

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.

**PLAINTIFFS' MOTION FOR FINAL APPROVAL OF THE SETTLEMENT
AND APPROVAL OF THE PLAN OF ALLOCATION**

Pursuant to Rule 23 of the Federal Rules of Civil Procedure and the Court's February 29, 2024 Preliminary Approval Order (ECF No. 87), Plaintiffs Bard Betz and Jude Sweidan (together, "Plaintiffs"), on behalf of themselves and each member of the Settlement Class, hereby move for: (i) approval of the proposed Settlement of this Litigation; and (ii) approval of the proposed Plan of Allocation.¹

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").

This motion is based on the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Final Approval of the Settlement and Approval of the Plan of Allocation; 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"), filed herewith; 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 Robert A. Meyer in Support of Settlement (Ex. C), the Declaration of Morgan Kimball, filed herewith (Ex. D), and the Declaration of Kyle S. Bingham on Implementation of CAFA Notice (Ex. E); the Stipulation and its exhibits (ECF Nos. 85-1, 85-2, 82-4, 82-6, and 82-7); and all prior pleadings and proceedings herein.

Included with this motion are a proposed Final Judgment Approving Settlement (substantially in the form attached to the Stipulation, ECF No. 85-3) and proposed Order Approving Plan of Allocation.

Pursuant to the Court's Preliminary Approval Order, any objections to the proposed Settlement 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 will file reply papers on May 24, 2024 that will respond to any objections received. In addition, because requests for exclusion from the Settlement Class are due on May 5, 2024, a final version of Exhibit 1 to the proposed Final Judgment Approving Settlement (listing persons excluded from the Settlement Class) will be provided on or before May 30, 2024.

Dated: April 26, 2024

s/ Kathryn A. Reilly

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