

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

**CASE NO. 2:19-cv-00403-SPC-MRM**

**DARYL TEBLUM,**  
individually and on behalf of all  
others similarly situated,

**CLASS ACTION**

Plaintiff,

**JURY TRIAL DEMANDED**

v.

**PHYSICIAN COMPASSIONATE  
CARE LLC d/b/a DOCMJ,**

Defendant.

\_\_\_\_\_ /

**DEFENDANT’S SUPPLEMENTAL BRIEFING  
REGARDING *DRAZEN V. PINTO***

Pursuant to the Court’s Text Order dated July 29, 2022, [Doc. 85], Defendant Physician Compassionate Care d/b/a DocMJ (“DocMJ”) hereby submits its supplemental briefing addressing the issues raised by the Court: (1) the effect, if any, *Drazen v. Pinto*, -- F.4th --, 2022 WL 2963470 (11th Cir. July 27, 2022), or any case cited therein, has on this case; and (2) whether the Court still possesses jurisdiction over this action.

DocMJ has reviewed Plaintiff Daryl Teblum’s *Supplemental Briefing Regarding the effect of Drazen v. Pinto*. [Doc. 88]. In this case, Plaintiff is alleged to have received two text messages, and further, suffered “actual harm”

therefrom. [Doc. 38 ¶¶ 18, 40-48, 66]. Accordingly, the concern over standing raised by *Drazen* and *Salcedo* likely does not apply to the “qualitative” injury Plaintiff asserts here.

As for as the putative class, Plaintiff believes all the class members were sufficiently damaged. [*Id.* ¶ 54(3), 66]. Recognizing this remains an open legal question, in the spirit of compromise, and for settlement purposes only, Defendant agrees class members suffered an injury-in-fact sufficient to confer Art. III standing and jurisdiction on this Court. As such, the Court should grant final approval and enter judgment as proposed by Plaintiff in his *Unopposed Renewed Motion for Final Approval of Class Settlement*. [Doc. 84].

Dated: August 8, 2022

Respectfully submitted,

/s/ Maria K. Vigilante

Maria K. Vigilante

Florida Bar No.: 98822

**BLANK ROME LLP**

500 E. Broward Blvd., Suite 2100

Fort Lauderdale, FL 33394

Telephone: 954-512-1800

Facsimile: 813-433-5564

[Maria.Vigilante@BlankRome.com](mailto:Maria.Vigilante@BlankRome.com)

[BRFLeservice@BlankRome.com](mailto:BRFLeservice@BlankRome.com)

Jeffrey N. Rosenthal

Admitted *pro hac vice*

**BLANK ROME LLP**

One Logan Square

130 North 18th Street

Philadelphia, PA 19103

Telephone: 215-569-5553

Facsimile: 215-832-5553  
[Jeffrey.Rosenthal@BlankRome.com](mailto:Jeffrey.Rosenthal@BlankRome.com)

*Counsel for Defendant  
Physician Compassionate  
Care LLC d/b/a DocMJ*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 8, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this date via U.S. mail and/or some other authorized manner for those counsel or parties below, if any, who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Maria K. Vigilante  
Maria K. Vigilante