

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

JANE DOE, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

Case No: 8:23-cv-02151-KKM-UAM

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 *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.). 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  
Kathryn Kimball Mizelle  
United States District Judge