

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01964-RBJ-KLM

STEPHEN T. HATCH, derivatively, on behalf of Zynex, Inc., formerly known as Zynex Medical Holdings, Inc.

Plaintiff,

v.

THOMAS SANDGAARD,
FRITZ G. ALLISON,
TAYLOR SIMONTON,
MARY BETH VITALE, and

Defendants,

ZYNEX, INC., a Nevada corporation,

Nominal Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendants Taylor Simonton ("Simonton") and Mary Beth Vitale's ("Vitale") **Motion for Order Requiring Security** [Docket No. 17; Filed October 10, 2011] (the "Motion"). Defendants Simonton and Vitale have failed to comply with D.C.COLO.LCivR 7.1A., which provides as follows:

The Court will not consider any motion, other than a motion under Fed. R. Civ. P. 12 or 56, unless counsel for the moving party or a *pro se* party, before filing the motion, has conferred or made reasonable, good faith efforts to confer with opposing counsel or a *pro se* party to resolve the disputed matter. The moving party shall state in the motion, or in a certificate attached to the motion, the specific efforts to comply with this rule.

The Motion is subject to denial on this basis alone. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#17] is **DENIED without prejudice**.

Dated: October 11, 2011