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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

NUVASIVE, INC., a Delaware corporation,

Plaintiff,

v.

ALPHATEC HOLDINGS, INC., a Delaware corporation and ALPHATEC SPINE, INC., a California corporation,

Defendants.

Case No. 3:18-CV-00347-CAB-MDD

ORDER RESETTING PRETRIAL AND TRIAL DATES

On November 12, 2021, the court held the Final Pretrial Conference. Morris Fodeman, Wendy Devine, Erik Carlson and Natalie Morgan appeared for plaintiff NuVasive, Inc. Nimalka Wickramasekera, Brian Nisbet and Saranya Raghavan appeared for defendants Alphatec Holdings, Inc. and Alphatec Spine, Inc.

Trial was reset to begin on **January 10, 2022**, at 8:45 a.m. in Courtroom 15A of the Carter-Keep Courthouse. It will continue **January 11-13, 18-21, 2022**, as needed. After the first day, the daily trial schedule will be as follows: 8:30 a.m. to 3:00 p.m., with two 25–30 minute breaks, no lunch break. Each side will have 20 hours to put on its case, including opening and closing statements.

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The Court also sets the following schedule:

1. Parties will submit Proposed Voir Dire, Proposed Jury Instructions and a Proposed Verdict Form by **December 20, 2021**.
2. An example of the proposed joint jury notebook described in paragraph 67 of the Final Pretrial Order will be delivered to the Court by **December 20, 2021**.
3. A list of all witnesses intended to be called at trial (live or by deposition) to be read to the jury venire panel for purposes of ascertaining any potential conflicts, will be provided to the Court by **January 6, 2022**.
4. One set of Plaintiff's Exhibits and Defendants' Exhibits, in three-ring binders will be delivered to the Court by **January 6, 2022**.
5. Court will be notified of witnesses to be called and exhibits to be used during trial in accordance with the schedule set forth in Section VI, paragraph C of the Final Pretrial Order.

IT IS SO ORDERED.

Dated: November 16, 2021



Hon. Cathy Ann Bencivengo
United States District Judge