+4	+1	7.06	0.01	
B- Flt Ret	+2+3	+2	8.18	0.01	
D- Sh Dur	+1+2	+1	3.85	0.01	
-M-N-O-					
MainStay Fds A					
\$12.4 bil 800-624-6782					
C- MK HY CB	+1+3	+1	5.16	0.01	
A- WMC End C	+8+14	+9	37.08	0.38	
A- WMC Val	+3+7	+8	28.55	0.14	
A- Winstwl LCG	+13+18	+11	10.16	0.17	
MainStay Fds I					
\$3.0 bil 800-624-6782					
A- Epoch Eq	+5+10	+6	22.03	0.13	
A- S&P500 ldx	+8+13	+10	57.23	0.59	
Mairs+Power					
\$6.1 bil 800-304-7404					
A- &PowerGrowt	+8+13	+10	159.26n	1.56	
Marsico Funds					
\$1.4 bil 888-860-8686					
A- Foc	+20+23	+14	26.48n	0.49	
A- Grow	+15+19	+13	23.49n	0.40	
Mass Mutual					
\$3.2 bil 888-309-3539					
A- Bl Ch	+12+17	+11	22.30	0.35	
D- HY Mun	+1+3	+2	8.58	0.01	
MassMutual Select					
\$59.2 bil 800-241-4671					
A- Intl Muni	-1+2	0	9.07	0.01	
D- Uncons Bd	+1+3	+1	10.31	0.02	
MFS Funds A					
\$56.4 bil 800-225-2606					
A- Core Equity	+8+13	+9	49.18	0.48	
E- Corp Bond	+0+3	0	12.32	0.02	
C- IntlIntlVal	+6+10	+5	42.52	0.45	
A- MassInvGro	+7+10	+11	49.03	0.48	
A- Mass Inv Tr	+8+13	+9	37.13	0.32	
D- Intl Muni	+1+3	+1	8.22	0.01	
A- LargeCapGro	+8+11	+14	61.19	1.33	
E- TotRetBond	+0+2	0	9.47	0.01	
D- TotalReturn	+2+6	+4	19.46	0.08	
MFS Funds I					
\$54.7 bil 800-225-2606					
A- Growth	+15+19	+12	198.58	2.95	
A- Intl Equity	+5+10	+8	34.60	0.36	
B- MidCapGro	+11+16	+9	31.99	0.38	
A- MidCapVal	+6+12	+10	32.49	0.62	
A- Resrch	+8+13	+8	59.84	0.29	
A Value	+6+10	+8	50.22	0.25	
Morgan Stanley Inst					
\$171 bil 800-548-7786					
A- GI Fr	+6+9	+9	36.33	0.33	
E- Growth	+6+13	+4	36.31	0.45	
MorganStanleyPathway					
\$5.2 bil 888-673-9950					
E- Core Fl	-1+2	0	6.83n	0.01	
A- Lg Cap Eq	+8+12	+9	23.60n	0.22	
MullenKmp					
\$26 mil 800-860-3863					
A- Growth	+4+10	+10	64.51n	0.61	
Munder Funds					
\$2.5 bil 800-539-3863					
D- Intl SmcP	+4+10	+5	15.14	0.15	
Munder Funds C					
\$18.0 bil 800-539-3863					
A- Multi-Cap	+10+16	+9	52.12	0.54	
Nationwide Fds R					
\$1.4 bil 800-848-0920					
A- BNWM DUSC	+8+13	+11	14.92	0.16	
A- MC Mkt ldx	+7+14	+7	17.28	0.16	
Nationwide Funds					
\$888 mil 800-848-0920					

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11 Mar, 2024, 08:00 ET

DENVER, March 11, 2024 /PRNewswire/ --

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

MICHAEL BILINSKY, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

GATOS SILVER, INC., STEPHEN ORR,
ROGER JOHNSON, PHILIP PYLE, JANICE
STAIRS, ALI ERFAN, IGOR GONZALES,
KARL HANNEMAN, DAVID PEAT,
CHARLES HANSARD, and DANIEL
MUÑIZ QUINTANILLA,

Defendants.

Civil Action No. 1:22-cv-00453-PAB-KLM

SUMMARY NOTICE

TO: All Persons and entities that (i) during the period from December 9, 2020 and January 25, 2022, both inclusive (the "Class Period"), purchased or otherwise acquired Gatos common stock listed on the NYSE, or, in domestic transactions, purchased or otherwise acquired publicly traded call options on Gatos common stock, and/or sold publicly traded put options on Gatos common stock, and were damaged thereby; or (ii) purchased or otherwise acquired Gatos common stock pursuant or traceable to the 2020 Registration Statement or the 2021 Registration Statement, in domestic transactions or on the NYSE, and were damaged thereby (the "Settlement Class").

THIS NOTICE WAS AUTHORIZED BY THE COURT. IT IS NOT A LAWYER SOLICITATION. PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY. YOUR RIGHTS WILL BE AFFECTED BY A CLASS ACTION LAWSUIT PENDING IN THIS COURT.

YOU ARE HEREBY NOTIFIED, pursuant to an Order of the United States District Court for the District of Colorado (the "Court") and Rule 23 of the Federal Rules of Civil Procedure, that a hearing will be held on May 31, 2024, at 10:00 a.m. (Mountain Time), before the Honorable Philip A. Brimmer, at the Alfred A. Arraj United States Courthouse, in Courtroom A701, 901 19th Street, Denver, CO 80294, for the purpose of determining: (1) whether the proposed settlement of the claims in the above-captioned litigation (the "Litigation") for the sum of \$21,000,000 in cash (the "Settlement") should be approved by the Court as fair, reasonable, and adequate; (2) whether a Settlement Class should be certified for purposes of the Settlement; (3) whether, thereafter, this Litigation should be dismissed with prejudice pursuant to the terms and conditions set forth in the Amended Stipulation of Settlement dated September 12, 2023 (the "Stipulation"); (4) whether the proposed Plan of Allocation is fair, reasonable, and adequate and therefore should be approved; and (5) the reasonableness of the application of Lead Counsel for the payment of attorneys' fees and expenses incurred in connection with this Litigation together with the interest earned thereon (and any payment to Plaintiffs pursuant to the Private Securities Litigation Reform Act of 1995 in connection with their representation of the Settlement Class). The Court may change the date of this hearing, or hold it remotely, without providing another notice. You do NOT need to attend the hearing to receive a distribution from the Net Settlement Fund.

The Litigation has been preliminarily certified as a class action on behalf of a Settlement Class of all Persons or entities that (a) from December 9, 2020 through January 25, 2022, both inclusive, purchased or otherwise acquired Gatos common stock listed on the NYSE, or, in domestic transactions, purchased or otherwise acquired publicly traded call options on Gatos common stock or sold publicly traded put options on Gatos common stock, and were damaged thereby; or (b) in domestic transactions or on the NYSE, purchased or otherwise acquired Gatos common stock pursuant or traceable to the 2020 Registration Statement or the 2021 Registration Statement, and were damaged thereby, except for certain Persons or entities excluded from the Settlement Class, as defined in the full Long-Form Notice of Pendency and Proposed Settlement of Class Action ("Long-Form Notice"), which is available as described below. If the Settlement is approved, it will resolve all claims in the Litigation. Capitalized terms that are not otherwise defined herein shall have the meanings ascribed to them in the Long-Form Notice and/or Stipulation.

A detailed description of the Litigation, including important information about your rights and options, is in the detailed Long-Form Notice available at www.GatosSecuritiesLitigation.com or by contacting the Claims Administrator at: *Gatos U.S. Securities Litigation*, Claims Administrator, P.O. Box 5768, Portland, OR 97228-5768, or 877-757-6172.

If you are a Settlement Class Member, in order to share in the distribution of the Net Settlement Fund, you must submit a Proof of Claim and Release form ("Proof of Claim") online at www.GatosSecuritiesLitigation.com or by mail postmarked no later than June 19, 2024. Failure to timely submit a Proof of Claim will subject your claim to possible rejection and may preclude you from receiving any payment from the Settlement.

If you desire to be excluded from the Settlement Class, you must submit a request for exclusion electronically submitted or postmarked by **May 5, 2024**, in the manner and form explained in the detailed Long-Form Notice referred to above. All Members of the Settlement Class who do not timely and validly request exclusion from the Settlement Class will be bound by any judgment entered in the Litigation pursuant to the terms and conditions of the Stipulation.

Any objection to the Settlement, Lead Counsel's Fee and Expense Application, and/or the proposed Plan of Allocation must be mailed or delivered to the Clerk of Court and counsel for the Parties at the addresses below such that it is received no later than **May 10, 2024**:

Court:

Clerk of the Court

UNITED STATES DISTRICT COURT

DISTRICT OF COLORADO

Alfred A. Arraj United States Courthouse, Room A105

901 19th Street

Denver, CO 80294-3589

Counsel for Plaintiffs:

Joseph A. Fonti

BLEICHMAR FONTI & AULD LLP

Times Square Tower

7 Times Square, 27th Floor

New York, NY 10036

gatossettlement@bfalaw.com

Counsel for Gatos and the Individual Defendants:

Michael S. Flynn

DAVIS POLK & WARDWELL LLP

450 Lexington Avenue

New York, NY 10017

Counsel for the Underwriter Defendants:

Audra J. Soloway

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

1285 Avenue of the Americas

New York, NY 10019

PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE REGARDING THIS NOTICE. If you have any questions about the Settlement, you may contact counsel for Plaintiffs at the address listed above, email gatossettlement@bfalaw.com, call (888) 879-9418, or go to the following website: www.GatosSecuritiesLitigation.com.

URL: www.GatosSecuritiesLitigation.com

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Five Things You Need to Know to Start Your Day: Americas



Visitors at the "Charging Bull" statue near the New York Stock Exchange. *Photographer: Stephanie Keith/Bloomberg*

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S&P 500								ALB 5.8	12:09p Why gold may be set to outperform U.S. stocks
Nasdaq								WBD 5.8	12:09p PICKS We're in our 70s in Boca Raton with a net worth of about \$2 million — and rental properties, Social Security and an annuity. What's next for us?
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U.S. Markets

Wall St eases as investors await inflation data

By Bansari Mayur Kamdar and Shashwat Chauhan

March 11, 2024 11:48 AM EDT - Updated 2 hours ago



A trader works on the floor at the New York Stock Exchange (NYSE) in New York City, U.S., March 7, 2024. REUTERS/Brendan McDermid [Purchase Licensing Rights](#)



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- Boeing down as justice dept probes MAX blowout
- Equitrans Midstream up as EQT to buy back firm
- Indexes down: Dow 0.36%, S&P 0.38%, Nasdaq 0.33%

March 11 (Reuters) - Wall Street's main stock indexes slipped on Monday, as investors awaited key inflation data this week that could offer clues about the U.S. Federal Reserve's monetary policy path following last week's mixed jobs report.

All three major U.S. stock indexes had ended the week lower on Friday, with the S&P 500 and the Nasdaq coming off record highs as high-flying chip stocks fell and a [labor market report](#) showed more new jobs than expected, while the unemployment rate rose unexpectedly.

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U.S. Markets

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S&P 500 inches lower ahead of latest inflation data

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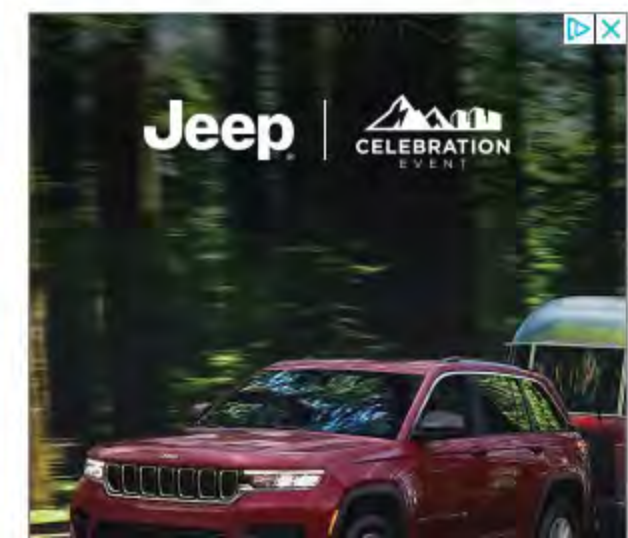


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An ADU, or accessible dwelling unit, is a second housing structure on your property. Learn about the types of ADUs you can build and how to finance the project.



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First-time home buyer programs in Texas help people under a certain income limit afford a...



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All Events Earnings Stock Splits IPOs Economic Events

Events Calendar for: Mar 10, 2024 - Mar 16, 2024

10 Mar Sun	11 Mar Mon	12 Mar Tues	13 Mar Wed	14 Mar Thu	15 Mar Fri	16 Mar Sat
32 Economic Ev...	383 Earnings 28 Stock Splits 2 IPO Pricings 51 Economic Ev...	186 Earnings 6 Stock Splits 60 Economic E...	165 Earnings 9 Stock Splits 63 Economic E...	251 Earnings 5 Stock Splits 81 Economic Ev...	70 Earnings 12 Stock Splits 72 Economic Ev...	



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 Global Metagenomics Sequencing Market Global Metagenomics Sequencing Market Dublin, March 11, 2024 (GLOBE NEWSWIRE) -- The "Global Metagenomics Sequencing Market..."



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Global Robotic Prosthetics Market 10 Year Forecast Report 2024-2034, by Product Type, Technology Prosthetics, End User and Region
 Global Robotic Prosthetics Market Global Robotic Prosthetics Market Dublin, March 11, 2024 (GLOBE NEWSWIRE) -- The "Global Robotic Prosthetics Market by Product Type, by..."



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CIRO Sanctions Fortrade Canada Limited
 On February 20, 2023, a hearing panel of the Canadian Investment Regulatory Organization (CIRO) held a hearing under the Investment Dealer and Partially Consolidated Rules and...



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 A fascinating report has just been published in the Journal of the American Heart Association, and it has an urgent message for the over-60s.



PA Media: Money • 10 minutes ago
World leaders vow united front against fraudsters at London summit
 James Cleverly hosted the event at Lancaster House.

If you purchased Gatos common stock or traded in Gatos options between December 9, 2020 and January 25, 2022, you could receive a payment from a Class Action Settlement.

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Biden calls for tax hikes to shore up Social Security as Trump floats entitlement cuts
 Yahoo Finance



If you purchased Gatos common stock or traded in Gatos options between December 9, 2020 and January 25, 2022,



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Market Cap	Market Weight	Industries	Companies
8.494T	14.58%	15	1442

Financial Services S&P 500 ^GSPC

1D 5D 3M 6M YTD 1Y 5Y All

Advanced Chart



Day Return	YTD Return	1-Year Return	3-Year Return	5-Year Return
Sector: +0.11% S&P 500: -0.23%	Sector: +6.14% S&P 500: +7.17%	Sector: +23.81% S&P 500: +32.37%	Sector: +13.74% S&P 500: +31.11%	Sector: +55.59% S&P 500: +83.66%

Note: Sector performance is calculated based on the previous closing price of all sector constituents

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S&P 500 5,111.33 -12.36 (-0.24%)	Dow 30 38,711.56 -11.13 (-0.03%)
Nasdaq 16,022.26 -62.85 (-0.39%)	Russell 2000 2,072.41 -10.30 (-0.49%)
Crude Oil 77.84 -0.17 (-0.22%)	Gold 2,186.10 +0.60 (+0.03%)

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TRENDING TICKERS

META Meta Platforms, Inc.	484.26 -21.69 (-4.29%)
MSTR MicroStrategy Inc...	1,626.86 +201.27 (+14.12%)
BA The Boeing Company	192.00 -6.49 (-3.27%)
MRNA	112.07

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Market Cap	Market Weight	Industries	Companies
8.494T	14.58%	15	1442

● **Financial Services** ● **S&P 500** ^GSPC

1D 5D **3M** 6M YTD 1Y 5Y All

[Advanced Chart](#)



Day Return	YTD Return	1-Year Return	3-Year Return	5-Year Return
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Note: Sector performance is calculated based on the previous closing price of all sector constituents

Quote Lookup

U.S. markets close in 2h 13m

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MARKETS

US Europe Asia Rates Commo

S&P 500 5,111.33 -12.36 (-0.24%)	Dow 30 38,711.56 -11.13 (-0.03%)
Nasdaq 16,022.26 -62.85 (-0.39%)	Russell 2000 2,072.41 -10.30 (-0.49%)
Crude Oil 77.84 -0.17 (-0.22%)	Gold 2,186.10 +0.60 (+0.03%)

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TRENDING TICKERS [→](#)

META Meta Platforms, Inc.	484.26 21.69 / +4.59%
-------------------------------------	--------------------------

SELECT A SECTOR [Risks & Definitions](#)

If you purchased Gatos common stock or traded in Gatos options between December 9, 2020 and January 25, 2022, you could receive a payment from a Class Action Settlement.

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MARKETS

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-10.37 (-0.20%) -0.66 (-0.00%)

Nasdaq 16,029.86 **Russell 2000** 2,072.07

-55.25 (-0.34%) -10.64 (-0.51%)

Crude Oil 77.87 **Gold** 2,187.30

-0.14 (-0.18%) +1.80 (+0.08%)

MY PORTFOLIOS

Sign in to create a watchlist

Sign in

TRENDING TICKERS

META	485.03	-20.92 (-4.13%)
MSTR	1,626.50	+200.91 (+14.09%)
BA	191.73	-6.76 (-3.41%)
MRNA	112.63	+9.60 (+9.32%)
XRP-USD	0.72	+0.11 (+17.56%)

EXHIBIT E

Declaration of Kyle S. Bingham on Implementation of CAFA Notice

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:22-cv-00453-PAB-KLM

MICHAEL BILINSKY, Individually and On Behalf of All Others Similarly Situated,

Plaintiff,

v.

GATOS SILVER, INC.,
STEPHEN ORR,
ROGER JOHNSON,
PHILIP PYLE,
JANICE STAIRS,
ALI ERFAN,
IGOR GONZALES,
KARL HANNEMAN,
DAVID PEAT,
CHARLES HANSARD, and
DANIEL MUÑIZ QUINTANILLA,

Defendants.

DECLARATION OF KYLE S. BINGHAM ON IMPLEMENTATION OF CAFA NOTICE

I, KYLE S. BINGHAM, hereby declare and state as follows:

1. My name is KYLE S. BINGHAM. I am over the age of 25 and I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am the Director of Legal Noticing for Epiq Class Action & Claims Solutions, Inc. (“Epiq”), a firm that specializes in designing, developing, analyzing and implementing large-scale, un-biased, legal notification plans. I have overseen and handled Class Action Fairness Act (“CAFA”) notice mailings for more than 400 class action settlements.

3. Epiq is a firm with more than 25 years of experience in claims processing and settlement administration. Epiq’s class action case administration services include coordination

of all notice requirements, design of direct-mail notices, establishment of fulfillment services, receipt and processing of opt-outs, coordination with the United States Postal Service (“USPS”), claims database management, claim adjudication, funds management and distribution services.

4. The facts in this Declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues at Epiq.

CAFA NOTICE IMPLEMENTATION

5. At the direction of counsel for Defendant(s) Gatos Silver, Inc., Stephen Orr, Roger Johnson, Philip Pyle, Janice Stairs, Ali Erfan, Igor Gonzales, Karl Hanneman, David Peat, Charles Hansard, Daniel Muñoz Quintanilla, BMO Capital Markets Corp., Goldman Sachs & Co. LLC, RBC Capital Markets, LLC, Canaccord Genuity Corp., and CIBC World Markets Corp., 57 federal and state officials (the Attorney General of the United States and the Attorneys General of each of the 50 states, the District of Columbia, and the United States Territories) were identified to receive CAFA notice.

6. Epiq maintains a list of these federal and state officials with contact information for the purpose of providing CAFA notice. Prior to mailing, the names and addresses selected from Epiq’s list were verified, then run through the Coding Accuracy Support System (“CASS”) maintained by the United States Postal Service (“USPS”).¹

7. On July 19, 2023, Epiq sent 57 CAFA Notice Packages (“Notice”). The Notice was mailed via USPS Certified Mail to 55 officials (the Attorneys General of 49 states, the District of Columbia, and the United States Territories). As per the direction of the Office of the Nevada Attorney General, the Notice was sent to the Nevada Attorney General electronically via

¹ CASS improves the accuracy of carrier route, 5-digit ZIP®, ZIP + 4® and delivery point codes that appear on mail pieces. The USPS makes this system available to mailing firms who want to improve the accuracy of postal codes, i.e., 5-digit ZIP®, ZIP + 4®, delivery point (DPCs), and carrier route codes that appear on mail pieces.

email. The Notice was also sent via United Parcel Service (“UPS”) to the Attorney General of the United States. The CAFA Notice Service List (USPS Certified Mail, Email, and UPS) is included as **Attachment 1**.

8. The materials sent to the federal and state officials included a Cover Letter, which provided notice of the proposed Settlement of the above-captioned case. The Cover Letter is included as **Attachment 2**.

9. The cover letter was accompanied by a CD, which included the following:

a. **Per 28 U.S.C. § 1715(b)(1) – Complaint and Any Amended Complaints:**

- Class Action Complaint for Violations of the Federal Securities Laws (filed February 22, 2022); and
- Amended Class Action Complaint for Violations of the Securities Laws (filed August 15, 2022).

b. **Per 28 U.S.C. § 1715(b)(3) – Notification to Class Members:**

- Settlement Notice (*Exhibit A-1 to the Stipulation and Agreement of Settlement*);
- Long Form Notice of Pendency and Proposed Settlement of Class Action (*Exhibit A-2 to the Stipulation and Agreement of Settlement*);
- Proof of Claim and Release (*Exhibit A-3 to the Stipulation and Agreement of Settlement*); and
- Summary Notice (*Exhibit A-4 to the Stipulation and Agreement of Settlement*).

c. **Per 28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** The following documents were included:

- Stipulation of Settlement;
 - [Proposed] Order Preliminarily Approving Settlement and Providing For Class Notice (*Exhibit A to the Stipulation and Agreement of Settlement*);

- [Proposed] Final Judgment Approving Settlement (*Exhibit B to the Stipulation and Agreement of Settlement*);
- Plaintiffs' Unopposed Motion for Preliminary Approval of Class Settlement and Authorization to Disseminate Notice of Settlement; and
- Declaration of Morgan Kimball in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Settlement and Authorization to Disseminate Notice of Settlement.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 19, 2023.



KYLE S. BINGHAM

Attachment 1

CAFA Notice Service List
USPS Certified Mail

Company	FullName	Address1	Address2	City	State	Zip
Office of the Attorney General	Treg Taylor	1031 W 4th Ave	Suite 200	Anchorage	AK	99501
Office of the Attorney General	Steve Marshall	501 Washington Ave		Montgomery	AL	36104
Office of the Attorney General	Tim Griffin	323 Center St	Suite 200	Little Rock	AR	72201
Office of the Attorney General	Kris Mayes	2005 N Central Ave		Phoenix	AZ	85004
Office of the Attorney General	CAFA Coordinator	Consumer Protection Section	455 Golden Gate Ave Suite 11000	San Francisco	CA	94102
Office of the Attorney General	Phil Weiser	Ralph L Carr Colorado Judicial Center	1300 Broadway Fl 10	Denver	CO	80203
Office of the Attorney General	William Tong	165 Capitol Ave		Hartford	CT	06106
Office of the Attorney General	Brian Schwalb	400 6th St NW		Washington	DC	20001
Office of the Attorney General	Kathy Jennings	Carvel State Bldg	820 N French St	Wilmington	DE	19801
Office of the Attorney General	Ashley Moody	State of Florida	The Capitol PL-01	Tallahassee	FL	32399
Office of the Attorney General	Chris Carr	40 Capitol Square SW		Atlanta	GA	30334
Department of the Attorney General	Anne E Lopez	425 Queen St		Honolulu	HI	96813
Iowa Attorney General	Brenna Bird	Hoover State Office Building	1305 E Walnut St	Des Moines	IA	50319
Office of the Attorney General	Raul Labrador	700 W Jefferson St Ste 210	PO Box 83720	Boise	ID	83720
Office of the Attorney General	Kwame Raoul	100 W Randolph St		Chicago	IL	60601
Office of the Indiana Attorney General	Todd Rokita	Indiana Government Center South	302 W Washington St Rm 5	Indianapolis	IN	46204
Office of the Attorney General	Kris Kobach	120 SW 10th Ave 2nd Fl		Topeka	KS	66612
Office of the Attorney General	Daniel Cameron	700 Capitol Ave Suite 118		Frankfort	KY	40601
Office of the Attorney General	Jeff Landry	PO Box 94005		Baton Rouge	LA	70804
Office of the Attorney General	Andrea Campbell	1 Ashburton Pl 20th Fl		Boston	MA	02108
Office of the Attorney General	Anthony G Brown	200 St Paul Pl		Baltimore	MD	21202
Office of the Attorney General	Aaron Frey	6 State House Station		Augusta	ME	04333
Department of Attorney General	Dana Nessel	PO BOX 30212		Lansing	MI	48909
Office of the Attorney General	Keith Ellison	445 Minnesota St Ste 1400		St Paul	MN	55101
Missouri Attorney General's Office	Andrew Bailey	207 West High Street	PO Box 899	Jefferson City	MO	65102
Mississippi Attorney General	Lynn Fitch	PO Box 220		Jackson	MS	39205
Office of the Attorney General	Austin Knudsen	215 N Sanders 3rd Fl	PO Box 201401	Helena	MT	59620
Attorney General's Office	Josh Stein	9001 Mail Service Ctr		Raleigh	NC	27699
Office of the Attorney General	Drew H Wrigley	600 E Boulevard Ave Dept 125		Bismarck	ND	58505
Nebraska Attorney General	Mike Hilgers	2115 State Capitol	PO Box 98920	Lincoln	NE	68509
Office of the Attorney General	John Formella	NH Department of Justice	33 Capitol St	Concord	NH	03301
Office of the Attorney General	Matthew J Platkin	25 Market Street	PO Box 080	Trenton	NJ	08625
Office of the Attorney General	Raul Torrez	408 Galileo St	Villagra Bldg	Santa Fe	NM	87501
Office of the Attorney General	CAFA Coordinator	28 Liberty Street 15th Floor		New York	NY	10005
Office of the Attorney General	Dave Yost	30 E Broad St Fl 14		Columbus	OH	43215
Office of the Attorney General	Genther Drummond	313 NE 21st St		Oklahoma City	OK	73105
Office of the Attorney General	Ellen F Rosenblum	Oregon Department of Justice	1162 Court St NE	Salem	OR	97301
Office of the Attorney General	Michelle A. Henry	16th Fl Strawberry Square		Harrisburg	PA	17120
Office of the Attorney General	Peter F Neronha	150 S Main St		Providence	RI	02903
Office of the Attorney General	Alan Wilson	PO Box 11549		Columbia	SC	29211
Office of the Attorney General	Marty Jackley	1302 E Hwy 14 Ste 1		Pierre	SD	57501
Office of the Attorney General	Jonathan Skrmetti	PO Box 20207		Nashville	TN	37202
Office of the Attorney General	Ken Paxton	PO Box 12548		Austin	TX	78711
Office of the Attorney General	Sean D Reyes	PO Box 142320		Salt Lake City	UT	84114
Office of the Attorney General	Jason S Miyares	202 N 9th St		Richmond	VA	23219
Office of the Attorney General	Charity R Clark	109 State St		Montpelier	VT	05609
Office of the Attorney General	Bob Ferguson	800 5th Ave Ste 2000		Seattle	WA	98104
Office of the Attorney General	Josh Kaul	PO Box 7857		Madison	WI	53707
Office of the Attorney General	Patrick Morrissy	State Capitol Complex Bldg 1 Room E 26	1900 Kanawha Blvd E	Charleston	WV	25305
Office of the Attorney General	Bridget Hill	109 State Capital		Cheyenne	WY	82002
Department of Legal Affairs	Fainu'ulei Falefatu Ala'ilima-Utu	American Samoa Gov't Exec Ofc Bldg Utulei	Territory of American Samoa	Pago Pago	AS	96799
Attorney General Office of Guam	Douglas Moylan	Administrative Division	590 S Marine Corps Dr Ste 901	Tamuning	GU	96913
Office of the Attorney General	Edward Manibusan	Administration Bldg	PO Box 10007	Saipan	MP	96950
PR Department of Justice	Domingo Emanuelli Hernandez	PO Box 9020192		San Juan	PR	00902
Department of Justice	Ariel K Smith	3438 Kronprindsens Gade Ste 2	GERS BLDG	St Thomas	VI	00802

CAFA Notice Service List

Email

Company	Contact Format	State
Office of the Attorney General for Nevada	All documents sent to NV AG at their dedicated CAFA email inbox.	NV

CAFA Notice Service List

UPS

Company	FullName	Address1	Address2	City	State	Zip
US Department of Justice	Merrick B. Garland	950 Pennsylvania Ave NW		Washington	DC	20530

Attachment 2