

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

JACQUELINE JONES,

Plaintiff,

vs.

Case No. 3:09-cv-1170-J-34JRK

THOMAS ARNOLD, in his official capacity
as Secretary, Florida Agency for Health
Care Administration, and

DR. ANNA VIAMONTE ROSS, in her
official capacity as Secretary, Florida
Department of Health,

Defendants.

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ORDER

THIS CAUSE is before the Court on the motion for preliminary injunction filed by Michele Haddad (“Haddad”) on April 15, 2010. See Plaintiff [sic] Michele Haddad’s Motion for Preliminary Injunction, Expedited Hearing and Memorandum of Law in Support (Doc. No. 52; Motion for Preliminary Injunction). In the Motion for Preliminary Injunction, Haddad represents that she is a “named plaintiff” in this litigation. See id. at 2. While it appears that Haddad is a potential member of the class that Plaintiff, Jacqueline Jones, seeks to certify and is a proposed class representative and named plaintiff, see Motion for Leave to File Third Amended Class Action Complaint (Doc. No. 49; Motion to Amend Complaint) at 2, the Court has yet to resolve either Plaintiff’s Motion for Class Certification (Doc. No. 28) or the Motion to Amend Complaint. An unnamed “class member” in an uncertified class, Haddad

is not a party to this case and lacks standing here to seek the relief requested in the Motion for Preliminary Injunction. See Piambino v. Bailey, 757 F.2d 1112, 1137 n.62 (11th Cir. 1985) (explaining that appellant, “not being a party to the proceedings, lacked standing to move the court to set aside the fee disbursement and to stay the execution of the final judgment”; that nonparty was “actually seeking” an injunction; and that, having denied his motion to intervene, the district court “ had to deny his application for such injunctive relief”); E.E.O.C. v. E. Airlines, Inc., 736 F.2d 635, 637 (11th Cir. 1984) (holding that district court properly denied nonparty’s motion to intervene and thus lacked jurisdiction to rule on nonparty’s substantive motion, recognizing that the nonparty’s “right to move to vacate the consent decree was, of necessity, predicated on her ability to intervene successfully in the EEOC case. Otherwise, . . . as a non-party to the EEOC suit, [she] would lack standing to move to vacate the consent decree, or to make any other motion, in the EEOC case.”); cf. McKenzie v. City of Chicago, 118 F.3d 552, 555 (7th Cir. 1997)(“The fundamental problem with this injunction is that plaintiffs lack standing to seek—and the district court therefore lacks authority to grant—relief that benefits third parties. . . . Because a class has not been certified, the only interests at stake are those of the named plaintiffs. . . . [A] court may [not] grant relief to non-parties.”) (internal citations omitted); Goldstein v. Home Depot U.S.A., Inc., 609 F. Supp. 2d 1340, 1349 (N.D. Ga. 2009) (“Injunctions may not be issued to provide relief for non-parties.”) (citation omitted).

Accordingly, it is hereby **ORDERED**:

Plaintiff [sic] Michele Haddad's Motion for Preliminary Injunction, Expedited Hearing and Memorandum of Law in Support (Doc. No. 52; Motion for Preliminary Injunction) is **DENIED without prejudice.**

DONE AND ORDERED in Jacksonville, Florida, this 7th of May, 2010.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record