

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

ROBERT CIARCIELLO, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

BIOVENTUS INC., KENNETH M. REALI,  
MARK L. SINGLETON, GREGORY O.  
ANGLUM, and SUSAN M. STALNECKER,

Defendants.

Case No. 1:23-cv-00032-CCE-JEP

**SUPPLEMENTAL DECLARATION OF KATHLEEN BRAUNS REGARDING:  
(A) MAILING OF THE POSTCARD NOTICE; (B) THE SETTLEMENT WEBSITE AND  
CALL CENTER SERVICES; (C) REPORT ON OBJECTIONS AND REQUESTS FOR  
EXCLUSION RECEIVED; AND (D) CLAIMS RECEIVED TO DATE**

I, KATHLEEN BRAUNS, hereby declare under penalty of perjury as follows:

1. I am a Project Manager of A.B. Data, Ltd.’s Class Action Administration Company (“A.B. Data”), whose Corporate Office is located in Milwaukee, Wisconsin. Pursuant to its Order Preliminarily Approving Settlement and Providing for Class Notice (the “Preliminary Approval Order,” ECF No. 150), the Court approved the retention of A.B. Data as the Claims Administrator for the above-captioned action (the “Litigation”). (See ECF No. 150 ¶ 8) (the “Preliminary Approval Order”).<sup>1</sup>

2. I am over 21 years of age and am not party to the Litigation. The following statements are based on my personal knowledge and information provided by other A.B. Data employees working under my supervision, and if called on to do so, I could and would testify competently thereto.

3. I submit this Declaration pursuant to the Court’s August 13, 2024, Order Preliminarily Approving Settlement and Providing for Class Notice (ECF No. 150, Appendix A), and as a supplement to my earlier declaration, the Declaration of Kathleen Brauns Regarding: (A) Mailing of the Postcard Notice; (B) Publication of the Summary Notice; (C) the Settlement Website and Call Center Services; (D) Report on Objections and Requests for Exclusions Received; and (E) Claims Received to Date, dated November 8, 2024 (the “Initial Mailing Declaration,” ECF No. 167-5).

4. In summary, A.B. Data has continued to comply with the notice plan approved by the Court in the Preliminary Approval Order. Since the Initial Mailing Declaration was executed, and as of December 5, 2024, A.B. Data has not received any additional notice requests from

---

<sup>1</sup> Unless otherwise defined in this Declaration, all capitalized terms have the meanings set forth in the Stipulation of Settlement, dated July 12, 2024, as revised on August 7, 2024 (the “Stipulation,” ECF No. 148-1).

potential Settlement Class Members and nominees. Therefore, A.B. Data has disseminated a total of 26,532 Notices. Further, as of December 5, 2024, A.B. Data has received no objections to the Settlement, no requests for exclusion, and 16,982 claim submissions.

#### **CONTINUED MAILING OF THE POSTCARD NOTICE**

5. As more fully stated in my Initial Mailing Declaration, as of November 8, 2024, A.B. Data had mailed a total of 26,532 copies of the Notice to potential Settlement Class Members.

6. Since that time, A.B. Data has not received any additional notice requests from potential Settlement Class Members and nominees. Thus, as of the date of this Declaration, A.B. Data has disseminated a total of 26,532 Notices. In addition, A.B. Data has re-mailed a total of 448 Notices to persons whose original mailings were returned by the U.S. Postal Service (“USPS”) and for whom updated addresses were provided to A.B. Data by the USPS.

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

7. As reported in the Initial Mailing Declaration, A.B. Data also caused the Summary Notice to be published in *The Wall Street Journal* and released via *PR Newswire* on August 27, 2024.

#### **UPDATE ON SETTLEMENT WEBSITE**

8. As reported in the Initial Mailing Declaration, A.B. Data designed, implemented, and currently maintains the Settlement Website, which became operational beginning on August 27, 2024, and is accessible 24 hours a day, 7 days a week. A.B. Data continues to maintain the website designated for the Litigation ([www.BioventusSecuritiesLitigation.com](http://www.BioventusSecuritiesLitigation.com)). At the request of Lead Counsel, shortly after their filing with the Court on November 8, 2024, A.B. Data posted downloadable copies of the following documents on the Settlement Website: (a) Lead Plaintiff's Unopposed Motion for Final Approval of Proposed Class Action Settlement and Approval of the Plan of Allocation (ECF No. 163); (b) Memorandum of Law in Support of Lead Plaintiff's

Unopposed Motion for Final Approval of Proposed Class Action Settlement and Approval of the Plan of Allocation (ECF No. 164); (c) Lead Plaintiff's Counsel's Motion for Attorneys' Fees, Expenses, and Lead Plaintiff's Reasonable Costs and Expenses (ECF No. 165); (d) Memorandum of Law in Support of Lead Plaintiff's Counsel's Motion for Attorneys' Fees, Expenses, and Lead Plaintiff's Reasonable Costs and Expenses (ECF No. 166); and (e) the Declaration of George N. Bauer in Support of (I) Lead Plaintiff's Motion for Final Approval of Proposed Class Action Settlement and Approval of the Plan of Allocation, and (II) Lead Plaintiff's Counsel's Motion for Attorneys' Fees and Expenses, and Lead Plaintiff's Reasonable Costs and Expenses (ECF No. 167).

9. As of the date of this Declaration, there have been 2,063 unique visitors to the Settlement Website and 4,117 pageviews. The Settlement Website will continue to be updated with relevant case information and Court Documents.

#### **UPDATE ON TOLL-FREE TELEPHONE LINE**

10. A.B. Data continues to maintain the case specific, toll-free telephone helpline, 1-877-933-2890, with an interactive voice response system and live operators, to (a) accommodate potential Settlement Class Members with questions about the Litigation and the Settlement; and/or (b) request a hard-copy of the Long-Form Notice and Claim Form. The automated attendant answers the calls and presents callers with a series of choices to respond to basic questions. Callers requiring further help have had the option to be transferred to a live operator during business hours. As of the date of this Declaration, A.B. Data has received a total of 112 calls to the toll-free number, all of which were responded to promptly. A.B. Data continues to maintain the telephone helpline

and will update the interactive voice response system as necessary through the administration of the Settlement.

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

11. The Notice and the Long-Form Notice of Pendency and Proposed Settlement of Class Action (the “Long-Form Notice”) informed potential Settlement Class Members that requests for exclusion from the Settlement Class are to be mailed to the Claims Administrator such that they are received no later than October 18, 2024. The Long-Form Notice also set forth the information that was required to be included in each request for exclusion. As of the date of this Declaration, A.B. Data has not received any requests for exclusion.

12. According to the Notice and Long-Form Notice, Settlement Class Members wishing to object to the proposed Settlement, the Proposed Plan of Allocation, or the request for attorneys’ fees and reimbursement of litigation expenses are required to submit their objection in writing such that the request is received by the Parties and filed with the Court no later than November 22, 2024. Despite these instructions, Settlement Class Members sometimes send objections to the Claims Administrator instead. A.B. Data has not received any objections and is not aware of any objections being filed with the Court.

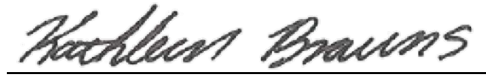
### **CLAIMS RECEIVED TO DATE**

13. Pursuant to the Preliminary Approval Order, Claims were to be submitted no later than December 2, 2024. While the receipt and processing of Claims is currently ongoing, as of the date of this Declaration, A.B. Data has received a total of 16,982 Claims. The Claims received, both before and after the claim filing deadline, will be subject to a comprehensive review under A.B. Data’s standard claims-processing procedures, which will identify any deficiencies in the Claims received. A.B. Data will then communicate with Claimants with deficient, but correctable, Claims to bring those Claims into compliance. Thus, A.B. Data is unable to report on the number

of valid Claims submitted at this time. After all Claims have been fully processed, quality assurance reviews performed, and final administrative determinations have been made, A.B. Data will present its administrative report on the Claims received for the Settlement to the Court, along with a proposed plan for distribution, and will ultimately mail or wire Authorized Claimants their *pro rata* share of the Net Settlement Fund, as calculated under the Plan of Allocation.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge.

Executed on December 06, 2024.

A handwritten signature in black ink that reads "Kathleen Brauns". The signature is written in a cursive style and is positioned above a horizontal line.

Kathleen Brauns