

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. f/k/a ZYNEX MEDICAL HOLDINGS, INC.,

Plaintiff,

v.

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

Defendants.

and

ZYNEX, INC., f/k/a ZYNEX MEDICAL HOLDINGS, INC., a Nevada corporation,

Nominal Defendant.

ORDER GRANTING JOINT MOTION TO DISMISS INDEPENDENT DIRECTOR
DEFENDANTS TAYLOR SIMONTON AND MARY BETH VITALE

This matter has come before the Court on the Joint Motion to Dismiss Independent Director Defendants Taylor Simonton and Mary Beth Vitale (the “Motion to Dismiss”).

The Court, being fully advised, hereby GRANTS the Motion and ORDERS that Independent Director Defendants Taylor Simonton and Mary Beth Vitale be dismissed from the above-captioned action without prejudice subject to Final Court Approval of the Settlement as described in the Motion to Dismiss (the “Dismissal”).

The Court further ORDERS that this Dismissal will become a dismissal with prejudice upon Final Approval of the Settlement.

DATED: April 10, 2012

BY THE COURT:

A handwritten signature in black ink, appearing to read "Brooke Jackson", written in a cursive style. The signature is positioned above a horizontal line.

U.S. District Judge