

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

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

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

Plaintiff,

v.

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

Defendants.

DECLARATION OF MORGAN KIMBALL REGARDING DISTRIBUTION PLAN

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

1. I am a Project Manager for Epiq Class Action and Claims Solutions, Inc. (“Epiq”). I am providing this declaration at the request of Class Counsel Bleichmar Fonti & Auld LLP (“Class Counsel”), on behalf of Plaintiffs, in connection with Plaintiffs’ Motion for Distribution of the Net Settlement Fund.¹ This declaration supplements my prior declarations (ECF No. 82-9; ECF No. 91-4; ECF No. 93-2). I make this declaration based on personal knowledge, and if called to testify, I could and would do so competently.

2. Pursuant to the Court’s February 29, 2024 Preliminary Approval Order (ECF No. 87), Epiq is authorized to act as the Claims Administrator in connection with the Settlement of the above-captioned action (the “Action”). This declaration provides information regarding the distribution plan.

DISSEMINATION OF THE SETTLEMENT NOTICE

3. As more fully set forth in my prior declarations (*see* ECF Nos. 91-4 and 93-2), as of May 24, 2024, a total of 29,900 copies of the Notice had been disseminated to potential Settlement Class Members, including copies emailed directly by nominees to potential Settlement Class Members. (*See* ECF No. 93-2 ¶¶3, 5.) Since that date, no additional Notices have been mailed. In total, 29,900 copies of the Notice have been mailed or emailed to potential Settlement Class Members, brokers, and other nominees who may have purchased Gatos Securities on behalf of Settlement Class Members.

4. Epiq also caused the Summary Notice to be published in *Investor’s Business Daily* and transmitted over *PR Newswire* on March 11, 2024; published digital notice in the form of

¹ Capitalized terms not defined herein have the meanings stated in the Amended Class Action Complaint for Violations of the Securities Laws (ECF No. 54), the Stipulation and Agreement of Settlement dated September 12, 2023 (ECF No. 85-1), and the Joint Declaration of Joseph A. Fonti and Kathryn A. Reilly in Support of: (I) Plaintiffs’ Motion for Final Approval of the Settlement and Approval of the Plan of Allocation and (II) Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs (ECF No. 91).

banner advertisements on the *Google Display Network* and *Yahoo! Finance* websites; and established and continues to maintain the Settlement Website, as well as a telephone number, email address, and P.O. Box each dedicated to the Settlement and to assisting potential Settlement Class Members. (See ECF 91-4 ¶¶12, 14-23.)

PROCEDURES FOLLOWED IN PROCESSING CLAIMS

3. Under the provisions of the Preliminary Approval Order and as set forth in the Notice, each Settlement Class Member who wished to be eligible to receive a distribution from the Net Settlement Fund was required to complete and submit to Epiq a properly executed Proof of Claim form postmarked or submitted online no later than June 19, 2024, together with adequate supporting documentation for the transactions and holdings reported therein. Through June 27, 2025, Epiq has received 10,323 Proof of Claim forms, and they have all been fully processed.

4. In preparation for receiving and processing claims, Epiq: (i) conferred with Class Counsel to define the project guidelines for processing claims; (ii) created a unique database to store Proof of Claim form details and images of Proof of Claim forms and supporting documentation; (iii) trained staff in the specifics of the project so that claims would be properly processed; (iv) formulated a system so that telephone and email inquiries would be properly responded to; (v) developed various computer programs and screens for entry of claimants' identifying information, as well as their transactional information; and, (vi) developed a proprietary "calculation module" that would calculate Recognized Loss pursuant to the Court-approved Plan of Allocation set forth in the Notice.

5. The Notice directed Settlement Class Members and their banks, brokers, and other nominees seeking to share in the Net Settlement Fund to submit their Proof of Claim forms to the United States Post Office box address specifically designated for the Settlement, to upload their Proof of Claim forms online using the case website, or to submit claims to the Epiq team that handles large electronic claims (the "Securities Team"). Any correspondence received at the post office box was reviewed and, where necessary, appropriate responses were provided to the senders.

PROCESSING PAPER PROOF OF CLAIM FORMS

6. Of the 10,323 Proof of Claim forms received by Epiq through June 27, 2025, 537 were paper Proof of Claim forms that were mailed, emailed, or submitted electronically through the case website. Once received, paper claims were opened and prepared for scanning. Once prepared, the paper claims were scanned into a database together with all submitted documentation. Each paper Proof of Claim form was assigned a unique Claim Number. The information from each Proof of Claim form was entered into the database developed by Epiq to process claims submitted for the Settlement. Next, the documentation provided by each claimant in support of his, her, or its Proof of Claim form was reviewed to determine: (i) whether the claimant traded in Gatos Securities during the Class Period; (ii) whether the transaction information entered on the Proof of Claim form was supported by the documentation; (iii) that the claimant did not have any additional trades not reflected on the Proof of Claim form; (iv) that the claimant's name matched the information on the documentation; and, (v) that the beneficial owner on the trade documentation, or a valid representative, was the person who signed the Proof of Claim form.

7. In order to process the claims, Epiq utilized internal codes to identify and classify any deficiency or ineligibility conditions that existed within the claims as they were processed. For example, where a Proof of Claim form was submitted by a claimant who did not have any eligible Gatos Securities during the Class Period, that claim would receive a defect code that denoted ineligibility. Similar defect codes were used to denote other ineligible conditions, such as duplicate claims. These message codes indicated that the claimant is not eligible to receive any payment from the Net Settlement Fund unless the deficiency was cured in its entirety.

8. Because a claim may be deficient only in part, but otherwise acceptable, Epiq utilized codes that were only applied to specific transactions within a claim. Such codes indicated that the affected transactions were not eligible (unless the defect was cured), but that the claim was otherwise eligible for payment based on the other transactions. Thus, even if the deficiency was never cured, the claim could still be partially accepted.

PROCESSING ELECTRONICALLY FILED PROOF OF CLAIM FORMS

9. Of the 10,323 claims received by Epiq through June 27, 2025, 9,786 were filed electronically (“Electronic Claims”). Electronic Claims are typically submitted by, or on behalf of, institutional investors who may have hundreds or thousands of transactions during the Class Period.

10. Epiq maintains a Securities Team to coordinate and supervise the receipt and handling of all Electronic Claims. In this case, the Securities Team reviewed and analyzed each electronic file to ensure that it was formatted in accordance with Epiq’s required format, and to identify any potential data issues or inconsistencies within the file.

11. Once the files were loaded to Epiq’s database, the Electronic Claims were coded to identify them as Electronic Claims and message codes were applied to denote any deficiencies or ineligible conditions that existed within them. These message codes are similar to those applied to paper Proof of Claim forms. In lieu of manually applying message codes, the Securities Team performed programmatic reviews of the Electronic Claims to identify deficiency and ineligibility conditions (such as, but not limited to, price per share/net amount validation issues, out of balance conditions, and transactions outside the Class Period, etc.). The output was thoroughly verified and confirmed as accurate.

12. The review process also included flagging any Electronic Claims that were not accompanied by a signed Proof of Claim form, which serves as a “Master Proof of Claim form” for all accounts referenced on the electronic file submitted. Where appropriate, Epiq contacted the institutional filers whose electronic files were missing information. This ensures that all claims are submitted by properly authorized representatives of the claimants.

13. Finally, at the end of this process, Epiq performed various targeted reviews of the Electronic Claims. Specifically, Epiq used the calculated Recognized Loss and other criteria to flag a sampling of electronic filers in order to request additional information, such as that specific purchases, sales and holdings selected by Epiq be documented with confirmation slips or other transaction-specific supporting documentation. These targeted reviews help to ensure that

electronic data supplied by claimants does not contain inaccurate information. As set forth in Paragraphs 27-30 below, Epiq also performed additional quality assurance reviews in connection with the largest claims.

EXCLUDED PERSONS

14. Epiq also reviewed all claims to ensure that they were not submitted by or on behalf of “Excluded Persons,” to the extent that the identities of such persons or entities were known to Epiq through the list of Defendants and other excluded persons and entities set forth in the Stipulation of Settlement and in the Notice, and through the claimants’ certifications on the Proof of Claim forms.

ADDITIONAL COMPLEXITIES ENCOUNTERED IN CLAIMS PROCESSING

15. Many of the claims Epiq received were deficient or ineligible for one or more reasons and, therefore, were subjected to the additional processing, correspondence, and telephonic communications described in the sections below entitled “The Deficiency Process for Paper Claims” and “The Deficiency Process for Electronic Claims.”

16. During the processing of claims, Epiq also encountered “non-conforming” claims, which, in general, require significantly more work than ordinary claims because of the information contained in or missing from the claims, or the manner in which the claims were completed. Non-conforming claims include, among other conditions, missing pages, no name or address, Proof of Claim forms that are blank but submitted with documentation for Epiq to complete, and Proof of Claim forms that are so materially deficient as to make what is being claimed unrecognizable.

THE DEFICIENCY PROCESS FOR PAPER PROOF OF CLAIM FORMS

17. Of the 537 paper claims received as of June 27, 2025, 383, or approximately 70% of them, were incomplete or had one or more defects or conditions of ineligibility, such as the Proof of Claim form not being signed, not being properly documented, or indicating no eligible Gatos Securities during the Class Period. Much of Epiq’s efforts in handling an administration involve claimant communications so that all claimants have a sufficient opportunity to cure any

deficiencies and file a complete claim. The “Deficiency Process,” which involved contacting claimants and responding to inquiries from claimants either by telephone or email, was intended to assist them in properly completing their otherwise deficient submissions so that they would be eligible to participate in the Settlement.

18. If a claim was determined to be defective or ineligible, a Notice of Deficient Proof of Claim Form Submission (“Deficiency Notice”) was sent to the claimant describing the defect(s) or condition(s) of ineligibility in his, her, or its claim and what was necessary to cure any “curable” defect(s) in the claim. The Deficiency Notice advised the claimant that the submission of the appropriate information and/or documentary evidence to complete the claim had to be sent within 20 days from the date of the letter. The Deficiency Notice further advised that if the appropriate information was not submitted in this timeframe, the claim would be recommended for rejection to the extent the deficiency or condition of ineligibility was not cured. The Deficiency Notice also advised claimants that if they desired to contest the administrative determination, they were required to submit a written statement to Epiq within 20 days requesting Court review of the determination and setting forth the basis for their request. Attached hereto as **Exhibit A** is an example of the Deficiency Notice.

19. Claimants’ responses to the Deficiency Notices were scanned into Epiq’s database and associated with the corresponding Proof of Claim form. The responses were then carefully reviewed and evaluated by Epiq’s team of processors. If a claimant’s response corrected the defect(s), Epiq updated the database manually to reflect the change in status of the claim. After responses to these Deficiency Notices were received and evaluated, Epiq again contacted each claimant with still-deficient claims to provide them with an additional opportunity to cure any remaining deficiencies. As a result of this process, a significant number of previously defective claims have been cured and are now recommended as eligible for participation in the settlement.

THE DEFICIENCY PROCESS FOR ELECTRONIC CLAIMS

20. Of the 9,786 electronic claims received, 7,686 were deficient or ineligible. To inform Electronic Claim filers that their electronic submissions were deficient, Epiq sent each filer

a Deficiency Notice consisting of an email attaching a Transaction Report that listed the specific claims that were deficient or ineligible, along with a list of the specific portions of the claims that were deficient or ineligible. With respect to the Electronic Claims, the Transaction Reports:

(a) were sent electronically to filers who submitted deficient or ineligible Electronic Claims;

(b) identified individual transactions and entire Electronic Claims that were found to be deficient or ineligible so that the filer had the opportunity to correct the deficient condition or contest the determination of ineligibility;

(c) stated that any deficient transactions or Electronic Claims that remain uncured, as well as any transactions or Electronic Claims that were identified as ineligible were rejected;

(d) notified the filer that, within 20 days, it could request that the Court review Epiq's administrative determinations if it wished to contest the rejection of any transactions or Electronic Claims; and,

(e) provided Epiq's contact information if the filer had any questions or required assistance.

21. Responses to the Transaction Reports were reviewed by Epiq's Securities Team, scanned and/or loaded into Epiq's database, and were associated with the corresponding Electronic Claim. If the response corrected the defect(s) or affected the Electronic Claim's status, Epiq manually and/or programmatically updated the database to reflect the change in status of the Electronic Claim. After responses to these Deficiency Notices were received and evaluated, Epiq again contacted each claimant with still-deficient claims to provide them with an additional opportunity to cure any remaining deficiencies. As a result of this process, a significant number of previously defective claims have been cured and are now recommended as eligible for participation in the settlement.

DISPUTED CLAIMS

22. As noted above, Claimants were advised that they had the right to contest Epiq's administrative determinations of deficiencies or ineligibility within 20 days from the date of notification and that they could request that the dispute be submitted to the Court for review. More specifically, such persons were advised in the Deficiency Notice or the Transaction Reports that if they disputed Epiq's determinations, they had to provide a statement of reasons indicating the grounds for contesting the rejection, along with supporting documentation.

23. Epiq received eleven (11) requests for review by the Court of the administrative determination made by Epiq. In an attempt to resolve the disputes without necessitating the Court's intervention, Epiq contacted all of the claimants requesting Court review, and with respect to those Claimants who were reached, Epiq answered all of their questions, fully explained Epiq's determination of the Claims' status, and facilitated the submission of missing information or documentation where applicable. As a result of these efforts, all eleven (11) requests for Court review have been resolved. Specifically, eight (8) claimants cured the deficiencies in their claims, which have since been accepted, one (1) was a duplicative request, and two (2) claims did not generate a Recognized Loss and, after speaking with Epiq, the claimants further understood the deficiencies and withdrew their requests for Court review.

LATE BUT OTHERWISE ELIGIBLE CLAIMS

24. As of June 27, 2025, Epiq has received 41 claims that were postmarked after the June 19, 2024, claim submission deadline established by the Court. In consultation with Class Counsel, any Proof of Claim forms postmarked on or before June 27, 2025, will be processed and will not be rejected solely based on their late submission. A total of 14 late claims were submitted by June 27, 2025, and are otherwise eligible in whole or in part ("Late But Otherwise Eligible Claims"). These 14 claims are recommended herein for payment.

FINAL BAR DATE

25. There must be a final cutoff date after which no more claims will be accepted so that there may be a proportional distribution of the Net Settlement Fund and the distribution may

be accomplished. Indeed, the rate of new claims and adjustments to previously filed claims has significantly diminished, and Epiq has not received any new claims or cures for any deficiencies since April 30, 2025. Accordingly, in consultation with Class Counsel, Epiq recommends that no Proof of Claim form postmarked after June 27, 2025, (the “Claims Bar Date”) be deemed eligible for payment.

26. Further, in consultation with Class Counsel, Epiq recommends that no new adjustments to previously filed Proof of Claim forms, which would result in an increased Recognized Loss, may be accepted after June 27, 2025 (the “Final Bar Date”). Should an adjustment be received that results in a lower Recognized Loss, that adjustment will be made and the Recognized Loss will be reduced accordingly.

QUALITY ASSURANCE

27. An integral part of all of Epiq’s settlement administration projects is its Quality Assurance reviews. These reviews are also labor intensive and time consuming. Specifically, Epiq’s personnel worked throughout the entire administration to ensure that claims were processed properly, that deficiency and ineligibility message codes were properly applied to claims, that deficiency notices were sent to the appropriate claimants, and that Epiq’s computer programs were operating properly.

28. In support of the work described above, Epiq staff designed, implemented, tested, and reviewed the following programs for this administration: (i) data entry screens that store claim information (including all transactional data included in each claim and in any supporting documentation), attach message codes and, where necessary, apply text to denote conditions existing within the claim; (ii) screens for the analyst to review images of the Proof of Claim form and any supporting documentation provided; (iii) programs to load and analyze transactional data submitted electronically for all Electronic Claims (a load program converts the data submitted into the format required by the calculation program, and an analysis program determines if the data is consistent and complete); (iv) a program to compare the claimed transaction prices against the reported market prices of Gatos Securities to confirm that the claimed transactions were within an

acceptable range of the reported market prices; (v) a calculation program to analyze the transactional data for all claims, and calculate the Recognized Loss based on the Court-approved Plan of Allocation; and, (vi) programs to generate various reports throughout and at the conclusion of the administration, including lists of all eligible and ineligible claims.

29. Epiq's Securities Team also performed a final quality control check once all of the accepted claims were processed, deficiency notices were mailed, and deficiency responses were reviewed and processed, to ensure the correctness and completeness of all of the processed claims before Epiq prepared its final reports to Class Counsel. Here, in connection with this Quality Assurance wrap-up, Epiq: (i) confirmed that the claims that are being recommended for approval have no message codes denoting ineligibility; (ii) confirmed that claims that are being recommended for rejection have message codes denoting ineligibility; (iii) confirmed that all claims requiring "deficiency" notices were sent such notices; (iv) performed a sample review of deficient claims; (v) reviewed a sampling of claims with high Recognized Loss to confirm Epiq's determinations; (vi) sampled claims that had been determined to be ineligible, including those with no Recognized Loss calculated in accordance with the Plan of Allocation, in order to verify that all transactions had been captured correctly; and, (vii) retested the accuracy of the loss calculation program.

30. As part of its due diligence in processing the claims, Epiq also conducted a Questionable Claim Filer search of all paper claims and Electronic Claims filed in the Settlement. Epiq maintains a database of known questionable filers. This database contains names, addresses, and aliases of individuals who have been investigated by government agencies for fraudulent claim filing, as well as the names and contact information compiled from previous settlements that Epiq has administered where fraudulent claims were received. Epiq updates the database on a regular basis. The database for the Settlement was searched for all individuals identified in our Questionable Claim Filer Database. Epiq performed searches based on name, aliases, address, and city/zip code. In addition, all of Epiq's claim processors are trained to identify any potentially inauthentic documentation when processing claims, including for claims submitted by claimants

not previously captured in our database as Questionable Claim Filers. Processors are instructed to flag claims as Questionable Claims and route them to the Project Manager and Securities Team for review. No claims were located and rejected as a result of these searches. Further, Epiq performed searches to identify and exclude potential payments to payees whose names may appear on the federal government’s restricted persons list or who reside in countries to which payments are prohibited in accordance with the regulations and guidelines of the U.S. Treasury Department, Office of Foreign Assets Control.

DISPOSITION OF PROOF OF CLAIM FORMS

31. Epiq has completed the processing of the 10,323 claims that have been received through June 27, 2025, and has determined that 2,271 are acceptable in whole, 143 are acceptable in part, and that 7,909 should be wholly rejected because they are either ineligible, wholly deficient, have no Recognized Loss when calculated in accordance with the Court-approved Plan of Allocation, or were withdrawn at the claimant’s request.

32. The 7,909 wholly rejected claims are recommended for rejection by the Court for the following reasons:

| Summary of Rejected Claims | |
|---|-------------------------|
| Reason for Rejection | Number of Claims |
| Excluded from the Settlement Class | 1 |
| No Eligible Purchases During the Class Period | 195 |
| Proof of Claim Did Not Result in a Recognized Loss | 7,494 |
| Deficient Claim with Condition of Ineligibility Never Cured | 59 |
| Duplicate Claim | 26 |
| Withdrawn Claim/Voided by Request | 134 |
| TOTAL | 7,909 |

33. A list of the claims and Epiq’s recommendations as to their disposition is contained in the Administrator’s Report attached hereto as **Exhibit B**. Exhibit B-1, titled “Timely Eligible Claims,” lists all timely filed, accepted claims, and states their Recognized Loss. Exhibit B-2,

titled “Late But Otherwise Eligible Claims,” lists all late filed, accepted claims, and states their Recognized Loss. Exhibit B-3, titled “Rejected Claims,” lists all wholly rejected claims, and states the reason for their rejection. For privacy reasons, Exhibit B provides only the claimant’s Claim Number and Recognized Loss or Reason for Rejection (no names, addresses, Taxpayer ID, Social Security or Social Insurance Numbers are disclosed).

34. Epiq has determined that 2,414 claims should be accepted. The claims recommended for acceptance represent a total Recognized Loss of \$157,692,980.16 under the Court-approved Plan of Allocation. Of that total, \$157,104,205.56 is for Timely Eligible Claims and \$588,774.60 is for Late But Otherwise Eligible Claims.

35. According to the Court-approved Plan of Allocation, each Authorized Claimant will be allocated a *pro rata* share of the Net Settlement Fund based on his, her, or its Recognized Loss in comparison to the total Recognized Loss of all Authorized Claimants.

FEES AND DISBURSEMENTS

36. Epiq agreed to be the Claims Administrator for the Settlement in exchange for payment of its fees and expenses. Class Counsel received regular reports of and invoices for all of the work Epiq performed with respect to provision of notice and the administration of the Settlement, and authorized the claims administration work performed herein.

37. To date, Epiq has incurred a total of \$221,726.87 in fees and expenses for its work performed on behalf of the Class, none of which has been paid. Additionally, Epiq has estimated that the remaining cost of conducting the initial distribution of the Settlement will be no more than \$15,000.00. Therefore, the estimated total cost of the administration of the Settlement will be no more than \$236,726.87.

38. The cost of conducting the initial distribution of the Settlement will be reserved prior to the initial distribution. Should the estimate of fees and expenses to conduct the initial distribution exceed the actual fees and expenses, Epiq will refund the difference to the Net Settlement Fund once the initial distribution is completed.

DISTRIBUTION PLAN FOR THE NET SETTLEMENT FUND

39. Should the Court concur with Epiq’s determinations concerning the accepted and rejected claims, including the Late But Otherwise Eligible Claims, Epiq recommends the following distribution plan (the “Distribution Plan”):

(a) Epiq will conduct an initial distribution (the “Initial Distribution”) of the Net Settlement Fund, after deducting the payments previously allowed and requested herein, and after payment of any Taxes, the costs of preparing appropriate tax returns, and any escrow fees as follows:

(i) Epiq will calculate award amounts to all Authorized Claimants by calculating their *pro rata* share of the Net Settlement Fund in accordance with the Plan of Allocation.

(ii) Epiq will, pursuant to the terms of the Plan of Allocation, eliminate from the Initial Distribution any Authorized Claimant whose *pro rata* share of the Net Settlement Fund, as calculated under subparagraph (a)(i) above, is less than \$10.00. Such claimants will not receive any distribution from the Net Settlement Fund and Epiq will send letters to those Authorized Claimants advising them of that fact.

(iii) After eliminating claimants who would have received less than \$10.00, Epiq will calculate the *pro rata* share of the Net Settlement Fund for Authorized Claimants who would have received \$10.00 or more pursuant to the calculations described in subparagraph (a)(i) above (“Distribution Amount”).

(iv) In order to encourage Authorized Claimants to promptly deposit their payments, all distribution checks will bear a notation “DEPOSIT PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT NEGOTIATED WITHIN 90 DAYS OF ISSUE DATE.”

(v) Authorized Claimants who do not cash their Initial Distribution checks within the time allotted will irrevocably forfeit all recovery from the Settlement. The funds allocated to all such stale-dated checks will be available to be re-distributed to other Authorized

Claimants in the Second Distribution as discussed below. Similarly, Authorized Claimants who do not cash their second or subsequent distributions (should such distributions occur) within the time allotted will irrevocably forfeit any further recovery from the Net Settlement Fund.

(b) After Epiq has made reasonable and diligent efforts to have Authorized Claimants cash their Initial Distribution checks, Epiq will conduct a second distribution of the Net Settlement Fund (the “Second Distribution”). The Second Distribution will include any unclaimed amounts remaining in the Net Settlement Fund after the Initial Distribution, after deducting Epiq’s fees and expenses incurred in connection with administering the Settlement for which it has not yet been paid (including the estimated costs of such Second Distribution), and after the payment of any Taxes, the costs of preparing appropriate tax returns, and any escrow fees. These remaining funds will be distributed to all Authorized Claimants in the Initial Distribution who cashed their Initial Distribution check and would receive at least \$10.00 from such distribution based on their *pro-rata* share of the remaining funds.

(c) In order to allow a final distribution of any funds remaining in the Net Settlement Fund after completion of the Second Distribution, whether by reason of returned funds, tax refunds, interest, uncashed checks, or otherwise:

(i) If cost effective, Epiq will conduct a further distribution of the Net Settlement Fund, in which all funds remaining in the Net Settlement Fund, after deducting Epiq’s unpaid fees and expenses incurred or to be incurred in connection with administering the Net Settlement Fund (including the estimated costs of such distribution), and after the payment of any Taxes, the costs of preparing appropriate tax returns, and any escrow fees, will be distributed to Authorized Claimants who cashed their Second Distribution checks in an equitable and economic fashion. Additional re-distributions, after deduction of costs and expenses as described above and subject to the same conditions, may occur thereafter until Class Counsel, in consultation with Epiq, determines that further re-distribution is not cost-effective. At that point, and as set forth in the Stipulation of Settlement, the residual balance will be donated to a non-profit, charitable

organization serving the public interest and unaffiliated with the Parties or their counsel, selected by Class Counsel.

CONCLUSION

40. Epiq respectfully requests that the Court approve its administrative determinations accepting and rejecting the Claims submitted herein and approving the proposed Distribution Plan. Epiq further submits that its unpaid fees and expenses should be approved for payment from the Settlement Fund.

Dated: June 27, 2025



Morgan Kimball