

EXHIBIT 13

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

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AMERICAN ARBITRATION ASSOCIATION

CERTIFIED COPY

)	
NUVASIVE, INC.,)	
)	
)	Case No. 01-19-0001
Claimant,)	3591
)	
vs.)	
)	
RIVAL MEDICAL, LLC,)	
)	
Respondent.)	
)	

ZOOM ARBITRATION

Volume 1 of 4

Pages 1 through 232

MONDAY, SEPTEMBER 28, 2020, 9:13 a.m.

SAN DIEGO, CALIFORNIA

Reported by Armando Pineda, CSR No. 12670

Job No. 131801

1 hope -- the phone number or whatever you need to
2 contact our technician and make sure you do.

3 Clay, does everybody have -- or have you
4 presented it. I know we have it.

5 EXHIBIT TECHNICIAN: Yes, I sent it in the
6 email, but I'm putting in the chat right now for
7 everyone.

8 MR. CARDWELL: Thank you.

9 THE ARBITRATOR: We'll see everybody back
10 at 1:00.

11 (Lunch recess taken.)

12 THE ARBITRATOR: Okay. We have our first
13 witness on the stand and in front of all us.

14 Mr. McClintock, I'm Judge Nugent. I'm the
15 chair of this panel, and I would appreciate it if
16 you raise your right hand.

17
18 PAUL DAVID MCCLINTOCK,
19 having been first duly sworn, testified as follows:

20
21 THE ARBITRATOR: Thank you. All right.
22 Mr. Cardwell, proceed, please.

23 MR. CARDWELL: Thank you, your Honor.

24 / / /

25 / / /

1 DIRECT EXAMINATION

2 BY MR. CARDWELL:

3 Q. Would you state your name for the record,
4 please.

5 A. Sure. Paul David McClintock.

6 Q. All right Mr. McClintock, you're currently
7 employed by NuVasive, correct?

8 A. Yes, I am.

9 Q. What is your current position?

10 A. I am a general manager for our western
11 U.S. business.

12 Q. And how long have you been in the spine
13 business? Let me ask you two questions at once.

14 How long have you been in the spine
15 business? How long have you been with NuVasive?

16 A. I've been in the spine business since
17 November of 2000. So coming up on 20 years, and
18 I've been with NuVasive -- affiliated with NuVasive
19 since March 1st, 2010.

20 THE REPORTER: I'm sorry, Mr. Cardwell.
21 This is the court reporter. I'm having a hard time
22 hearing Mr. McClintock very well. If he could get
23 close to a mike. Thank you.

24 THE ARBITRATOR: Thanks. I'm in the same
25 boat. I appreciate it.

1 THE WITNESS: I will speak louder.

2 THE ARBITRATOR: That will be good.

3 BY MR. CARDWELL:

4 Q. Are sales rep duties fairly uniformed
5 throughout the spine industry?

6 A. I would say yes.

7 Q. Would you just tell the panel what kind of
8 a -- what a sales rep does? What their
9 responsibilities are?

10 A. Sure. Sure. In the spine business --
11 I'll talk about it this way.

12 There's an operational component -- a
13 burden to the job. We try to bring in options for
14 surgeons that are somewhat customized and very vast.
15 So there's a big operational component. There's the
16 whole dynamic of driving the business forward
17 through clinical adoptions.

18 So there's sales effort required to
19 convert customers to our way of thinking and then
20 all of the dynamics dealing with the hospital and
21 then first and foremost there's the requirement to
22 have clinical expertise and hopefully become an
23 asset to the surgeon and his or her team.

24 Q. Are educating customers about the benefits
25 of a particular product part of the sales process?

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