

**COURT OF CHANCERY  
OF THE  
STATE OF DELAWARE**

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April 12, 2011

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RE: Scully v. Nighthawk Radiology Holdings, Inc., *et al.*, C.A. No. 5890-VCL

Dear Counsel:

I have received and read carefully the excellent brief from special counsel, as well as your written submissions. I am fully satisfied with parties' explanations, and I agree with special counsel's analysis of the law and assessment of what took place. As a result, I have no concerns about the conduct of any attorney involved in this matter.

The parties have provided the Arizona Court with full information about the Delaware proceeding. With that information, Judge Burke is well positioned to rule on the fairness of the settlement.

After considering this matter further with the benefit of the submissions from the parties and special counsel, I regard some of the questions that I posed during the status conference as regrettable and misplaced. I care greatly about the integrity of the representative litigation process and about whether the interests of represented parties are being served as they should be. In this situation, my legitimate concerns caused me to inquire about potential remedies against defense counsel if collusion were shown. Those

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questions unfairly cast defense counsel in a negative light. As someone who has been entrusted with the responsibility of reviewing the conduct of others, I have a particular responsibility to acknowledge when I believe I have made a mistake. To reiterate, I have no concerns about the conduct of any attorney involved in this matter.

This case is hereby stayed pending the completion of the Arizona litigation. IT IS SO ORDERED.

Sincerely yours,

*/s/ J. Travis Laster*

J. Travis Laster  
Vice Chancellor

JTL/krw