

Second Circuit Rules That Associational Standing For A Preliminary Injunction Requires Identifying At Least One Injured Member By Name

Date: 04/17/24

On March 6, 2024, the U.S. Court of Appeals for the Second Circuit held in *Do No Harm v. Pfizer Inc.* that, to establish Article III standing under the summary judgment standard applicable to a motion for a preliminary injunction, associations attempting to establish standing through injuries to individual members must identify at least one injured member by name. The Second Circuit also held that, where plaintiffs seeking a preliminary injunction fail to prove standing (but have adequately pled it in their complaint), courts should dismiss the action without prejudice, rather than simply deny the injunction and allow the case to “proceed in the ordinary course.”

Attorneys

- Joel Kurtzberg
- John MacGregor
- Jason D. Rozbruch
- Ryan M. Maloney