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

9
10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 CYRUS S. WHITTAKER, individually on
13 behalf of myself,

14 Plaintiff,

15 vs.

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

20 Defendants.

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

**STIPULATION AND ORDER TO
DISMISS ZACHARY POTTS, D.D.S.
WITH PREJUDICE**

21
22 IT IS HEREBY STIPULATED and agreed by and between Plaintiff, CYRUS S.
23 WHITTAKER, and Defendants SMILEDIRECTCLUB, LLC, ZACHARY POTTS, D.D.S., and
24 MICHAEL GUIRGUIS, D.D.S., by and through Plaintiff and Defendants’ counsel of record that:

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

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1 2) Although this dismissal extinguishes all of Plaintiff's claims against Defendant
2 ZACHARY POTTS, D.D.S., this dismissal does not resolve all claims as to all parties and
3 therefore this Action shall remain pending as to Defendant SMILEDIRECTCLUB, LLC;
4 and

5 3) Defendant ZACHARY POTTS, D.D.S. shall be dismissed, with prejudice, from the instant
6 litigation, with Plaintiff and Defendant to bear their own attorneys' fees and costs.

7 **IT IS SO STIPULATED.**

8 DATED: September 1, 2021 **PLAINTIFF, IN PRO PER**

9 By: /s/ Cyrus Whittaker
10 CYRUS S. WHITTAKER (PLAINTIFF)
11 Nevada Bar No. 14965
12 10833 Wilshire Blvd. #429
13 Los Angeles, CA 90024
14 Telephone: 725.696.9635
15 Fax: 310.300.1426

16 DATED: September 1, 2021 **HALL PRANGLE & SCHOONVELD, LLC**

17 By: /s/ Tyson Dobbs
18 TYSON J. DOBBS, Esq.
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20 IAN M. HOUSTON, ESQ.
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24 *Attorneys for Defendants*
25 *SmileDirectClub, LLC, Zachary Potts, D.D.S. and Michael*
26 *Guirguis, D.D.S.*
27
28

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ORDER

IT IS HEREBY ORDERED that:

- 1) Any and all claims by Plaintiff against Defendant ZACHARY POTTS, 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 ZACHARY POTTS, 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 ZACHARY POTTS, 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