

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.

1:23-CV-32

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

Defendants.

ORDER

This is a securities class action arising out of statements made and not made by defendant Bioventus, Inc. when offering securities. The parties settled, and in December 2024, the Court approved the settlement and certified the settlement class. Since then, the Claims Administrator has processed thousands of claims and is prepared to begin distribution of the settlement fund. The lead plaintiff has moved for payment of notice and administration expenses to the Claims Administrator.

Pursuant to the Court's order approving the settlement, Doc. 172, the Claims Administrator filed an interim status report in the form of a declaration on May 14, 2025. Doc. 175-1. In that declaration, a project manager with the Claims Administrator, A.B. Data Ltd., *see* Doc. 150 at ¶ 8, testifies that A.B. Data "has completed processing all 17,282 Claim Forms received through April 18, 2025" and that it is prepared to "begin

distribution of the Net Settlement Fund.” Doc. 175-1 at ¶ 5. In order to process those claims, the Claims Administrator created a database and computer programs, trained its staff on the terms of the settlement, and developed a proprietary module to calculate the loss amounts as set forth in the plan of allocation. Doc. 175-1 at ¶ 10.

The Claims Administrator processed 102 paper claims, Doc. 175-1 at ¶¶ 12–14, 287 web claims, Doc. 175-1 at ¶ 15, and 16,893 electronic claims. Doc. 175-1 at ¶¶ 16–21. It has ensured that no claims were processed for persons excluded from the settlement class, Doc. 175-1 at ¶ 22, and it facilitated correction of defective claims. Doc. 175-1 at ¶¶ 23–31. There have been no disputes by claimants deemed ineligible. Doc. 175-1 at ¶ 32. The Claims Administrator permitted late claims through April 18, 2025, Doc. 175-1 at ¶¶ 33–34, as permitted by the Court. *See* Doc. 173 at ¶ 22. The Claims Administrator’s Quality Assurance team has ensured accuracy throughout the entire process. Doc. 175 at ¶¶ 35–40.

The Claims Administrator reports that after processing, there are 5,174 acceptable claims totaling \$75,337,130.66. Doc. 175-1 at ¶¶ 41, 44. Of those, 900 claims are too small for inclusion in the distribution. Doc. 175-1 at ¶ 44. 12,108 claims were rejected for ineligibility under the terms of the settlement. Doc. 175-1 at ¶ 42.

The Claims Administrator plans to begin the initial distribution of the settlement fund pursuant to the approved plan of allocation, *see* Doc. 148-2 at 29–37, after deducting all payments previously approved by the Court, *see* Doc. 172 at 31, any payment approved in this Order, taxes, and related fees. Doc. 175-1 at ¶ 49.

The Claims Administrator's costs and fees so far are \$180,512.20, and it estimates that the costs of the initial distribution will be \$34,317.00. Doc. 175-1 at ¶ 46; *see* Doc. 175-1 at 135–44 (invoices and estimate). In total, the estimated costs through the initial distribution are \$214,829.20.

This is \$64,829.20 more than the amount originally approved by the Court to be paid without further order required. *See* Doc. 148-1 at ¶ 2.10. The class representative asks that the Court approve payment of this amount. Doc. 175. The Claims Administrator notes that if a residual distribution is required, it may seek additional payment prior to that distribution. Doc. 175-1 at ¶ 48.

Based on the evidence presented and the complexity of the administration process, the Court finds the request for an additional \$64,829.20 to be reasonable. The motion will be granted.

It is **ORDERED** that the plaintiff's motion for payment of notice and administration expenses, Doc. 175, is **GRANTED** and the lead plaintiff shall allocate \$64,829.20 to A.B. Data from the Net Settlement fund, in addition to the \$150,000 previously authorized and expended.

This the 23rd day of May, 2025.



UNITED STATES DISTRICT JUDGE