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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

In re TAHOE RESOURCES, INC. SECURITIES
LITIGATION

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

DISTRIBUTION ORDER

This Document Relates to: All Actions

1 WHEREAS U.S. Plaintiff Tiffany Huynh, as executor for the estate of Kevin Nguyen (“U.S.
2 Plaintiff”), individually and on behalf of each member of the U.S. Settlement Class, moved this Court
3 for an order approving distribution of the U.S. Net Settlement Fund in the above-captioned action (the
4 “Action”). Having reviewed and considered all of the materials and arguments submitted in support of
5 the motion, IT IS HEREBY ORDERED that:

6 1. This order incorporates by reference the definitions in the Joint Stipulation and
7 Agreement of Global Settlement of Two Related Securities Class Actions Pending in Different
8 Jurisdictions (“Stipulation”) filed with the Court on May 25, 2023, ECF No. 242, and all capitalized
9 terms used herein shall have the same meanings as set forth in the Stipulation unless otherwise set
10 forth herein.

11 2. The motion is granted in its entirety and the Court approves the administrative
12 determinations of Epiq Class Action & Claims Solutions, Inc. (“Epiq”), the Court-approved U.S.
13 Claims Administrator, in accepting and rejecting the Proof of Claim and Release Forms (“Claim
14 Forms” or “Claims”).

15 3. The U.S. Net Settlement Fund established by the Settlement of this Action shall
16 be distributed to the Authorized U.S. Claimants identified in Exhibits B-1 and B-2 to the
17 Declaration of Michael McGuinness in Support of U.S. Plaintiff’s Motion for Distribution of the
18 U.S. Net Settlement Fund (“McGuinness Distribution Declaration”) at the direction of U.S.
19 Plaintiff’s Counsel, Faruqi & Faruqi, LLP, pursuant to the Stipulation, and the Plan of Allocation
20 of U.S. Net Settlement Fund (“Plan of Allocation”) set forth in the Notice of Pendency and
21 Proposed Settlement of Class Action Lawsuit Pending in United States District Court for the
22 District of Nevada (the “Notice”), ECF No. 254-1.

23 4. Epiq’s administrative determinations rejecting the ineligible or otherwise deficient
24 Claims, which are set forth in Exhibit B-3 of the McGuinness Distribution Declaration, are
25 approved. Such claims may not receive any distributions from the Settlement Fund.

26 5. All distribution checks shall bear the notation “DEPOSIT PROMPTLY, VOID AND
27 SUBJECT TO RE-DISTRIBUTION IF NOT NEGOTIATED WITHIN 120 DAYS OF ISSUE
28 DATE.”

1 6. Epiq will conduct an initial distribution (the “Initial Distribution”) of the U.S. Net
2 Settlement Fund, after deducting all payments approved by the Court, and after payment of any
3 estimated Taxes, the costs of preparing appropriate tax returns, and any escrow fees, as follows:

- 4 a. Epiq will calculate award amounts to all Authorized U.S. Claimants by
5 calculating their *pro rata* share of the Net Settlement Fund in accordance with
6 the Plan of Allocation;
- 7 b. Epiq will, pursuant to the terms of the Plan of Allocation, eliminate from the
8 distribution any Authorized U.S. Claimant whose *pro rata* share of the U.S. Net
9 Settlement Fund, as calculated under subparagraph (a) above, is less than
10 \$10.00. Such claimants will not receive any distribution from the U.S. Net
11 Settlement Fund and Epiq will send letters to those Authorized U.S. Claimants
12 advising them of that fact; and
- 13 c. After eliminating claimants who would have received less than \$10.00, Epiq
14 will re-calculate the *pro rata* share of the U.S. Net Settlement Fund for
15 Authorized U.S. Claimants who would have received \$10.00 or more pursuant
16 to the calculations described in subparagraph (a) above and issue payments to
17 Authorized U.S. Claimants.

18 7. Consistent with the Plan of Allocation, after Epiq has made reasonable and diligent
19 efforts to have Authorized U.S. Claimants negotiate their distribution checks, but no earlier than six
20 (6) months after the Initial Distribution, after payment of any amount mistakenly omitted from the
21 Initial Distribution and payment of any additional settlement administration fees, costs, and expenses,
22 U.S. Plaintiff’s Counsel, in consultation with Epiq, will determine whether it is cost-effective to
23 conduct a second distribution of the Net Settlement Fund (the “Second Distribution”). The Second
24 Distribution will be distributed to all Authorized U.S. Claimants who: (i) cashed their Initial
25 Distribution checks; and (ii) would receive at least \$10.00 from such distribution based on their *pro*
26 *rata* share of the remaining funds, after payment of the estimated costs, expenses, or fees to be
27 incurred in administering the Net Settlement Fund and making this Second Distribution.

28 8. Additional re-distributions, after deduction of costs and expenses as described above,

1 may occur thereafter until U.S. Plaintiff’s Counsel, in consultation with Epiq, determines that further
2 redistribution would not be cost-effective. If further redistribution of the funds remaining in the Net
3 Settlement Fund is not feasible or economical to reallocate, the remaining balance shall be donated to
4 the CII Research and Education Fund in accordance with the Notice.

5 9. No new claims may be accepted after March 17, 2025, and no further adjustments to
6 previously received claims that would result in an increased Recognized Loss may be made.

7 10. The outstanding fees and expenses already incurred by Epiq and its estimate to
8 complete the Initial Distribution are approved. Epiq shall be paid the sum of \$468,170.36 from the
9 Settlement Fund for its costs and expenses in connection with the services performed in administering
10 the Settlement. An additional \$36,048.36 shall be reserved from the Settlement Fund in anticipation
11 of the work Epiq will perform in connection with the Initial Distribution, which shall be paid to Epiq
12 as costs accrue, upon approval by Lead Counsel, without further order from the Court. If the cost of
13 the Initial Distribution is less than \$36,048.36, the excess shall be returned to the Net Settlement Fund.

14 11. Epiq may destroy paper copies of the Proof of Claim forms and all supporting
15 documentation one (1) year after the Initial Distribution, or the Second Distribution if it occurs, and
16 electronic copies of the same one (1) year after all funds have been distributed.

17 12. All persons involved in the review, verification, calculation, tabulation, or any other
18 aspect of the processing of the Claims submitted in this matter, or otherwise involved in the
19 administration or taxation of the U.S. Settlement Fund or U.S. Net Settlement Fund, including U.S.
20 Plaintiff, U.S. Plaintiff’s Counsel, and Epiq, are hereby released and discharged from any and all
21 claims arising out of such involvement, and all U.S. Settlement Class Members, whether or not they
22 are to receive payment from the U.S. Net Settlement Fund, are hereby barred from making any further
23 claims against the U.S. Net Settlement Fund or the released persons beyond the amount allocated to
24 them pursuant to this Order.

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