

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DAVID RAMIREZ, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

Case No: 8:23-cv-01890-KKM-TGW

FLORIDA HEALTH
SCIENCES CENTER, INC.,

Defendant.

ORDER

Plaintiff is directed to establish—no later than July 10, 2024, and in a brief not exceeding twelve (12) pages inclusive of all parts—why the Court should not *sua sponte* remand this case to state court 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.). As an initial matter, 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).

Additionally, Plaintiff should address whether any alleged misuse is plausibly traceable to the specific information allegedly compromised in the data breach. Lastly, Plaintiff should brief whether any alleged misuse is plausibly traceable to the specific data breach at issue.

If desired, Defendant may file a response brief not to exceed twelve (12) pages by July 17, 2024.

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


Kathryn Kimball Mizelle
United States District Judge