

# EXHIBIT 8

**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.

**DECLARATION OF GAGAN GUPTA IN SUPPORT OF LEAD PLAINTIFF'S  
COUNSEL'S MOTION FOR ATTORNEYS' FEES, EXPENSES, AND LEAD  
PLAINTIFF'S REASONABLE COSTS AND EXPENSES FILED ON BEHALF OF  
TIN FULTON WALKER & OWEN PLLC**

GAGAN GUPTA declares under penalty of perjury, pursuant to 28 U.S.C. § 1746,  
that the following is true and correct:

1. I am a Partner with the law firm of Tin Fulton Walker & Owen PLLC (“Tin Fulton”), which serves as Court-appointed Local Counsel for Lead Plaintiff Wayne County Employees’ Retirement System (“WCERS” or “Lead Plaintiff”) in the above-captioned action (the “Action”).<sup>1</sup>

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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).

2. I submit this declaration in support of Lead Plaintiff's Counsel's Motion for Attorneys' Fees, Expenses, and Lead Plaintiff's Reasonable Costs and Expenses filed by Lead Plaintiff's Counsel. I have personal knowledge of the matters set forth herein based on my active participation in the prosecution of the Action.

**I. MR. GUPTA'S WORK, RATES AND LODESTAR**

3. I am a 2016 graduate of Stanford Law School. After graduation, I clerked for The Honorable Pierre N. Leval, a Judge of the United States Court of Appeals for the Second Circuit. I have seven years of experience defending and prosecuting complex commercial cases, including class actions, in federal district and appellate courts nationwide. Attached hereto as **Exhibit A** is a firm resume for Tin Fulton which includes brief background on the firm and its representative complex and class action cases, including cases I continue to handle in my role as Of Counsel at my prior firm.

4. I actively participated in the prosecution of the claims on behalf of Lead Plaintiff and the Settlement Class. In particular, I performed work at the direction and under the supervision of Court-appointed Lead Counsel, Bleichmar Fonti & Auld LLP. I participated in, among other tasks, assisting with drafting the operative complaint and related amendments; assisting with briefing on the motion for appointment of lead plaintiff; consulting with Lead Counsel regarding litigation strategy; ensuring compliance with the Court's local civil rules; reviewing all pleadings and papers as required by Local Civil Rule 83.1(d)(2); and attending all hearings and conferences in this matter.

5. Table 1 below is a schedule summarizing the amount of time I spent from inception of the Action through and including November 6, 2024. Table 1 includes my applicable rate and a lodestar calculation based on my current billing rate.

6. I prepared Table 1 from contemporaneous daily time records regularly prepared and maintained by my firm. As a Partner of Tin Fulton, I reviewed these time records to prepare this declaration. I undertook this review to confirm both the accuracy of the time entries and the reasonableness of the time committed to the Action. I did not include time expended on this application for fees in the Table 1 calculations below.

7. My lodestar figure is based upon my current billing rate.

8. The total number of hours in Table 1 reflect those spent on this Action from inception through and including November 6, 2024. The total lodestar for that period is \$58,520.

**TABLE 1**

<b>Timekeeper</b>	<b>Title</b>	<b>Hours</b>	<b>Hourly Rate</b>	<b>Lodestar</b>
Gagan Gupta	Partner	83.60	\$700.00	\$58,520.00

9. My rate is based on my relevant experience and expertise and is comparable to the rates set by my peer firms for attorneys of similar skill and experience.

Dated: November 6, 2024

Respectfully submitted,

/s/ Gagan Gupta

Gagan Gupta (NCSB #: 53119)

**TIN FULTON WALKER & OWEN PLLC**

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

# EXHIBIT A

## FIRM RESUME

### FIRM INTRODUCTION

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Tin Fulton has one of the most respected and diverse litigation practices in North Carolina. We have extensive experience litigating complex cases in both federal and state courts, and we do so on behalf of people facing powerful interests. Our core practice areas include: complex commercial disputes, civil rights, wrongful death, employment, education law, medical malpractice, and criminal defense.

Our litigation team is led by prominent and skilled trial and appellate lawyers, many of whom have 30 years or more of experience. We regularly bring class actions or serve as local counsel on class actions in North Carolina. Principal class action attorney Gagan Gupta is an alumnus of both McGuirewoods LLP and Paynter Law PLLC where he specialized in complex commercial and class litigation. To date, Tin Fulton has obtained over \$50 million in verdicts and settlements for the firm's clients.

### REPRESENTATIVE MATTERS

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Lake v. State Health Plan for Teachers & State Employees, No. 436PA13-4 (N.C. Supreme Court)

Tin Fulton represented a certified class of 220,000 former North Carolina State employees whose rights to remain enrolled in a premium-free health insurance plan upon retirement were eliminated by state statute. The North Carolina Supreme Court held in favor of the class, ruling that class members had obtained a vested right protected under the Contracts Clause of the United States Constitution, and permitting the class action to proceed. The litigation is still pending.

Chaplin v. Rowe, No. 1:23-cv-00423-WO-JLW (M.D.N.C.)

Tin Fulton represents a proposed class of North Carolinians who were overdetailed or wrongfully arrested due to the State's adoption and implementation of the so-called "eCourts" technology aimed at transitioning the state court system from paper to digital. The litigation is still pending.

Washington v. City of Raleigh, No. 5:21-cv-00194-M (E.D.N.C.) & Irving v. The City of Raleigh, No. 5:22-cv-00068-BO (E.D.N.C.)

Tin Fulton brought litigation against the City of Raleigh and former Raleigh police detective Omar Abdullah for framing dozens of people in a fake drug scheme beginning in November 2019. The lawsuits alleged that the detective conspired with a confidential informant to provide fake heroin to dozens of black men, resulting in convictions based on falsified evidence. Tin Fulton settled the cases on favorable terms, including significant financial compensation for all 28 plaintiffs and historic policy changes to the City of Raleigh's policing practices.

## OTHER MATTERS

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Principal class attorney Gagan Gupta continues to serve as counsel on the following cases in his capacity as "of counsel" with his prior firm, Paynter Law PLLC:

In re Crop Protection Products Loyalty Program Antitrust Litigation (MDL), No. 1:23-md-03062-TDS-JEP (M.D.N.C.)

Mr. Gupta serves as local counsel to a plaintiffs' group in this MDL, which brings antitrust claims against crop protection product manufacturers for price fixing and other anticompetitive conduct on behalf of a proposed class of farmers and other purchasers of those products. The litigation is still pending.

North State Deli v. Cincinnati, No. 225P21-2 (N.C. Supreme Court)

Mr. Gupta brought a lawsuit seeking business interruption insurance coverage against The Cincinnati Insurance Company on behalf of business owners who were forced to close due to the Covid-19 pandemic and related government shutdown orders. The case was the first among thousands across the nation to achieve a summary judgment ruling in favor of policyholders, a landmark victory during an era of economic devastation everywhere. That ruling is currently pending review in the North Carolina Supreme Court.



## COMMITMENT TO COMMUNITY ---

Every year Tin Fulton attorneys provide hundreds of hours of free legal advice to individuals and the firm has represented individuals and nonprofits in groundbreaking pro bono litigation. Our attorneys also serve in leadership roles on numerous nonprofit and governmental boards and commissions.

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