

NuVasive, Inc. v. Kormanis

SeiferFlatow, PLLC earns decisive victory in North Carolina Federal Court, Middle District by prevailing at Summary Judgment – dismissing four causes of action and getting damages expert struck.

In March of 2018, Ken Kormanis left his job selling NuVasive, Inc. spinal implant products to start his own company, where he planned to sell implant products from a different company. NuVasive, a NASDAQ traded company with a current market cap of 3.23 billion dollars, sued Mr. Kormanis and alleged extensive damages. NuVasive alleged that because Mr. Kormanis stopped selling their products, they were damaged in the amount of \$15,967,743. They brought causes of action for Breach of Contract, Tortious Interference with Contract, Violation of North Carolina Unfair and Deceptive Trade Practices Act, Common Law Unfair Competition and Civil Conspiracy.

Mr. Kormanis hired SeiferFlatow, PLLC to represent him and the firm assigned Mathew Flatow as lead counsel and associated Arcangela Mazzariello to work on the case. NuVasive hired a large law firm out of Nashville to prosecute the case. The case involved multiple depositions all across the country and the filing of over fifteen extensive briefs. One deposition of major importance was taken of NuVasive's damages expert, in Nashville. At the deposition, the damages expert was challenged on her methodology in creating a report that found \$5,322,581 in compensatory damages (which NuVasive was looking to triple under North Carolina's Unfair and Deceptive Trade Practices Act). The success at the deposition led to the Filing of a Motion to Exclude the Expert's testimony and findings.

After substantial written briefs and a hearing before the Honorable United States District Judge Catherine Eagles, an Opinion was issued by the Court on March 17, 2019. The Court dismissed NuVasive's claims for Unfair and Deceptive Trade Practices, Common Law Unfair Competition, Civil Conspiracy and part of NuVasive's Breach of Contract claim. In a separate Order issued on March 17, 2019, the Court found that NuVasive had not met its burden to show that their expert's opinions are admissible. Prior to trial, the parties reached a mutually-beneficial resolution of all outstanding matters

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About the Lead Attorney



**Rated 5 Stars on AVVO
Named Top 40 under 40
Business NC Legal Elite
Named to Super Lawyers**

Mathew E. Flatow is the managing partner for SeiferFlatow, PLLC in Charlotte, North Carolina. Mathew is an aggressive civil litigator who represents employees, executives, small businesses and corporations.

His legal background includes over a decade of successfully representing clients facing a wide array of legal battles, including international business owners looking to do business in or hire employees in Charlotte; business owners in Charlotte looking to protect their companies from potential vulnerabilities or protect employees and trade secrets; individuals looking to maximize contracts or pursue legal options after termination; and workers who have been injured on the job.

"I was recently sued by a billion dollar company for a non-compete case, one in which I did not violate, and Mathew's support was fantastic for the case! He was very fair about his legal bills and I definitely feel I got more for my money than expected. In the final two weeks for trial Mathew was able to negotiate a settlement that was less than 2% of what the company was suing me for over alleged damages. Highly recommend Mathew and his team for your employment contract law needs as he and his team were there for me, at my convenience not theirs, every single day." - Kenneth Kormanis