

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LOUIS RUGGIERO, on behalf of himself
and of all others similarly situated,

Plaintiff,

v.

Case No: 8:23-cv-01778-KKM-AEP

FLORIDA HEALTH
SCIENCES CENTER, INC.,

Defendant.

ORDER

Plaintiff is directed to establish—no later than July 10, 2024, and in a brief not exceeding eight (8) pages inclusive of all parts—why the Court should not dismiss this case for lack of jurisdiction in the light of the order entered in *DiPierro v. Florida Health Sciences Center*, No. 8:23-cv-1864, (Doc. 39), 2024 WL 3051320 (M.D. Fla. June 18, 2024) (Mizelle, J.). Specifically, Plaintiff should address how the Eleventh Circuit evaluates standing allegations in data breach cases that press state statutory claims and whether misuse of the data must be alleged to establish an injury-in-fact. *See Green-Cooper v. Brinker Int'l, Inc.*, 73 F.4th 883, 889–90, 890 n.9 (11th Cir. 2023), *cert. denied sub nom.*

Brinker Int'l, Inc. v. Steinmetz, 144 S. Ct. 1457 (2024). If desired, Defendant may file a response brief not to exceed eight (8) pages by July 17, 2024.

ORDERED in Tampa, Florida, on June 27, 2024.



Kathryn Kimball Mizelle
United States District Judge