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*SmileDirectClub, LLC, Zachary Potts, D.D.S.*  
*and Michael Guirguis, D.D.S.*

**UNITED STATES DISTRICT COURT**

## **DISTRICT OF NEVADA**

CYRUS S. WHITTAKER, individually on  
behalf of myself,

Plaintiff,

VS.

SMILEDIRECTCLUB, LLC; ZACHARY POTTS, D.D.S.; MICHAEL GUIRGUIS, D.D.S.; DOES 1 through 10; and ROE ENTITIES 11 through 20, inclusive,

## Defendants.

CASE NO.: 2:21-cv-01019-RFB-BNW

**STIPULATION AND ORDER TO  
DISMISS MICHAEL GUIRGUIS,  
D.D.S. WITH PREJUDICE**

IT IS HEREBY STIPULATED and agreed by and between Plaintiff, CYRUS S. WHITTAKER, and Defendants SMILEDIRECTCLUB, LLC, ZACHARY POTTS, D.D.S., and MICHAEL GUIRGUIS, D.D.S., by and through Plaintiff and Defendants' counsel of record that:

1) Any and all claims by Plaintiff against Defendant MICHAEL GUIRGUIS, D.D.S. related to this matter in any court, jurisdiction or venue shall be dismissed in their entirety, with prejudice;

1           2) Although this dismissal extinguishes all of Plaintiff's claims against Defendant MICHAEL  
2           GUIRGUIS, D.D.S., this dismissal does not resolve all claims as to all parties and therefore  
3           this Action shall remain pending as to Defendant SMILEDIRECTCLUB, LLC; and  
4           3) Defendant MICHAEL GUIRGUIS, D.D.S. shall be dismissed, with prejudice, from the  
5           instant litigation, with Plaintiff and Defendant to bear their own attorneys' fees and costs.

6           **IT IS SO STIPULATED.**

7           DATED: September 1, 2021

8           **PLAINTIFF, IN PRO PER**

9           By:        /s/ Cyrus Whittaker  
10           CYRUS S. WHITTAKER (PLAINTIFF)  
11           Nevada Bar No. 14965  
12           10833 Wilshire Blvd. #429  
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16           DATED: September 1, 2021

17           **HALL PRANGLE & SCHOONVELD, LLC**

18           By:        /s/ Tyson Dobbs  
19           TYSON J. DOBBS, Esq.  
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25           *Attorneys for Defendants*  
26           *SmileDirectClub, LLC, Zachary Potts, D.D.S. and Michael*  
27           *Guirguis, D.D.S.*

## ORDER

IT IS HEREBY ORDERED that:

- 1) Any and all claims by Plaintiff against Defendant MICHAEL GUIRGUIS, D.D.S. related to this matter in any court, jurisdiction or venue are dismissed in their entirety, with prejudice;
- 2) Although this dismissal extinguishes all of Plaintiff's claims against Defendant MICHAEL GUIRGUIS, D.D.S., this dismissal does not resolve all claims as to all parties and therefore this Action shall remain pending as to Defendant SMILEDIRECTCLUB, LLC; and
- 3) Defendant MICHAEL GUIRGUIS, D.D.S. is hereby dismissed, with prejudice, from the instant litigation, with Plaintiff and Defendant to bear their own attorneys' fees and costs.

## IT IS SO ORDERED.

  
RICHARD F. BOULWARE, II  
United States District Judge  
DATED this 4th of September, 2021