

# Benesch Secures Summary Judgment Win Dismissing Case for SmileDirectClub

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In a precedent-setting win for teledentistry pioneer SmileDirectClub and New Jersey consumers, the Superior Court of New Jersey rejected an attempt by the New Jersey Dental Association (“NJDA”) to enjoin SmileDirectClub from offering its clear aligner therapy to New Jersey residents through SmileDirectClub’s network of affiliated, state-licensed dentists and orthodontists.

*Galkin & New Jersey Dental Association v. SmileDirectClub, LLC*, No. MID-C-1919 (NJ Superior Ct., Middlesex County). The case involved a claim by the NJDA and one of its members that SmileDirectClub and certain of its affiliated dentists violated the New Jersey Dental Practice Act and engaged in unfair competition. Specifically, the Plaintiffs claimed that SmileDirectClub’s teledentistry model was tantamount to engaging in the corporate practice of dentistry in violation of New Jersey law because, they alleged, SmileDirectClub “exercised control” over its affiliated dentists and their professional corporations.

After discovery closed, SmileDirectClub brought a motion for summary judgment arguing that the undisputed facts showed that SmileDirectClub provided non-clinical dental support services to New Jersey dentists and exercised neither clinical nor business “control” over dentists or their professional corporations. Following oral argument, the judge granted SmileDirectClub’s motion from the bench, dismissing the case against SmileDirectClub and finding that SmileDirectClub did not violate the Dental Practice Act or engage in unfair competition.

This is the latest victory for SmileDirectClub against efforts by industry trade groups to thwart legitimate consumer competition and stymie SmileDirectClub’s mission to democratize access to orthodontics care. Most recently in September, the Federal Trade Commission and the U.S. Department of Justice filed *amicus curiae* briefs joining in support of SmileDirectClub in litigation brought in connection with anticompetitive dental regulations.