

# EXHIBIT 10

DECLARATION OF TRENT D. TANNER  
IN SUPPORT OF  
NUVASIVE'S OPPOSITION TO  
DEFENDANTS' MOTIONS IN LIMINE NOS. 1-10

Message

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**From:** Paul McClintock [PMcClintock@nuvasive.com]  
**Sent:** 11/21/2016 10:17:59 PM  
**To:** Hooman Melamed, MD [thespinepro@gmail.com]  
**Subject:** NuVasive

Dr. Melamed,

I hope you're well. One of the things I love about my new role is that I get to see firsthand what we are going to do to spine surgery in the future. We will make it better, more predictable, less invasive, more technology-based, and far more reproducible than it is today. I've only known you over the last decade from a distance but what I can say I have learned during that time is that your passion to do the same thing is incredibly similar, and incredibly strong. That mindset is the mindset that we unequivocally want to partner alongside.

We are very thoughtful about how we approach development projects regarding our ability to drive FDA approval, a true path to market acceptance, as well as a solid path to commercial success. Those things don't happen overnight. The projects we greenlight almost always come to fruition, and once given that greenlight, they happen fast. It's a testament to our up front due diligence, which can be painful. I would have loved nothing more than to have been able to give you a clear path sooner. A month ago, our long-time President & COO, Pat Miles, whom you have met, stepped down. He remains on our board. Jason Hannon, our former Gen Counsel, former Director of Strategy, and our current President of International, has taken that role. We didn't intend for this to happen. Over the last 30 days, he has been in in the process of reviewing all open projects we need to get out of the gates. He and I have spoken at length about you.

For the last few years, Jason has been based in our international headquarters in Amsterdam. He is there now for the holiday and is coming back in a week. Over the last month, as he has pieced together all of our outstanding projects, he has put a comprehensive development map together, including how surgeons will play a role in each one. He asked me late last week in San Diego if it would be okay to get back with you after he has completed that effort during this 2 week period in Holland. I told him I thought it would but would let you know. His effort is around funding the key projects for 2017 and 2018 that we will pursue with intensity and he is aware of all the conversations we have had from SRS to our visit at Jerry's to the recent conversations around your pending iliac research, and ALIF implant design. If it is okay with you, I'd like to have him reach out to you just after he returns from Europe next week to mutually define a path that intrigues both you and NuVasive. Is that okay? If yes, I'll send a separate email to intro you to him so you can work on details. Again, this isn't what we expected to happen but we are excited as it has pushed the urgency around this effort to the forefront. Jason is a lawyer, a business strategist, and an obsessive loop closer. This will not go on for long at all. Please let me know and trust that I know this path has not been on our optimal timeline but I do believe that it can be a great thing.

Thank you.

Carpe Diem,

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