Proskauer

Proskauer Secures Defense Verdict for NuVasive in Fraudulent Inducement Case

August 23, 2024

NEW YORK, August 23, 2024 – Leading international law firm Proskauer, announced today it secured a defense verdict for NuVasive Inc., a leader in spine technology innovation, following a jury trial in the District of Delaware. The plaintiff, a retired surgeon, claimed that NuVasive fraudulently induced him to enter into a royalty buyout and license agreement in 2014 related to his patents on spinal implants. A federal jury rejected the claim in a unanimous verdict.

The plaintiff alleged that the financial modeling and projections provided by NuVasive were false and misleading, and that he would have demanded more money had NuVasive sent him accurate projections. Before the trial, NuVasive prevailed on summary judgment and obtained a finding from the Court that the surgeon breached his covenant not to sue by bringing claims against licensed “BOT Implant” products. As a result, he owes NuVasive a portion of the costs and legal fees incurred while defending itself in the lawsuit.

The Proskauer team was led by partner Colin Cabral, and included partner Joseph Drayton, and associates James Anderson, Jessica Griffith, Edward Wang, and Perry Kumagai (Litigation).

About Proskauer

The world’s leading organizations and global players choose Proskauer to represent them when they need it the most. With 800+ lawyers in key financial centers around the world, we are known for our pragmatic and commercial approach. Proskauer is the place to turn when a matter is complex, innovative and game-changing. We work seamlessly across practices, industries and jurisdictions with asset managers, private equity and venture capital firms, Fortune 500 and FTSE companies, major sports leagues, entertainment industry legends and other industry-redefining companies.

Proskauer has a full-service litigation practice with extensive trial experience in virtually every major forum across the globe. We take a collaborative approach to representing defendants and plaintiffs, multinationals, middle-market and small-cap businesses, financial institutions, partnerships and individuals, with one thing in mind – driving successful outcomes for our clients.

Recent successful representations include a landmark victory for Sanderson Farms in a $7 billion broiler chicken antitrust conspiracy case; a decisive victory for Gilead Sciences, Inc. in a $3.6 billion antitrust case; a victory for Shamrock Capital Advisors in a high-profile $1 billion lawsuit brought by the founders and other minority shareholders of FanDuel; representing Monsanto in a case brought by multiple plaintiffs who claimed Roundup caused their non-Hodgkin's lymphoma.

Related Professionals

- **Colin G. Cabral**
  Partner
- **Joseph Drayton**
  Partner
- **James Anderson**
  Partner
- **Jessica M. Griffith**
  Associate
- **Edward Wang**
  Associate