

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 JOSEPH A. FONTI IN FURTHER 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**

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

1. I am a partner at Bleichmar Fonti & Auld LLP (“BFA” or “Lead Counsel”), the Court-appointed Lead Counsel and Class Counsel in the above-captioned Action (the “Action”).¹

2. I submit this Declaration in further support of (I) Plaintiffs’ Motion for Final Approval of the Settlement and Approval of the Plan of Allocation (ECF No. 89); and (II) Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs (ECF No. 90).

3. Attached hereto as Exhibit A is the Supplemental Declaration of Morgan Kimball Regarding (I) Mailing of Notice; (II) the Settlement Website and Contact Center Services; (III) Claim Filing; and (IV) Requests for Exclusion and Objections Received to Date, dated May 24, 2024 (the “Supplemental Kimball Declaration” or “Supp. Kimball Decl.”).

4. Attached hereto as Exhibit B is a true and correct copy of an email I sent on May 21, 2024 at 4:51 p.m. ET to William Natbony.

Dated: May 24, 2024

s/ Joseph A. Fonti

Joseph A. Fonti

¹ Capitalized terms not defined herein have the meanings stated in the opening briefs and Joint Declaration filed on April 26, 2024 (ECF Nos. 89-1, 90-1, and 91).