

NUVASIVE INC  
Form 8-K  
September 04, 2009

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**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549**

**Form 8-K**

**Current Report**

**Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934**

**Date of Report (Date of earliest event reported): September 2, 2009**

**NUVASIVE, INC.**

(Exact name of registrant as specified in its charter)

**Delaware**

**000-50744**

**33-0768598**

(State or Other Jurisdiction of  
Incorporation)

(Commission File  
Number)

(I.R.S. Employer Identification  
Number)

**7475 Lusk Boulevard, San Diego, California 92121**

(Address of principal executive offices, with zip code)

**(858) 909-1800**

(Registrant's telephone number, including area code)

**n/a**

(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (*see* General Instruction A.2. below):

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
  - Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
  - Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
  - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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**Item 5.02 Departure of Directors or Certain Officers; Compensatory Arrangements with Certain Officers**

On September 2, 2009, Kevin C. O'Boyle, the Company's Chief Financial Officer and Executive Vice President, notified NuVasive, Inc. (the "Company") that he is resigning from his position with the Company so that he is able to attend to personal and family obligations. Mr. O'Boyle will continue to serve in his role as Chief Financial Officer and Executive Vice President until December 31, 2009, or potentially longer, to assist the Company in the recruitment of his replacement and effect an orderly transition.

In connection with his departure, Mr. O'Boyle has entered into a severance agreement that will provide him with healthcare benefits for 18 months after departing the Company and a severance payment of \$565,000.

The press release announcing Mr. O'Boyle's resignation is attached hereto as Exhibit 99.1.

**Item 9.01 Financial Statements and Exhibits**

**(d) Exhibits**

Exhibit 99.1                      Press release issued by the Company on September 2, 2009.

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**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

**NUVASIVE, INC.**

Date: September 3, 2009

By: /s/ **Alexis V. Lukianov**  
Alexis V. Lukianov  
Chairman and Chief Executive Officer

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**EXHIBIT INDEX**

<b>Exhibit Number</b>	<b>Description of Document</b>
99.1	Press release issued by the Company on September 2, 2009.

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