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11 *Attorneys for Plaintiff NuVasive, Inc.*

12 UNITED STATES DISTRICT COURT
 13 SOUTHERN DISTRICT OF CALIFORNIA
 14 SAN DIEGO DIVISION

<p>15 NUVASIVE, INC., a Delaware 16 corporation, 17 Plaintiff, 18 v. 19 ALPHATEC HOLDINGS, INC., a 20 Delaware corporation, and ALPHATEC 21 SPINE, INC., a California corporation, 22 Defendants.</p>	<p>) CASE NO.: 18-cv-00347-CAB-MDD)) JOINT MOTION TO DISMISS,) RETAINING JURISDICTION) OVER SETTLEMENT)) PER CHAMBERS RULES, NO) ORAL ARGUMENT UNLESS) SEPARATELY ORDERED BY THE) COURT)) Judge: Hon. Cathy Ann Bencivengo) Magistrate Judge: Mitchell D. Dembin) Courtroom: 15A)</p>
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1 **ADDITIONAL COUNSEL INFORMATION:**

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AND ALPHATEC SPINE, INC.

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1 Plaintiff NuVasive, Inc. (“NuVasive” or “Plaintiff”) and Defendants Alphatec
2 Holdings, Inc. and Alphatec Spine, Inc. (“Alphatec” or “Defendants”) (collectively,
3 the “Parties”), by and through their undersigned counsel, hereby jointly move as
4 follows:

5 WHEREAS, the Parties resolved the matters in dispute in the above
6 referenced action and executed a settlement agreement (“Settlement Agreement”);

7 WHEREAS, the Parties consent to the jurisdiction of Magistrate Judge
8 Mitchell D. Dembin or, in the event he is no longer assigned to this case, any Judge
9 or Magistrate Judge of the District Court to whom this case is reassigned (“Court”)
10 until September 30, 2024 for all purposes necessary for the Court to enforce the
11 terms of the Settlement Agreement;

12 WHEREAS, the Settlement Agreement requires that the parties file with the
13 Court a joint motion and proposed order to dismiss the action, subject only to the
14 Court retaining jurisdiction to enforce the Settlement Agreement;

15 THEREFORE, THE PARTIES HERETO JOINTLY STIPULATE AND
16 MOVE AS FOLLOWS:

17 The Parties respectfully request consideration and approval of entry of the
18 proposed Consent Order filed herewith, which provides:

- 19 1. All claims and counterclaims shall be dismissed with prejudice;
- 20 2. The jury verdict shall be vacated;
- 21 3. The Court shall retain jurisdiction over the Parties to enforce the
22 terms of the Settlement Agreement as needed until September 30,
23 2024; and
- 24 4. All dates scheduled in this action shall be vacated.

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26 **IT IS SO STIPULATED AND JOINTLY MOVED**

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Respectfully submitted,

Dated: June 7, 2022

WILSON SONSINI GOODRICH & ROSATI

By: /s/ Wendy L. Devine

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Dated: June 7, 2022

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SIGNATURE ATTESTATION

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

Executed this 7th day of June at San Francisco, California.

WILSON SONSINI GOODRICH & ROSATI

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