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18 *Attorneys for Lead Plaintiff Tiffany Huynh,*
19 *as executor for the estate of Kevin Nguyen*

20 **UNITED STATES DISTRICT COURT**
21 **DISTRICT OF NEVADA**

22 In re TAHOE RESOURCES, INC. SECURITIES
23 LITIGATION
24
25 This Document Relates to: All Actions

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

27 **DECLARATION NOTIFYING THE**
28 **COURT OF WITHDRAWAL OF**
OBJECTION

I, James M. Wilson, Jr., declare as follows:

1. On January 12, 2024, I received by FedEx the letter objection from Mr. William Schnitt to certain terms contained in the Notice of Pendency and Proposed Settlement of Class Action Lawsuit Pending in the United States District Court for the District of Nevada (“Notice”) for this Action. A true and correct copy of Mr. Schnitt’s letter is attached as Exhibit

A.

1 2. As indicated in Mr. Schnitt’s letter, Mr. Schnitt also sent this same letter
2 objection to counsel for Defendants in this Action, Karl Barnickol at Neal, Gerber & Eisenberg
3 (“Defense Counsel”) and to the Clerk of the Court. ECF No. 264.

4 3. In the letter objection, Mr. Schnitt expressed his concern about whether he
5 could submit a claim for potential recovery from the U.S. Settlement for Tahoe Resources, Inc.
6 (“Tahoe”) shares that he received when his shares in a company called Lake Shore Gold were
7 exchanged through a stock-for-stock merger with Tahoe in April 2016. *Id.* at 1-2.

8 4. In particular, Mr. Schnitt observed that the U.S. Settlement Class appears to
9 include former Lake Shore Gold investors based on the following statement on page 5 of the
10 Notice:

11 How do I now if I am a part of the Settlement? Subject to certain exceptions
12 identified below, everyone who fits this description is a U.S. Settlement Class
13 Member: all Persons who purchased or otherwise acquired Tahoe’s common
14 stock in the United States or on the NYSE at artificially inflated prices between
April 3, 2013 and August 24, 2017, inclusive, and who suffered damages thereby
(*Exh. #4*).

15 *Id.* at 2.

16 5. As expressed in his letter objection, Mr. Schnitt felt that certain language in
17 the “Instructions” section of the Notice could be read to preclude him (and other former Lake
18 Shore Gold shareholders who received Tahoe shares in the 2016 stock-for-stock merger) from
19 submitting the designated claim form to report the fair market value of Lake Shore Gold stock
20 tendered in the merger to the claims administrator for processing pursuant to the plan of
21 allocation adopted for all other Tahoe shareholders in the U.S. Settlement. *Id.* at 2-3.

22 6. Mr. Schnitt’s letter objection contained no other concerns or objections to
23 the U.S. Settlement.

24 7. On the same day we received Mr. Schnitt’s letter, I discussed Mr. Schnitt’s
25 letter objection with defense counsel and members of my firm. We all agreed that the correct
26 interpretation of the Notice was that which Mr. Schnitt suggested, to wit: that the U.S. Settlement
27 by its terms includes former Lake Shore Gold shareholders who acquired Tahoe shares through
28

1 the 2016 merger and that these shareholders may submit a claim for potential recovery from the
2 U.S. Settlement based on the fair market value of Lake Shore Gold shares at the closing of the
3 merger with Tahoe on April 1, 2016. We also confirmed this understanding with Epiq, the
4 claims administrator for the U.S. Settlement, who agreed that Mr. Schnitt and other former Lake
5 Shore Gold shareholders may use the claim form distributed to other Tahoe shareholders to
6 submit their claims based on the fair market value of their Lake Shore Gold stock at the closing
7 of the merger with Tahoe on April 1, 2016.

8 8. On January 22, 2024, I communicated with Mr. Schnitt via email to confirm
9 that he was correct that he and other former Lake Shore Gold shareholders who received their
10 Tahoe shares through the 2016 stock-for-stock merger are included in the U.S. Settlement and
11 may submit a claim using the claim form being distributed to all other Tahoe shareholders in the
12 U.S. Settlement. I also confirmed that the claim for consideration is based on the calculation of
13 the “acquisition price” of Lake Shore Gold using a fair market value approach to the Lake Shore
14 shares tendered to Tahoe in the stock-for-stock merger. Under this method, Lake Shore Gold
15 shares would be valued based on the closing stock price of Tahoe shares on April 1, 2016, the
16 day the merger closed, which was \$10.03.

17 9. Mr. Schnitt confirmed via email that same day that he agrees with this
18 approach and also agreed that the concerns expressed in his letter objection had been resolved.

19 10. On January 26, 2024, I communicated with Mr. Schnitt about informing the
20 Court that his concerns had been addressed by filing a document entitled Notice of Withdrawal
21 of Objection (“Notice of Withdrawal”). I also provided Mr. Schnitt with the Notice of
22 Withdrawal for his review and requested that if he agreed with the contents of the Notice, that he
23 sign and return the Notice, and that my firm would file the Notice with the Court. Mr. Schnitt
24 signed the Notice on the same day and returned the signed document via email. The Notice of
25 Withdrawal is attached hereto at Exhibit B.

26 Dated: February 1, 2024

Respectfully submitted,

27 /s/ James M. Wilson, Jr.

28 James M. Wilson, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2024, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel of record. I also caused the foregoing to be served on Interested Party William Schnitt via First Class U.S. Mail at 2844 N. 82nd St., Scottsdale, AZ 85257.

By: /s/ James M. Wilson, Jr. _____
James M. Wilson, Jr.

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