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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

NUVASIVE, INC., a Delaware corporation,

Plaintiff,

v.

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

Defendants.

Case No.

**DECLARATION OF MOVANT
GREGORY LUCIER IN
SUPPORT OF MOTION TO
QUASH TRIAL SUBPOENA**

1 I, Gregory T. Lucier, declare as follows:

2 1. I have personal knowledge of the facts set forth in this declaration and,
3 if called to testify, could and would competently testify to these facts.

4 2. In 2014, I became a member of the Board of Directors for NuVasive,
5 Inc.

6 3. In 2015, I became NuVasive's Chairman and CEO.

7 4. I resigned as CEO of NuVasive in November 2018.

8 5. I resigned from NuVasive's Board of Directors in May 2021. Since that
9 time, I have had no affiliation with NuVasive.

10 6. During my time at NuVasive, I was not directly involved with
11 NuVasive's efforts concerning its physician relationships.

12 7. I am not a design engineer by training or education. I was not at
13 NuVasive during the period in which XLIF technology was being designed and
14 developed, which I understand took place in the early-to-mid 2000s, nor did I have
15 any role in seeking or obtaining any of the patents covering NuVasive's XLIF
16 technology or surgical methods.

17 8. In January 2020, I was deposed by Alphatec in this case. A true and
18 correct copy of certain excerpts of my deposition transcript are enclosed herein as
19 Exhibit 1.

20 9. I moved to Aspen, Colorado in early 2020. I have worked and resided
21 in Aspen since that time.

22 10. I own the home where I live in Aspen.

23 11. I currently hold a valid Colorado driver's license.

24 12. I do not currently hold a California driver's license.

25 13. My motor vehicles are registered in Colorado.

26 14. I do not own any vehicles registered in California.

27 15. I am currently registered to vote in Colorado.

28 16. I am not currently registered to vote in California.

1 17. I am presently employed as the CEO of Corza Health, Inc. I am also the
2 Chairman of the Board of Directors for Corza Health. I have held these positions
3 since approximately April 2019.

4 18. Corza Health partners with private equity to acquire, build, and scale
5 health and life sciences companies.

6 19. Corza Health is a Delaware corporation, with offices in Del Mar,
7 California.

8 20. Only two Corza Health employees work out of its Del Mar office.

9 21. I do not have my own dedicated office or work space in Corza Health's
10 Del Mar office. Rather, I use a visitor's office that others can use when they visit
11 from out of town.

12 22. Corza Health also maintains an office in Aspen, Colorado, which is my
13 regular place of business.

14 23. When conducting business for Corza Health, I do so principally from
15 Corza Health's Aspen office, or at business meetings and events that occur outside
16 of California.

17 24. I do not pay any income taxes to the state of California for income I
18 receive from Corza Health.

19 25. I am also the Executive Chairman of Corza Medical, a separate entity
20 whose global headquarters are in Massachusetts, and which has several offices
21 around the world. Corza Medical does not have any offices in California.

22 26. Before moving to Colorado, I resided and owned a home in Encinitas,
23 California (the "Encinitas Property").

24 27. When I moved to Colorado, I transferred ownership of the Encinitas
25 Property to an irrevocable trust for the benefit of my children (the "Trust"). I
26 maintain no control over the Trust or the Encinitas Property and have no ability to
27 dispose of the Encinitas Property. I understand that the Trust is presently renting the
28 property out as a vacation home. Every time I have stayed in the Encinitas Property

1 since moving to Colorado, I have paid rent to the Trust to do so.

2 28. I do not currently own any property in California.

3 29. Since moving to Colorado, I have returned to the San Diego area (i.e.,
4 within 100 miles of the federal courthouse in San Diego) a number of times,
5 including approximately 17 times in 2020 and approximately 20 times in 2021. I
6 have traveled to the San Diego area once thus far in 2022 and currently have plans
7 for one more trip in February 2022 (to attend a wedding). However, the predominant
8 purpose of these trips was for leisure and not to conduct or transact business in
9 person.

10 30. Corza Health reimbursed my airfare expenses for approximately three
11 trips in 2020 and six trips in 2021. Corza Health did not reimburse my lodging
12 expenses for any of these trips.

13 31. During my trips to the San Diego area, I have a practice of visiting the
14 Corza Health offices in Del Mar, typically once or twice per trip. My visits to Corza
15 Health's Del Mar office are incidental to my leisure travel and not the purpose or
16 motivation for the travel. When I visit Corza Health's office in Del Mar, I typically
17 spend just a few hours at the office, mainly to greet and interact with my co-workers
18 and respond to emails. I rarely conduct or participate in business meetings or
19 otherwise engage in any meaningful business activities while visiting Corza
20 Health's Del Mar office.

21 32. In my role as CEO of Corza Health, I regularly travel to other states,
22 especially in the Northeast (such as Pennsylvania), for the purpose of conducting
23 business on behalf of the company, including to visit company customers and to
24 explore potential investment opportunities for the company.

25 33. Corza Health has never acquired or invested in any companies located
26 in or near San Diego, nor has Corza Health ever seriously considered or explored
27 the possibility of doing so. Corza Health has also never acquired or invested in any
28 companies based anywhere in California.

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