

# **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.

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**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**

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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”).<sup>1</sup>

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: *In re Teva Securities Litigation*, No. 3:17-cv-00558-SRU (D. Conn. June 2, 2022), ECF 964 (\$420 million recovery); *In re Willis Towers Watson PLC Proxy Litigation*, No. 1:17-cv-01338-AJT-JFA (E.D. Va. May 21, 2021), ECF 345 (\$75 million recovery); *In re Genworth Financial Inc. Securities Litigation*, No. 3:14-cv-00682-JAG-RCY (E.D. Va. Sept. 26, 2016), ECF 214 (\$219 million recovery); *In re NII Holdings, Inc. Securities Litigation*, No. 1:14-cv-00227-LMB-JFA (E.D. Va.

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<sup>1</sup> 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); *In re Lumber Liquidators Holdings, Inc. Securities Litigation*, No. 4:13-cv-00157-AWA-DEM (E.D. Va. Nov. 17, 2016), ECF 204 (\$45 million recovery); and *Computer Science Corp. Securities Litigation*, 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**

<b>Timekeeper Name</b>	<b>Position</b>	<b>Hours</b>	<b>Hourly Rate</b>	<b>Lodestar</b>
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*  
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Susan R. Podolsky

**EXHIBIT 1**

*Bilinsky et al. v. Gatos Silver, Inc., et al.*  
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