

EXHIBIT 9

**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

**DECLARATION OF SUSAN R. PODOLSKY IN SUPPORT OF LEAD
PLAINTIFF'S COUNSEL'S MOTION FOR AWARDS OF ATTORNEYS' FEES,
LITIGATION EXPENSES, AND LEAD PLAINTIFF'S REASONABLE COSTS
AND EXPENSES**

I, Susan R. Podolsky, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true:

1. I am the Principal of The Law Offices of Susan R. Podolsky (“Podolsky”), counsel for Plaintiffs in the above-captioned action (the “Litigation”).¹

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

I. PODOLSKY’S WORK, RATES, AND LODESTAR

3. I am a 1986 graduate from the University of Virginia Law School. After graduation, I clerked for Judge Albert V. Bryan, Jr., then-Chief Judge for the Eastern District of Virginia, and then joined Jenner & Block where my practice centered on nationwide litigation. I have over a decade of experience prosecuting securities class actions, including: *In re Teva Securities Litigation*, No. 3:17-cv-00558-SRU (D. Conn. June 2, 2022), ECF 964 (\$420 million recovery); *In re Willis Towers Watson PLC Proxy Litigation*, No. 1:17-cv-01338-AJT-JFA (E.D. Va. May 21, 2021), ECF 345 (\$75 million recovery); *In re Genworth Financial Inc. Securities Litigation*, No. 3:14-cv-00682-JAG-RCY (E.D. Va. Sept. 26, 2016), ECF 214 (\$219 million recovery); *In re NII Holdings, Inc. Securities Litigation*, No. 1:14-cv-00227-LMB-JFA (E.D. Va. Sept. 16, 2016), ECF 265

¹ 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).

(\$41.5 million recovery); *In re Lumber Liquidators Holdings, Inc. Securities Litigation*, No. 4:13-cv-00157-AWA-DEM (E.D. Va. Nov. 17, 2016), ECF 204 (\$45 million recovery); and *Computer Science Corp. Securities Litigation*, No. 1:11-cv-00610-TSE-IDD (E.D. Va. Sept. 20, 2013), ECF 336 (\$97.5 million recovery).

4. Attached hereto as **Exhibit A** is Podolsky's firm resume, which includes a brief biography of my firm providing further information regarding my qualifications and experience.

5. I actively participated in the prosecution of the claims in this Litigation on behalf of Lead Plaintiff and the Settlement Class. In particular, I performed work at the direction and under the supervision of Court-appointed Settlement Class Counsel, Bleichmar Fonti & Auld LLP. I participated in, among other tasks, preparing Lead Plaintiff's two amended complaints, preparing and responding to discovery requests, reviewing discovery responses, preparing for depositions, preparing Lead Plaintiff's witness for deposition, working on Lead Plaintiff's class certification motion and related issues, drafting and revising Lead Plaintiff's opposition to Defendants' motion to dismiss, drafting and revising discovery submissions, and working with Settlement Class Counsel to navigate discovery and formulate litigation strategy.

6. Table 1 below is a schedule summarizing the amount of time I spent from inception of the Action through and including November 8, 2024, my applicable rate, and a lodestar calculation based on my current billing rate.

7. Table 1 was prepared from contemporaneous daily time records regularly prepared and maintained by my firm. As the Principal of my firm, I reviewed these time

records to prepare this declaration. The purpose of this review was to confirm both the accuracy of the time entries and the necessity for, and reasonableness of, the time committed to the Litigation. Time expended on this application for fees has not been included in this request.

8. My firm's lodestar figure is based upon my current billing rate, which rate does not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my billing rate.

9. The total number of hours reflected in Table 1 from inception through and including November 8, 2024, is 573.30. The total lodestar reflected in Table 1 for that period is \$429,975.

TABLE 1

Timekeeper Name	Position	Hours	Hourly Rate	Lodestar
Susan R. Podolsky	Principal	573.30	\$750	\$429,975

10. My rate is based on my relevant experience and expertise, and is comparable to the rates set by peer firms for attorneys of similar skill and experience. Most recently, my rate was accepted in *Bilinsky v. Gatos Silver, Inc. et al.*, 1:22-cv-453-PAB-KAS.

Dated: November 8, 2024

/s Susan R. Podolsky

Susan R. Podolsky

EXHIBIT A



Educational Background:

J.D., 1986, University of Virginia School of Law.

4-month Leningrad State University Russian Language program (1982).

A.B., 1981, Dartmouth College (*magna cum laude*). Member of Phi Beta Kappa. Captain of Varsity Tennis Team, sophomore and senior seasons. Major: Russian Language and Literature. Received three commendation awards for highest achievement.

Professional Background:

2006 – present: Solo practitioner, concentrating on civil corporate litigation and advising and assisting corporate clients, associations, and individuals on a variety of legal matters and issues. Recent work includes large securities fraud litigations and arbitrations, various litigations and litigation-related tasks for corporate and individual clients, and various counseling matters.

Securities fraud litigation highlights include: *Ontario Teachers' Pension Plan Board, et al. v. Teva Pharmaceuticals* (\$420 million recovery); *In Re: Willis Towers Watson PLC Proxy Litigation* (\$75 million recovery); *In re: Genworth Financial Inc. Securities Litigation* (\$219 million recovery); *In re: Computer Sciences Corp. Securities Litigation* (\$97.5 million recovery); *In re: NII Holdings, Inc. Securities Litigation* (\$41.5 million recovery); *In re: Lumber Liquidators Holdings, Inc. Securities Litigation* (\$45 million recovery).

1993 - July 2005: Partner, Jenner & Block LLP.

Awardee of the 2003 Albert E. Jenner Pro Bono Award for litigating race discrimination class action suit for ten years against municipal (Baltimore City) and federal (HUD) housing agencies.

Member of the Litigation Practice, specializing in large, complex civil commercial cases in a variety of sectors, including telecommunications, contracts, intellectual property, and employment. Tried significant litigation matters of all sizes and consistently obtained successful results. Managed large discovery and document production projects, including electronic discovery projects, related to litigation, antitrust, and investigation matters. Federal litigation practice included national experience, with a particular focus on the Eastern District of Virginia.

Advised and counseled businesses on various legal matters and issues.

1988-1993: Associate, Jenner & Block LLP.

1986-88: Law clerk for Albert V. Bryan, Jr., then-Chief Judge of the Eastern District of Virginia.

1981-83: Legislative Correspondent and Legislative Assistant to United States Senator Donald W. Riegle, Jr. Responsible for correspondence, legislation, and policy with respect to Senator Riegle's service on the Senate Committee on Commerce, Science & Transportation.

Bar and Court Admissions:

Admitted to practice in the following state and federal jurisdictions: Virginia, District of Columbia, Maryland.

Admitted to practice in the following courts: Eastern District of Virginia, Western District of Virginia, District of Maryland, District Court for the District of Columbia, Court of Appeals for the Fourth Circuit, Court of Appeals for the D.C. Circuit, United States Supreme Court, Virginia Supreme Court, District of Columbia Court of Appeals.

Professional and Non-Profit Association Memberships:

Board Member, Women's Eastern Golf Association

Board Member, Northern Virginia Chapter of the Federal Bar Association

Member, Virginia State Bar

Member, Maryland State Bar

Member, District of Columbia Bar Association

Member, Alexandria Bar Association

Member, Federal Bar Association

Member, American Bar Association

Other Memberships:

Mount Vernon Country Club

Detroit Golf Club