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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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JOANNE MAGLIOCCA, individually
and on behalf of all others
similarly situated,

 Plaintiffs,

 v.

UNITED HEALTHCARE SERVICES,
INC., and DOES 1-100, inclusive,

 Defendants.

No. 2:25-cv-3388 WBS SCR

MEMORANDUM AND ORDER RE:
DEFENDANT'S MOTION TO DISMISS

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Plaintiff brought this putative class action in Yuba
County Superior Court against defendant United Healthcare
Services ("UHC"), alleging violations of state and federal law in
connection with UHC's purported use of third-party tracking
software on its website. (Docket No. 1 at 2.) UHC timely

1 removed the action and now moves to dismiss all claims. (Docket
2 No. 13-1.) Plaintiff opposes the motion. (Docket No. 16.)

3 As an initial matter, the court notes that UHC's
4 arguments are almost stubbornly focused on the statutory elements
5 of plaintiff's claims, to the exclusion of any significant
6 discussion of whether constitutional standing exists in this
7 case. Nevertheless, this court "has an independent obligation"
8 under the Constitution "to assure that standing exists,
9 regardless of whether it is challenged by any of the parties,"
10 Summers v. Earth Island Institute, 555 U.S. 488, 499 (2009), and
11 must accordingly "examine standing sua sponte where [it] has
12 erroneously been assumed[.]" Adarand Constructors, Inc. v.
13 Mineta, 534 U.S. 103, 110 (2001). The court will therefore
14 adhere to its affirmative duty to determine jurisdiction "before
15 proceeding to the merits" of plaintiff's claims. Dep't of Educ.
16 v. Brown, 600 U.S. 551, 560 (2023).

17 I. UHC's Website and Plaintiff's Allegations

18 UHC owns and operates the website <https://www.uhc.com>
19 (the "website"). (Compl. ¶ 1.) The website utilizes third-party
20 tracking software provided by four companies: Google Analytics,
21 Microsoft Clarity, Meta Pixel, and Adobe Analytics ("trackers" or
22 "tracking software"). (Id. at 6-9.) These trackers "typically
23 function by installing cookies," which are "small text string[s]
24 with data created by a website's server and transmitted to a web
25 browser." (Id. at 5.) This installation is automatically
26 performed on a user's browser when they visit the website; the
27 cookies and associated data then allow the trackers to collect
28 certain information about that user's browsing activity, which is

1 subsequently used to "serve targeted advertisements and conduct
2 website analytics." (Id. at 16.)

3 Plaintiff alleges she visited the website sometime in
4 July 2025 "to browse and review the health insurance products and
5 related services offered by [UHC]," but "did not purchase any
6 services or products from [UHC] while on the website." (Compl.
7 ¶¶ 83-84.) She then alleges that "when [she] visited the
8 Website, the Website's code . . . caused the Trackers to be
9 installed on [her] browsers." (Id. ¶ 84.) As a result of that
10 installation, plaintiff alleges that she "was inundated with
11 numerous ads for United Healthcare." (Id. ¶ 85.)

12 Plaintiff makes no further allegations as to her
13 experience with the website, nor does she allege which specific
14 data were collected from her by the trackers when she visited the
15 website. The remainder of the complaint provides a background of
16 the trackers' implementation in general terms and notes which
17 specific types of data they are designed to collect, such as
18 "each page a user visits, what buttons they click, how far they
19 scroll on a page, the length of their session . . . URLs visited,
20 domains visited" and their IP addresses. (Id. at 6-9.)

21 Plaintiff brings claims in connection with the
22 website's use of the trackers pursuant to four statutes: the
23 California Invasion of Privacy Act ("CIPA"), the federal
24 Electronic Communications Privacy Act ("ECPA"), the California
25 Computer Data Access and Fraud Act ("CDAFA"), and the California
26 Constitution. (Id. at 20-27.) Though plaintiff relies on
27 distinct statutory frameworks, the gravamen of each claim is the
28 same: that the trackers' collection of her browsing data

1 “constitutes an invasion of privacy.” (Id. at 16-20, 23-24, 26-
2 28.)¹

3 II. Third Party Tracking and Privacy Claims

4 This case appears to be one of many in a recent wave of
5 litigation in which plaintiffs use privacy-related statutes to
6 challenge the practice of using the tracking software just
7 described to collect visitor data for advertising purposes. See,
8 e.g., Doe v. Eating Recovery Ctr. LLC, 805 F. Supp. 3d 1109, 1114
9 (N.D. Cal. 2025) (“In recent years, [CIPA] has frequently been
10 invoked - with mixed success - to challenge the use of third-
11 party software that records website activity without visitors’
12 knowledge.”) (internal citations omitted); DellaSala v. Samba TV,
13 Inc., No. 3:25-cv-3470 JSC, 2025 WL 3034069, at *1 (N.D. Cal.
14 Oct. 30, 2025) (“This [data collection] case is one of dozens
15 filed in district courts throughout California alleging claims
16

17 ¹ Plaintiff makes a single reference in the complaint to
18 an alleged “loss of money” as a result of UHC’s conduct,
19 suggesting an economic harm. This conclusory allegation is
20 utterly devoid of factual support in the complaint and is thus
21 insufficient to establish standing. See Manzanarez v. Madera
22 Collection Services, 722 F. Supp. 3d 1074, 1080 (E.D. Cal. 2024)
23 (“[C]onclusory allegations of standing are insufficient.”)
24 (collecting cases); Holcomb v. California Bd. Of Psychology, No.
25 2:15-cv-2154 KJM CKD, 2016 WL 3126127, at *3 (E.D. Cal. Jun. 3,
26 2016) (no standing where complaint baldly alleged “significant
27 economic damages”).

28 Moreover, courts have rejected the theory that one’s
browsing data has “independent economic value to an individual
user” when it is otherwise collected and transmitted through
tracking software. In re Facebook, Inc., Consumer Privacy User
Profile Litig., 402 F. Supp. 3d 767, 784 (N.D. Cal. 2019); see
also Doe v. Tenet Healthcare Corp., 789 F. Supp. 3d 814, 845
(E.D. Cal. June 9, 2025) (holding that plaintiffs “cannot base
their CDAFA damages on a theory that they lost a benefit to sell
[their] data” when alleging invasion of privacy in data
collection context).

1 under CIPA and other California privacy laws.”).

2 Courts are grappling with how to handle these cases,
3 with some declining to apply the statutory language to the
4 internet context, see Heiting v. Taro Pharmaceuticals USA, Inc.,
5 709 F. Supp. 3d 1007, 1014 (C.D. Cal. 2023), and others applying
6 certain provisions while disagreeing as to their scope, compare
7 Doe, 805 F. Supp. 3d, at 1114, with King v. Hard Rock Café Int’l
8 (USA), Inc., No. 2:24-cv-1119 DC CKD, 2025 WL 1635419 (E.D. Cal.
9 June 9, 2025). Other courts still have dismissed complaints on
10 constitutional grounds, holding that “collection of user and
11 device identifiers could not give rise to a privacy injury” for
12 purposes of Article III’s injury-in-fact requirement. Xu v.
13 Reuters News & Media Inc., No. 24-cv-2466 PAE, 2025 WL 488501, at
14 *3-4 (S.D.N.Y. Feb. 13, 2025) (collecting cases).

15 This latter approach finds ample support in the Ninth
16 Circuit’s recent holding in Popa v. Microsoft Corporation, 153 F.
17 4th 784 (9th Cir. 2025), which clarified “the applicable [Article
18 III] standard in internet tracking cases.” Harris v.
19 iHeartMedia, Inc., No. 25-cv-6038 EKL, 2026 WL 247875, at *1
20 (N.D. Cal. Jan. 29, 2026) (describing Popa). In its papers, UHC
21 relies heavily on Popa to support its argument that “there is no
22 concrete privacy injury based on allegations that e-commerce
23 technologies collect a visitor’s device IP address, other basic
24 device information, and users’ mouse movements, screen swipes,
25 text input, and scrolling behavior.” (Docket No. 13-1 at 17
26 (citing Popa, 153 F. 4th, at 786).) In opposition, plaintiff
27 contends that she need not articulate an injury, because
28 “[d]efendant’s attempt to impose an extra-statutory ‘concrete

1 injury' requirement is . . . foreclosed by the statute and
2 persuasive authority." (Docket No. 16 at 7-8.)

3 Contrary to plaintiff's assertion, the requirement of a
4 concrete injury is not an "extra-statutory" imposition by the
5 defendant; it is a constitutional requirement. Article III of
6 the Constitution limits federal jurisdiction to "cases" and
7 "controversies," and the Supreme Court has made clear that "an
8 injury in fact must be concrete and particularized," even where a
9 plaintiff sues under a statute providing a cause of action and
10 statutory damages. Spokeo, Inc. v. Robins, 578 U.S. 330, 339
11 (2016); U.S. Const. art. 3, §2, cl. 1; see also Dawidzik v.
12 Tesla, Inc., No. 25-cv-1982 KK SPX, 2025 WL 3786963, at *3 (C.D.
13 Cal. Dec. 29, 2025) ("[T]o the extent Plaintiff argues 'statutory
14 standing under CIPA' is enough . . . statutory standing has
15 nothing to do with whether there is [a] case or controversy under
16 Article III." (internal citations omitted)).

17 For the reasons set forth below, the court finds that
18 it lacks jurisdiction to consider the merits of plaintiff's
19 claims because plaintiff fails to allege a concrete injury
20 sufficient to satisfy Article III standing; because of that
21 failure, "[t]his case begins and ends with standing." Dep't of
22 Educ., 600 U.S. at 560-61.

23 III. Article III Standing and Privacy Injuries

24 To establish standing, plaintiff must show "(i) that
25 [she] suffered an injury in fact that is concrete,
26 particularized, and actual or imminent; (ii) that the injury was
27 likely caused by the defendant; and (iii) that the injury would
28 likely be redressed by judicial relief." TransUnion LLC v.

1 Ramirez, 594 U.S. 412, 423 (2021). Intangible harms -- such as a
2 harm to one's privacy -- may constitute injuries in fact, but
3 they must "bear a close relationship to traditionally recognized
4 harms." Wooten v. BioLife Plasma Services L.P., 807 F. Supp. 3d
5 1139, 1144 (E.D. Cal. 2025) (Sherriff, J.) (citing Spokeo, 578
6 U.S. at 341).

7 Plaintiff states that UHC's data collection amounts to
8 an "invasion of [her] privacy" under CIPA, ECPA, and the
9 California Constitution, as well as a violation of the
10 "protection of the privacy of individuals" under CDAFA. (Docket
11 No. 1-2 at 20-27.) But Popa rejected precisely this sort of
12 generalized pleading of a privacy injury, reasoning that "there
13 existed no free-roaming privacy right at common law but rather
14 four discrete torts that protected specific kinds of privacy-
15 related harms.'" 153 F.4th, at 792.

16 The plaintiff in Popa alleged "the common-law privacy
17 torts of intrusion upon seclusion and public disclosure of
18 private facts," which both required "highly offensive
19 interferences or disclosures" at common law. Id. But because
20 the information collected in Popa was comprised of routine
21 website interaction data, such as "mouse movements, clicks,
22 keystrokes, URLs of pages visited, and/or other electronic
23 communications," the court reasoned that "the monitoring of
24 Popa's interactions with [defendant]'s website seems most similar
25 to a store clerk's observing shoppers in order to identify aisles
26 that are particularly popular or to spot problems that disrupt
27 potential sales." Id. at 792. The plaintiff "identifie[d] no
28 embarrassing, invasive, or otherwise private information

1 collected," and thus failed to adequately allege "harm that is
2 remotely similar to the 'highly offensive' interferences or
3 disclosures that were actionable at common law." Id.

4 In line with Popa, district courts have determined
5 whether plaintiffs have sufficiently alleged a concrete harm "in
6 data breach cases" by "examin[ing] the nature of the specific
7 information at issue." Wooten, 807 F. Supp. 3d, at 1143-44
8 (citing I.C. v. Zynga, Inc., 600 F. Supp. 3d 1034, 1050 (N.D.
9 Cal. 2022)). Where the collection of information is more
10 reminiscent of "a store clerk's observing shoppers," no concrete
11 privacy injury arises; this is often the case when the tracking
12 software monitors IP addresses and other rudimentary browsing
13 activity. See, e.g., Xu, 2025 WL 488501, at *4 (collecting
14 cases); Wooten, 807 F. Supp. 3d at 1144 (holding that "collection
15 and dissemination of plaintiffs' IP and email addresses" was
16 insufficient to constitute a privacy injury); Mikulsky v.
17 Bloomington's, LLC, 713 F. Supp. 3d 833, 846 (S.D. Cal. 2024)
18 ("Courts have been unwilling to find a cognizable privacy
19 interest in browsing data from users on Defendant's own
20 website.") (collecting cases).

21 But where the information collected may be
22 characterized as "embarrassing, invasive, or otherwise private,"
23 courts have found concrete injuries; this is often the case when
24 the trackers go far beyond observing activity on a single website
25 and instead compile what the Ninth Circuit has described as "a
26 cradle-to-the-grave profile" of sensitive, personally revealing
27 information gathered across the internet and over a significant
28 period of time. In re Facebook, Inc. Internet Tracking

1 Litigation, 956 F. 3d 589, 599 (9th Cir. 2020). In Semien v.
2 PubMatic, Inc., for example, the court found a concrete privacy
3 injury where the plaintiffs alleged that the defendant collected
4 "sensitive information like health status and treatment, travel
5 plans, political affiliation, sexual orientation, and more." No.
6 25-cv-3164, 2026 WL 216333, at *5 (N.D. Cal. Jan. 27, 2026); see
7 also Riganian v. LiveRamp Holdings, Inc., 791 F. Supp. 3d 1075,
8 1087 (N.D. Cal. 2025) (finding concrete harm where plaintiff
9 alleged "the tracking of individuals' activity across thousands
10 of websites, combined with extensive offline records gathered
11 over decades, to generate uniquely identifying profiles").

12 Plaintiff's allegations bear no resemblance to the
13 detailed, sensitive data at issue in In re Facebook, Semien, and
14 Riganian. The information plaintiff alleges was collected by the
15 trackers here -- button clicks, page visits, scrolls, session
16 lengths, URLs, and IP addresses, apparently collected after one
17 visit to the UHC website in July 2025 -- resembles exactly the
18 kind of "non-sensitive browsing activity on a single website"
19 that courts have repeatedly found insufficient to establish a
20 concrete injury. Semien, 2026 WL 216333, at *5 (internal
21 citation omitted). Plaintiff emphasizes the trackers' collection
22 of IP addresses in particular as "especially effective in
23 identifying and tracking specific individuals." (Docket No. 1-2
24 at 13.) However, courts addressing this issue have
25 overwhelmingly held that an IP address -- voluntarily transmitted
26 by a user's browser as a necessary condition of accessing a
27 website -- does not implicate a cognizable privacy interest.
28 Bradshaw v. Lowe's Companies, Inc., No. 25-cv-0742 DMS MMP, 2025

1 WL 3171740, at *5 (S.D. Cal. Nov. 12, 2025) (collecting cases).

2 In sum, there is nothing in the complaint approaching
3 the kind of “cradle-to-the-grave profile” sufficient to establish
4 an injury-in-fact. Plaintiff does not allege that the trackers
5 captured search queries, form inputs, health-related browsing on
6 specific condition or treatment pages, or any other information
7 that could be characterized as “embarrassing, invasive, or
8 otherwise private.” Popa, 153 F. 4th at 791.

9 Moreover, the factual allegations as to plaintiff
10 herself are notably scant, with only two sentences devoted to
11 what appears to be a single visit to UHC’s website, in which she
12 did not purchase any products, submit any forms, or provide any
13 personal information. This is not the sort of intrusive, wide-
14 ranging data collection that gives rise to a concrete privacy
15 injury; it is the routine collection of interaction metadata from
16 a visit to a public website, indistinguishable from “a store
17 clerk’s observing shoppers in order to identify aisles that are
18 particularly popular or to spot problems that disrupt potential
19 sales.” Popa, 153 F.4th at 792.

20 Because the court finds that plaintiff has failed to
21 allege a concrete injury sufficient to establish Article III
22 standing, it must dismiss the complaint without reaching the
23 merits of plaintiff’s claims. See Righthaven LLC v. Hoehn, 716
24 F. 3d 1166, 1172 (9th Cir. 2013).

25 IT IS THEREFORE ORDERED that defendant’s motion to
26 dismiss (Docket No. 13) be, and the same hereby is, GRANTED.

27 Plaintiff has twenty-one (21) days from the date of
28 this Order to file an amended complaint if she can do so

1 consistent with this Order.

2 Dated: March 30, 2026



3 WILLIAM B. SHUBB

4 UNITED STATES DISTRICT JUDGE

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