

EXHIBIT B

Declaration of Named Plaintiff Jude Sweidan 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

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 NAMED PLAINTIFF JUDE SWEIDAN 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**

JUDE SWEIDAN declares under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the following is true:

1. I am a Named Plaintiff in the above-captioned action (the “Action”).¹
2. I submit this Declaration 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 Class Representatives.
3. The matters set forth herein are based on my personal knowledge and/or discussion with Plaintiffs’ Counsel.
4. I purchased Gatos common stock during the Class Period and suffered substantial losses as a result of the alleged violations of the federal securities laws alleged in the Action. (*See* ECF No. 54-1.)
5. Beyond seeking to recover the significant losses that I suffered as a result of my investment in Gatos Securities, I sought to serve as a Named Plaintiff in this Action because the allegations of wrongdoing—including that Defendants engaged in accounting fraud by overstating CLG mine’s mineral reserves and resources—affect the integrity of the securities markets.

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 (the “Joint Declaration” or “Joint Decl.”).

6. As a Named Plaintiff and in seeking to serve as a class representative in this Action, I understood my responsibility to serve the best interests of the Class by supervising the effective prosecution of this Action, and have done so at all times.

I. APPROVAL OF THE SETTLEMENT

7. I support approval of the proposed Settlement. I believe that the Settlement is the product of Plaintiffs’ hard-fought negotiation and careful consideration on behalf of the Settlement Class.

8. I understand that on June 13, 2023, the parties engaged in a formal full-day mediation session in Los Angeles, California with Robert A. Meyer, Mr. Betz, Bleichmar Fonti & Auld LLP (“BFA”), The Schall Law Firm (“Schall”), Defendants’ Counsel, and representatives of Gatos and various insurance carriers, leading to Mr. Meyer issuing a mediator’s proposal that the case settle for \$21 million.

9. Based on my involvement in the Action and my understanding of the strength of the merits, Gatos’s financial condition, the amount of realistically recoverable damages, and the risks of further litigation, I believe the Settlement represents an outstanding result that is fair, reasonable, and adequate to the Settlement Class.

II. LEAD COUNSEL AND WTO’S MOTION FOR AWARDS OF ATTORNEYS’ FEES AND LITIGATION EXPENSES

10. I support Lead Counsel and WTO’s motion for awards of attorneys’ fees and litigation expenses.

11. In light of the result achieved, the work performed, and the risks faced in the Action, I support Lead Counsel and WTO’s request for a fee award of 28% of the Settlement Fund and believe the requested amount represents a reasonable attorneys’ fee award in the Action.

12. I further believe that the litigation expenses for which Lead Counsel and WTO are seeking reimbursement are reasonable, and represent costs and expenses necessary for the effective prosecution and resolution of this complex action, including consulting expert analysis regarding financial accounting and estimation of mineral reserves and resources.

III. NAMED PLAINTIFF’S REQUEST FOR AN AWARD OF REASONABLE COSTS AND EXPENSES

13. I understand that the PSLRA authorizes the award of class representatives’ reasonable costs and expenses, including lost wages. *See* 15 U.S.C. § 78u-4(a)(4). Accordingly, I seek an award of my reasonable costs and expenses incurred in connection with my representation of the Settlement Class.

14. My costs and expenses in the Action total \$5,000, consisting of the estimated cost of 20 hours of time that I devoted to the Action in place of my regular employment. This time was primarily spent consulting with Plaintiffs’ Counsel on a regular basis.

15. Using a reasonable hourly rate of \$250, I request an award of \$5,000 in respect of the 20 hours of time that I devoted to the Action in place of my regular employment.

IV. CONCLUSION

16. As a Named Plaintiff and proposed class representative, I strongly endorse the proposed Settlement as fair, reasonable, and adequate, and believe it represents an outstanding result for the Settlement Class.

17. I further support Lead Counsel and WTO’s request for awards of attorneys’ fees and litigation expenses and believe that it represents fair and reasonable compensation in light of the result achieved and the quality and amount of work that Plaintiffs’ Counsel performed on a fully contingent basis, in the face of significant risks and uncertainties.

18. I also request an award of my reasonable costs and expenses in the Action, as set forth above.

Dated: 4/24/2024

DocuSigned by:
Jude Sweidan
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Jude Sweidan