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17 Attorneys for Defendants
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.
27

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

) **JOINT STIPULATION FOR
EXTENSION OF TIME**

) Judge: Hon. Cathy Ann Bencivengo

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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 May 20, 2022 to June 7, 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 28, 2022, NuVasive and Alphatec had a post-verdict
10 settlement conference before Magistrate Judge Dembin;

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

13 WHEREAS, on April 7, 2022, the Court, finding good cause, granted the
14 Parties’ joint motion for an extension of the deadline to file post-trial motions from
15 April 22, 2022 to May 20, 2022,

16 WHEREAS, on April 28, 2022, a Settlement Disposition Conference was
17 held before Magistrate Judge Dembin where the parties indicated they needed more
18 time to finalize their settlement;

19 WHEREAS, on May 9, 2022, a Further Settlement Disposition Conference
20 was held before Magistrate Judge Dembin where the parties requested the Court’s
21 assistance at a Further Settlement Conference;

22 WHEREAS, on May 16, 2022, a Further Settlement Disposition Conference
23 was held before Magistrate Judge Dembin and the case remains settled in principle;

24 WHEREAS, NuVasive and Alphatec believe that postponement of the post-
25 trial motion deadline to June 7, 2022, will allow the Parties to finalize their
26 settlement without burdening this Court unnecessarily;

27 THEREFORE, NuVasive and Alphatec request the Court to extend the
28 deadline for post-trial motions from May 20, 2022, to June 7, 2022.

1 The Parties have worked diligently to resolve the matter, however, there
2 remain a handful of issues to be finalized. The proposed deadline is intended to
3 facilitate the efficient resolution of the matter without having to burden the Parties
4 and the Court with additional and potentially unnecessary briefing.

5 Accordingly, good cause exists to extend the deadline for post-trial motions
6 from May 20, 2022 to June 7, 2022.

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1 Dated: May 20, 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: May 20, 2022

WILSON SONSINI GOODRICH &
ROSATI, P.C.

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By: /s/ Erik Carlson

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Erik Carlson

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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 Erik Carlson in filing this document. I declare under penalty of the laws of the United States that the foregoing is true and correct.

Executed this 20th day of May 2022 at Chicago, Illinois.

Dated: May 20, 2022

WINSTON & STRAWN LLP

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

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