

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

TRAVELERS PROPERTY CASUALTY	)	
COMPANY OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:15CV990 HEA
	)	
NOMAX, INC., ST. LOUIS HEART	)	
CENTER, INC., and JOHN DOES 1-10	)	
	)	
Defendants.	)	

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on its own Motion. This case stems from Case Number 4:15-CV-517 RLW, where St. Louis Heart Center, Inc. is the plaintiff and Nomax, Inc. is the defendant. The instant case centers on whether Plaintiff must defend its client, Nomax, in Case No. 4:15-CV-517 RLW.

On March 20, 2007, the Honorable Ronnie L. White granted Nomax’s Motion to Dismiss for Lack of Standing and dismissed case number 4:15-CV-517 RLW. Citing *Spokeo, Inc. v. Robins*, 136 S.Ct. 1540, 1544 (2016), the Court found that St. Louis Heart Center, Inc., did not “allege[] a concrete and particularized injury arising from the alleged deficiency in the opt-out notice,” because St. Louis Heart Center requested and received faxes from Nomax. The Court determined that

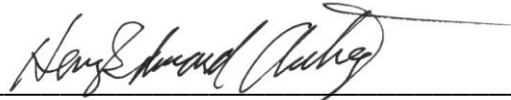
St. Louis Heart Center had “not suffered a concrete injury and lacks standing,” under Article III of the United States Constitution.

As such, the parties shall show cause, within 10 days from the date of this order, why this action should not be dismissed as moot.

Accordingly,

**IT IS HEREBY ORDERED** that the parties show cause within 10 days from the date of this order this action should not be dismissed as moot.

Dates this 12<sup>th</sup> day of April, 2017.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE