

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

IN RE: TAHOE RESOURCES, INC. SECURITIES  
LITIGATION

Case No. 2:17-cv-01868-RFB-NJK

**DECLARATION OF OWEN F. SULLIVAN REGARDING: (A) MAILING OF THE  
NOTICE AND CLAIM FORM; (B) PUBLICATION OF THE SUMMARY NOTICE; AND  
(C) REPORT ON REQUESTS FOR EXCLUSION**

I, Owen F. Sullivan, declare and state as follows, pursuant to 28 U.S.C. §1746:

1. I am a Project Manager employed by Epiq Class Action & Claims Solutions, Inc. (“Epiq”). The following statements are based on my personal knowledge and information provided by other Epiq employees working under my supervision and, if called on to do so, I could and would testify competently thereto.

2. Epiq was retained by Lead Counsel to provide notice and administration services in connection with the proposed settlement of the above-captioned class action litigation and appointed by the Court as the U.S. Claims Administrator.<sup>1</sup> I submit this Declaration in order to provide the Court and the parties to the Settlement with information regarding, among other things, the mailing of the Court-approved Notice of Pendency and Proposed Settlement of Class Action Lawsuit Pending in United States District Court for the District of Nevada (“Notice”), and the U.S. Proof of Claim and Release form (“Claim Form”) (together, the Notice and Claim Form are referred to herein as the “Notice Packet”), the publication of the Summary Notice of Pendency and Proposed Settlement of Class Action Lawsuit Pending in United States District Court for the District of Nevada (“Summary Notice”), and establishment of the U.S. Settlement Website and toll-free number dedicated to the

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<sup>1</sup> Unless otherwise defined herein, all capitalized terms shall have the same meanings as set forth in the Joint Stipulation and Agreement of Global Settlement of Two Related Securities Class Actions Pending in Different Jurisdictions, dated as of March 25, 2023. (ECF No. 242).

U.S. Settlement, in accordance with the U.S. Order Preliminarily Approving U.S. Settlement and Providing for Notice (the “Preliminary Approval Order”).

### **DISSEMINATION OF THE NOTICE PACKET**

3. Epiq is responsible for disseminating the Notice Packet to potential U.S. Settlement Class Members in this Action. By definition, U.S. Settlement Class Members are all Persons who purchased or otherwise acquired Tahoe common stock in the United States or on the NYSE between April 3, 2013 and August 24, 2017, inclusive, and who suffered damages thereby

4. Between November 3, 2023 and November 6, 2023, Epiq received 4 files from Lead Counsel containing lists of record holders of Tahoe common stock during the Class Period in addition to record holders of Rio Alto and Lake Shore which both merged into Tahoe Resources Inc., during the U.S. Settlement Class Period. The files had a combined total of 1,223 unique names and addresses for noticing. Epiq added this data into a mailing database created for the Settlement.

5. As in most class actions of this nature, the large majority of potential U.S. Settlement Class Members are expected to be beneficial purchasers whose securities are held in “street name” – *i.e.*, the securities are purchased by brokerage firms, banks, institutions, and other third-party nominees in the name of the nominee, on behalf of the beneficial purchasers. Epiq maintains and updates a proprietary list of the largest and most common banks, brokers, and other nominees. Accordingly, the list of known holders of Tahoe common stock received from Lead Counsel was supplemented with Epiq’s internal broker list of names and addresses.

6. Epiq thereafter formatted the Notice Packet and caused it to be printed, personalized with the name and address of each nominee or potential U.S. Settlement Class Member, and mailed

by first-class mail, postage prepaid, to the nominees and to the known potential U.S. Settlement Class Members on November 17, 2023 (the “Initial Mailing”).

7. In total, 2,323 copies of the Notice Packet were mailed as part of the Initial Mailing. A copy of the Notice Packet is attached hereto as Exhibit A.

8. The Notice directed that brokers and nominees that purchased Tahoe common stock in the United States or on the NYSE during the Class Period, for the beneficial interest of a person or organization other than themselves, either: (a) within (10) calendar days of receipt of the Notice, request from the U.S. Claims Administrator, Epiq, sufficient copies of the Notice Packet to forward to all such beneficial owners and then, within ten (10) calendar days of receipt of those copies, forward the Notice Packet to all such beneficial owners; or (b) within ten (10) calendar days of receipt of the Notice, provide the U.S. Claims Administrator, Epiq, with a list of the names, last known addresses, and email addresses (to the extent reasonably accessible) of all such beneficial owners to Epiq. Nominees also received an instruction letter with their Notice Packets. A true and accurate copy of the letter sent to nominees is attached as Exhibit B.

9. From the Initial Mailing through December 13, 2023 Epiq has mailed an additional 8,064 copies of the Notice Packet to potential U.S. Settlement Class Members whose names and addresses were received from individuals or nominees. To date, none of the requests for Notice Packets have included e-mail addresses, however Epiq is prepared to send Notice Packets via e-mail when possible. Epiq has also mailed 920 Notice Packets to nominees who requested Notice Packets to forward to their customers. All requests for the Notice Packet have been responded to in a timely manner and Epiq will continue to timely respond to any additional requests received.

10. As of December 13, 2023 an aggregate of 11,307 Notice Packets have been disseminated to potential U.S. Settlement Class Members and nominees by first-class mail.

11. As of December 12, 2023, 62 Notice Packets have been returned by the United States Postal Service to Epiq as undelivered. Of those returned, none have had forwarding addresses.

### **PUBLICATION OF THE SUMMARY NOTICE**

12. The Preliminary Approval Order also directed that the Summary Notice be published in *Investor's Business Daily* and be transmitted over *GlobeNewswire* within fourteen (14) calendar days of the Notice Date. Accordingly, the Summary Notice was published in *Investor's Business Daily* and transmitted over *GlobeNewswire* on November 27, 2023, as shown in the publication affidavit attached as Exhibit C.

### **CALL CENTER SERVICES**

13. Epiq reserved a toll-free phone number for the U.S. Settlement, (855) 905-0315, and published that toll-free number in the Notice Packet, in the Summary Notice, and on the U.S. Settlement website.

14. The toll-free number connects callers with an Interactive Voice Recording (“IVR”). The IVR provides potential U.S. Settlement Class Members and others who call with access to pre-recorded information. Epiq made the IVR available on November 16, 2023. The toll-free telephone line with pre-recorded information is available 24 hours a day, 7 days a week. Specifically, the pre-recorded message provides callers with a brief summary of the U.S. Settlement and the option to select one of several more detailed recorded messages addressing frequently asked questions. The IVR also allows callers to request that a copy of the Notice Packet be mailed to them or the caller may opt to speak live with a trained operator. Callers are able to speak with an operator Monday through Friday from 9:00 a.m. to 9:00 p.m. Eastern Time (excluding official holidays). During other

hours, callers may leave a message for an agent to call them back. Epiq has promptly responded to each telephone inquiry and will continue to address inquiries.

### **WEBSITE**

15. Epiq established and is maintaining a website dedicated to the U.S. Settlement ([www.USTahoeSettlement.com](http://www.USTahoeSettlement.com)) to provide information to U.S. Settlement Class Members (including the exclusion, objection and claim filing deadlines, as well as the date of the U.S. Settlement Hearing), and to answer frequently asked questions. Users of the website can download a copy of the Notice, Claim Form, Joint Stipulation, Preliminary Approval Order, and other case-related documents. The web address is set forth in the Notice Packet and the Summary Notice. The U.S. Settlement website was operational beginning November 16, 2023, and is accessible 24 hours a day, 7 days a week. Epiq will continue operating, maintaining and, as appropriate, updating the website with relevant case updates and court documents until the conclusion of this administration.

### **REPORT ON REQUESTS FOR EXCLUSION AND OBJECTIONS**

16. The Notice and U.S. Settlement Website all inform potential U.S. Settlement Class Members that requests for exclusion from the U.S. Settlement Class must be mailed or submitted via e-mail, so that they are received no later than January 18, 2024, to Tahoe Resources United States Securities Litigation, Epiq Systems, Inc., P.O. Box 5866, Portland, OR 97228-5866. Epiq has monitored all mail that has been delivered to this Post Office Box.

17. Through December 12, 2023, Epiq has not received any requests for exclusion.

18. Objections are to be filed with the Court and mailed to counsel for the Settling Parties. Through December 12, 2023, Epiq is not aware of any objections to the proposed Settlement, proposed fee and expense awards, and/or the proposed Plan of Allocation. The deadline to file objections is January 18, 2024.

**CLAIMS RECEIVED TO DATE**

19. Through December 12, 2023, Epiq has received 9 Claims by mail or electronically. Of these, 2 Claims were filed electronically by or on behalf of institutions and approximately 7 Claims were submitted by or on behalf of individuals. The Notice informed potential members of the U.S. Settlement Class that if they wished to participate in the U.S. Settlement they must submit a Claim Form to Epiq, with supporting documentation, by February 1, 2024. In Epiq's experience, the vast majority of claims, in particular, the claims that are submitted by the majority of institutional investors, brokers, and nominees, will be submitted electronically at or near the claims filing deadline.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on December 14, 2023 at Portland, OR.

*Owen F Sullivan*  
Signer ID: K02J5KYJ10...  
Owen F. Sullivan