

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

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

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.

**LEAD PLAINTIFF’S (I)  
NOTICE OF INTERIM  
STATUS REPORT  
CONCERNING  
ADMINISTRATION COSTS  
AND DISTRIBUTIONS, AND  
(II) UNOPPOSED MOTION  
FOR PAYMENT OF NOTICE  
AND ADMINISTRATION  
EXPENSES**

Lead Plaintiff respectfully submits this (i) Notice of Interim Status Report Concerning Administration Costs and Distributions, and (ii) Unopposed Motion for Payment of Notice and Administration Expenses.<sup>1</sup>

**I. NOTICE OF INTERIM STATUS REPORT CONCERNING  
ADMINISTRATION COSTS AND DISTRIBUTIONS**

On December 18, 2024, the Court entered a Memorandum Opinion and Order, in which the Court ordered that “[n]o later than June 16, 2025, the Claims Administrator SHALL file an interim status report concerning administration costs and distributions” and that the “Claims Administrator shall file a final status report concerning administration

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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).

costs and distributions no later than December 19, 2025.” (ECF No. 172 (the “Final Approval Order”), at 32.).

Pursuant to the Final Approval Order, attached hereto is a declaration from Kathleen Brauns, Project Manager of A.B. Data, the Court-appointed claims administrator, dated May 14, 2025, providing an interim status report concerning administration costs and distributions (the “Brauns Interim Status Report”). Among other things, the Brauns Interim Status Report indicates that A.B. Data is ready to begin distribution of the Net Settlement Fund pursuant to the Final Approval Order’s direction that A.B. Data “SHALL make all required payments from the settlement fund in accordance with the amounts and the times set forth in the settlement agreement and plan of allocation, including all payments to settlement class members who submitted an approved claim, as approved herein.” (Final Approval Order, at 30-31.)<sup>2</sup>

## **II. UNOPPOSED MOTION FOR PAYMENT OF NOTICE AND ADMINISTRATION EXPENSES**

In addition, Lead Plaintiff seeks Court approval to pay A.B. Data \$64,829.20 in additional Notice and Administration Expenses from the Net Settlement Fund.

As summarized in the Brauns Interim Status Report, the Stipulation provides that “[p]rior to the Effective Date and without further order of the Court, up to \$150,000 of the Settlement Fund may be used by Settlement Class Counsel, following entry of the

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<sup>2</sup> See also Judgment, ECF No. 173, ¶ 22 (“Claims Administrator shall administer the claims administration process, including the calculation of claims submitted by Settlement Class Members and distribution of the Net Settlement Fund to Authorized Claimants, pursuant to the Court-approved Plan of Allocation.”).

Preliminary Approval Order, to pay reasonable Notice and Administration Expenses actually incurred.” (Stipulation, ¶ 2.10.) To date, A.B. Data has been paid \$111,132.89 from that amount. (Brauns Interim Status Report, ¶ 47.)

As further summarized in the Brauns Interim Status Report, the cost of A.B. Data’s administration up to the Initial Distribution (as defined in the Interim Status Report) is \$180,512.20. (*Id.* ¶ 46.) The estimated cost of conducting the Initial Distribution is \$34,317.00. (*Id.*) In total, A.B. Data will incur \$214,829.20 to process claims and conduct the Initial Distribution. Following full payment of the \$150,000 that Lead Plaintiff is authorized to allocated from the Net Settlement Fund to A.B. Data pursuant to the Stipulation, the balance owed to A.B. Data in Notice and Administration Costs is \$64,829.20.

Accordingly, Lead Plaintiff respectfully requests that the Court grant approval to allocate \$64,829.20 to A.B. Data from the Net Settlement Fund, in addition to the \$150,000 authorized under the Stipulation.<sup>3</sup> Lead Plaintiff has conferred with Defendants, and Defendants indicate that they do not oppose this request.

Dated: May 14, 2025

Respectfully submitted,

/s/ Joseph A. Fonti

Joseph A. Fonti\*

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<sup>3</sup> As noted in the Brauns Interim Status Report, A.B. Data will not seek any additional payment from the Net Settlement Fund for costs or expenses related to the Initial Distribution that exceed this amount. If a residual distribution is required, A.B. Data will prepare an estimate to perform that distribution and may seek additional payment prior to the commencement of that distribution. (Brauns Interim Status Report, ¶ 48.)

**BLEICHMAR FONTI & AULD LLP**

300 Park Avenue, Suite 1301  
New York, New York 10022  
Telephone: (212) 789-1340  
Facsimile: (212) 205-3960  
jfonti@bfalaw.com

Nancy A. Kulesa\*  
George Bauer\*  
75 Virginia Road  
White Plains, New York 10603  
Telephone: (914) 265-2991  
Facsimile: (212) 205-3960  
nkulesa@bfalaw.com  
gbauer@bfalaw.com

\* reflects attorneys appearing pursuant to LR  
83.1(d)

*Counsel for Lead Plaintiff Wayne County  
Employees' Retirement System and  
Settlement Class Counsel*

/s/ Gagan Gupta

Gagan Gupta (NCSB #: 53119)  
**TIN FULTON WALKER & OWEN PLLC**  
119 Orange Street, Floor 2  
Durham, NC 27701  
Telephone: (919) 307-8400  
ggupta@tinfulton.com

*Local Counsel for Lead Plaintiff Wayne County  
Employees' Retirement System*