

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION

4 PAUL M. STELMACHERS, individually
5 and on behalf of a class of similarly-situated
6 persons,

7 Plaintiff,

8 v.

9 VERIFONE SYSTEMS, INC.,

10 Defendant.

Case No. [5:14-cv-04912-EJD](#)

ORDER RE: MOTION TO DISMISS

Re: Dkt. No. 36

11 In Spokeo, Inc. v. Robins, 136 S. Ct. 1540 (2016), the United States Supreme Court
12 recently clarified that a plaintiff must clearly allege facts in the complaint that satisfy each element
13 of Article III standing, including facts establishing that the plaintiff suffered a “concrete” injury.

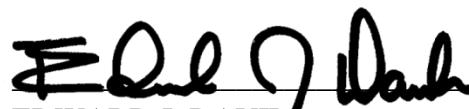
14 Because the court believes that Spokeo may have some application to Plaintiff Paul M.
15 Stelmachers’ (“Plaintiff”) amended complaint, the court orders as follows:

16 1. On or before **4:00 p.m. on June 17, 2016**, the parties shall each file a supplemental
17 brief addressing whether and, if so, how the Court’s opinion in Spokeo applies to the factual
18 allegations contained in Plaintiff’s amended complaint. Each supplemental brief shall not exceed
19 five pages in length. No responsive briefs will be permitted, and none should be filed.

20 2. The hearing on the motion to dismiss scheduled June 9, 2016, is VACATED and
21 will be reset, if necessary, upon receipt of the supplemental briefs ordered herein.

22 **IT IS SO ORDERED.**

23 Dated: June 3, 2016

24 

25 EDWARD J. DAVILA
26 United States District Judge