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ALPHATEC HOLDINGS, INC. and ALPHATEC SPINE, INC.

18
19 **UNITED STATES DISTRICT COURT**
20 **SOUTHERN DISTRICT OF CALIFORNIA – SAN DIEGO DIVISION**

21 NUVASIVE, INC., a Delaware
corporation,

22 Plaintiff,

23 v.

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

26 Defendants.
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) Case No. 18-CV-00347-CAB-MDD

) **JOINT STIPULATION FOR
EXTENSION OF TIME**

) Judge: Hon. Cathy Ann Bencivengo

1 Plaintiff NuVasive, Inc. (“NuVasive”) and defendants Alphatec Spine, Inc.
2 and Alphatec Holdings, Inc. (collectively, “Alphatec”), by and through their
3 respective counsel, jointly request that the Court extend the deadline for post-trial
4 motions from April 22, 2022 to May 20, 2022.

5 **RECITALS**

6 WHEREAS, a jury trial between NuVasive and Alphatec was held from
7 March 1, 2022 through March 4, 2022 and March 7, 2022 through March 10, 2022;

8 WHEREAS, the jury returned a verdict on March 11, 2022;

9 WHEREAS, on March 11, 2022, the Court ordered post-trial motions to be
10 filed by April 22, 2022;

11 WHEREAS, on March 15, 2022, the Court ordered the parties to schedule a
12 post-verdict settlement conference to take place no later than April 8, 2022;

13 WHEREAS, on March 28, 2022, NuVasive and Alphatec had a post-verdict
14 settlement conference before Magistrate Judge Dembin;

15 WHEREAS, NuVasive and Alphatec reached a settlement in principle at the
16 post-verdict settlement conference;

17 WHEREAS, NuVasive and Alphatec are currently finalizing the terms of the
18 settlement agreement;

19 WHEREAS, the Court scheduled a Settlement Disposition Conference for
20 April 28, 2022;

21 WHEREAS, NuVasive and Alphatec believe that postponement of the post-
22 trial motion deadline to May 20, 2022, will allow the Parties to finalize their
23 settlement without burdening this Court unnecessarily;

24 THEREFORE, NuVasive and Alphatec request the Court to extend the
25 deadline for post-trial motions from April 22, 2022, to May 20, 2022.

26 The proposed deadline is intended to facilitate the efficient resolution of the
27 matter. It will allow the parties to further engage in productive discussions while
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1 finalizing the settlement agreement without having to burden the Parties and the
2 Court with additional and potentially unnecessary briefing.

3 Accordingly, good cause exists to extend the deadline for post-trial motions
4 from April 22, 2022 to May 20, 2022.

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1 Dated: April 6, 2022

WINSTON & STRAWN LLP

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By: /s/ Brian J. Nisbet

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BRIAN J. NISBET

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

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Dated: April 6, 2022

WILSON SONSINI GOODRICH &
ROSATI, P.C.

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By: /s/ Wendy L. Devine

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WENDY L. DEVINE

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Attorneys for Plaintiff
NUVASIVE, INC.

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SIGNATURE ATTESTATION

I, Brian Nisbet, hereby attest that I obtained the concurrence of Wendy L. Devine in filing this document. I declare under penalty of the laws of the United States that the foregoing is true and correct.

Executed this 6th day of April 2022 at Chicago, Illinois.

Dated: April 6, 2022

WINSTON & STRAWN LLP

By: /s/ Brian J. Nisbet
BRIAN J. NISBET

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