

**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**

On January 12, 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 July 1, 2026.” Lead Plaintiff and Class Counsel hereby submit this Status Report on distribution, along with 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, after completing the Initial and Second Distributions (as previously described in Lead Plaintiff’s Notice Regarding Cy Pres and Undistributed Funds, ECF No. 179), A.B. Data reports a residual balance of \$10,140.30, consisting of \$995.33 in unclaimed funds and \$9,144.97 from a federal tax refund received on June 30, 2026. (Brauns Decl. ¶ 12.) A.B. Data, in consultation with Class Counsel, has

determined it is not economically feasible to carry out a third distribution of this amount. (*Id.* ¶ 13.)

However, pursuant to Paragraphs 49(c) and (d) of the Distribution Plan set forth in Ms. Brauns's May 14, 2025 Declaration, at such time as Class Counsel, in consultation with A.B. Data, determines that the redistribution of funds remaining in the Net Settlement Fund is not cost effective, if sufficient funds remain to warrant the processing of Claims received or modified after the established claim filing deadline of April 18, 2025 ("Late Claims"), such Late Claims will be processed and paid their distribution amounts or additional distribution amounts on a *pro rata* basis. (ECF No. 175-1 ¶¶ 49(c), (d); *see also* Brauns Decl. ¶ 13.) A.B. Data has determined that 12 such Late Claims are eligible for distribution, and will distribute the remaining \$10,140.30 to these claimants, all of whom have opted for wire transfers or other electronic payments. (Brauns Decl. ¶¶ 14-15.) A.B. Data anticipates that these payments will be completed by July 31, 2026. (Brauns Decl. ¶ 15.)

In the unlikely event that any residual funds remain after completion of these electronic transfers, Class Counsel will move for the appointment of a *cy pres* recipient. Specifically, in consultation with A.B. Data, Class Counsel will move that the remaining funds in the Net Settlement Fund be donated to Warrior Wellness Solutions, a North Carolina-based 501(c)(3) non-profit organization providing 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).<sup>1</sup>

Lead Plaintiff and Class Counsel are available should the Court have any questions concerning the matters addressed in this Status Report.

Dated: July 1, 2026

Respectfully submitted,

/s/ Joseph A. Fonti

Joseph A. Fonti\*

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Settlement Class Counsel*

/s/ Gagan Gupta

Gagan Gupta (NCSB #: 53119)

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

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