

# EXHIBIT 10

**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

**[PROPOSED] ORDER GRANTING (I) 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, EXPENSES, AND LEAD PLAINTIFF’S REASONABLE  
COSTS AND EXPENSES**

WHEREAS, a class action is pending before the Court entitled *Ciarciello v. Bioventus, Inc., et al.*, Case No. 1:23-cv-00032-CCE-JEP (M.D.N.C.) (the “Litigation”);<sup>1</sup>

WHEREAS, the parties having made application, pursuant to Federal Rule of Civil Procedure 23(e)(2), for an order and judgment finally approving the settlement of this

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<sup>1</sup> Capitalized terms not defined herein have the meanings stated in the Stipulation of Settlement, dated July 12, 2024, as revised on August 7, 2024 (the “Stipulation,” ECF No. 148-1).

Litigation, in accordance with a Stipulation of Settlement dated July 12, 2024, as revised on August 7, 2024 (the “Stipulation”), which, together with the Exhibits annexed thereto, sets forth the terms and conditions for a proposed settlement of the Litigation and for dismissal of the Litigation with prejudice upon the terms and conditions set forth therein;

WHEREAS, a hearing was held on December 13, 2024, for the purpose of determining (1) whether the proposed settlement, as set forth in the Stipulation, should be approved as fair, reasonable, and adequate to Settlement Class Members; (2) whether the proposed plan to distribute the Net Settlement Fund (the “Plan of Allocation”) is fair, reasonable, and adequate; (3) whether the applications by Lead Plaintiff’s Counsel for attorneys’ fees and expenses should be approved; (4) whether the request for Lead Plaintiff’s reasonable costs and expenses should be approved; and (5) whether the proposed Judgment as defined in ¶1.11 of the Stipulation and attached thereto as Exhibit B should be entered;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Court finds that Settlement Class Members received the best notice practicable under the circumstances of these proceedings and the requested relief, and that this notice fully satisfied the requirements of Federal Rule of Civil Procedure 23, Section 21D(a)(7) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(7) as

amended by the Private Securities Litigation Reform Act, due process, and any other applicable law.

2. The Court has reviewed the Stipulation and related submissions and hereby finally approves the settlement set forth therein as fair, reasonable, and adequate pursuant to Federal Rule of Civil Procedure 23.
3. The Court will enter Judgment substantially in the form as defined in ¶1.11 of the Stipulation and attached thereto as Exhibit B.
4. The Court finds that the Plan of Allocation set forth in the Notice provides a fair and reasonable basis upon which to allocate the Net Settlement Fund among Settlement Class Members, and is in all respects fair, reasonable, and adequate, and the Court hereby approves the Plan of Allocation.
5. The Court hereby certifies the Settlement Class for purposes of final Judgment.
6. The Court hereby approves Lead Plaintiff's Counsel's request for attorneys' fees of \$5,032,500, or 33% of the \$15.25 million Settlement Fund, plus interest at the same rate earned by the Settlement Fund, which shall be paid from the Settlement Amount and in accordance with the terms of the Stipulation.
7. The Court hereby approves reimbursement to Lead Plaintiff's Counsel of \$623,509 in reasonable litigation expenses incurred in connection with the prosecution of the Litigation, plus interest at the same rate earned by the Settlement Fund, which shall

be paid from the Settlement Amount and in accordance with the terms of the Stipulation.

8. The Court hereby approves an award, pursuant to 15 U.S.C. § 78u-4(a)(4), to Lead Plaintiff of its reasonable costs and expenses of \$11,813.94, which shall be paid from the Settlement Amount and in accordance with the terms of the Stipulation.

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2024

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Chief Judge Catherine C. Eagles  
United States District Court for the  
Middle District of North Carolina