

BFA Seeks Court Approval of \$15.25 million Settlement of Bioventus Inc. Securities Litigation

On July 15, 2024, Bleichmar Fonti & Auld LLP, on behalf of the Wayne County Employees' Retirement System, sought preliminary approval of a \$15.25 million settlement of litigation against Bioventus Inc and certain of its current and former executives and board members.

The litigation alleged that defendants misrepresented and concealed: (1) deficiencies in Bioventus's internal controls over financial reporting and disclosure controls and procedures; (2) that Bioventus improperly accounted for rebates, in violation of Generally Accepted Accounting Principles, leading to materially inflated financial statements; and (3) that Bioventus had successfully offset the impact of a Medicare pricing shift on its key products.

As a result of the settlement, BFA secured a settlement fund of \$15.25 million, which, after costs and expenses, will be distributed to individuals and entities who purchased or acquired Bioventus Class A common stock between February 11, 2021, and November 21, 2022, both inclusive, and were damaged thereby. The settlement represents a recovery of approximately 10.8% of the maximum estimated damages of approximately \$140 million, and as much as 27% of potential triable damages of \$56.7 million, which assumes Defendants prevailed on certain merits related issues. In all circumstances, the recovery is more than double the 4.5-4.8% average recovery in Section 10(b) cases between 2014-2023.

The settlement is currently pending approval before Chief Judge Catherine Eagles of the United State District Court for the Middle District of North Carolina.

The settlement papers, including the Stipulation of Settlement and all exhibits, are available [here](#) in the to the right.