

EXHIBIT 1

**TO THE DECLARATION OF BRIAN J. NISBET
IN SUPPORT OF DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, SUMMARY ADJUDICATION**

Message

From: Pat Miles [miles.patrick.s@gmail.com]
Sent: 10/1/2017 3:26:06 PM
To: Greg Lucier [glucier@nuvasive.com]; Les Howe [leshowe@san.rr.com]; Dan Wolterman [djwolterman@gmail.com]; Pat Miles [pmiles@nuvasive.com]; leslie norwalk [leslie.norwalk@me.com]; Don Rosenberg [drosenberg@nuvasive.com]; Rob Friel [robert.friel@perkinelmer.com]; Vickie Capps [capps.vickie@yahoo.com]; Nathaniel Sisitsky [nsisitsky@nuvasive.com]; Joan Stafslie [jstafslie@nuvasive.com]; Rajesh Asarpota [rasarpota@nuvasive.com]; pfarrell@resmed.com; Michael O'Halleran [michael.o'halleran@aonbenfield.com]
CC: cacox@nuvasive.com; PLeddy@nuvasive.com
Subject: Resign Vice Chair Position

Greg,

As we discussed, I am writing to resign from my at-will position as Vice-Chairman of NuVasive, and from the Company's Board of Directors, effective immediately. Beginning tomorrow, I will assume the role of Executive Chairman of Alphatec Spine, Inc.

I am appreciative of the efforts taken by you and the Board a year ago (when I first resigned to lead Alphatec), in order to secure my continued association with NuVasive. That arrangement allowed me to spend quality time with my family this past year, and for that I am profoundly grateful. It also afforded me the opportunity to reflect on who I am, what triggers my passion, and where and how I can best influence the industry I've grown to love over nearly a quarter century. I have concluded that place is no longer NuVasive. I have so many great memories here, and leave behind countless friends and colleagues, but the company and culture I helped build and gave my all for, has changed. I'm not saying it's better or worse; it's just no longer for me. I need to return to a more hands-on leadership role, focusing on how to best serve an industry that is still in serious need of innovation to improve outcomes.

I have done my best to gather all documents, equipment and things in my possession that might belong to NuVasive, and have tendered them to a courier, for delivery to the office (care of Human Resources) tomorrow morning at 8:00am. As you can imagine, a lot can accumulate over 17 years, but I want to assure you and the full Board that I have no intention to take, use, disclose or in any way rely upon information that is proprietary or confidential to NuVasive. The fact that over the past year I have not meaningfully participated in meetings, communications or events pertaining to NuVasive's current and future strategy, should help reduce any concerns. But again, to remove any doubt, I will not violate my confidentiality obligations to NuVasive.

Finally, I do not believe the post-employment non-compete and no hire restrictions in my current contract are enforceable against me (as a California resident and employee); however, out of an abundance of caution, I note that the contractual penalty is repayment of the value of all Share Purchase Matching Performance Restricted Stock Units that have vested, which equates to zero (i.e., no such units vest until September 2021).

If there is concern about matters I have raised in this letter, or anything else pertaining to my move, I hope someone will contact me directly, rather than resorting to a dispute posture that will not be in either company's interest. This market, while large, is still one built on personal relationships. How we handle this transition will impact more than our immediate motivations and interests.

As I remain a very significant NuVasive shareholder, I wish you all good judgment and future success.

PM

Sent from my iPad