

EXHIBIT 3

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

Message

From: Sean Freeman [sfreeman@nuvasive.com]
Sent: 10/3/2017 8:10:01 AM
To: Paul McClintock [PMcClintock@nuvasive.com]
CC: Matt Link [mlink@nuvasive.com]
Subject: Re: Alphatec Thoughts/Inputs for our 10am meeting in the War Room

It's obvious but worth saying to surgeons - beyond the pure \$\$s available to engage surgeon relationships, the size of our channel sales speaks to surgeons needing 9x the royalty to make up for the gap.

On Oct 3, 2017, at 8:05 AM, Paul McClintock <PMcClintock@nuvasive.com> wrote:

Agree. Lots of calls and I'm doing regional leadership only calls today and stressing they be world class messengers to their teams.

Carpe Diem,

Paul McClintock
President, U.S. Commercial
NuVasive, Inc.
C: [310.963.6328](tel:310.963.6328)
pmclintock@nuvasive.com

Sent From My iPhone

- SF

On Oct 3, 2017, at 7:24 AM, Greg Lucier <glucier@nuvasive.com> wrote:

USA Salesforce

Consider holding a 'squawk box' like call to provide context and talking points on the Pat Miles/Alphatec News. Here is my input to that information:

-NuVasive treated Pat incredibly generously and graciously to honor his contributions these past years, including nominating him to the Board of Directors of the Company. In discussions between Pat and his fellow directors he would consistently state—*"I bleed purple"* and *"I would never compete against the very organization I spent so much of my life building"*. Because of those words, the company/the directors trusted him with the most sensitive, confidential information about your company.

Through this last year as Pat decided he wanted to take a more active role in leading a company, Lucier, Leddy, and many other directors helped open doors for Pat to search firms, to private equity firms doing buy-outs, etc. so that he could find his next challenge. Regrettably, the feedback from those interviews and encounters was that while they acknowledged his technical chops and accomplishments in spine, he also demonstrated a tendency to build fiefdoms, possessed limited strategic skills, and had poor communication capabilities.

In parallel with this, Alphatec continued to be in turmoil. They removed their previous CEO, installed Terry Ridge, a person known to many at NUVA, but continued to spiral downward, mostly relying on POD like relationships to sustain themselves. Alphatec, controlled by hedge fund, Healthpoint, was desperate for anything to unlock their substantial sunk investment in this vehicle. And so, they hope by hiring Pat, and having him trade off his relationships in the business, they can move the stock and then unload their stake. It's that simple.

The origin of the word ‘rationalize’ very purposely has the essence of the word ‘lie’ within. Pat’s rationalization for his behavior for going to Alphatec this past weekend was that NUVA was ‘his company’ (His words—seriously) and that he should have been made CEO of the Company once Alex was fired. And so, this is what everyone gets for not giving him what he wanted. You can be the judge of that rationale. Humbly, our company should be based on great people that live to a higher code—one where their words mean something. It is their bond. Sadly, that is clearly not the case here.

Moving forward, the very challenges all of you felt in the field—broken promises to surgeons, missing technology trends (expandables), are the very ones that Matt Link is working feverishly to rectify. We’ve lost some time these past few years between Pat, then Jason and the drama surrounding them. This company once and for all has to be move beyond the cult following of a ‘me’ and move to the strength of a ‘we’. Through team-work, through interdependence we can be unstoppable. I ask of that from each of you now.

I realize this will be a distraction, but with focus it is only that and temporary. Here are the facts:

NUVA Alphatec

Sales \$250M/qtr \$27M/qtr

R&D \$ \$13M/qtr \$1M/qtr

We are 10X bigger than them, and we will take them on like we do all our competitors. **(YOURS TO FINISH with USA action plan)**

Surgeon Relationships

Alphatec doesn’t have the \$ to match NUVA and what we can do with engagements. Still, they the amorphous promise of the future and royalties. But if we know anything about Pat, it is that he can talk a good game, but will take some time to execute any agreements. And so, we’ve got to use speed to our advantage to lock down as many of our surgeons as possible. Let’s set a goal for T-Giving, everything is done—including Haid and Shaffery (we will sign those this year, and figure out with Jeremy how to make the expense 2018).

Further, let’s find a new way to really engage these guys regularly and more intimately. John, please get with Johnson and let’s have the prototype surgeon portal up and running by T-Giving as well. This should be your way of really changing how surgeons feel about NUVA—daily/weekly/monthly.

Shareowners

Let’s talk more at 10am...ran out of time this morning.

Greg

Gregory T. Lucier

Chairman & CEO | **NuVasive, Inc.** | Speed of Innovation

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