

NUVASIVE INC  
Form 8-K/A  
October 29, 2010

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

**Form 8-K/A**

**Current Report**

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

**Date of Report (Date of earliest event reported): October 28, 2010**

**NUVASIVE, INC.**

(Exact name of registrant as specified in its charter)

**Delaware**

(State or Other Jurisdiction of  
Incorporation)

**000-50744**

(Commission File  
Number)

**33-0768598**

(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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**SIGNATURES**

Item 9.01 Financial Statements and Exhibits

EX-99.1

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This Form 8-K/A (the Amendment ) is being filed to correct an error contained in the original Exhibit 99.1 (Press Release dated October 28, 2010) to the Form 8-K filed with the Securities and Exchange Commission by NuVasive, Inc. (the Company ) on October 28, 2010 (the Original 8-K ). The Company wishes to correct an error in the 2010 Tax Adjustments & WASO Guidance (millions) table that was presented on page 4 of the Press Release to correct the Effective Tax Rate (ETR) for Q4 from ~12% to ~15.5%. Item 99.1 to the Initial Report is amended and reated in its entirety to reference the corrected Press Release, as attached to this Amendment. This Form 8-K/A does not amend any other items in the Original 8-K or the Press Release.

**Item 2.02 Results of Operations and Financial Condition and****Item 7.01 Regulation FD Disclosure**

On October 28, 2010, NuVasive, Inc. issued a press release announcing its financial results for the quarter ended September 30, 2010. The following 2010 Tax Adjustments & WASO Guidance (millions) table, which appeared on page 4 of Exhibit 99.1 (Press Release dated October 28, 2010) to the Original 8-K, is revised to correct the Effective Tax Rate (ETR) for Q4 from ~ 12% number to ~ 15.5% . A copy of the corrected press release is furnished as Exhibit 99.1.

**2010 Tax Adjustments & WASO Guidance (millions)**

	<b>Q1 - Q3</b>	<b>Q4</b>	<b>FY10</b>
Effective Tax Rate (ETR)*	~ 8.5%	~ 15.5%	~ 12%
Reversal of remaining valuation allowance		~ \$ (45.0)	~ \$ (45.0)
Weighted average shares Diluted	41.0	~ 46.0	~ 46.0

\* *ETR to be used on a pre-tax income prior to reversal of remaining valuation allowance*

**Item 9.01 Financial Statements and Exhibits****(d) Exhibits**

99.1 Corrected press release dated October 28, 2010, announcing financial results for the quarter ended September 30, 2010 (furnished only)

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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: October 29, 2010

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

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**Item 9.01 Financial Statements and Exhibits**

**(d) Exhibits**

- 99.1 Corrected press release dated October 28, 2010, announcing financial results for the quarter ended September 30, 2010 (furnished only)