



Robert received a B.S. in Economics from the University of Delaware (2017) and a J.D. *cum laude* from American University, Washington College of Law (2020). Robert is admitted to practice in Delaware (2022).

WILLIAM A. MASSA <i>Associate</i>	New York	Email: wmassa@bfalaw.com Tel: +1 212 789 3603 www.bfalaw.com/professionals/william-massa
--------------------------------------	----------	---

Billy Massa is an associate in the Firm's New York City office and focuses his practice on investigating and analyzing complex securities matters on behalf of the Firm's clients. Billy leverages his experience prosecuting complex securities fraud matters to monitor and evaluate opportunities for the Firm's institutional investor clients.

Prior to joining BFA, Billy was an associate at a prominent securities litigation firm, where he represented individuals and institutional clients in securities fraud class actions. Billy graduated *cum laude* from Fordham University School of Law in 2020, obtained an MBA from Stony Brook University in 2016, and graduated *summa cum laude* with a major in economics from Stony Brook University in 2014, where he was the recipient of the H. Lee Dennison Valedictorian Award.

Billy is admitted to practice in New York (2021) and U.S. District Courts for the Southern and Eastern Districts of New York (2021).

FRANKLYN WILLIAMS <i>Senior Projects Attorney</i>	New York	Email: fwilliams@bfalaw.com Tel: +1 212 789 1357 www.bfalaw.com/professionals/franklyn-williams
--	----------	---

Franklyn Williams brings nearly a decade of legal experience to his role as a Senior Projects Attorney. As a Senior Projects Attorney, Franklyn was an integral part of the team that litigated *Ontario Teachers' Pension Plan Board, et al v. Teva Pharmaceutical Industries Ltd. et al*, which alleged that Teva fraudulently misled investors about its U.S. generics business, its financial performance, and its participation in a widespread generic drugs antitrust conspiracy.

Prior to joining BFA, Franklyn served as a Team Leader on a variety of complex litigations. He was also contracted to serve as part of the team that litigated *Beaver County Emps' Ret. Fund v. Tile Shop Holdings, Inc.*, resulting in a \$9.5 million recovery.

Franklyn received his J.D. in 2006 from Boston University School of Law where he served as the Editor in Chief of the Boston University International Law Journal and participated in the Civil Litigation Clinic. Franklyn earned his BA in 2003 from Cornell University with a minor in Law & Society and majors in both government and



philosophy. While attending Cornell, Franklyn externed with Judge Patricia Anne Williams of the Bronx County Supreme Court and summer interned with both NYC HRA Bureau of Fraud Investigation and NYC ACS Legal Division.

Franklyn is admitted to practice in New York (2008) and New Jersey (2007).

JOOYOUNG KOO <i>Projects Associate</i>	Oakland	Email: jkoo@bfalaw.com Tel: +1 415 445 4003 www.bfalaw.com/professionals/jooyoung-koo
--	----------------	---

Jooyoung Koo is a Projects Associate in BFA's Oakland office.

Jooyoung is an experienced attorney who has worked on complex IP, antitrust, consumer protection and pharmaceutical product liability cases, and has conducted in-depth document review and research analysis on a wide variety of subject matters.

Jooyoung earned her J.D. from DePaul University College of Law (2012) and a B.S. from Northwestern University (2008), and is admitted to practice in Illinois (2013), New York (2013), and Washington (2015). She is also fluent in Korean.

KATHERINE SULLIVAN <i>Projects Associate</i>	Oakland	Email: ksullivan@bfalaw.com Tel: +1 415 445 4014 www.bfalaw.com/katherine-sullivan
--	----------------	---

Katherine ("Kasey") Sullivan joined the Firm in 2016 and is currently a Projects Associate in BFA's Oakland office. Kasey brings nearly two decades of experience to BFA and has worked on complex antitrust, consumer protection, data privacy, and products liability litigation. She has played a significant role in managing third party discovery in the *In re Domestic Airlines Travel Antitrust Litigation*, and was an integral part of the team litigating the *In re Facebook, Inc. Consumer Privacy User Profile Litigation*.

Kasey earned her J.D. from Northwestern University School of Law (1999), and is admitted to practice in California (2000).

MARGARET STRAKOSCH <i>Projects Associate</i>	Oakland	Email: mstrakosch@bfalaw.com Tel: +1 415 445 40003 www.bfalaw.com/margaret-strakosch
--	----------------	--

Margaret ("Margo") Strakosch joined the Firm in 2020 and is currently a Projects Associate in BFA's Oakland office, where she focuses on BFA's discovery efforts against defendants in major consumer privacy class actions and antitrust matters, including *In re Local TV Advertising Antitrust Litigation*, *In re Google RTB Consumer Privacy Litigation*, and *Ji, et al. v. Naver Corp., et al.*



She has played a significant role in discovery actions including *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*.

Prior to joining BFA, she clerked for Alaska Supreme Court Justice Susan M. Carney and the U.S. Department of Labor’s Office of Administrative Law Judges.

Margo earned her J.D. from the University of Michigan Law School (2015) and a B.A. from the Thomas More College of the Liberal Arts (2008). While at the University of Michigan Law School, Margo served as an Executive Editor of the Michigan Journal of International Law. Margo is admitted to practice in California (2018).

SYLVIA SUM Staff Associate	Oakland	Email: ssum@bfalaw.com Tel: +1 415 445 4003
-------------------------------	---------	---

Sylvia joined the Firm in 2016, and is a staff associate at BFA’s Oakland office where she focuses on prosecuting consumer and antitrust class actions. Sylvia brings over twenty years of experience to BFA. She has played a meaningful role in litigating several matters including *In re Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation* and *In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices, and Products Liability Litigation*. In each of these litigations, Sylvia’s German language skills have been critical in analyzing the evidence underlying plaintiffs’ claims.

Sylvia earned her J.D. from the UC Los Angeles School of Law (1997), and is admitted to practice in California (2000) and Oregon (1997).

GLEN TSURUDOME Staff Associate	Oakland	Email: gtsurudome@bfalaw.com Tel: +1 415 789 1348
-----------------------------------	---------	---

Glen joined BFA’s Oakland office in 2019. Glen brings nearly two decades of experience to his role as staff associate, where he focuses on prosecuting consumer and antitrust class actions. Glen is a key member of the team litigating *Calhoun, et al. v. Google LLC* and played a significant role in *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*.

Glen received a B.A. from the UC San Diego (1996) and a J.D. from the University of San Francisco School of Law (2005). Glen has also completed the Yamasa Institute Academic Intensive Japanese Program (2012). Glen is admitted to practice in California (2005).



JENNIFER JURMARK <i>Senior Discovery Operations Manager</i>	New York	Email: jjurmark@bfalaw.com Tel: +1 212 789 1340 www.bfalaw.com /professionals/Jennifer-jurmark
---	----------	--

As BFA’s Senior Discovery Operations Manager, Jennifer Jurmark oversees daily discovery operations firmwide and manages large scale document reviews. She works closely with Partners, Associates, Staff Attorneys and other external stakeholders on the strategy and implementation of eDiscovery protocols for complex high-stakes litigation. Jennifer leverages AI and Data Analytics to optimize evidence gathering and case analysis.

Jennifer helped lead the eDiscovery efforts and designed and implemented workflows for document reviews as a member of the teams that prosecuted the securities actions concerning Teva Pharmaceuticals Industries Ltd, Granite Construction Inc, and Allianz Global Investors U.S. LLC, and the firm’s derivative action against certain current and former members of Tesla’s Board of Directors. Currently, Jennifer manages the eDiscovery efforts as a member of the teams litigating BFA’s securities cases against Talis and Bioventus.

Jennifer has nearly fifteen years of experience working at the intersection of law, business and technology. Prior to joining BFA, Jennifer worked at large financial institutions and law firms. In her prior roles, she gained extensive experience managing and leading eDiscovery efforts for multiple complex investigations and litigations using cutting edge technology, advising senior stakeholders daily, and running large document review teams.

Jennifer received a J.D. from Benjamin N. Cardozo School of Law (1999) and a B.A. from Barnard College of Columbia University (1995).

CHRISTOPHER CAPUOZZO <i>Director, Client Data and Claims</i>	New York	Email: ccapuozzo@bfalaw.com Tel: +1 212 789 2307 www.bfalaw.com /professionals/christopher- capuozzo
--	----------	---

Christopher Capuozzo is BFA’s Director of Client Data and Claims. He manages a team of analysts dedicated to the evaluation of client exposure to alleged securities fraud and is at the vanguard of the firm’s efforts of recovering funds by preparing and submitting class action claims on behalf of institutional investor clients.

With nearly twenty years of experience in the securities class action field, Chris monitors client portfolios to identify and evaluate investment losses and potential opportunities for BFA clients to serve as lead plaintiff, to participate in direct or



derivative actions, to join class action litigation in non-U.S. jurisdictions, and to recover from class action settlements.

Prior to joining BFA, Chris was a Data Analytics Manager at a securities litigation firm, where he managed a team of analysts providing portfolio monitoring services to the firm's client base. Chris was also a Research Analyst at a global leader in class action recovery services. Chris began his career at a prominent claims administrator, where he processed electronically filed claims from financial institutions across the globe.

Chris received a Bachelor of Arts from New York University.

<p>VICTORIA TSE <i>Senior Data Analyst</i></p>	<p>New York</p>	<p>Email: vtse@bfalaw.com Tel: +1 212 789 3601 www.bfalaw.com/professionals/victoria-tse</p>
---	-----------------	--

Victoria Tse joined BFA in 2020 as a Senior Data Analyst. Victoria monitors client portfolios to identify and evaluate investment losses, exposure to financial fraud, and potential opportunities for BFA clients to serve as lead plaintiff, participate in direct actions, join class action litigations in non-U.S. jurisdictions, and recover from class action settlements. In assessing client exposure, she evaluates recovery opportunities for clients based on court-approved loss methodologies for a wide variety of securities fraud allegations. Victoria also helps oversee the acquisition of client investment data from custodians on a monthly basis, as well as maintains clients' accounts by performing annual reviews.

Prior to joining the Firm, Victoria was a senior data analyst at a securities litigation firm.

<p>ELAINE RIVERA <i>Senior Data Analyst</i></p>	<p>New York</p>	<p>Email: erivera@bfalaw.com Tel: +1 212 789 3604 www.bfalaw.com/professionals/elaine-rivera</p>
--	-----------------	--

Elaine Rivera monitors and analyzes client exposure to financial fraud and evaluates investment losses and potential opportunities for clients to serve as lead plaintiff. In assessing client exposure, she evaluates recovery opportunities for clients based on court-approved loss methodologies for a wide variety of securities fraud allegations. Elaine also assists with determining client eligibility to participate in class action settlements and submitting the necessary claim documents on behalf of eligible clients.

Prior to joining BFA, Elaine was a Data Analyst at a securities litigation firm.

Elaine received a Bachelor of Arts from Baruch College.



JEFFREY ESPERANCE
Data Analyst

New York

Email: jesperance@bfalaw.com
Tel: +1 212 789 2306
www.bfalaw.com/professionals/jeffrey-esperance

Jeffrey Esperance monitors and analyzes client exposure to financial fraud and evaluates investment losses and potential opportunities for clients to serve as lead plaintiff. In assessing client exposure, he evaluates recovery opportunities for clients based on court-approved loss methodologies for a wide variety of securities fraud allegations.

Jeffrey also assists with determining client eligibility to participate in international securities cases and in class action settlements.

Prior to joining BFA, Jeffrey was a Data Analyst at a securities litigation firm.

Jeffrey received a Bachelor of Arts from Baruch College.

UMANG NARAYAN SUHALKA
Data Analyst

New York

Email: usuhalka@bfalaw.com
Tel: +1 212 789 3605
www.bfalaw.com/professionals/umang-suhalka

Umang Narayan Suhalka is a Data Analyst at BFA, where he maintains BFA's proprietary database, monitors and analyzes client exposure to financial fraud, and evaluates investment losses and potential opportunities for clients to serve as lead plaintiff. In assessing client exposure, he evaluates recovery opportunities for clients based on court-approved loss methodologies for a wide variety of securities fraud allegations.

Umang also assists with determining client eligibility to participate in international securities cases and in class action settlements.

Prior to joining BFA, Umang interned at a financial services firm.

Umang received a Bachelor of Engineering in Computer Science from the University of Pune and a Masters of Science in Information Technology from New York University.

ALHASSAN BAH
Data Analyst

New York

Email: abah@bfalaw.com
Tel: +1 212 789 1351
www.bfalaw.com/professionals/alhassan-bah

Alhassan Bah is a Data Analyst at BFA, where he monitors and analyzes client exposure to financial fraud, and evaluates investment losses and potential opportunities for clients to serve as lead plaintiff. In assessing client exposure, he



evaluates recovery opportunities for clients based on court-approved loss methodologies for a wide variety of securities fraud allegations.

Alhassan also assists with determining client eligibility to participate in international securities cases and in class action settlements.

Prior to joining BFA, Alhassan was an analyst at a financial services firm.

Alhassan received a B.A. from Bloomsburg University of Pennsylvania.

For more information, please visit:
www.bfalaw.com

EXHIBIT 2

n at S er n ,
No. 1:22-cv-00453-PAB-KAS

SUMMARY OF BFA TIMEKEEPER QUALIFICATIONS, EXPERIENCE, AND ROLE IN THE ACTION

PARTNERS

George Bauer (10.25 hours): Mr. Bauer is a Partner at BFA and a 2011 graduate of Brooklyn Law School. Mr. Bauer was involved in researching and drafting the Amended Complaint.

Javier Bleichmar (18.7 hours): Mr. Bleichmar is a founding Partner of BFA and leads the firm's U.S. Case Evaluation and U.S. Securities Litigation teams. He is a 1998 graduate of Columbia University Law School. Mr. Bleichmar was involved in (i) preparing the lead plaintiff motion and related papers, and (ii) preparing for and attending the June 13, 2023 mediation session and participating in settlement negotiations.

Ben amin Burry (294.55 hours): Mr. Burry is a Partner at BFA and a 2010 graduate of the University of Chicago Law School. Mr. Burry was primarily involved in (i) researching and drafting the Amended Complaint; (ii) working with Plaintiffs' consulting experts in connection with the Amended Complaint; (iii) overseeing the investigation to locate former Gatos employees in connection with the Amended Complaint; and (iv) researching and drafting the opposition to Defendants' motion to dismiss.

Joseph Fonti (212.50 hours): Mr. Fonti is a founding Partner of BFA and leads the firm's U.S. Securities Litigation team. He is a 1999 graduate of the New York University Law School. From the inception of the matter, Mr. Fonti oversaw the day-to-day prosecution of the Action, and oversaw all aspects of the case, including: (i) preparing the Amended Complaint, including the work with consulting experts and an investigative firm in connection with the Amended Complaint; (ii) preparing Plaintiffs' opposition to Defendants' motion to dismiss; (iii) leading the mediation process and settlement negotiations, and (iv) preparing the preliminary approval and final approval motion papers, including the Plan of Allocation, settlement notice documents, and related submissions.

Evan Kubota (522.20 hours): Mr. Kubota is a Partner at BFA and a 2010 graduate of Harvard Law School. From the inception of the matter, Mr. Kubota was primarily involved in (i) researching and drafting the Amended Complaint; (ii) working with Plaintiffs' consulting experts in connection with the Amended Complaint; (iii) overseeing the investigation to locate former Gatos employees in connection with the Amended Complaint; (iv) researching and drafting the opposition to Defendants' motion to dismiss; (v) preparing for and attending the June 13, 2023

mediation session and participating in settlement negotiations; and (vi) preparing the preliminary approval and final approval motion papers.

Nancy Kulesa (2.00 hours): Ms. Kulesa is a Partner at BFA and a 2001 graduate of the University of Connecticut School of Law. Ms. Kulesa was involved in the Amended Complaint.

Ross Shikowitz (87.70 hours): Mr. Shikowitz is a Partner at BFA and a 2010 graduate of Brooklyn Law School. Mr. Shikowitz was primarily involved in preparing the lead plaintiff motion and related papers.

SPECIAL COUNSEL

Sara Simnowit (2.75 hours): Ms. Simnowitz is Special Counsel at BFA and a 2001 graduate of the University of Chicago Law School. Ms. Simnowitz was primarily involved in the retention of consulting experts in connection with the Amended Complaint.

ASSOCIATES

Nicholas Dennany (41.85 hours): Mr. Dennany is an Associate at BFA and a 2004 graduate of the University of Florida, Levin College of Law. Mr. Dennany was primarily involved in preparing the lead plaintiff motion and related papers.

William Green (62.70 hours): Mr. Green is an Associate at BFA and a 2013 graduate of Washington University in St. Louis School of Law. Mr. Green was primarily involved in conducting research in connection with the lead plaintiff motion, Amended Complaint, and Plaintiffs' opposition to the motion to dismiss.

Mathew Hough (180.75 hours): Mr. Hough was an Associate at BFA and graduated from Boston University School of Law in 2017. Mr. Hough was primarily involved in researching and drafting the Amended Complaint.

Thayne Stoddard (195.05 hours): Mr. Stoddard is an Associate at BFA and a 2014 graduate of Duke University School of Law. Mr. Stoddard was primarily involved in (i) researching and drafting the Amended Complaint; (ii) researching and drafting Plaintiffs' opposition to Defendants' motion to dismiss; and (iii) preparing the final approval motion papers.

SENIOR PROJECTS ASSOCIATE

Franklyn Williams (216.75 hours): Mr. Williams is a Senior Projects Associate at BFA and a 2006 graduate of Boston University School of Law. Mr. Williams was primarily involved in conducting research in connection with the Amended Complaint and Plaintiffs' opposition to Defendants' motion to dismiss.

LAW CLERK

Kayla Kershen (27.00 hours): Ms. Kershen was a Law Clerk at BFA while attending Brooklyn Law School. Ms. Kershen was involved in conducting research in connection with Plaintiffs' opposition to Defendants' motion to dismiss.

PARALEGAL

Masiel Feli (46.65 hours): Ms. Feliz is a paralegal at BFA. She was primarily involved in compiling and organizing documents for use in connection with the Amended Complaint and Plaintiffs' opposition to Defendants' motion to dismiss, and maintaining records of documents filed in the Action.

DIRECTOR OF OPERATIONS

Michael Russo (16.25 hours): Mr. Russo is BFA's Director of Operations and was involved in preparing, formatting, and finalizing Court filings in the Action, and assisting with operational aspects of the litigation.

DATA TEAM

Christopher Capuozzo (22.80 hours): Mr. Capuozzo is BFA's Director of Client Data and Claims. He assisted in calculations of Plaintiffs' losses for purposes of the lead plaintiff motion and Amended Complaint, and analyzed data regarding Gatos Securities to assist in litigation strategy.

Jeffrey Esperance (10.50 hours): Mr. Esperance is a Data Analyst at BFA. He assisted in calculations of Plaintiffs' losses.

Elaine Rivera (9.00 hours): Ms. Rivera is a Senior Data Analyst at BFA. She assisted in calculations of Plaintiffs' losses.

Umang Suhalka (2.00 hours): Mr. Suhalka is a Data Analyst at BFA. He assisted in calculations of Plaintiffs' losses.

EXHIBIT G

**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**

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 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**

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

1. I am a partner with the law firm of Wheeler Trigg O'Donnell LLP (“WTO”), Liaison Counsel in the above-captioned action (the “Action”).¹

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

I. WTO’S WORK, RATES, AND LODESTAR

3. WTO is highly qualified and experienced in class action litigation, having handled hundreds of class actions in state and federal courts in at least 33 states. With respect to the standing of my firm, attached hereto as **Exhibit 1** is a brief firm resume and biographies of the attorneys in my firm who were involved in this Action.

4. Attached hereto as **Exhibit 2** is a list of WTO attorneys for whom fees are sought in this Action. Exhibit 2 also provides further information about each individual’s qualifications, experience, and role in the litigation.

5. My firm actively participated in the prosecution of the claims on behalf of Plaintiffs and the Settlement Class. In particular, my firm performed work at the direction and under the

¹ Capitalized terms not defined herein have the meanings stated in the Amended Class Action Complaint for Violations of the Securities Laws (ECF 54), the Stipulation and Agreement of Settlement dated September 12, 2023 (ECF 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.”).

supervision of Court-appointed Class Counsel, Bleichmar Fonti & Auld LLP. My firm participated in, among other tasks, ensuring compliance with the District of Colorado local rules; assisting with briefing on the motion for appointment of lead plaintiff; reviewing and commenting on drafts of Plaintiffs' Amended Complaint; reviewing and commenting on drafts of Plaintiffs' opposition to Defendants' motion to dismiss; conducting legal research; and reviewing and commenting on the motions for preliminary and final approval of the proposed settlement.

6. Table 1 below is a schedule summarizing the amount of time spent by attorneys of my firm from inception of the Action through and including April 19, 2024, the rates applicable to each individual, and the lodestar calculation for those individuals based on current billing rates.

7. Table 1 was prepared from contemporaneous daily time records regularly prepared and maintained by my firm. As the lead partner responsible for supervising WTO's work on this case, I supervised the review of these time records to prepare this declaration. The purpose of this review was to confirm both the accuracy of the time entries and the necessity for, and reasonableness of, the time committed to the Action. Time expended on this application for fees has not been included in this request.

8. My firm's lodestar figures are based upon our current billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

9. The total number of hours reflected in Table 1 from inception through and including April 19, 2024, is 127.40. The total lodestar reflected in Table 1 for that period is \$86,011.

TABLE 1

Timekeeper Name	Position	Hours	Hourly Rate	Lodestar
Michael L. O'Donnell	Firm Chair	4.70	\$1,045	\$4,911
Kathryn A. Reilly	Partner	27.20	\$850	\$23,120
Daniel N. Guisbond	Partner	81.40	\$630	\$51,282
Christopher D. Petersen	Staff Counsel	14.10	\$475	\$6,698
TOTALS		12 .4		\$ 6, 11

10. The hourly rates for the attorneys of my firm included in Table 1 are the same as the regular rates charged for their services in non-contingent matters and/or which have been accepted in other securities or shareholder litigation.

II. WTO'S EXPENSES

11. In addition to the expenses described in 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, WTO incurred computer research expenses of \$227 in connection with legal research conducted in the prosecution of the Action. The records of these expenses are maintained contemporaneously and in the ordinary course by my firm, including receipts, invoices, expense vouchers, check records, and similar documents. In preparing this declaration, I have reviewed these records to confirm the accuracy of the expenses incurred, as well as the reasonableness of and necessity for those expenses. I believe that these expenses were fair and reasonable and were necessary for the efficient and effective prosecution of the Action.

Dated: April 26, 2024

/s/ _____
Kathryn A. Reilly

EXHIBIT 1

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

WTO FIRM RESUME AND ATTORNEY BIOS

The logo consists of a horizontal bar with a green section on the left and a white section on the right. The white section contains four vertical bars of varying heights.

Wheeler Trigg O'Donnell LLP

TRIALS. LITIGATION. APPEALS.

Exhibit 1:
Firm Resume and Attorney Biographies

MICHAEL L. O'DONNELL, FIRM CHAIR
KATIE A. REILLY, PARTNER
DANIEL N. GUISBOND, PARTNER
CHRISTOPHER D. PETERSEN, STAFF COUNSEL

APRIL 16, 2024

“No firm gets better results year after year.”

–Client comment to U.S. News - Best Lawyers

TABLE OF CONTENTS

FIRM OVERVIEW	4
Class Actions	5
Testimonials	6
Recognition for WTO	7
National Trial Practice	8
Can Your Law Firm Say That?	9
Diversity, Equity & Inclusion	10
Practices & Industries	12
ATTORNEY BIOGRAPHIES	13
Michael L. O'Donnell	14
Katie A. Reilly	26
Daniel N. Guisbond	35
Christopher D. Petersen	40
FOR MORE INFORMATION	42

FIRM OVERVIEW

"Lawyering at its essence."

—The National Law Journal

EXCEPTIONAL TRIAL EXPERIENCE. OUTSTANDING CLIENT RESULTS. Few firms can match Wheeler Trigg O'Donnell's (WTO) passion for client service, stand-up experience, and deep trial bench. And our clients always come first.

CLIENTS' INTERESTS FIRST

- We cultivate **trust and communication** with clients. We build strategy around your goals and priorities.
- Information changes. When new case developments arise, **we run—not walk—to update you.**
- **We staff teams based on your preferences.** We always want your WTO team to reflect your priorities, period.

SINGULAR EXPERIENCE

- WTO's 100 trial lawyers and litigators have taken more than **1,100 trials and arbitrations to verdict or award and hundreds of appeals** to opinion in 45 states and Washington, D.C.

- Eight WTO lawyers are Fellows of the American College of Trial Lawyers. **Few firms in the nation match WTO's ratio of Fellows to partners.**
- Our associates are our future partners. In 2022, **82% of WTO associates served as the primary lawyer** on at least one matter and **91% argued in court—despite continued court backlogs caused by the pandemic.**

CLIENT RESOURCES

- We use alternative fee arrangements to share risk with clients. In 2020, **BTI Consulting named WTO 1 OF 16 "Standouts" for AFAs.**
- WTO's retainer relationship with **trial presentation coaches** helps our lawyers hone oral advocacy and prepare witnesses—at no additional cost to clients.
- WTO's **in-house e-Discovery experts** are national leaders in reducing document production burdens while simultaneously increasing defensibility in court.



CLASS ACTIONS

*"An enviable reputation for defending high-profile
class actions and product liability cases."*

–The Legal 500 US

SEVEN CERTIFIED CLASS ACTION TRIALS. SCORES OF HAPPY CLIENTS. Wheeler Trigg O'Donnell's class action defense group has handled hundreds of class actions in state and federal courts in at least 33 states. WTO lawyers have defeated certification more than 175 times and won motions to dismiss or for summary judgment in dozens more cases. We have also successfully decertified classes after being brought in to rehabilitate class actions gone astray.

In 2022, Chambers USA ranked WTO among the Top 14 firms in the U.S. for class action defense. Representative clients include Aimco, BP, CenturyLink, Electrolux, Ford, GE, Michelin, Toyota, Volvo, Whirlpool, and Yahoo!

As the diversity of our clients suggests, we have extensive experience handling complex class actions involving a wide variety of substantive areas of law, including consumer fraud, product liability, antitrust, insurance, traumatic brain injury, employment, energy and natural resources, securities, and telecommunications.

TESTIMONIALS

“No firm gets better results year after year.”

–Client comment to U.S. News - Best Lawyers

***“A dominant
litigation boutique
celebrated
for its talent in
civil trials.”***

–Chambers USA

***“At the core
of industry-
changing
matters.”***

–The American Lawyer

***“They are relentless,
very smart, and play to
win—and win big.”***

–BTI Consulting

***“Should be in the conversation as to
whether they are the best in the country.”***

–Client comment to LMG Life Sciences

***“Brings calm to the chaos
of high-stakes litigation.”***

–Client comment to Chambers USA

***“Lawyering at
its essence.”***

–The National Law Journal

RECOGNITION FOR WTO



Chambers USA Nationwide Product Liability & Mass Torts: Band 3 “The Elite”

- Among Top 21 firms in the U.S.

Colorado General Commercial Litigation, Band 1

- 5 WTO lawyers among the Top 11—45% of the top-most rankings.

BTI Consulting 2023: Client Service A-Team Ranked among the Top 50 firms in the U.S. for client service, based solely on client feedback.



Finalist, The American Lawyer National Litigation Boutique of the Year Recognized as 1 of only 7 finalists in the U.S.— in two consecutive years.



Benchmark Litigation Colorado Firm of the Year

Recognized for the scope and significance of litigation handled—in 5 out of 6 years.



U.S. News - Best Lawyers

- 43 lawyers ranked in 17 litigation specialties.
- 3 lawyers listed as Denver "Lawyers of the Year."



Vault Top 15 Midsize Law Firm

3 times in 8 years, Vault has recognized WTO as one of the nation’s Best Midsize Law Firms to Work For, coming in at #5, #8, and #11 in 2016, 2018, and 2022, respectively.



Colorado Super Lawyers

- 37 lawyers listed
- 2 lawyers in the Top 10
- 9 lawyers in the Top 100



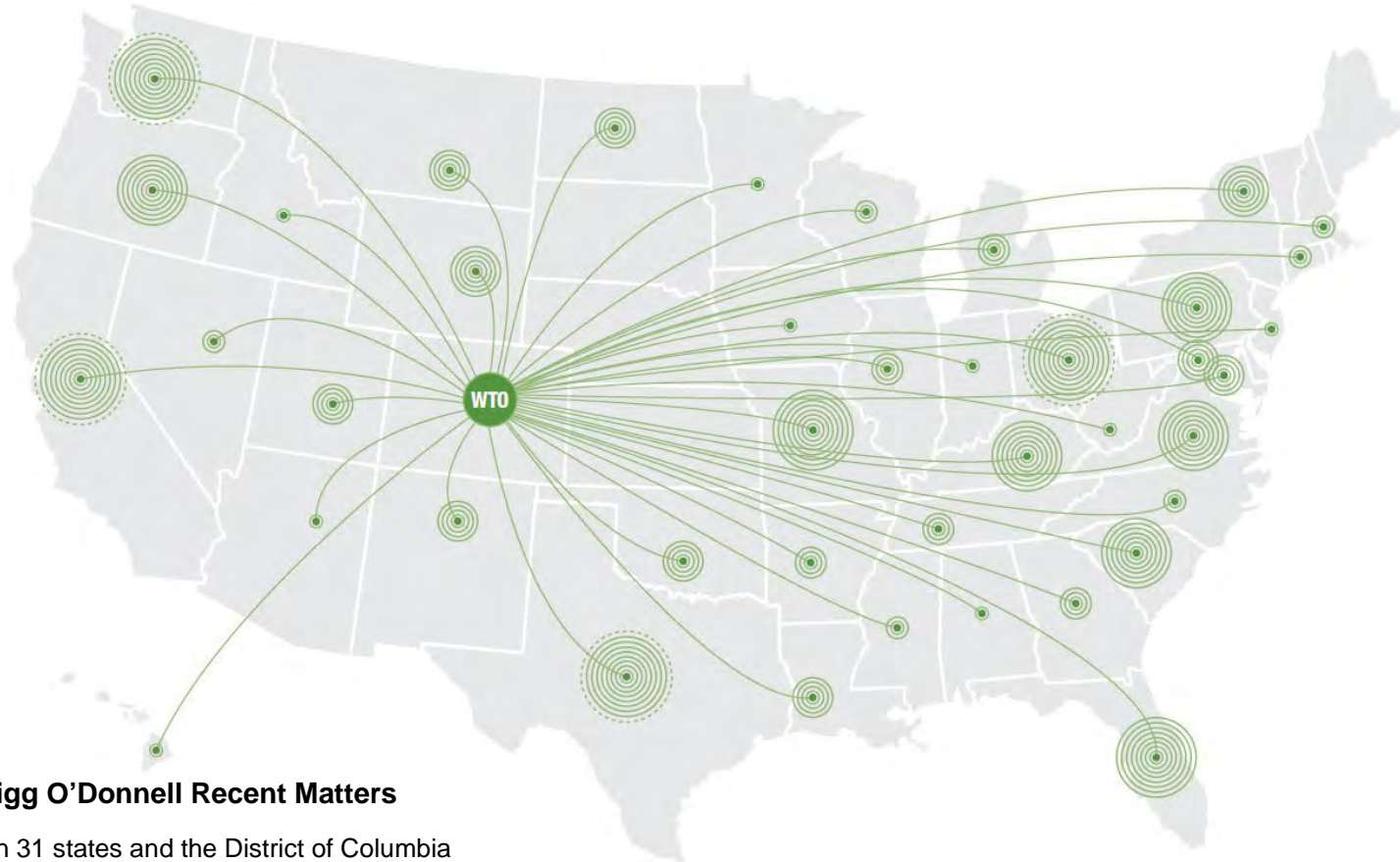
BTI Consulting "Most Feared"

Ranked among the Top 14 "Most Feared" firms in the U.S. based on input from in-house counsel.

NATIONAL TRIAL PRACTICE

"At the core of industry-changing matters."

—The American Lawyer



Wheeler Trigg O'Donnell Recent Matters

ADMITTED in 31 states and the District of Columbia

TRIED cases to verdict in 45 states, plus D.C.

APPEARED in over two-thirds of U.S. District Courts



CAN YOUR LAW FIRM SAY THAT?

Criteria	WTO	Other Firm	WTO Advantage
Trial Verdicts	✓	?	Taken more than 1,100 trials and arbitrations to verdict or award and hundreds of appeals to opinion in 45 states and Washington, D.C.
Class Action Experience	✓	?	Defeated class certification over 175 times , decertified several more classes, and tried 7 certified class actions to juries or judges. Defended class actions in 33 states.
American College	✓	?	8 Fellows of the American College of Trial Lawyers.
Nation-leading Rankings	✓	?	Two years in a row as 1 of just 7 finalists for The American Lawyer’s National Litigation Boutique of the Year.
National AFA Leader	✓	?	BTI Consulting named WTO 1 of 16 “Standouts” in the U.S. for alternative fee arrangements. WTO and Whirlpool won the ACC Value Champions award for creativity and value-based legal management in fee arrangements.
Top-market Experience at Mid-market Rates	✓	?	WTO stands alongside the most prestigious firms in the country— at a fraction of the cost.
Efficiency	✓	?	Staffing: 1 partner, 1 associate, and 1 paralegal until more hands are needed. We do not over-lawyer and <i>then</i> look for work to do.
Diversity & Inclusion	✓	?	WTO fundamentally changed its recruiting and hiring practices to increase diversity. Since 2017, 55% of new hires have been women and 23% are otherwise diverse.
Minority Corporate Counsel Association Innovator Award	✓	?	Recognized as a national leader for innovation in diversity and inclusion efforts with the MCCA Vashon Innovator Award.
Experienced Associates	✓	?	In 2022, 82% of WTO associates served as the primary lawyer on at least one matter and 91% played active speaking roles in court.
All of the Above	✓	X	WTO delivers a truly unique combination of experience and value to clients.

DIVERSITY, EQUITY & INCLUSION

AT WHEELER TRIGG O'DONNELL, WE BELIEVE that a more diverse, equitable, and inclusive workplace furthers our mission of delivering world-class litigation and trial services to our clients. Experience has taught us that we provide better service and achieve greater results when our teams reflect the diversity of our clients and the communities we serve.

As a result of our years-long focus on promotion and advancement, **28% of partners—and WTO only has one partnership tier—and 50% of our management committee are women.** This places WTO firmly alongside the top 10% of AmLaw 200 firms in these areas. WTO was also one of the first major firms in the Rocky Mountain region to elect a diverse managing partner, in 2012.

Better Reflecting Our Clients: Recent Recruitment, Retention & Advancement Efforts

- We recently updated WTO's associate review process to **a behavioral- and evidence-based model to disrupt implicit bias.** This builds on a similar shift we made to our interview process, described below.
- A Professional Development Manager monitors opportunities and assignments to help **ensure equity and inclusion across associates.**

- We also employ a Professional Writing Coach to **help all WTO associates develop their legal writing skills** to the levels that WTO's clients and partners expect.
- Several years ago, **WTO adopted a behavior-based interview format—in contrast to traditional models focusing solely on "pedigree and fit"**—to mitigate implicit bias in the recruiting and hiring process. Since making this change, we have substantially increased our offers of employment to diverse and women attorneys.
- WTO financially supports, and our attorneys volunteer time to, **Law School . . . Yes We Can!**, an organization dedicated to carving a path to law school for students with modest means, many of whom are first-generation college students.
- WTO participates in the **LCLD 1L Scholars Program** and the **Colorado Pledge to Diversity**, hiring rising 1L students as summer clerks. The firm also sponsors a **2L Summer Clerkship Program** to recruit and cultivate diverse talent from across the country.

DIVERSITY, EQUITY & INCLUSION

Current Community & Network Development Efforts

- In 2020, WTO co-founded the **Denver Law Firm Coalition for Racial Equity** along with the five largest Denver-based law firms. Together, Coalition firms are advancing racial equity in Denver's legal community through knowledge-sharing, joint initiatives, and accountability measures. Coalition firms are working to make Denver an appealing destination for diverse attorneys, for example through the Coalition's Practice Denver initiative, which is building a pipeline to Denver from Chicago-area law schools.
- WTO is a proud member of the **Law Firm Antiracism Alliance**, an international coalition of leading law firms focused on dismantling barriers to opportunity in communities of color.
- WTO is an active member of the **Leadership Council on Legal Diversity**, a national organization that offers sophisticated networking and leadership opportunities to diverse attorneys.
- Diverse WTO attorneys regularly participate in the **Colorado General Counsel Mentoring Program**, building their relationships and networks with influential general counsel.

Ongoing Education

- We engage consultants to provide firm-wide trainings on a variety of topics. Recent examples include “**The Brain Science of Unconscious Bias**” and “**Rethinking Diversity: Where Do We Go From Here?**” WTO has also launched an annual speaker series on workplace inclusion and paths to leadership for diverse and women attorneys.
- WTO offers **seminars, CLEs, and trainings** to firm personnel and clients throughout the year on topics around diversity, equity, and inclusion.

PRACTICES & INDUSTRIES

*"This is the firm to hire in the highest exposure cases
requiring experienced trial counsel."*

–Client comment to U.S. News - Best Lawyers

LITIGATION PRACTICE AREAS

Antitrust & Competition
Appellate
Catastrophic Injury Defense
Class Actions
Commercial Litigation
Employment

Environmental Litigation
Franchise & Distribution
Healthcare Professional Liability
Intellectual Property
Investigations & Compliance
Legal Professional Liability

Mass Torts
Pro Bono
Product Liability
Professional Liability
Securities Litigation & Enforcement
Defense

REPRESENTATIVE INDUSTRIES

Asbestos
Automotive
Cannabis
Construction & Engineering
Consumer Products & Services
Energy

Financial Services
Healthcare
Insurance
Legal Services
Medical Devices & Pharmaceuticals
Oil & Gas

Professional Services
Real Estate
Telecommunications
Trucking

ATTORNEY BIOGRAPHIES



MICHAEL L. O'DONNELL

Firm Chair

odonnell@wtotrial.com | P 303.244.1850 | F 303.244.1879

Michael O'Donnell has taken more than 85 trials to verdict and appeared as lead defense counsel in 40 states for class and mass actions, product liability, professional liability, and complex commercial matters for many of the nation's leading companies. Alongside his tremendous trial record, Mike is nationally recognized for his strength in settling complex litigation. Mike is a past president of the American College of Trial Lawyers. He is nationally ranked in Chambers USA, and his colleagues and peers have voted him the #1 lawyer in Colorado Super Lawyers for 10 of the last 11 years.

"Tremendous trial and negotiation skills" and "a presence that commands respect."

—Client comments to Chambers USA

EDUCATION

University of Denver Sturm College of Law, J.D., 1979

University of Notre Dame, B.A., 1976, English

GOVERNMENT SERVICE

Member, Federal Judicial Evaluation Committee for U. S. Senator Cory Gardner

Intern to the Honorable Sherman Finesilver, United States District Court for the District of Colorado

ADMISSIONS

Colorado
Wyoming

HIGHLIGHTS

- Helped secure a \$142 million settlement as liaison counsel to the lead plaintiff in a securities class action against a pharmaceutical company.
- Serving as national counsel for a major international company in commercial litigation involving over 180 cases of alleged PCB exposure.
- Won a directed verdict in a \$100 million insurance coverage arbitration.
- Won a unanimous defense jury verdict for Michelin North America in a \$66 million product liability trial in South Carolina.
- Won three critical summary judgment and *Daubert* rulings for a major law firm and three lawyers in a legal malpractice case, precluding damages claims in excess of \$10M from proceeding to trial and materially lowering the clients' risk going forward.

INDUSTRIES

- Medical Devices & Pharmaceuticals
- Automotive
- Energy
- Oil & Gas
- Construction & Engineering

PRACTICE AREAS

- Class Actions
- Commercial Litigation
- Environmental Litigation
- Securities Litigation & Enforcement
Defense



BIOGRAPHY

Michael O'Donnell has taken more than 85 trials to verdict and appeared as lead defense counsel in 45 states for class and mass actions, product liability, professional liability, and complex commercial matters for many of the nation's leading companies. Alongside his tremendous trial record, Mike is nationally recognized for his strength in settling complex litigation. Mike is a past president of the American College of Trial Lawyers. He is nationally ranked in Chambers USA, and his colleagues and peers have voted him the #1 lawyer in Colorado Super Lawyers for 10 of the last 11 years.

Mike has served as national trial and resolution counsel for numerous highly visible companies, including General Electric, Michelin North America, Advanced Bionics, McKesson, Boston Scientific, Guidant, Skyjack, and Pfizer. He is a Fellow of the International Academy of Trial Lawyers and member of the American Board of Trial Advocates. Mike is a former chairman of The Network of Trial Law Firms, a 5,000-member lawyer organization that offers continuing legal education programs on litigation topics. In 2021, a case that Mike tried (*Nash v. Michelin*) was selected as one of the Top Ten Defense Verdicts in the U.S. by Courtroom View Network.

Chambers USA ranks Mike nationwide for product liability and mass torts defense. *Colorado Super Lawyers* has ranked Mike the number-one lawyer in Colorado for nine years in a row (2013-2021) based on independent research and a survey of his peers--a feat no other Colorado lawyer has accomplished--and he has been named to its top 10 list every year since 2009. Best Lawyers lists Mike in seven litigation practice areas and named him "Denver Legal Malpractice Lawyer of the Year" for 2017 and 2011, and

"Denver Product Liability Litigation Lawyer of the Year" for 2013 and 2012. In 2011, Law Week Colorado selected Mike as one of 10 "Lawyers of the Decade" and "Lawyer of the Year" in Colorado. In a survey conducted by Law Week Colorado in 2010, Mike was selected by his peers as the "Best Trial Lawyer" in Colorado.

In 2012, Mike was honored with the University of Denver Law Outstanding Alumni Award which is presented each year to one DU Law graduate who has demonstrated professional achievement and humanitarian service to the community. In 2008, he became only the seventh defense lawyer to receive an award from the Colorado Trial Lawyers Association for the highest standards of competency, ethics, and professionalism.

CASES

Trials & Oral Arguments

- Won a directed verdict in a \$100 million insurance coverage arbitration involving a novel rectification coverage claim.
- Won a unanimous defense jury verdict for Michelin North America in a \$66 million product liability trial in South Carolina. The plaintiffs claimed that an allegedly defective Michelin motorcycle tire caused an accident resulting in catastrophic injuries.
- Won a \$1.25 billion exit fee dispute for an electric distributor against its generation and transmission provider.

MICHAEL L. O'DONNELL

- As lead national trial counsel to GE Healthcare, successfully argued before the U.S. Judicial Panel on Multidistrict Litigation to defeat plaintiffs' attempt to create an MDL involving gadolinium-based contrast agents.
 - Won a complete defense jury verdict for Michelin following a nine-week product liability trial in Florida in which the plaintiffs requested damages between \$80 million and \$1.2 billion following a rollover accident involving Michelin tires. WTO also won the appeal.
 - Won order vacating a \$10.87 million property insurance award and disqualifying a national property appraiser, and subsequently won sanctions against the policyholder and its lawyers, and won 99.7% of attorneys' fees and costs.
 - Won a unanimous defense verdict for Michelin following a three-week trial in Arizona state court in which the plaintiff demanded \$20 million in actual and punitive damages.
 - Won a complete defense jury verdict in federal court for a large international law firm accused of malpractice. The plaintiff hired WTO's client to handle a complex patent infringement matter, then sued the firm for negligence and breach of fiduciary duty.
 - Represented a Fortune 500 company as national trial counsel for hundreds of product liability claims and lawsuits involving a Class III medical device used to treat abdominal aortic aneurysms.
- ### Major Settlements
- Facilitated a rural electric cooperative's withdrawal from membership in a wholesale cooperative. WTO's client achieved settlement for hundreds of millions of dollars below the wholesaler's demand and can now acquire substantially cheaper and renewable green energy sources for its members.
 - Represented Denver International Airport in high-profile claims involving alleged bid rigging and unfair competition relating to a \$50 million terminal concessions contract.
 - Represented Denver International Airport against the Regional Transportation District in a dispute over cost-sharing agreements involving a new rail line serving the airport.
 - Served as national counsel to a global healthcare company in multidistrict litigation involving over 12,000 claims relating to dialysis products. WTO helped develop national resolution strategy, identified bellwether cases, and negotiated settlement of all claims.

MICHAEL L. O'DONNELL

- Represented a food distributor in allegations of *Listeria* contamination resulting in 33 deaths and 146 confirmed cases in one of the largest and deadliest food-borne illness outbreaks in the United States.
 - Represent a Fortune 50 company as national resolution counsel in hundreds of cases involving a medical imaging contrast agent alleged to induce a rare disease.
 - Represented NBCUniversal and Universal Studios in a negligence and breach of contract action brought by Universal Music Group following a 2008 fire at Universal Studios. The dispute involved nuanced, complex issues including insurance subrogation and collateral source rule questions.
 - Obtained partial summary judgment in federal court for a large national law firm that had been sued for malpractice, aiding and abetting, conspiracy, and violations of RICO. The ruling reduced the damage claim from over \$150 million to less than \$2 million and paved the way for a favorable settlement of the case.
- Other Relevant Experience**
- Serving as national counsel for a major international company in commercial litigation involving over 180 cases of alleged PCB exposure.
 - Helped secure a \$142 million settlement as liaison counsel to the lead plaintiff in a securities class action against a pharmaceutical company.
 - Won three critical summary judgment and *Daubert* rulings for a major law firm and three lawyers in a legal malpractice case, precluding damages claims in excess of \$10M from proceeding to trial and materially lowering the clients' risk going forward.
 - Selected as liaison counsel to all distributor defendants in federal multidistrict litigation in California involving vaping products.
 - Representing multiple public utility companies in contentious commercial litigation against an energy association with hundreds of millions of dollars at stake.
 - Won a landmark federal case in Illinois defining the obligations of lead and liaison counsel in multidistrict litigation.
 - Won complete affirmance in the Tenth Circuit of landmark rulings governing insurance appraisals. In two published opinions, the Tenth Circuit affirmed trial court rulings vacating an eight-figure appraisal award against the client, disqualifying for bias a national policyholder appraiser, and sanctioning the policyholder and its lawyers for misconduct in connection with the appraisal.
 - Represent Skyjack Inc. as national trial counsel in product liability cases involving aerial lift and boom equipment.

MICHAEL L. O'DONNELL

- Serving as national coordinating and trial counsel to a cochlear implant manufacturer for the defense of product liability lawsuits involving a Class III medical device used to treat hearing loss.
- Obtained summary judgment from a Texas district court in a case alleging WTO's client, a life insurance company, committed fraud and violated consumer protection laws.
- Obtained a Rule 12(b) dismissal of a complaint filed in federal court in Missouri against a large international law firm. The plaintiffs ultimately obtained an eight-figure jury verdict against the remaining defendants in the case.
- Secured a ruling from a California appeals court affirming the preemption of claims brought against WTO's client for its abdominal stent medical device.
- Obtained a Rule 12(b) dismissal of a malpractice case against five lawyers. The opposing party appealed the dismissal and, while the appeal was pending, the case settled with no payments being made by WTO's clients.
- Obtained summary judgment for a law firm client and an award of attorneys' fees in a legal malpractice case in which the plaintiff sought \$7 million in damages. The plaintiff appealed the award of attorneys' fees, and the parties settled the appeal with payments being made to the client.
- Awarded complete summary judgment in a legal malpractice case one week before a multi-week trial was scheduled to begin. The plaintiff had sought over \$5 million in damages.
- Successfully defended the Vancouver Canucks NHL organization in a lawsuit brought by Colorado Avalanche player Steven Moore as a result of severe injuries he sustained during a hockey game. WTO obtained dismissal of the lawsuit on the grounds of lack of personal jurisdiction and *forum non conveniens*, and also obtained a six-figure award of attorney's fees and costs in favor of the Canucks organization and against Mr. Moore.
- Defended AT&T Wireless in a nationwide class action in Colorado state court involving the billing of wireless air time.
- Represent General Electric as national counsel in personal injury matters involving trucks that move oversized loads, including wind turbines.

TEACHING POSITIONS

BAR-BRI Course on Professional Responsibility
National Institute for Trial Advocacy
University of Denver Sturm College of Law
Guest Lecturer
University of Colorado at Denver, MBA Program

MICHAEL L. O'DONNELL

Guest Lecturer
Numerous CLE Presentations

REPRESENTATIVE CLIENTS

Advanced Bionics - National Trial Counsel
City & County of Denver
CoorsTek
Crown Equipment - Regional Trial Counsel
Denver International Airport
Dish Network
Empower Retirement Services
Fresenius - National Counsel
General Electric - National Trial Counsel
Guidant - National Trial Counsel
High Net-Worth Individuals
Lawyers and Law Firms
Level 3 Communications
Lumen Technologies - National Trial Counsel
Michelin North America - National Trial Counsel
Skyjack

BAR & COURT ADMISSIONS

Colorado
Wyoming
U.S. Supreme Court
U.S. Court of Appeals, 10th Circuit
U.S. District Court, C.D. Illinois
U.S. District Court, D. Colorado

U.S. District Court, D. Wyoming
U.S. District Court, E.D. Michigan

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Fellow, American College of Trial Lawyers
Immediate Past President, 2022-2023
President, 2021-2022
President Elect, 2020-2021
Treasurer, 2019-2020
Secretary, 2018-2019
Regent, 2012-2016
Regent Liaison for ACTL Task Force on Discovery and
Civil Justice,
2013-2015
Sandra Day O'Connor Award Committee, 2013-2015
Federal Rules of Civil Procedure Committee, 2013-2015
Regent's Nominating Committee
Chair, 2016
Special Problems in the Administration of Justice
Committee, Vice
Chairman, 2011-2012
Adjunct State Committee, 2011-2012
Colorado State Committee, Chairman, 2008-2010
Chairman-Elect, 2007-2008, Vice Chairman, 2006-2007
Code of Conduct Committee, 2007-2008
Complex Litigation Committee 2004-2005
Trustee, United States Supreme Court Historical Society,
2024
Fellow, International Academy of Trial Lawyers



MICHAEL L. O'DONNELL

American Board of Trial Advocates

Member

Fellow, Litigation Counsel of America, The Trial Lawyer

Honorary Society

Member, Diversity Law Institute

Member, Trial Law Institute

International Association of Defense Counsel

Member

Chambers USA

Product Liability - Nationwide, 2015-2023

Commercial Litigation - Colorado, 2009-2023

BTI Consulting

Client Service All-Star MVP, 2020

Client Service All-Star, 2019

The Best Lawyers in America

Denver Legal Malpractice Law - Defendants Lawyer of the
Year, 2011, 2014, 2017, 2020

Denver Personal Injury Litigation Lawyer of the Year,
2015, 2018

Denver Product Liability Litigation Lawyer of the Year,
2012-2013, 2019

Denver Mass Tort Litigation/Class Actions - Defendants
Lawyer of the Year, 2021

Bet-the-Company Litigation, 2005-2024

Commercial Litigation, 2005-2024

Legal Malpractice Law, 2005-2024

Mass Tort Litigation / Class Actions - Defendants, 2017-
2024

Personal Injury Litigation - Defendants, 2005-2024

Product Liability Litigation - Defendants, 2005-2024

Professional Malpractice Law - Defendants, 2017-2024

The Legal 500 United States

Litigation: Product Liability and Mass Tort Defense, 2007,
2009-2011,
2013

Benchmark Litigation

Local Litigation Star, 2020-2024

Commercial Litigation - Colorado, 2011-2018

Product Liability - Colorado, 2013-2018

Professional Liability - Colorado, 2013-2018

Colorado Super Lawyers

Ranked #1 in Colorado, 2013-2022

Top 10, 2007, 2009-2012, 2023-2024

Personal Injury Defense: Products, 2009-2024

Class Action/Mass Torts, 2006-2008

5280 Magazine

Top Lawyer

Civil Litigation, 2020-2021, 2023-2024

Commercial Litigation, 2020-2021, 2023-2024

Personal Injury: Defense, 2020-2021, 2023-2024

Law Week Colorado

Lawyer of the Year, 2016

"People's Choice" Best Overall Litigator, 2017

"People's Choice" Civil Litigator, 2016

"Barrister's Best" Best Overall Litigator, 2015, 2019

"People's Choice" Class Action Defense Lawyer, 2014,



MICHAEL L. O'DONNELL

2021

"Barrister's Best" Best Class Action/Mass Tort Defense
Lawyer, 2012, 2021
Lawyers of the Decade, 2011
"Barrister's Best" Best Trial Lawyer, 2010 5280 Magazine
Top Lawyer
 Personal Injury Defense, 2015-2019
 Civil Litigation, 2015-2019
 Commercial Litigation, 2017-2019
University of Denver Sturm College of Law
 Dean's Advisory Board, 2022
 Outstanding Alumni Award, 2012
 Co-Chair of Reunion Committee, 2004
University of Notre Dame Law School Council, 2019
Euromoney's Expert Guides - Litigation and Product Liability
Martindale-Hubbell AV® Peer Review Rated
The International Who's Who of Product Liability Defense
Lawyers, 2011, 2014-2017, 2019
The International Who's Who of Life Sciences Lawyers,
2014, 2017
Institute for the Advancement of the American Legal System
(IAALS)
 ACTL Task Force on Discovery and Civil Justice, member
 2015 Rebuilding Justice Award
Colorado Trial Lawyers Association
 Award for Competency, Ethics, and Professionalism, 2008
The American Lawyer
 Top Commercial Litigation Lawyers, 2006

Corporate LiveWire
 2014 Lawyer of the Year - Litigation & Dispute Resolution
(Denver)
Best of the Bar, Denver Business Journal
Colorado Bar Foundation
 Fellow
The Network of Trial Law Firms
 Chairman, 2005-2006
Denver Bar Association
 Vice President, Board of Trustees
Colorado Bar Association
 Member, Board of Governors
American Bar Association
 Chairman, Issues Affecting the Legal Profession
 Young Lawyers Section Liaison to Standing Committee on
 Professional Discipline
American Bar Foundation
 Life Fellow
Judge William E. Doyle American Inn of Court, Master
Denver Law Club
Faculty of Federal Advocates
 Board of Directors, 2004-2005
Defense Research Institute
 Member, Professional Liability Committee
Colorado Defense Lawyers Association
USDC Colorado Committee on Conduct, 2012
Who's Who in Law, *Denver Business Journal*
Colorado Judicial Institute



MICHAEL L. O'DONNELL

Board of Directors, 2004-present
Judicial Awards Committee, 2006-present
IAALS Law Firm Council
Founding member
National Center for State Courts
Lawyers Committee Member
Lawdragon 500 Leading Litigators in America, 2022, 2023

COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Wheeler Trigg O'Donnell Foundation
Founder and President, 2005-present
Archdiocese of Denver
Finance Council, 2008-2013
Catholic Charities Archdiocese of Denver
Board Member, 2010-present
Denver Police Foundation
Board of Directors, 2004-present
Walking for Kids
Founding Member, Board of Directors, 2009-present
Trial.com Foundation, Inc.
President, 2005-2006
The Catholic Foundation
Board of Directors, Advancement Committee, 2004-2005
American Heart Association of Colorado and Wyoming
Chairman of the Board
American Heart Association of Colorado
Denver Metro Division, Chairman of the Board
Denver Tennis Club
Board of Directors

The Village Club
President
Hundred Club of Denver
Member

ARTICLES & PRESENTATIONS

Articles

- Co-Author, "Trial by Webcam: Tips From a Firsthand Experience," *Law360*, (May 28, 2020).
- Co-Author, "New Strategies for Defending Professional Liability and Malpractice Cases," *Best Practices for Addressing Professional Liability Claims*, (July 2015).
- "Managing Product Liability in the Americas," quoted in *Financier Worldwide*, (September 2009).

Book Chapters

- "Witness Preparation Primer: Inviting a Witness to Provide Truthful and Favorable Testimony," *Mastering the Art of Preparing Witnesses*, (December 2017).
- "Deconstructing the Key Liability Expert: Strategy and Secrets for Successful Cross-Examination," *From the Trenches: Strategies and Tips From 21 of the Nation's Top Trial Lawyers*, (2015).

Presentations

- Presenter, "What the Hail? Exposing Biased Insurance Appraisers," The 28th Annual ACIC General Counsel Seminar Survey, (July 28, 2017).

MICHAEL L. O'DONNELL

- Presenter, "Dealing with Collusion and Fraud in Property Loss Litigation, Litigation Management in a New York Minute - 2016 Edition," The Network of Trial Law Firms, New York, NY, (August 5, 2016).
- Presenter, "Dollars and \$ense Negotiating the Pay Raise - Practical Advice from the Decision-Makers," The Association of Corporate Counsel Colorado Chapter CLE and reception, (May 12, 2016).
- "Association of Corporate Counsel: Negotiating the Pay Raise," (May 12, 2016).
- Presenter, "Settling Strategies for MDLs: Getting Started, Setting Values, and Overcoming Obstacles," The Mass Torts Judicial Forum in New York City, (April 15, 2016).
- Presenter, "The Defense Perspective: How Loss Prevention and Firm Management Practices Can Impact Malpractice Claims," Ethics CLE at Wheeler Trigg O'Donnell, (November 19, 2014).
- Presenter, "Managing a Large Casualty Claim," The Advisen Casualty Insights Conference in New York City, (March 27, 2014).
- Presenter, "Avoiding Missteps in Handling Litigation and Other Disputes," Association of Corporate Counsel Colorado Chapter, (December 5, 2012).
- Presenter, "The Trial of a Legal Malpractice Case," The Aon Law Firm Symposium, (October 12, 2012).
- Presenter, "Unique Issues in Mass Torts," University of Denver Sturm College of Law, (November 7, 2011).
- Presenter, "Negotiation," MBA students at McGill University, (October 12, 2011).
- "The Nuts and Bolts of Successor Liability," presented to CAN, (February 10, 2011).
- "Ethics CLE: Avoiding Malpractice," University of Denver Alumni Weekend, (October 14, 2010).
- "Settlement Negotiation Strategies," Continuing Legal Education Seminar, (May 2010).
- "Strategic Management," University of Colorado at Denver MBA Program, (February 2010).
- Presenter, "Deposition Strategy 101," Colorado Defense Lawyers Association CLE Seminar, (December 4, 2009).
- Presenter, "Leadership and Strategic Management," University of Colorado MBA Students, (December 1, 2009).
- "Leadership," University of Colorado at Denver MBA Program, (December 1, 2009).

MICHAEL L. O'DONNELL

- Presenter, "Preventing Legal Malpractice, Potential Pitfalls and How to Avoid Them," Colorado Bar Association Continuing Legal Education Seminar, (2009-2013).
- Presenter, "Alternative Dispute Resolution," CAN, (March 2008).
- Presenter, "Appellate Update on Colorado Law," Colorado State Court Trial and Appellate Judges, (September 2007).
- Presenter, "What In-House Counsel Want and How to Give It to Them," The Network of Trial Law Firms, (April 20, 2007).
- Presenter, "Selecting Outside Trial Counsel," Association of Corporate Counsel Colorado Chapter, (March 21, 2007).
- Presenter, "Selection of Outside Counsel," The Network of Trial Law Firms, (April 29, 2006).
- Presenter, "Pharmaceutical Torts Cases in Colorado," Colorado Bar Association and Denver Bar Association CLE Ethical Consideration for Practitioners, (November 3, 2005).
- Presenter, "Punitive Damages," The Network of Trial Law Firms, (October 23, 2004).
- Presenter, "Punitive Damages," 27th Annual Conference of Colorado Defense Lawyers Association, (August 20, 2004).
- Presenter, "Campbell v. State Farm," The Network of Trial Law Firms' Meeting, (Apr. 2003).
- Presenter, "Colorado Civil Justice League Legislative Panel," In conjunction with the American Tort Reform Association Annual Legislative Conference for State Coalition Leaders and Citizens Against Lawsuit Abuse, (November 14, 2002).
- Presenter, "Non-Liability to Non-Participants: A Manufacturer's Duty Should End at the Playing Field, and Not Extend to Criminal Acts," Mealey's Prod. Liab. & Risk, (August 29, 2002).
- Presenter, "Behold the Future: Emerging Areas Including Mold, Cellular Phones, MTBE, Chromium 6, and More," The Future of Mass Tort Litigation in America, (March 23, 2002).
- Presenter, "Ethics and Professionalism in Client Relations," University of Denver Law School, (November 12, 2001).
- Presenter, "Challenging the Admissibility of Medical Causation Opinion Derived From 'Differential Diagnosis - Application of *Daubert* and Amended FRE 702', The Network of Trial Law Firms, (October 26, 2001).

MICHAEL L. O'DONNELL

- Presenter, "Winning by Disqualifying Plaintiff's Experts," The Network of Trial Law Firms, (October 25, 2001).
- Presenter, "Preventing Legal Malpractice," Colorado Bar Association CLE Seminar and Torts Update, (October 9, 1998).
- Presenter, "Colorado Legal Malpractice," The Colorado Bar Association Tort Law Update, (1998).
- Presenter, "Winning the Battle of the Experts," Professional Education Systems Inc., (December 16, 1996).
- Presenter, "Discovery," Colorado Defense Lawyers Association, (August 27, 1994).
- Presenter, "Depositions: Strategies, Tactics and Mechanics," Professional Education Systems Inc., (November 11, 1992).

Newsletters

- Value Challenge: Alternative Fee Agreements May Create Financial and Ethical Risk

PERSONAL INTERESTS

Family, golf, reading, travel



KATIE A. REILLY

Partner

reilly@wtotrial.com | P 303.244.1983 | F 303.244.1879

Katie Reilly represents clients in complex commercial litigation, including antitrust matters and class actions in highly regulated industries. For four straight years, BTI Consulting has named Katie a nationwide Client Service All-Stars MVP based exclusively on input from corporate counsel. Chambers USA ranks her for commercial litigation in Colorado. Katie serves on WTO's management committee.

"A formidable litigator" and "a very creative and solution-oriented attorney."

—Peer and client comments, respectively, to Chambers USA

EDUCATION

New York University School of Law, J.D., 2001, *cum laude*

University of Virginia, B.A., 1998, Classics and English, with distinction

OTHER EXPERIENCE

Husch Blackwell

Jacobs Chase

WilmerHale

Cravath, Swaine & Moore, Summer Associate

ADMISSIONS

Colorado

District of Columbia

HIGHLIGHTS

- Obtained dismissal of a putative Securities Act class action for a global telecommunications company and, after a partial reversal and remand, again obtained dismissal of amended claims.
- Successfully represented multiple defendants in a \$2 billion federal antitrust and labor class action challenging the au pair exchange program administered by the Department of State. After four years of litigation, and just two months before trial, WTO helped to negotiate settlement for the defense group, resulting in defendants paying only 3% of the demand.
- Successfully defended a telecommunications company in a state and federal putative class action in Washington arising out of an alleged data breach.
- Won Montana Supreme Court victory for a health system in a putative consumer class action that challenged its policy of issuing refunds in the form of pre-paid debit cards. The victory affirmed WTO's prior summary judgment win and defeated the plaintiff's new claims on appeal.

INDUSTRIES

- Healthcare
- Real Estate
- Consumer Products & Services

PRACTICE AREAS

- Class Actions
- Securities Litigation & Enforcement
Defense



KATIE A. REILLY

BIOGRAPHY

Katie Reilly represents clients in complex commercial litigation, including antitrust matters and class actions in highly regulated industries. For four straight years, BTI Consulting has named Katie a nationwide Client Service All-Stars MVP based exclusively on input from corporate counsel. Chambers USA ranks her for commercial litigation in Colorado. Katie serves on WTO's management committee.

Katie has favorably represented antitrust clients in matters involving monopolization, conspiracy, price fixing, exclusive dealing, and other competition-related disputes, including trade secrets and non-compete actions. She has extensive knowledge of the regulatory hurdles and obligations her clients face, and she develops effective litigation and trial strategies based on her clients' business priorities. Katie also routinely provides antitrust counseling to clients in connection with their formation of joint ventures, development of pricing policies, collaborations with competitors, and other activities potentially involving antitrust laws.

Katie's additional commercial litigation experience includes successfully representing clients in business disputes at both the trial and appellate levels. Her experience includes contract disputes, business divorces, consumer fraud, and business tort claims.

Katie has extensive healthcare industry experience, as well as real estate, energy, aviation, manufacturing, sports, and telecommunications. Katie also represents municipalities in high-stakes and often contentious disputes involving other municipal entities.

CASES

Class Actions

- Serving as lead trial counsel for a natural gas company in a certified antitrust class action alleging wholesale price manipulation and seeking more than \$2 billion in damages.
- Won Montana Supreme Court victory for a health system in a putative consumer class action that challenged its policy of issuing refunds in the form of pre-paid debit cards. The victory affirmed WTO's prior summary judgment win and defeated the plaintiff's new claims on appeal.
- Won voluntary dismissal of putative class action claims for one of the nation's largest health and wellness franchisors. The plaintiff claimed our client and the franchisee refused to refund her massage spa membership.
- Successfully represented a major North American resort owner and operator in multiple consumer class actions seeking refunds following the company's closure of its ski resorts during the COVID-19 pandemic.

KATIE A. REILLY

- Successfully represented multiple defendants in a \$2 billion federal antitrust and labor class action challenging the au pair exchange program administered by the Department of State. After four years of litigation, and just two months before trial, WTO helped to negotiate settlement for the defense group, resulting in defendants paying only 3% of the demand.
- Successfully defended a telecommunications company in a state and federal putative class action in Washington arising out of an alleged data breach.

Antitrust & Competition

- Successfully negotiated a class settlement—for 2.5% of the claimed damages—for a major utility provider and its subsidiary in a 15-year-old putative antitrust class action in Colorado federal court.
- On the eve of trial, obtained settlement for a leading nationwide insurer facing a novel antitrust challenge to its method of handling property damage claims.
- Lead counsel for major real estate investment company in *In Re: Apartment Rental Software Antitrust Litigation* (M.D. Tenn. 2023). Plaintiffs seek billions of dollars in damages.
- Obtained favorable settlement for a nation-leading cable operator in a high-stakes and high-profile antitrust dispute brought by a regional content provider.
- Successfully represented one of the nation's largest grocery and foodservice distributors as a direct action plaintiff in antitrust litigation concerning broiler chickens.
- Won a preliminary injunction for one of the nation's largest health and wellness franchisors against three competing fitness and nutrition studios that had stolen our client's trade secrets, infringed on its trademarks, and breached non-compete obligations.
- Successfully defended a leading technology distributor against claims of civil conspiracy and trade secret misappropriation brought by former competitors, who sought tens of millions of dollars in damages. Following full discovery and a *Daubert* hearing, plaintiffs dismissed all claims on the eve of trial without any settlement or payment from WTO's client.
- Won WTO's motion to dismiss a federal antitrust action for a New Mexico healthcare trade association accused of conspiring to exclude healthcare providers from market.
- Won motions to dismiss all antitrust claims against our client, a leading technology distributor, in multiple related antitrust conspiracy lawsuits brought by former distributors.

KATIE A. REILLY

- Won reversal of a TRO that had been issued *ex parte* at the close of business on a Friday, effectively shutting down operations for a major manufacturing and distribution client, and subsequently won rejection of the injunction against WTO's client.
- Successfully represented a healthcare trade association in an \$80 million federal antitrust lawsuit alleging conspiracy among the trade association, health systems, and health insurance companies.
- Won summary judgment from trial court and successfully defended that order before the Tenth Circuit in a federal antitrust lawsuit alleging conspiracy to monopolize fixed-base operations at an airport.
- Successfully defended a government contractor in a federal antitrust class action and obtained early dismissal of tying and monopolization claims asserted by franchisee plaintiffs.
- Successfully defended a health system against antitrust claims and state law claims in multiple lawsuits brought by physicians relating to failed joint ventures.

Commercial Litigation

- Won a hearing for the majority owners of an ethanol production company to defeat a preliminary injunction attempt and completely unwind an *ex parte* ruling that the company's minority owners obtained to install a receiver to displace WTO's clients from running the company.
- Defended the Colorado arm of the second-largest home building company in the U.S., together with executives and employees, against alleged violations of the Colorado Securities Act, among other claims—obtained dismissal of all claims against nine out of 10 defendants, paving the way for a favorable settlement.
- Obtained dismissal of a putative Securities Act class action for a global telecommunications company and, after a partial reversal and remand, again obtained dismissal of amended claims.
- Won a \$39 million plaintiff's jury verdict as co-trial counsel for Allergan and Duke University after a five-day patent infringement trial in federal court in Colorado.
- Served as lead counsel in series of lawsuits concerning contract disputes between nation-leading telecom companies with over \$1 billion at issue. Achieved highly favorable settlement.

KATIE A. REILLY

- Helped secure a \$142 million settlement as liaison counsel to the lead plaintiff in a securities class action against a pharmaceutical company.
- Won a complete victory following a four-day arbitration for one of the nation's largest beauty and wellness franchisors, which was accused of franchise disclosure violations, violations of unfair competition laws, and breach of contract. WTO also successfully countersued for breach of contract and trade secret misappropriation, obtained preliminary and permanent injunctions, recovered liquidated damages, and secured an award of attorneys' fees and costs.
- Won a \$14.3 million arbitration award, plus attorneys' fees and costs, for a multistate cannabis operator in a Florida franchise dispute involving lost royalties and right-of-first-refusal issues.
- Successfully represented a global industrial gas company in defense of a competitor's application for preliminary and mandatory injunctive relief, ultimately facilitating resolution of a dispute valued in the hundreds of millions of dollars on highly favorable terms.
- Won summary judgment in a high-stakes commercial dispute between technology companies. WTO represented 10 of 12 defendants and served as lead counsel for the joint defense. At issue were questions of legality and fraud related to asset management and an outstanding loan owed by a business entity that had dissolved. WTO demonstrated that its clients had been fair and above-board, and that no fraud existed.
- Successfully represented Aimco, one of the largest apartment owners in the U.S., in nationwide litigation alleging intentional torts against Airbnb. After jury selection in the first trial, Airbnb settled all litigation on terms allowing Aimco to control short-term rental activity consistent with its contract and property rights.
- Won summary judgment in arbitration for a nation-leading telecom provider in an indemnification dispute with a former subcontractor whose employee filed a class action lawsuit in the Southern District of New York. Though the plaintiff was one classmember among thousands, WTO demonstrated that the subcontractor was liable to indemnify WTO's client for all of its attorneys' fees related to the class action and a pro rata share of the resulting settlement.

KATIE A. REILLY

- Won a Tenth Circuit appeal for a leading U.S. railroad operator defending a district court order that dismissed a third-party intervenor's claims against WTO's client based on lack of standing to enforce an EPA consent decree.
- Successfully represented an aerospace supplier in a product liability action involving responsibility for a \$10 million cleanup effort at a rocket manufacturing facility.
- Successfully defended a Fortune 50 telecommunications conglomerate against allegations brought by a competitor that WTO's client breached FCC phone number portability regulations.
- Successfully represented a leading regional healthcare network as lead trial counsel in a high-stakes trademark dispute against a national healthcare insurance provider.
- Obtained dismissal for an insurance company client facing a civil RICO lawsuit in federal court, with risk of treble damages, for issuing a surety bond to a marijuana business as required by state regulations. The judge granted our client's motion to dismiss because the plaintiffs failed to plausibly allege injury sufficient to establish RICO standing.
- Won summary judgment for a major ski resort as plaintiff in a contract dispute involving a wireless infrastructure contractor.
- Represented one of the nation's largest healthcare franchisors in a federal court action challenging the legality of the underlying business model.
- Successfully represented a Colorado-based healthcare system in breach of contract action involving provision of home healthcare services.
- Won a complete verdict in a bench trial in federal bankruptcy court involving claims of fraud alleged in a business divorce.
- Represented a health system and obtained favorable settlement in a breach of contract action based on the termination of a management services contract for a Colorado hospital's oncology department.
- Defended a manufacturing company against a multimillion-dollar breach of warranty claim involving allegedly defective parts and negotiated a favorable settlement of less than 10 percent of the damages claimed.
- Obtained a favorable plaintiffs' verdict and monetary damages in a one-week jury trial based on an extreme and outrageous conduct claim.
- Represented the founders of a major ski resort in a two-week jury trial against a leading mountain resort company in a breach of contract action.

KATIE A. REILLY

- Successfully represented a Fortune 100 telecommunications company in an appeal in the U.S. Court of Appeals for the D.C. Circuit involving the application of Federal Communications Commission (FCC) regulations.
- Won dismissal from trial court for publisher Simon & Schuster in a case involving a movie studio's \$50 million damages claim relating to the movie Sahara and alleging false representation of popular novelist Clive Cussler's readership figures.

Municipal

- Obtained complete dismissal with prejudice for two real estate investment clients facing claims brought by a municipal district seeking hundreds of millions of dollars in damages. The plaintiff alleged violations of the Colorado Organized Crimes Control Act, breaches of fiduciary duties, aiding and abetting such breaches, civil conspiracy, and more.
- Represented the City of Aurora in a Rule 106 action against the City of Greenwood Village involving an intergovernmental agreement between the cities under which Greenwood Village transferred development authority of a real estate parcel to Aurora.
- Represented Denver International Airport in high-profile claims involving alleged bid rigging and unfair competition relating to a \$50 million terminal concessions contract.

- Represented Denver International Airport against the Regional Transportation District in a dispute over cost-sharing agreements involving a new rail line serving the airport.
- Represent citizens in a lawsuit against a municipality alleging a violation of the Colorado Taxpayer Bill of Rights (TABOR).

Real Estate

- Won reversal of summary judgment against our client, a real estate developer, in a dispute over a reciprocal easement, the outcome of which had a multimillion-dollar effect on the value of the property. The case was remanded to district court with orders to hear evidence at trial.
- Obtained injunctive relief for a shopping center owner and developer requiring an adjacent property owner to renovate the shopping center common area according to the terms of a reciprocal easement agreement.
- Represented a real estate developer and obtained a \$4.8 million judgment against the title insurance company after a seven-day bench trial in a bad faith breach of title insurance action.
- Represented a major railroad company in connection with numerous right of way disputes, including quiet title and condemnation actions.

KATIE A. REILLY

REPRESENTATIVE CLIENTS

Denver International Airport
Expedia Group
Lumen Technologies - National Trial Counsel
SCL Health
Xcel Energy

BAR & COURT ADMISSIONS

Colorado
District of Columbia
U.S. Court of Appeals, 10th Circuit
U.S. Court of Appeals, D.C. Circuit

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Chambers USA
Band 2, General Commercial Litigation - Colorado, 2021-2023
Band 3, General Commercial Litigation - Colorado, 2020
Band 4, General Commercial Litigation - Colorado, 2018-2019
Up and Coming, General Commercial Litigation - Colorado, 2016-2017
BTI Consulting
Client Service All-Star MVP, 2020, 2021, 2022, 2023
Client Service All-Star, 2019
The Best Lawyers in America
Bet-the-Company Litigation, 2024
Litigation - Antitrust Lawyer of the Year, Denver, 2021, 2023

Litigation - Antitrust, 2024
Commercial Litigation, 2018-2024
Antitrust Litigation, 2018-2023
Mass Tort Litigation / Class Actions - Defendants, 2022-2024
Benchmark Litigation
Under 40 Hot List, 2016-2017
Future Star, 2021-2024
5280 Magazine
Top Lawyers
Antitrust, 2020-2021, 2023-2024
Civil Litigation, 2021, 2023-2024
Law Week Colorado
Top Women Lawyers, 2016
"People's Choice" Antitrust Lawyer, 2016-2018, 2020, 2023
"Barrister's Best" Antitrust Lawyer, 2019
Denver Business Journal
"Forty Under 40," 2012
Colorado Super Lawyers
Antitrust Litigation, 2017-2024
Top 100, 2018-2024
Top 50 Women, 2018-2024
Colorado Rising Stars
Business Litigation, 2009-2016
Institute for the Advancement of the American Legal System
Chair, Law Firm Council, 2020
Board of Advisors, 2020

KATIE A. REILLY

Law School. . . Yes We Can
Building Futures Fundraiser Co-Chair, 2021
American Health Lawyers Association
Antitrust Practice Group
Colorado Lawyers Committee
Board of Directors, 2008-2014
Sixth Amendment Task Force
Colorado Judicial Institute
Board Member
Colorado Women's Bar Association Foundation
Board of Directors, 2014-present
Colorado Women's Bar Association
Faculty of Federal Advocates
Counsel/Co-counsel Program
University of Colorado Law School
Dean's Advisory Council, 2013-present
Law360
2024 Editorial Advisory Board for Colorado

COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Denver Kids Inc.
Board Chair, September 2017-2018
Board of Directors, 2010-2019
Executive Committee, 2012-2019
Mentor, 2006-2014
The Women's Leadership Foundation, Colorado Women's
Chamber of Commerce
Charter Member, Board Bound Program

Denver Metro Chamber of Commerce
Leadership Denver Program, Class of 2011
Denver Metro Chamber Leadership Foundation
Impact Denver Program, Class of 2007
La Conexión
Board of Directors, 2006-2007
The Women's Foundation of Colorado
Corporate Committee, 2011-2013

ARTICLES & PRESENTATIONS

Articles

- "DOJ, FTC Announce Expedited Antitrust Review and Guidance Procedure for Collaborative Efforts Aimed at Responding to COVID-19 Pandemic," (March 2020).

Presentations

- Presenter, "Spot the Risk, Reap the Reward: Top 10 Antitrust Risks to Avoid in 2023," Trial Network Lakeside Litigation SuperCourse, (April 28, 2023).
- "CWBA: Grit Project," (March 5, 2015).



DANIEL N. GUISBOND

Partner

guisbond@wtotrial.com | P 303.244.1922 | F 303.244.1879

Dan Guisbond helps clients navigate commercial cases across a variety of business sectors. He has represented some of the biggest brand name companies in the country—including Amazon, Yahoo, Pandora, and DISH—in complex disputes nationwide. Dan also has experience before the Copyright Royalty Board.

EDUCATION

Fordham University School of Law, J.D.,
2010, *Fordham Law Review*
Cornell University, B.A., 2005, Government

OTHER EXPERIENCE

Winston & Strawn LLP
Dewey Ballantine LLP

ADMISSIONS

Colorado
New York

HIGHLIGHTS

- Defended the Colorado arm of the second-largest home building company in the U.S., together with executives and employees, against alleged violations of the Colorado Securities Act.
- Served as lead counsel to a health system to defend against a putative consumer class action in Montana challenging medical records charges.
- Defended a pharmaceutical startup company in an SEC enforcement action alleging misappropriation of investor funds and related Securities Act and Exchange Act claims.
- Obtained dismissal of a putative Securities Act class action for a global telecommunications company.
- Helped secure a \$21 million settlement (pending court approval) as liaison counsel to the lead plaintiff in a \$42 million securities class action alleging that a silver mine made materially false and misleading statements to defraud investors.
- Won favorable settlement for the CEO and founder of a major television company in a shareholder dispute following the merger of two sister companies.

INDUSTRIES

- Consumer Products & Services
- Oil & Gas

PRACTICE AREAS

- Class Actions
- Securities Litigation



DANIEL N. GUISBOND

BIOGRAPHY

Dan Guisbond helps clients navigate commercial cases across a variety of business sectors. He has represented some of the biggest brand name companies in the country—including Amazon, Yahoo, Pandora, and DISH—in complex disputes nationwide. Dan also has experience before the Copyright Royalty Board.

In addition to his broader commercial experience, Dan maintains a soft intellectual property practice, primarily involving copyright and trademark-related issues in the technology, digital media, and entertainment fields. He is an experienced advocate at all phases of litigation—from inception through appeal—and has handled matters in federal and state courts across the country.

CASES

Commercial Litigation

- Representing an electric cooperative in an eight-figure fee dispute with its wholesale provider in federal court in South Carolina.
- Helped secure a \$21 million settlement (pending court approval) as liaison counsel to the lead plaintiff in a \$42 million securities class action alleging that a silver mine made materially false and misleading statements to defraud investors.
- Serving as lead national trial counsel to a major U.S. distributor of vaping products in federal multidistrict litigation in California. WTO is liaison counsel to all of the distributor defendants in the litigation.
- Representing an oil and gas company against claims brought by a city board of commissioners alleging that WTO's client is responsible for consequences of climate change.
- Representing a real estate developer facing breach of fiduciary claims brought by a municipal district seeking damages.
- Representing an electric cooperative in an exit fee dispute with its wholesale provider.
- Won a judgment for a major television provider in a contract dispute with a former business partner.
- Won a successful settlement for a luxury credit card company in a commercial dispute with a major payment processing network.
- Successfully represented the board member of a cannabis company in an arbitration involving claims of breach of fiduciary duty.
- Representing a hospitality company that defaulted on a loan due to the economic impact of COVID-19.

DANIEL N. GUISBOND

- Served as lead counsel to a health system to defend against a putative consumer class action in Montana challenging medical records charges.
 - Won favorable settlement for the CEO and founder of a major television company in a shareholder dispute following the merger of two sister companies.
 - Won summary judgment for a major insurer in a fraud suit.
 - Won favorable settlement for a private equity company in a contract dispute between two co-developers of a solar energy project.
 - Represented a major kitchen appliance manufacturer in a class action alleging false advertising of the company's blenders.
 - Successfully represented a global industrial gas company in defense of a competitor's application for preliminary and mandatory injunctive relief, ultimately facilitating resolution of a dispute valued in the hundreds of millions of dollars on highly favorable terms.
 - Represented a major consumer goods company in a multibillion-dollar dispute against 48 U.S. states and territories regarding payments owed under an earlier settlement agreement.
 - Represented the NFL Players Association and NFL players in workers' compensation disputes with the NFL Management Council and its member clubs.
- Soft Intellectual Property**
- Obtained relief for a nonprofit organ recovery and transplantation company in a trademark dispute against a hospital technology software company. The infringer changed its name as a result of WTO's efforts.
 - Represented an industry leading inter-dealer broker in a multimillion-dollar dispute alleging corporate raiding and misappropriation of trade secrets.
 - Represented a major fashion house in an employee defection and trade secret dispute with a major rival.
 - Represented an international investment bank in a copyright infringement dispute in the Southern District of New York.
 - Represented a major digital service provider in "Phonorecords III" royalty rate-setting proceedings before the Copyright Royalty Board.
 - Represented a digital service provider in a copyright infringement suit against more than 20 music publishing companies.

DANIEL N. GUISBOND

- Represented a new-media disrupter in a copyright infringement suit brought by 17 major television broadcast networks, assisting in securing significant victories in both the Southern District of New York and the Second Circuit.
- Represented an international consumer electronics company in a dispute regarding ownership of and rights to an iconic trademark in the consumer electronics industry.

Pro Bono

- Conducted an unprecedented review of thousands of criminal cases, occurring between 1985 and 1999, contributing to the exoneration of numerous persons who were wrongly convicted on the basis of improper microscopic hair comparison analyses and related expert testimony provided by the FBI.
- Represented a holocaust survivor in his application for a one-time German Ghetto Work Program reparations payment.
- Represented a former U.S. Marine in his application to correct his military records in the wake of the repeal of Don't Ask, Don't Tell.

Other Relevant Experience

- Defended the Colorado arm of the second-largest home building company in the U.S., together with executives and employees, against alleged violations of the Colorado Securities Act, among other claims—obtained dismissal of all claims against nine out of 10 defendants, paving the way for a favorable settlement.
- Defended a pharmaceutical startup company in an SEC enforcement action alleging misappropriation of investor funds and related Securities Act and Exchange Act claims.
- Obtained dismissal of a putative Securities Act class action for a global telecommunications company and, after a partial reversal and remand, again obtained dismissal of amended claims.

DANIEL N. GUISBOND

BAR & COURT ADMISSIONS

Colorado

New York

U.S. District Court, D. Colorado

U.S. District Court, E.D. New York

U.S. District Court, S.D. New York

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Super Lawyers - New York Rising Stars

Intellectual Property Litigation 2014-2018

The Best Lawyers in America

Ones to Watch - Commercial Litigation, 2023-2024

Ones to Watch - Intellectual Property Law, 2023-2024

American Bar Association

Colorado Bar Association

Denver Bar Association

ARTICLES & PRESENTATIONS

- "Jailbroken: Future of Interoperability Exemptions Under the DMCA," New York Law Journal, Vol. 249—No. 112, (June 12, 2013).

PERSONAL INTERESTS

Running, reading, skiing, traveling, and watching college basketball



CHRISTOPHER D. PETERSEN

Staff Counsel

petersen@wtotrial.com | P 303.244.1932 | F 303.244.1879

Christopher Petersen brings strong experience to bear for clients facing commercial disputes. Chris has gained particular experience across industries including natural resources, real estate, and land use. He also handles professional liability matters and maintains an active pro bono practice.

EDUCATION

University of Utah S.J. Quinney College of Law, J.D., 2012, Articles Editor, *Utah Law Review*

Shepherd University, B.S., 2008, *cum laude*

GOVERNMENT SERVICE

Law Clerk to the Honorable Clark Waddoups of the U.S. District Court for the District of Utah

Law Clerk, Appellate Division, Salt Lake City Legal Defenders Association

OTHER EXPERIENCE

Kay, Casto & Chaney, PLLC

Associate

Bowles Rice, LLP

Associate

Jackson Kelly, PLLC

Associate

ADMISSIONS

Colorado

Virginia (inactive)

HIGHLIGHTS

- Won a plaintiff's jury verdict for an investor in a breach of contract trial.
- Served as court-appointed counsel in a *habeas corpus* case brought under 28 U.S.C. § 2254, representing a state-court prisoner who received a life sentence and was asserting that he received ineffective assistance of counsel. The matter culminated in a favorable ruling from the Fourth Circuit Court of Appeals.

INDUSTRIES

- Oil & Gas
- Real Estate
- Construction & Engineering
- Financial Services

PRACTICE AREAS

- Commercial Litigation
- Appellate

CHRISTOPHER D. PETERSEN

BIOGRAPHY

Christopher Petersen brings strong experience to bear for clients facing commercial disputes. Chris has gained particular experience across industries including natural resources, real estate, and land use. He also handles professional liability matters and maintains an active pro bono practice.

Throughout his career, Chris has represented property owners, landowners, developers, and municipalities in litigation involving construction, real property, land use, and zoning disputes. In all of these matters, he works carefully and efficiently to provide the most relevant information to the clients and attorney teams he serves to help make informed litigation strategy.

Prior to joining WTO, Chris served as an associate in the litigation departments of multiple law firms, where he gained valuable experience developing case strategy and taking individual responsibility for client matters. Most recently, Chris served as a judicial clerk for the Hon. Clark Waddoups of the U.S. District Court for the District of Utah.

CASES

- Won a plaintiff's jury verdict in Denver District Court for an investor in a multimillion dollar breach of contract trial. The case arose out of a mismanaged real estate development project.

- Served as court-appointed counsel in a *habeas corpus* case brought under 28 U.S.C. § 2254, representing a state-court prisoner who received a life sentence and was asserting that he received ineffective assistance of counsel. The matter culminated in a favorable ruling from the Fourth Circuit Court of Appeals.

BAR & COURT ADMISSIONS

Colorado

Virginia (inactive)

West Virginia

FOR MORE INFORMATION

Michael L. O'Donnell

Firm Chair

303.244.1850 | odonnell@wtotrial.com

Katie A. Reilly

Partner

303.244.1983 | reilly@wtotrial.com

Daniel N. Guisbond

Partner

303.244.1897 | guisbond@wtotrial.com

Christopher D. Petersen

Staff Counsel

303.244.1932 | petersen@wtotrial.com

[Proof Positive: WTO's 2022 Annual Review](#)



EXHIBIT 2

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

SUMMARY OF WTO TIMEKEEPER QUALIFICATIONS, EXPERIENCE, AND ROLE IN THE ACTION

FIRM CHAIR

Michael L. O'Donnell (4.70 hours): Mr. O'Donnell is the Firm Chair of WTO and graduated from the University of Denver Sturm College of Law in 1979. Mr. O'Donnell performed high-level oversight of WTO's representation.

PARTNERS

Kathryn A. Reilly (27.20 hours): Ms. Reilly is a Partner at WTO and graduated from New York University School of Law in 2001. Ms. Reilly directed WTO's efforts and was involved in all aspects of WTO's representation.

Daniel N. Guisbond (81.40 hours): Mr. Guisbond is a Partner at WTO and graduated from Fordham University School of Law in 2010. Mr. Guisbond was involved in all aspects of WTO's representation.

STAFF COUNSEL

Christopher D. Petersen (14.10 hours): Mr. Petersen is Staff Counsel at WTO and graduated from the University of Utah S.J. Quinney College of Law in 2012. Mr. Petersen performed legal research to inform WTO's representation.

EXHIBIT H

**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**

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 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**

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

1. I am the founding partner of The Schall Law Firm, counsel for Plaintiffs in the above-captioned action (the “Action”).¹

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

I. SCHALL’S WORK, RATES, AND LODESTAR

3. Schall is highly experienced in securities class action litigation, having 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. Attached hereto as **Exhibit 1** is Schall’s firm resume, which includes biographical information about the attorneys and staff members and information about the firm’s philosophy, organization, and successes.

4. Attached hereto as **Exhibit 2** is a list of Schall attorneys for whom fees are sought in this Action. Exhibit 2 also provides further information about each individual’s qualifications, experience, and role in the litigation.

¹ Capitalized terms not defined herein have the meanings stated in the Amended Class Action Complaint for Violations of the Securities Laws (ECF 54), the Stipulation and Agreement of Settlement dated September 12, 2023 (ECF 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.”).

5. My firm actively participated in the prosecution of the claims on behalf of Plaintiffs and the Settlement Class. In particular, my firm performed work at the direction and under the supervision of Court-appointed Lead Counsel, Bleichmar Fonti & Auld LLP. My firm participated in, among other tasks, liaising with Lead Plaintiff Bard Betz and Named Plaintiff Jude Sweidan; assisting with briefing on the motion for appointment of lead plaintiff; consulting with Plaintiffs' Counsel regarding litigation strategy; and attending the mediation in this matter.

6. Table 1 below is a schedule summarizing the amount of time spent by attorneys of my firm from inception of the Action through and including April 19, 2024, the rates applicable to each individual, and the lodestar calculation for those individuals based on current billing rates.

7. Table 1 was prepared from contemporaneous daily time records regularly prepared and maintained by my firm. As the lead partner responsible for supervising Schall's work on this case, I supervised the review of these time records to prepare this declaration. The purpose of this review was to confirm both the accuracy of the time entries and the necessity for, and reasonableness of, the time committed to the Action. Time expended on this application for fees has not been included in this request.

8. My firm's lodestar figures are based upon our current billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

9. The total number of hours reflected in Table 1 from inception through and including April 19, 2024, is 35.50. The total lodestar reflected in Table 1 for that period is \$30,350.

TABLE 1

Timekeeper Name	Position	Hours	Hourly Rate	Lodestar
Brian Schall	Partner	19.50	\$900	\$17,550
Rina Restaino	Partner	16.00	\$800	\$12,800
TOTALS		35.5		\$3 ,35

10. Schall’s rates are the usual and customary rates set by Schall for each individual. Different timekeepers within the same employment category may have different rates depending on their respective years of experience, years at the firm, years in current position, relevant experience, relevant expertise, and/or rates of similarly situated individuals at Schall or at peer firms. Schall’s rates are comparable to the rates set by peer firms for attorneys and staff of similar skill and experience.

Dated: April 26, 2024

DocuSigned by:

43E36EEDF1854E7...

 Brian Schall

EXHIBIT 1

r

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

SCHALL FIRM RESUME



SCHALL LAW

FIRM RESUMÉ

*The Schall Law Firm
2049 Century Park East, Suite 2460
Los Angeles, CA 90067
Telephone: (310) 301-3335
Fax: (877) 590-0482*

ABOUT THE FIRM

Since 2017, the Schall Law Firm (“SLF” or the “Firm”) has recovered nearly half a billion dollars for investors worldwide who have been harmed by securities fraud and corporate malfeasance. The Firm has been and is co-lead or co-counsel on some of the largest securities fraud class action cases in the U.S.

Notably, SLF was co-counsel and played an integral role in *Erickson, et al. v. Snap, Inc., et al.*, No. 17-CV-03679 (C.D. Cal.), securing the second largest securities class action settlement recovery in the U.S. in 2021. In every case in which the Firm is involved, its attorneys actively work to ensure that investors obtain the maximum possible recovery and that all its clients’ questions and concerns are addressed promptly and fully.

CLASS ACTION EXPERIENCE

SLF’s attorneys have represented both plaintiffs and defendants in class action and complex civil cases in federal and state courts nationwide. That broad experience encompasses securities fraud, common law fraud, employment, and consumer claims across multiple industries.

In addition, the Firm’s attorneys have previously worked for judges in federal court as well as national class action and complex civil litigation firms on cases involving hundreds of millions, if not billions, of dollars in damages. Drawing on that experience, the Firm’s clients receive the gold standard in client development and legal representation. This gold standard encompasses SLF added value in its participation in mediations for all matters that have reached that significant phase. SLF is active in all phases of securities litigation, with special emphases and expertise in the deposition and mediation stages.

SECURITIES FRAUD EXPERIENCE

SLF has the expertise and experience to zealously litigate securities fraud cases of any size, scope, or level of complexity. The Firm's attorneys have prosecuted securities fraud class actions on behalf of all types of investors and amassed the expertise necessary to navigate every challenge that may be raised in litigating cases under the Securities Act of 1933 and the Securities Exchange Act of 1934.

Currently, SLF is co-lead counsel in:

- *In re The Hain Celestial Group Inc. Securities Litigation*, No. 16-cv-04581 (E.D.N.Y.);
- *Bergman v. Caribou Biosciences, Inc.*, No. 23-cv-0174 (N.D. Cal.);
- *In re SentinelOne, Inc. Securities Litigation*, No. 23-cv-02786-HSG (N.D. Cal.);
- *O'Meara v. Shift4 Payments, Inc. et al*, No. 23-CV-03206 (E.D. Pa.);
- *Frouws, et al. v. Edgio, Inc., et al.*, NO. 23-CV-00691 (D. Ariz);
- *Moreno, et al. v. Marathon Digital Holdings, Inc., et al.* (D. Nev.)
- SLF is also on the executive committee in *Tan v. Goldman Sachs Group Inc et al*, No. 21-CV-08413 (S.D.N.Y).

RECENT SECURITIES FRAUD RECOVERIES

By SLF as Co-Counsel:

Erickson, et al. v. Snap, Inc., et al., No. 17-CV-03679 (C.D. Cal.) (alleging 1934 Act claims based on Snap's growth statements).

- \$187.5M settlement in 2021

Klein, et al. v. Altria Group., et al., No. 20-cv-00075-DJN (E.D. V.A.) (alleging claims based on Altria and Juul Labs Inc. failure to disclose).

- \$90M settlement in 2022

St. Clair County Employees' Retirement System, et al. v. Resideo Technologies, Inc., et al., No. 19-CV-02863 (D. Minn.) (alleging 1934 Act claims based on Resideo's statements about competing with former parent Honeywell International Inc.)

- \$55M settlement in 2022



He et al v. Uniti Group Inc et al., No. 19-cv-00756 (E.D. Ark.) (alleging 1934 Act claims based on Uniti's concealment of a prohibited sale-leaseback transaction with its parent company relating to a 2015 spinoff).

- \$39M settlement in 2022

Perdomo v. ADT Inc., et al., No. 18-cv-80668 (S.D. Fla.) (alleging 1933 Act claims based on ADT's IPO Registration Statement).

- \$30M settlement in 2020

Bilinsky v. Gatos Silver, Inc., et al., No. 22-CV-00453 (D. Col.) (alleging 1934 Act claims based statements about Gatos' silver mine located in Mexico).

- \$21M settlement in 2023

Bond v. Clover Health Investments Corp. et al., No. 21-cv-00096 (M.D. Tenn.) (alleging 1934 Act claims based statements about Clover's de-SPAC transaction).

- \$20M settlement in 2023 (preliminary approval)

Turocy, et al. v. El Pollo Loco Holdings, Inc., et al., No. 15-CV-01343 (C.D. Cal.) (alleging 1934 Act claims based on El Pollo Loco's sales growth statements).

- \$20M settlement in 2020

Zwick Partners, LP, et al. v. Quorum Health, et al., No. 16-CV-02475 (M.D. Tenn.) (alleging 1934 Act claims based on impairment indicators that existed when Quorum spun off from CHS).

- \$18M settlement in 2020

In re Douyu, No. 0651703/2020 (Supreme Court, New York County) (alleging 1934 Act claims based on Douyu's concealment of major shareholder Tencent Holdings funding a competitor at the time of Douyu's U.S. IPO).

- \$15M settlement in 2022

In re Avon Products, Inc. Securities Litigation, No. 19-CV-01420 (S.D.N.Y) (alleging 1934 Act claims based on Avon's disclosure of credit terms).

- \$14.5M settlement in 2020

In re Toronto-Dominion Bank Securities Litigation, No. 17-CV-01665 (D.N.J.) (alleging 1934 Act claims based on Toronto-Dominion's policies which led its employees to break the law at customers' expense in order to meet sales targets).

- \$13.2M settlement in 2019



Ortiz v. Canopy Growth Corp. et al., No. 19-cv-20543 (D.N.J.) (alleging 1934 Act claims based on Canopy's concealment of an inventory oversupply problem).

- \$13M settlement in 2022

Abadilla v. Precigen Inc. et al., No. 20-cv-06936, (N.D. Cal.) (alleging 1934 Act claims based on statements about the progress or viability about Precigen's methane bioconversion platform program)

- \$13M settlement in 2023 (preliminary approval)

Sonny St. John v. Cloopen Group Holding Limited et al., No. 652617/2021 (N.Y. Sup. Ct., N.Y. Cnty.) (alleging Section 11 claims based on omissions in Cloopen's registration documents).

- \$12M settlement in 2023

In re CPI Card Group Inc. Securities Litigation, No. 16-CV-04531 (S.D.N.Y.) (alleging 1933 Act claims based on omissions in CPI's Registration Statement).

- \$11M settlement in 2019

Lowry et al. v. RTI Surgical Holdings, Inc. et al., No. 20 C 01939 (N.D. Ill.) (alleging 1934 Act claims based on alleged manipulative accounting practices)

- \$10.5M settlement in 2021

Machniewicz v. Uxin Limited., et al., No. 19-CV-00822 (E.D.N.Y.) (alleging 1933 Act claims based on Uxin's IPO).

- \$9.5M settlement in 2021

Lea v. TAL Education Group et al., No. 18-cv-05480 (S.D.N.Y.) (alleging 1934 Act claims based on improper \$50 million pretax gain and overstatement of net income by failing to disclose a variable interest entity).

- \$7.5M settlement in 2021

Zaller v. Fred's Inc. et al., No. 19-cv-02415 (W.D. Tenn.) (alleging 1934 Act claims based on increased regulatory risks resulting from the acquisition of The Rite Aid Corporation by Walgreens Boots Alliance, Inc.)

- \$7.25M settlement in 2022



OUR TEAM



BRIAN J. SCHALL
Founding Partner

Brian founded SLF with the vision of a client-centered approach to achieving the maximum recovery possible for all class members. To that end, SLF has helped recover nearly half a billion dollars for investors since 2017, including some of the largest recoveries of all time in securities fraud cases. Committed to his vision, Brian looks forward to continuing to empower investors to take a more active role in the litigation than they traditionally have, thereby shaping the securities class action sector to better represent the interests of clients.

Brian began his legal career at a multi-billion-dollar fund manager where he focused on Dodd-Frank compliance, with a special emphasis on complex derivatives. He then worked at a prominent securities fraud class action firm, and subsequently co-founded Goldberg Law PC where he vigorously fought for shareholder rights in some of the largest class action cases in recent years.

Education

- University of the Pacific, McGeorge School of Law, J.D.
- University of California, Riverside, B.A.

Admissions

- California
- U.S. District Court: Northern District of California



RINA RESTAINO

Partner

Rina started with SLF in 2019 and shares Brian's vision of a client-centric approach. She is committed to understanding clients' needs and providing them clear and fulsome counsel from the inception of a class action through final approval of any settlement.

On behalf of the Firm's clients, Rina has participated in over 20 mediations, resulting in millions of dollars recovered for shareholders. She also has extensive experience in all phases of litigation, particularly in securities fraud and employment class actions involving over 1,000 plaintiffs. Her expertise arises from cases involving multifaceted data management and damage analysis.

Rina has made significant contributions to SLF, namely securing the client and ensuring an optimal recovery for the shareholders in the \$90 million settlement in *Klein, et al. v. Altria Group., et al.*

In addition, Rina has worked for Fortune 500 companies in different legal and business capacities. She has handled single plaintiff and class action litigation for employees and employers, including cases alleging wrongful termination, discrimination, wage claims, and unfair labor practices.

Education

- Loyola Law School, Los Angeles, J.D. (2012)
- New York University, B.A. (2009), Dean's List

Admissions

- California
- U.S. District Court: Northern District of California, Central District of California

DAVID J. SCHWARTZ *Of Counsel*

David focuses on event-driven and special situation litigation using legal strategies to enhance clients' investment returns. Over the last several years, he has helped secure leadership roles on behalf of his clients in some of the largest securities and Delaware class actions in the country, including cases against Lordstown, Nikola, Alta Mesa, and Paypal.

David's extensive experience includes prosecuting, as well as defending against, securities and corporate governance actions for an array of domestic and international clients, including hedge funds, merger arbitrageurs, retail investors, pension funds, mutual funds, and asset management companies. He has played a pivotal role in numerous large securities class action and corporate governance cases in recent years, achieving over \$170 million in settlements in 2022 alone:

- *In re CannTrust, Inc. Securities Litigation* (CA\$129.5M settlement)
- *In re Resideo Securities Litigation* (\$55M settlement, one of the three largest in the Eighth Circuit)
- *Makris, et al. v. Ionis Pharmaceuticals, Inc., et al.* (\$12.5M settlement)

David has also done substantial work in mergers and acquisitions appraisal litigation and direct action/opt-out litigation, including over a dozen appraisals in domestic and foreign jurisdictions. He is currently prosecuting *In re Lordstown Securities Litigation* and several international appraisal actions.

In recognition of David as one of the nation's most accomplished attorneys, Benchmark Litigation named him a "Future Star" and selected him, three years in a row, to its "40 & Under Hot List." In addition, Lawdragon has recognized him as one of the country's "500 Leading Plaintiff Financial Lawyers" and featured him in its Lawyer Limelight series.

Education

- Fordham University School of Law, J.D.
 - Urban Law Journal
- University of Chicago, B.A., *cum laude* (Economics)

Admissions

- New York
- U.S. District Court: Southern District of New York



BRIAN ENGLAND *Of Counsel*

Brian began his legal career in the Los Angeles office of Robins, Kaplan, Miller & Ciresi LLP. He then joined the leading international law firm Sullivan & Cromwell LLP as an associate and was later promoted to special counsel. During that time, Brian represented large, publicly-traded companies in high-stakes, complex litigation and regulatory matters.

Brian is admitted to practice before the U.S. Court of Appeals for the Eighth, Ninth and Federal Circuits, the U.S. District Courts for the Central, Eastern, Northern and Southern Districts of California, and the District Courts of Arizona and the District of Columbia.

Brian has in the past worked extensively with Public Counsel's Adoptions Project, finalizing numerous adoptions. He also represented a family in an administrative hearing against Los Angeles County regarding the County's failure to properly pay adoption assistance, resulting in a substantial increase in the monthly payments and significant lump sum payment for past deficiencies. Brian was honored as the Adoptions Project's Advocate of the Year for 2003. He has also participated, on a pro bono basis, in other family law and parental rights issues. Finally, Brian was part of a team that litigated a significant prisoner's rights litigation that resulted in a favorable outcome for deaf prisoners in the federal prison system.

He also represented major investment banks in the Enron Securities class actions and University of California Regents, et al. v. AOL Time Warner Inc., et al, participating in all aspects of the defense of these actions.

Education

- University of California, Los Angeles, J.D. (2000)
- University of Rochester, B.A. (1997)

Admissions

- California
- U.S. Court of Appeals: Eighth Circuit, Ninth Circuit.
- U.S. District Courts: Central Cal., Southern Cal., Eastern Cal., Northern Cal., Arizona, District of Columbia.



CHRIS MOONEY

Senior Counsel

Prior to joining the Schall Law Firm, Chris concentrated on plaintiff representation in complex litigation matters, including securities fraud, commodity manipulation, price-fixing, and exchange-related antitrust claims. Chris has also worked as a financial associate at one of the world's largest banks, where he helped manage an \$8B portfolio of private equity investments and is a licensed C.P.A. (currently unregistered) with experience in the audit and review of S.E.C. registered entities.

Chris earned his J.D. in 2013 from Fordham University School of Law, where he served as a member of the Dispute Resolution Society and interned for the Honorable George B. Daniels (S.D.N.Y.) as well as the S.D.N.Y. U.S. Attorney's Office. He received his B.B.A., cum laude, in accounting and finance from Baruch College.

Education

- Fordham University, School of Law, J.D.
- Baruch College, B.B.A.

Admissions

- New York
- U.S. District Court, S.D.N.Y.
- U.S. District Court, E.D.N.Y.
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Ninth Circuit

IVY T. NGO *Of Counsel*

Ivy, an experienced class action attorney focusing on prosecuting securities fraud, is a creative and collaborative problem-solver with a proven track record of recovering hundreds of millions of dollars on behalf of clients. Most recently, along with SLF, she successfully obtained a \$10.5M recovery in *Lowry et al. v. RTI Surgical Holdings, Inc. et al.*, a case arising out of manipulative accounting practices. That recovery represents approximately 30% of plaintiffs' estimated damages, which is over 3x the typical amount recovered in securities fraud class actions of that size.

Before joining SLF, Ivy successfully prosecuted numerous securities fraud class actions resulting in hundreds of millions of dollars in recoveries for injured investors at a national class action firm. Those cases include *In re Cardinal Health, Inc. Sec. Litig.* (\$600M settlement); *Jones v. Pfizer Inc.* (\$400M settlement); *Fort Worth Employees' Retirement Fund v. J.P. Morgan Chase & Co., et al.* (\$388M settlement); *Silverman v. Motorola, Inc.* (\$200M settlement); *In re HealthSouth Corp. Sec. Litig.* (\$109M auditor settlement); *In re MGM Mirage Securities Litigation* (\$75M settlement); *Massachusetts Bricklayers and Masons Trust Funds et al. v. Deutsche Alt-A Securities Inc et al.* (\$32.5M settlement); *City of Ann Arbor Employees' Retirement System et al. v. Citigroup Mortgage Loan Trust Inc. et al.* (\$25M settlement); *In re Genworth Financial, Inc. Sec. Litig.* (\$20M settlement); and *Shankar v. Imperva, Inc.* (\$19M settlement). She was a member of the team that certified classes in the cases against *Motorola, Inc.*, *Pfizer Inc.*, *Genworth Financial, Inc.*, and *J.P. Morgan Chase & Co.*

Recognizing her work in securities fraud and class action litigation, *Super Lawyers Magazine* named Ivy a Rising Star for 2015-2018 and a Super Lawyer for 2019.

Education

- Rutgers University School of Law, Camden, J.D. (2006)
- University of California, Los Angeles, B.A. (2003) (English, Neuroscience Minor)

Admissions

- California, District of Columbia
- U.S. Court of Appeals: Ninth Circuit
- U.S. District Courts: Northern District of California, Central District of California, Eastern District of California, Southern District of California, Northern District of Illinois, Colorado, Maryland
- U.S. Patent and Trademark Office

ANGUS NI *Of Counsel*

Angus is one of a handful of U.S. attorneys practicing complex commercial litigation who is also fluent in Mandarin. He advises individuals and companies in numerous complex disputes, with particular expertise in securities litigation and risk management for listed companies.

Angus was a litigator at the top shareholder rights law firm in the U.S., where he prosecuted numerous securities class actions against U.S. listed corporations on behalf of hedge fund and pension fund investors. These actions ranged across a multitude of industries, were before diverse jurisdictions throughout the U.S., and involved both domestic and international discovery.

Earlier in his career, Angus also practiced as an associate in the litigation department of a major transnational law firm, where he participated in complex arbitrations before the International Chamber of Commerce (ICC) and World Bank Investment Treaty (ICSID) Tribunals, and in large-scale corporate investigations in several jurisdictions.

Education

- University of Chicago, J.D. (Honors)
- University of Toronto, B.A. (High Distinction, College Scholar)

Admissions

- New York; Washington
- U.S. Court of Appeals: Second Circuit, Ninth Circuit.
- U.S. District Courts: Southern District of New York, Eastern District of New York, Western District of Washington, Northern District of Illinois.



SHERIN MAHDAVIAN
Associate

Sherin, a transactional and litigation attorney with experience in business and regulatory law, focuses her practice at SLF on client services and case development.

While in law school, Sherin worked as a federal agency liaison for Congressman Brad Sherman’s office at one of the top lobbying firms in Los Angeles. After graduating, she worked at a mid-sized law firm in Downtown LA, where she specialized in regulatory, business, and environmental law and focused her efforts on transactional work and client relations.

Education

- University of California, Los Angeles – School of Law, J.D. with specialization in business law (2014)
- University of California, Los Angeles, B.S. (2011)

Admissions

- California
- U.S. District Court: Central District of California

EXHIBIT 2

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

SUMMARY OF SCHALL TIMEKEEPER QUALIFICATIONS, EXPERIENCE, AND ROLE IN THE ACTION

PARTNERS

Brian Schall (19.5 hours): Mr. Schall is a Partner at Schall and graduated from University of the Pacific, McGeorge School of Law in 2011. Mr. Schall was primarily involved in the lead plaintiff motion process, liaising with Plaintiffs, and attending the mediation in this action.

Rina Restaino (16 hours): Ms. Restaino is a Partner at Schall and graduated from Loyola Law School in 2012. Ms. Restaino was primarily involved in liaising with Plaintiffs and attending the mediation in this action.

EXHIBIT I

**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**

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 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**

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

1. I am the Principal of The Law Offices of Susan R. Podolsky (“Podolsky”), counsel for Plaintiffs in the above-captioned action (the “Action”).¹

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

I. PODOLSKY’S WORK, RATES, AND LODESTAR

3. I am a 1986 graduate from the University of Virginia Law School. After graduation, I clerked for Judge Albert V. Bryan, Jr., then-Chief Judge for the Eastern District of Virginia, and then joined Jenner & Block where my practice centered on nationwide litigation.

I have over a decade of experience prosecuting securities class actions, including:

r
r , No. 3:17-cv-00558-SRU (D. Conn. June 2, 2022), ECF 964 (\$420 million recovery); r r r , No. 1:17-cv-01338-AJT-JFA (E.D.

Va. May 21, 2021), ECF 345 (\$75 million recovery); r r r

, No. 3:14-cv-00682-JAG-RCY (E.D. Va. Sept. 26, 2016), ECF 214 (\$219 million recovery); r d r , No. 1:14-cv-00227-LMB-JFA (E.D. Va.

¹ Capitalized terms not defined herein have the meanings stated in the Amended Class Action Complaint for Violations of the Securities Laws (ECF 54), the Stipulation and Agreement of Settlement dated September 12, 2023 (ECF 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.”).

Sept. 16, 2016), ECF 265 (\$41.5 million recovery); *_____* *_____* *_____* *_____* *_____* *_____*, No. 4:13-cv-00157-AWA-DEM (E.D. Va. Nov. 17, 2016), ECF 204 (\$45 million recovery); and *_____* *_____* *_____* *_____*, No. 1:11-cv-00610-TSE-IDD (E.D. Va. Sept. 20, 2013), ECF 336 (\$97.5 million recovery). Attached hereto as **Exhibit 1** is Podolsky’s firm resume, which includes a brief biography of my firm providing further information regarding my qualifications and experience.

4. I actively participated in the prosecution of the claims on behalf of Plaintiffs and the Settlement Class. In particular, I performed work at the direction and under the supervision of Court-appointed Lead Counsel, Bleichmar Fonti & Auld LLP. I participated in, among other tasks, preparing Plaintiffs’ opposition to Defendants’ motion to dismiss and working with Plaintiffs’ Counsel regarding litigation strategy.

5. Table 1 below is a schedule summarizing the amount of time I spent from inception of the Action through and including April 19, 2024, my applicable rate, and a lodestar calculation based on my current billing rate.

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

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

8. The total number of hours reflected in Table 1 from inception through and including April 19, 2024, is 65.70. The total lodestar reflected in Table 1 for that period is \$49,275.

TABLE 1

Timekeeper Name	Position	Hours	Hourly Rate	Lodestar
Susan R. Podolsky	Principal	65.70	\$750	\$49,275

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

Dated: April 26, 2024

/s _____
Susan R. Podolsky

EXHIBIT 1

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

PODOLSKY FIRM RESUME

PODOLSKY LAW OFFICES
1800 DIAGONAL ROAD SUITE 600 ALEXANDRIA, VA 22314
TEL 571.366.1702 FAX 703.647.6009
SPODOLSKY@PODOLSKYLAW.COM
PODOLSKYLAW.COM



Educational Background:

J.D., 1986, University of Virginia School of Law.

4-month Leningrad State University Russian Language program (1982).

A.B., 1981, Dartmouth College (*magna cum laude*). Member of Phi Beta Kappa. Captain of Varsity Tennis Team, sophomore and senior seasons. Major: Russian Language and Literature. Received three commendation awards for highest achievement.

Professional Background:

2006 – present: Solo practitioner, concentrating on civil corporate litigation and advising and assisting corporate clients, associations, and individuals on a variety of legal matters and issues. Recent work includes large securities fraud litigations, large securities arbitration for corporate client, various litigations and litigation-related tasks for corporate and individual clients, various counseling matters such as contract drafting and negotiation.

Securities fraud litigation highlights include: *Ontario Teachers' Pension Plan Board, et al. v. Teva Pharmaceuticals* (\$420 million settlement); *In Re: Willis Towers Watson PLC Proxy Litigation* (\$75 million recovery); *In re: Genworth Financial Inc. Securities Litigation* (\$219 million recovery); *In re: Computer Sciences Corp. Securities Litigation* (\$97.5 million recovery); *In re: NII Holdings, Inc. Securities Litigation* (\$41.5 million recovery); *In re: Lumber Liquidators Holdings, Inc. Securities Litigation* (\$45 million recovery).

1993 - July 2005: Partner, Jenner & Block LLP.

Awardee of the 2003 Albert E. Jenner Pro Bono Award for litigating race discrimination class action suit for ten years against municipal (Baltimore City) and federal housing agencies.

Member of the Litigation Practice, specializing in large, complex civil commercial cases in a variety of sectors, including telecommunications, contracts, intellectual property, and employment. Tried significant litigation matters of all sizes and consistently obtained successful results. Managed large discovery and document production projects, including electronic discovery projects, related to litigation,

antitrust, and investigation matters. Federal litigation practice included national experience, with a particular focus on the Eastern District of Virginia.

Advised and counseled businesses on various legal matters and issues.

1988-1993: Associate, Jenner & Block LLP.

1986-88: Law clerk for Albert V. Bryan, Jr, then-Chief Judge of the Eastern District of Virginia.

1981-83: Legislative Correspondent and Legislative Assistant to United States Senator Donald W. Riegle, Jr. Responsible for correspondence, legislation, and policy with respect to Senator Riegle's service on the Senate Committee on Commerce, Science & Transportation.

Bar and Court Admissions:

Admitted to practice in the following state and federal jurisdictions: Virginia, District of Columbia, Maryland.

Admitted to practice in the following courts: Eastern District of Virginia, Western District of Virginia, District of Maryland, District Court for the District of Columbia, Court of Appeals for the Fourth Circuit, Court of Appeals for the D.C. Circuit, United States Supreme Court, Virginia Supreme Court, District of Columbia Court of Appeals.

Professional and Non-Profit Associations:

President, Women's Eastern Golf Association

Board Member, Northern Virginia Chapter of the Federal Bar Association

Member, Virginia State Bar

Member, Maryland State Bar

Member, District of Columbia Bar Association

Member, Alexandria Bar Association

Member, Federal Bar Association

American Bar Association

Memberships:

Mount Vernon Country Club

Detroit Golf Club