

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MISTY SNOW, et al.,  
Plaintiffs,

v.

ALIGN TECHNOLOGY, INC.,  
Defendant.

Case No. 21-cv-03269-VC

**ORDER DENYING MOTION TO JOIN  
A NECESSARY PARTY**

Re: Dkt. No. 124

Align's motion to join SmileDirectClub is denied. The plaintiffs are clear that they are not seeking injunctive relief on their Section 1 claim. While the complaint could have been drafted more carefully in this respect, the fairest reading is that the Section 1 claim seeks damages only. And absent the possibility of an injunction on that claim, Align's argument that the various agreements make SmileDirectClub a necessary party to this case would swallow the general rule that it is not necessary to sue every alleged antitrust conspirator. *See Ward v. Apple, Inc.*, 791 F.3d 1041, 1052 (9th Cir. 2015). SmileDirectClub remains free to move to intervene.

**IT IS SO ORDERED.**

Dated: August 26, 2022

  
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VINCE CHHABRIA  
United States District Judge