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13 Attorneys for Defendants
 ALPHATEC HOLDINGS, INC. AND ALPHATEC SPINE,
 14 INC.

15
 16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**
 18 **SAN DIEGO DIVISION**

19 NUVASIVE, INC., a Delaware
 20 corporation,

21 Plaintiff,

22 v.

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

25 Defendants.
 26
 27
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Case No. 3:18-CV-00347-CAB-MDD

[Assigned to Courtroom 4C – Honorable
 Cathy Ann Bencivengo]

**DECLARATION OF BRIAN J.
 NISBET IN SUPPORT OF
 DEFENDANTS’ OPPOSITION TO
 GREGORY LUCIER’S MOTION TO
 QUASH OR MODIFY TRIAL
 SUBPOENA**

1 I, Brian J. Nisbet, declare as follows:

2 1. I am a partner with the law firm of Winston & Strawn LLP, counsel of
3 record for defendants Alphatec Holdings, Inc. and Alphatec Spine, Inc. (individually
4 and collectively, “Alphatec”). I have personal knowledge of the following facts and, if
5 called as a witness, I could and would testify competently thereto.

6 2. **Exhibit 1** is a true and correct copy of NuVasive’s Supplemental
7 Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1) dated January 17, 2020.

8 3. **Exhibit 2** is a true and correct excerpt of the transcript of Gregory Lucier’s
9 January 17, 2020 deposition.

10
11 I declare under penalty of perjury under the laws of the State of California and
12 the United States of America that the foregoing is true and correct. Executed this 23rd
13 day of February 2022, at San Diego, California.

14 */s/ Brian J. Nisbet*
15 BRIAN J. NISBET

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