

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Philip A. Brimmer

Civil Action No. 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.

ORDER

This matter comes before the Court on Plaintiff's Motion for Distribution of the Net Settlement Fund [Docket No. 100] and the letter submitted by the lead and named plaintiffs ("Plaintiffs") modifying that motion [Docket No. 101].¹

On September 12, 2023, the above-captioned case was settled on behalf of all persons who purchased or acquired publicly-traded securities of Gatos Silver, Inc.

¹ Capitalized terms not defined in this order have the meaning set forth in the parties' Stipulation and Agreement of Settlement [Docket No. 99] unless otherwise indicated.

("Gatos") between December 9, 2020 and January 25, 2022, inclusive (the "Exchange Act Settlement Class"), and on behalf of all persons who, who in domestic transactions or on the New York Stock Exchange, purchased or acquired Gatos common stock pursuant or traceable to the 2020 Registration Statement or the 2021 Registration Statement ("Securities Act Settlement Class") (collectively, with the Exchange Act Settlement Class, the "Settlement Class"). Docket No. 99 at 7, 12-13, 35.

Excluded from the Settlement Class are: defendants, the current and Class Period officers and directors of Gatos, the members of the immediate families and the legal representatives, affiliates, heirs, successors-in-interest, or assigns of any such excluded person, any entity in which such excluded persons have or had a majority interest, and the Electrum Group, LLC. *Id.* at 13.

On October 15, 2024, the Court entered an order approving the parties' settlement agreement. Docket No. 97 at 16. The Court directed the Settling Parties to consummate the settlement agreement in accordance with its terms and provisions. *Id.* at 18. The Court further retained jurisdiction over any matters arising in connection with the administration of the Settlement, including distribution of the Net Settlement Fund. *Id.* at 19.

On June 27, 2025, plaintiffs requested an order authorizing distribution of the Net Settlement Fund. Docket No. 100 at 1. In support of the motion, plaintiffs state as follows:

1. The Court-appointed claims administrator, Epiq Class Action & Claims Solutions, Inc. ("Epiq" or the "Claims Administrator"), has processed all claims received by Epiq through and including June 27, 2025. Docket No. 100-1 at 4.

2. Epiq processed a total of 10,323 claims submitted through June 27, 2025. *Id.* at 3.
3. Of the 10,323 claims, Epiq has determined that 2,273 are acceptable in whole and 143 are acceptable in part, with these 2,416 claims representing a total loss amount of \$171,093,813.40. Docket No. 101-1 at 3.²
4. The 7,907 claims that were rejected in whole were found to be ineligible for one of the following reasons: (i) the claimant is not a Settlement Class Member, (ii) there were no eligible purchases or acquisitions of Gatos Securities during the Class Period; (iii) the transactions submitted in the claim did not yield a Recognized Claim; (iv) the claim contained one or more uncured deficiencies; (v) the claim was a duplicate of another Recognized Claim; or (vi) the Proof of Claim was withdrawn. Docket No. 100-1 at 9; Docket No. 101-1 at 3 (changing the number of claims rejected in whole from 7,909 to 7,907).
5. For paper claims determined to be defective or ineligible, Epiq sent the claimant a notice, via letter, describing the defect or condition of ineligibility and explaining what was necessary to cure any curable defects in the claim. The notice further informed claimants of a 20-day deadline to submit a response and the availability of judicial review of Epiq's administrative determination. Docket No. 100-2 at 7.

² Plaintiffs' motion for distribution of the net settlement fund, filed on June 27, 2025, stated that there were 2,271 claims that were acceptable in whole. See Docket No. 100-1 at 8. Plaintiffs' letter and its attachments, filed on July 18, 2025, informed the Court that the Claims Administrative had determined that two claims previously recommended for rejection should be recommended for acceptance. See Docket No. 101 at 1. The declaration attached to the letter explains that these two claims should be accepted in whole. See Docket No. 101-1 at 3.

6. For electronic claims determined to be defective or ineligible, Epiq sent the claimant a notice, via email, describing the defect or condition of ineligibility and explaining what was necessary to cure any curable defects in the claim. The notice further informed claimants of a 20-day deadline to submit a response and the availability of judicial review of Epiq's administrative determination. Docket No. 100-2 at 7-8.
7. Epiq initially received 11 requests for judicial review; further communications between Epiq and the claimants requesting judicial review resulted in the claimants withdrawing the 11 requests for review. *Id.* at 9.
8. Plaintiffs request authorization to pay Epiq \$236,726.87 for fees and expenses incurred to date in Epiq's work as claims administrator, as well as for estimated fees and expenses to be incurred in the initial distribution of the settlement fund. Docket No. 100-1 at 13.

Having reviewed the motion and determined that good cause exists for the relief requested, it is hereby

ORDERED that:

1. The claims set forth in Exhibits B-1 ("Timely Eligible Claims") to the Declaration of Morgan Kimball Regarding Distribution Plan ("Initial Kimball Declaration") and Exhibit B-2 ("Late but Otherwise Eligible Claims") to the Supplemental Declaration of Morgan Kimball Regarding Distribution Plan ("Supplemental Kimball Declaration") and attached to this order as Exhibits A and B are **APPROVED**, and the distribution of the Net Settlement Fund to the Authorized Claimants is **AUTHORIZED**.

2. The wholly ineligible or deficient claims set forth in Exhibit B-3 (“Rejected Claims”) to the Supplemental Kimball Declaration and attached to this order as Exhibit C, are **REJECTED**.
3. Epiq shall be paid the sum of \$236,726.87 out of the Settlement Fund for fees and expenses incurred in connection with services performed and to be performed with respect to the administration of the Settlement Fund.
4. The proposed plan for distributing the net settlement fund (the “Distribution Plan”), as set forth in the Initial Kimball Declaration at Docket No. 100-2 at 14-16, ¶ 39, is **APPROVED**.
5. All persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims submitted herein, or otherwise involved in the administration or taxations of the Net Settlement Fund, including Class Representatives, Class Counsel, the Claims Administrator, the Escrow Agents or any other agent designated by Class Counsel, are released and discharged from any and all claims arising out of such involvement, and all Settlement Class Members are barred from making any further claim against the Net Settlement Fund or the Released Parties, including the entities named in this Paragraph.
6. The Court retains jurisdiction over any further application or matter which may arise in connection with this action.

7. Epiq is directed to reject without further notice any new Claims or further adjustments to Claims that would result in an increased Recognized Claim Amount that were or are received after June 27, 2025.

DATED January 12, 2026.

BY THE COURT:



PHILIP A. BRIMMER
Chief United States District Judge