

Moline v. BioVentrix, Inc.

Corporate Governance

Role	BFA is the sole counsel representing Plaintiff Gary Moline.
Background	On August 28, 2023, Bleichmar Fonti & Auld LLP filed Gary Moline's Verified Class Action complaint against BioVentrix, Inc., its then Directors, and two of its entities alleging that the Defendants breached their fiduciary duties by orchestrating the February 10, 2023, 65,500-1 reverse stock split that completely cashed out any holders of BioVentrix stock who owned fewer than 65,500 shares for \$0.01 per share.
Court	Delaware Court of Chancery
Case Number	2023-0883-PAF
Status	Pending

BFA is the sole counsel representing Plaintiff Gary Moline. On August 28, 2023, Bleichmar Fonti & Auld LLP filed Gary Moline's Verified Class Action complaint against BioVentrix, Inc. ("BioVentrix"), its then Directors, and two entities (Taglich Brothers Inc., and Richmond Brothers, Inc.) alleged to be controllers of BioVentrix.

The complaint alleges that the Defendants breached their fiduciary duties by orchestrating the February 10, 2023, 65,500-1 reverse stock split that completely cashed out any holders of BioVentrix stock who owned fewer than 65,500 shares for \$0.01 per share. Applying that valuation to the whole enterprise, the entire company would be worth \$286.27. This is inconsistent with the fact that shortly after the reverse split, BioVentrix raised \$48.5 million in equity financing. The plaintiffs seek damages in an amount to be determined at trial.

On May 1, 2024, the Court denied in part Defendants' motion to dismiss, allowing the case to proceed to discovery. On March 7, 2025, Bleichmar Fonti & Auld LLP moved on behalf of Gary Moline for sanctions against the Defendants for their failure to comply with discovery and scheduling deadlines. On April 11, 2025, the

Court granted Plaintiff's motion, holding Defendants in contempt and awarding additional sanctions—including shifting attorneys' fees of \$146,801.

The Case is currently proceeding through discovery following the denial of the motion to dismiss.