

**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 STATUS
REPORT ON DISTRIBUTION
AND MOTION FOR
APPOINTMENT OF CY PRES
RECIPIENT**

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.” Lead Plaintiff and Class Counsel hereby submit this Status Report on distribution and motion for appointment of a *cy pres* recipient. In support, Lead Plaintiff also submits the accompanying declaration of Kathleen Brauns, Project Manager for A.B. Data, Ltd.’s Class Action Administration Company (“A.B. Data”) (the “Brauns Decl.”).

As explained in the Brauns Declaration, A.B. Data has now completed the distribution of the Net Settlement Fund. (Brauns Decl. ¶¶ 5-14.) Following distribution, exactly \$1.62 remains in the Net Settlement Fund. (*Id.* ¶ 15.) This amount is the result of diligent claims administration and oversight to distribute the maximum amount available to class members.

Pursuant to the Court's July 7, 2026, Text Order, Lead Plaintiff hereby moves the Court to appoint Warrior Wellness Solutions, a North Carolina-based 501(c)(3) non-profit organization, as the *cy pres* recipient. Warrior Wellness Solutions provides wounded, ill, and injured veterans with rehabilitative exercise, adaptive sports performance, functional medicine coaching, nutrition education, and wellness training. This organization aligns with both the geographic location of this litigation and the subject matter of the alleged fraud (*i.e.*, Defendant Bioventus's business supplying pain treatments, restorative therapies, and surgical solutions).¹ Upon appointment, A.B. Data shall transmit the remaining funds in the Net Settlement Fund to Warrior Wellness Solutions, at which point the distribution of the Net Settlement Fund will be concluded.

Lead Plaintiff has conferred with Defendants, who do not object to this motion.

Lead Plaintiff and Class Counsel are available should the Court have any questions concerning the matters addressed herein.

Dated: August 21, 2026

Respectfully submitted,

/s/ Joseph A. Fonti

Joseph A. Fonti*

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

¹ Further information about Warrior Wellness Solutions can be found on their website at: <https://www.warriorwellnesssolutions.org/>.

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*