

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.

**LEAD COUNSEL AND WTO'S MOTION FOR AWARDS OF
ATTORNEYS' FEES, LITIGATION EXPENSES, AND
REASONABLE COSTS AND EXPENSES TO PLAINTIFFS**

Pursuant to Rule 23 of the Federal Rules of Civil Procedure and the Court's February 29, 2024 Preliminary Approval Order (ECF No. 87), Lead Counsel Bleichmar Fonti & Auld LLP and Wheeler Trigg O'Donnell LLP, on behalf of themselves and other Plaintiffs' Counsel, and with the support of Plaintiffs Bard Betz and Jude Sweidan (together, "Plaintiffs"), hereby move for the

award of: (1) attorneys' fees, (2) litigation expenses, and (3) reasonable costs and expenses to Plaintiffs pursuant to the Private Securities Litigation Reform Act of 1995.¹

This motion is based on the accompanying Memorandum of Law in Support of Lead Counsel and WTO's Motion for Awards of Attorneys' Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs; 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"); and the exhibits to the Joint Declaration, including the Declaration of Lead Plaintiff Bard Betz (Ex. A); the Declaration of Named Plaintiff Jude Sweidan (Ex. B); the Declaration of Joseph A. Fonti 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 Bleichmar Fonti & Auld LLP (Ex. F); the Declaration of Kathryn A. Reilly 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 Wheeler Trigg O'Donnell LLP (Ex. G); the Declaration of Brian Schall 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 Schall Law Firm (Ex. H); and the Declaration of Susan R. Podolsky in Support of Lead Counsel and WTO's Motion for

¹ Capitalized terms not defined herein have the meanings stated in the Stipulation and Agreement of Settlement dated September 12, 2023 (ECF No. 85-1) (the "Stipulation"), 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.

Awards of Attorneys' Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs, Filed on Behalf of The Law Offices of Susan R. Podolsky (Ex. I); and all prior pleadings and proceedings herein.

Pursuant to the Court's Preliminary Approval Order, any objections to the proposed awards are due on May 10, 2024. As of April 26, 2024, no objections have been received. As provided in the Preliminary Approval Order, and in the interest of judicial economy, Lead Counsel and WTO will file reply papers on May 24, 2024 that will respond to any objections received.

Dated: April 26, 2024

s/ Kathryn A. Reilly

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