

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Robert Devine v. Horizontal Integration, Inc.

No. 24-CV-4555 (D. Minn. Dec. 19, 2025) · No. 0:24-cv-04555 · Decided December 19, 2025

SUMMARY

The United States District Court for the District of Minnesota granted without prejudice a defendant’s motion to dismiss claims arising from a data breach. The court held that the plaintiff failed to adequately allege Article III standing because he did not identify what personal information was disclosed, establish a substantial risk of future harm, or show that alleged spam, credit-related harm, emotional distress, and other injuries were fairly traceable to the breach. The court dismissed the action for lack of subject-matter jurisdiction and did not reach the Rule 12(b)(6) arguments.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Jeffrey M. Bryan
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	December 19, 2025
DOCKET	0:24-cv-04555
DISPOSITION	dismissed
PROCEDURAL POSTURE	Motion to dismiss for lack of subject matter jurisdiction under Rule 12(b)(1) and failure to state a claim under Rule 12(b)(6).
STANDARD OF REVIEW	De novo for a motion to dismiss for lack of subject matter jurisdiction.
PRECEDENTIAL VALUE	unpublished

TOPICS

- standing
- subject matter jurisdiction
- motions to dismiss
- civil procedure
- due process

PRACTICE AREAS

- civil procedure
- constitutional law
- consumer protection

QUESTIONS PRESENTED

1. Whether plaintiff has Article III standing to pursue claims arising from a data breach where the complaint does not allege that plaintiff's own personal identifiable information or protected health

information was disclosed in the breach.

2. Whether allegations of future risk of identity theft, increased spam, credit score decline, time spent monitoring accounts, diminished value of PII/PHI, and emotional distress are sufficient to establish concrete injury in fact and traceability for standing purposes.

HOLDINGS

1. Plaintiff lacks standing for equitable relief because the complaint fails to establish a 'certainly impending' or 'substantial risk' of a future data breach absent the injunctive relief sought.
2. Plaintiff lacks standing for monetary damages because the complaint fails to identify what of plaintiff's own information was accessed or taken in the data breach, and thus fails to allege concrete or particularized harm from loss of privacy.
3. The complaint fails to plausibly plead traceability between increased spam emails and the data breach because it contains no allegations that plaintiff's email address was disclosed, does not describe the subject matter of the emails, and alleges only that spam occurred 'in the aftermath' of the breach.
4. Plaintiff's allegations of credit score decline and unauthorized inquiries are not fairly traceable to the data breach because credit scores can lower for a variety of reasons, and the timing allegations ('shortly after' and 'following') are insufficient to establish causation.
5. Time spent monitoring accounts does not create standing when the plaintiff has not established a substantial and imminent risk of identity theft, because a plaintiff cannot manufacture standing by inflicting harm on themselves based on fears of hypothetical future harm.
6. Allegations of diminished value of PII/PHI and lost benefit of the bargain are too general and conclusory to plausibly plead an injury in fact where the complaint does not identify the specific PII/PHI disclosed or explain how its monetary value was reduced.
7. Emotional distress allegations are not fairly traceable to the data breach absent allegations that plaintiff's own PII/PHI was disclosed and that this disclosure caused the emotional distress.

KEY QUOTATIONS

"The universal interest in the security of one's private data does not equate to a substantial and imminent risk of harm."

"If that risk were deemed sufficiently imminent to justify injunctive relief, virtually every company and government agency might be exposed to requests for injunctive relief like the one the plaintiffs seek here."

"A plaintiff 'cannot manufacture standing merely by inflicting harm on themselves based on their fears of hypothetical future harm that is not certainly impending.'"

"Simply alleg[ing] that [an] [injury] happened after the . . . breach does not 'sufficiently connect' the Data Breach to the injury."

FACTUAL BACKGROUND

Plaintiff Robert Devine, a former employee of defendant Horizontal Integration, Inc. (a digital marketing and staffing services business), brought a putative class action after a data breach where third-party hackers accessed Horizontal's systems between July 3-11, 2024. The breach potentially affected over 6,345 individuals' personal information, including names, Social Security numbers, and financial information. Devine received a notice in October 2024 but alleged the notice did not specify what of his personal information was compromised. Devine alleged experiencing a spike in spam emails, receiving a suspicious email about his credit report, and discovering his credit score had dropped.

PROCEDURAL HISTORY

Plaintiff filed a putative class action complaint and amended complaint asserting claims for negligence, negligence per se, breach of implied contract, invasion of privacy, unjust enrichment, and violation of the Minnesota Uniform Deceptive Trade Practices Act. Defendant moved to dismiss under Rules 12(b)(1) and 12(b)(6).

DISPOSITION

dismissed

REMAND INSTRUCTIONS

Dismissed without prejudice for lack of standing. Judgment to be entered accordingly.

CASES CITED

- City of Clarkson Valley v. Mineta, 495 F.3d 567 (8th Cir. 2007)
- Alleruzzo v. SuperValu, Inc. (In re SuperValu, Inc. Customer Data Sec. Breach Litig.), 870 F.3d 763 (8th Cir. 2017)
- Spokeo v. Robins, 578 U.S. 330 (2016)
- TransUnion LLC v. Ramirez, 594 U.S. 413 (2021)
- Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992)
- Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), 528 U.S. 167 (2000)
- Clapper v. Amnesty Int'l USA, 568 U.S. 398 (2013)
- Thomas v. Pawn Am. Minn., LLC (In re Pawn), No. 21-CV-2554 (PJS/JFD), 2022 WL 3159874 (D. Minn. Aug. 8, 2022)
- Webb v. Injured Workers Pharmacy, LLC, 72 F.4th 365 (1st Cir. 2023)
- Perry v. Bay & Bay Transp. Servs., Inc., 650 F. Supp. 3d 743 (D. Minn. 2023)
- Berry v. Crescent Cmty. Health Ctr., No. 24-CV-1036 (CJW/KEM), 2025 WL 1287909 (N.D. Iowa May 2, 2025)
- Blood v. Labette Cnty. Med. Ctr., No. 5:22-CV-4036 (HLT/KGG), 2022 WL 11745549 (D. Kan. Oct. 20, 2022)
- Legg v. Leaders Life Ins. Co., 574 F. Supp. 985 (W.D. Okla. 2021)

- In re Practicefirst Data Breach Litig., No. 1:21-CV-00790 (JLS/MJR), 2022 WL 354544 (W.D.N.Y. Feb. 2, 2022)
- Welborn v. Internal Revenue Servs., 218 F. Supp. 3d 64 (D.C.C. 2016)
- McCombs v. Delta Grp. Elec., Inc., 676 F. Supp. 3d 1064 (D.N.M. 2023)
- Chambliss v. CareFirst, Inc., 189 F. Supp. 3d 564 (D. Md. 2016)
- Priddy v. Zoll. Med. Corp., No. 1:23-CV-10575-IT, 2025 LEXIS 62112 (D. Mass. Mar. 31, 2025)
- In re Marriott Int'l, Inc., 440 F. Supp. 3d 447 (D. Md. 2020)
- Plaintiffs v. MGM Resorts Int'l, 638 F. Supp. 3d 1175 (D. Nev. 2022)
- In re Am. Med. Collection Agency, Inc. Customer Data Sec. Breach Litig., No. 19-MD-2904, 2021 WL 5937742 (D.N.J. Dec. 16, 2021)

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