

1 **WILSON SONSINI GOODRICH & ROSATI P.C.**
 2 PAUL D. TRIPODI II (SBN 162380)
 3 ptripodi@wsgr.com
 4 WENDY L. DEVINE (SBN 246337)
 5 wdevine@wsgr.com
 6 NATALIE J. MORGAN (SBN 211143)
 7 nmorgan@wsgr.com
 8 633 West Fifth Street, Suite 1550
 9 Los Angeles, CA 90071
 10 Telephone: 323-210-2900
 11 Fax: 866-974-7329

7 **Hilgers Graben PLLC**
 8 MICHAEL T. HILGERS (*Pro Hac Vice*)
 9 mhilgers@hilgersgraben.com
 10 575 Fallbrook Blvd, Suite 202
 11 Lincoln, NE 68521
 12 Telephone: 402-218-2106
 13 Fax: 402-413-1880

11 *Attorneys for Plaintiff NuVasive, Inc.*

12 UNITED STATES DISTRICT COURT
 13 SOUTHERN DISTRICT OF CALIFORNIA
 14 SAN DIEGO DIVISION

<p>15 NUVASIVE, INC., a Delaware 16 corporation, 17 Plaintiff, 18 v. 19 ALPHATEC HOLDINGS, INC., a 20 Delaware corporation, and ALPHATEC 21 SPINE, INC., a California corporation, 22 Defendants.</p>	<p>) Case No. 18-cv-00347-CAB-MDD)) DECLARATION OF) CHRISTIANA GARRETT IN) SUPPORT OF NUVASIVE, INC.’S) MOTION TO EXCLUDE) UNTIMELY, UNSUPPORTED,) AND IMPROPER EXPERT) OPINIONS)) PER CHAMBERS RULES, NO) ORAL ARGUMENT UNLESS) SEPARATELY ORDERED BY THE) COURT)) Judge: Hon. Cathy Ann Bencivengo) Courtroom: 4C</p>
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1 I, Christiana Garrett, declare the following:

2 1. I am an attorney at Wilson Sonsini Goodrich & Rosati, counsel for
3 Plaintiff, NuVasive, Inc. (“NuVasive”). I submit this Declaration in support of
4 NuVasive’s Motion to Exclude Untimely, Unsupported, and Improper Expert
5 Opinions. I have personal knowledge of the facts set forth herein. I could and
6 would competently testify to those facts if called upon to do so.

7 2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts of
8 Opening Report of Barton L. Sachs, M.D., M.B.A., F.A.C.P.E., F.A.C.H.E., dated
9 November 20, 2020.

10 3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts of
11 the Deposition Transcript of Barton L. Sachs, M.D., M.B.A., F.A.C.P.E.,
12 F.A.C.H.E., dated January 11, 2021.

13 4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts of
14 Rebuttal Report of Barton L. Sachs, M.D., M.B.A., F.A.C.P.E., F.A.C.H.E., dated
15 December 18, 2020.

16 5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts of
17 Supplemental Rebuttal Expert Report of Keith R. Ugone, Ph.D., dated December
18 18, 2020.

19 6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts of
20 Plaintiff NuVasive, Inc. First Set of Interrogatories (Nos. 1-10), dated April 4,
21 2018.

22 7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts of
23 Plaintiff NuVasive, Inc.’s Third Set of Interrogatories (No. 17) to Defendants,
24 dated September 24, 2019.

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28 DECLARATION OF GARRETT ISO
NUVASIVE’S MOTION TO EXCLUDE

1 8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts of
2 Defendants' Supplemental Responses to Plaintiff NuVasive, Inc.'s Interrogatories
3 (Nos. 2, 7, 11, and 17), dated November 6, 2020.

4 9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts of
5 Rebuttal Expert Report of Keith R. Ugone, Ph.D., dated December 4, 2019.

6 10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts of
7 the Deposition Transcript of Mike Aleali, dated October 30, 2020.

8 I declare under penalty of perjury of the laws of the United States of
9 America that the foregoing is true and correct. Executed this 26th day of January
10 2021, in Redlands, California.

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Christiana Garrett

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DECLARATION OF GARRETT ISO
NUVASIVE'S MOTION TO EXCLUDE

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document has been served on this date to all current and/or opposing counsel of record, if any to date, who are deemed to have consented to electronic service via the Court’s CM/ECF system per Civ.L.R. 5.4(d). Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct. Executed this 26th day of January 2021, in Los Angeles, California.

By: /s/ Soo Kim
SOO KIM