

NuVasive's Claims Dismissed: Alphatec Spine Wins Jury Verdict

JANUARY 18, 2024

NuVasive sued Winston client Alphatec Spine—a competing spine surgery device company—for tortiously interfering with NuVasive's business relationships with its exclusive distributors and sales representatives. We secured an early advantage pre-trial when the court ruled that California law applied to NuVasive's claims, even though the distributors and sales representatives worked in North Carolina, Florida, and Massachusetts. Because noncompete agreements are not enforceable under California law, NuVasive was prevented from basing its interference claims on interference with its unenforceable sales representative noncompete agreements. As a result, the issues at trial focused on whether Alphatec interfered with NuVasive's fixed-term exclusive distributorship agreements. After several days of argument on pretrial motions, trial began on November 27, 2023, and concluded on January 18, 2024, when Winston won a very favorable jury verdict against plaintiff's claims.

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