

**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

WHEREAS, on December 18, 2024, the Court ordered, among other things, that the claims administrator, 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.” (ECF No. 172 (the “Final Approval Order”), at 30-31);

WHEREAS, also on December 18, 2024, the Court entered Judgment, in which it ordered, among other things, that the “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.” (ECF No. 173 (the “Judgment”), ¶22);

WHEREAS, on July 7, 2026, the Court entered a Text Order, in which it ordered that “[i]n the absence of a motion directed to appointment of a *cy pres* recipient, Class counsel shall file a status report on distribution no later than August 21, 2026.”

WHEREAS, pursuant to the Final Approval Order and Judgment, A.B. Data has completed the distribution of the Net Settlement Fund;

WHEREAS, following the distribution of the Net Settlement Fund, exactly \$1.62 remains in the Net Settlement Fund;

WHEREAS, Lead Plaintiff has moved for appointment of Warrior Wellness Solutions, a North Carolina-based 501(c)(3) non-profit organization, as the *cy pres* recipient;

NOW, THEREFORE, IT IS HEREBY ORDERED

1. Warrior Wellness Solutions, a North Carolina-based 501(c)(3) non-profit organization, is appointed as the the *cy pres* recipient in this litigation.

2. The \$1.62 remaining in the Net Settlement Fund shall be donated to Warrior Wellness Solutions.

IT IS SO ORDERED

DATED: _____ 2026

Chief Judge Catherine C. Eagles

United States District Court for the Middle
District of North Carolina