

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 13-11552

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D.C. Docket No. 9:12-cv-80788-KLR

DAVID ZINN, MICHELLE BAIO,

Plaintiffs-Appellants,

versus

SCI FUNERAL SERVICES OF FLORIDA, INC.,  
a Florida corporation,  
NORTHSTAR FUNERAL SERVICES OF FLORIDA, LLC,  
a Delaware limited liability company,  
NORTHSTAR CEMETERY SERVICES OF FLORIDA, LLC,  
a Delaware limited liability company,  
LEVITT WEINSTEIN MEMORIAL CHAPELS, INC.,  
a Florida corporation,  
LEVITT WEINSTEIN MEMORIAL GARDENS, INC.,  
a Florida corporation, et al.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Florida

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(June 11, 2014)

Before CARNES, Chief Judge, DUBINA and SILER,<sup>\*</sup> Circuit Judges.

PER CURIAM:

This appeal arises from a decision by the district court dismissing the plaintiffs' complaint for lack of standing under Article III. The plaintiffs are two individuals who reserved grave plots and purchased pre-need burial services at cemeteries run by the defendants. They filed their original complaint in state court as a class action. The complaint alleged that the defendants routinely defiled the graves in their cemeteries through various unsavory practices, such as making room for more bodies by moving or damaging the outer burial containers of individuals who were already buried. It further alleged that the defendants covered up those defilements so that customers would not learn about them. Based on those allegations, the original complaint sought damages on behalf of all the individuals who had loved ones buried at those cemeteries, as well as all the individuals who had reserved grave plots or purchased pre-need burial services at those cemeteries.

After the defendants removed the case to federal court using a provision of the Class Action Fairness Act, see 28 U.S.C. § 1332(d)(2)(A), the plaintiffs amended their complaint to remove the request for class action certification. But when the plaintiffs amended their complaint, they failed to include any factual

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<sup>\*</sup> Honorable Eugene E. Siler, Jr., United States Circuit Judge for the Sixth Circuit, sitting by designation.

allegations establishing that the grave plots they reserved had actually been affected by the alleged acts of the defendants.

As a result, their amended complaint does not allege the injury-in-fact necessary to establish standing under Article III. See Lujan v. Defenders of Wildlife, 504 U.S. 555, 560, 112 S.Ct. 2130, 2136 (1992). Similarly, their failure to allege any personal detriment means that their Florida statutory claims assert mere “abstract statutory violation[s],” which Article III prevents us from deciding. See Charvat v. Mut. First Fed. Credit Union, 725 F.3d 819, 824 (8th Cir. 2013). We therefore affirm the district court’s decision to dismiss the plaintiffs’ complaint with prejudice. We note that our conclusion is consistent with an earlier decision by another panel of this Court holding that a nearly identical complaint failed to satisfy the injury-in-fact requirement. See Schwartz v. SCI Funeral Servs. of Fla., No. 13-11830, 2014 WL 443588 (11th Cir. Feb. 5, 2014).

**AFFIRMED.**