

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-11942
Non-Argument Calendar

FIONA A. BLAIR,
as administrator of the estate of
Courtney Blair as Heir-at-Law,

Plaintiff-Appellant,

versus

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,
d.b.a. Harvard University,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:24-cv-03379-MLB

Before LUCK, LAGOA, and MARCUS, Circuit Judges.

PER CURIAM:

Plaintiff Fiona A. Blair (“Ms. Blair”) appeals from the district court’s dismissal of her lawsuit against Harvard University (“Harvard”), which raised breach-of-contract and other state law claims. The district court found that Ms. Blair had not adequately pled a traceable injury to satisfy Article III standing. We affirm in part on that basis. But because the court considered the substantive question of the lawsuit’s timeliness despite concluding that it lacked jurisdiction, we vacate that alternative holding and remand for the district court to specify that its dismissal is without prejudice.

The matter arises from a heartbreaking series of events. Courtney Blair (“Courtney”) was a full-time undergraduate student at Harvard during the 2017–18 school year. On March 28, 2018, she was admitted to the inpatient psychiatric unit at McLean Hospital, a hospital associated with Harvard Medical School, where she spent six days. During her stay, she was diagnosed with severe major depression, bipolar disorder, and suicidal ideation.

On April 3, 2018, Courtney was discharged from McLean Hospital. As a condition for her to remain enrolled at the university through the remainder of the school year, Harvard presented Courtney with a so-called “care contract,” which she signed the same day she was discharged (the “Contract”). The Contract outlined Harvard’s expectations for Courtney’s continued treatment, explaining that should Courtney fail to attend appointments with her treatment team or to remain on her prescription medication, the school retained the right to “re-evaluate” her enrollment. Importantly, the Contract also specified that Harvard would “contact

25-11942

Opinion of the Court

3

[Courtney's] parents if [she] fail[ed] to meet the conditions set forth" in the Contract, including if she "stop[ped] attending appointments with [her] treatment team."

Over the course of the remaining spring semester, Courtney missed two appointments with her counselors and ceased taking her medication. However, Harvard did not notify Courtney's parents. She returned home in the summer of 2018, and on July 6, 2018, she took her own life.

On July 29, 2024, Ms. Blair, Courtney's mother and the administrator of her daughter's estate, filed suit against Harvard in the United States District Court for the Northern District of Georgia, alleging that Courtney's death was a consequence of Harvard's failure to abide by the terms of the Contract. Specifically, she claimed that "by failing to notify the Plaintiff of the circumstances surrounding the mental health conditions of Courtney[,] including but not limited to the failure to comply with the treatment plan," Harvard "materially breached" the Contract, resulting in Courtney's death. The Complaint brought three counts for breach of contract (Count I), breach of Georgia's covenant of good faith and fair dealing (Count II), and a third count simply titled "damages" (Count III).

Harvard moved to dismiss the case on October 11, 2024. Harvard cited several grounds for dismissal, including that the suit was untimely under Georgia's six-year statute of limitations, that Ms. Blair lacked standing, and that the Complaint failed to state any

claims for relief. On May 7, 2025, the district court granted Harvard's motion to dismiss and dismissed Ms. Blair's claim with prejudice. The court found that Ms. Blair's claim was time-barred, since "[e]ven if the Court used the latest possible breach-date (July 6, 2018), the six-year limitations period had run by the time Fiona filed the complaint." The district court also rejected Ms. Blair's claim that the statute of limitations should be tolled because Harvard had "willfully concealed" Courtney's medical records, citing the dearth of any alleged facts to support that conclusion.

Finally, the court held that Ms. Blair lacked standing. In its motion to dismiss, Harvard argued that "the action or inaction complained of . . . did not cause the injury for which [Ms. Blair] now seeks relief," since, on the face of the Complaint, it was unclear how Harvard's failure to inform Courtney's parents of her lapse in treatment was fairly traceable to her death. The district court observed that Ms. Blair "[did] not address Harvard's arguments on causation in her response to Harvard's motion," and instead "misunderstood Harvard's argument to be an attack on personal jurisdiction." The district court ultimately "agree[d] with Harvard's argument that Ms. Blair's 'unadorned speculation' as to causation is insufficient to satisfy the federal court's standing requirements."

This timely appeal followed.

We review a district court's grant of a motion to dismiss *de novo*, accepting the allegations in the complaint as true and con-

25-11942

Opinion of the Court

5

struing them in the light most favorable to the plaintiff. *Mesa Valderma v. United States*, 417 F.3d 1189, 1194 (11th Cir. 2005). Moreover, we review de novo a district court's dismissal of a case for lack of standing. *Sierra v. City of Hallandale Beach, Fla.*, 996 F.3d 1110, 1112 (11th Cir. 2021).

Before reaching the merits of an appeal, we must determine if we have jurisdiction to consider the matter in the first instance. See *Trichell v. Midland Credit Mgmt., Inc.*, 964 F.3d 990, 996 (11th Cir. 2020). Article III of the Constitution establishes that federal courts only have jurisdiction over "Cases" and "Controversies." U.S. Const. art. III, § 2. The doctrine of standing is "one strand" of the constitutional case-or-controversy requirement. *United States v. Ross*, 963 F.3d 1056, 1062 (11th Cir. 2020) (en banc) (citation modified). Standing "limits the category of litigants empowered to maintain a lawsuit in federal court to seek redress for a legal wrong," *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016), and "is a threshold jurisdictional question which must be addressed prior to and independent of the merits of a party's claims," *AT&T Mobility, LLC v. Nat'l Ass'n for Stock Car Auto Racing, Inc.*, 494 F.3d 1356, 1359 (11th Cir. 2007).

At the outset, Harvard insists that because Ms. Blair failed to oppose the argument it made concerning her lack of standing in the district court, she has waived the issue on appeal, and we must affirm. Harvard is mistaken. Our law is clear that "[s]tanding cannot be waived or conceded by the parties, and it may be raised (even by the court *sua sponte*) at any stage of the case." *A&M Gerber*

Chiropractic LLC v. GEICO Ins. Co., 925 F.3d 1205, 1210 (11th Cir. 2019); *see also Church of Scientology Flag Serv. Org., Inc. v. City of Clearwater*, 777 F.2d 598, 606 (11th Cir. 1985). Standing is a jurisdictional matter that limits our power under Article III, and we must independently assure ourselves of our jurisdiction. This means that it matters not whether Ms. Blair sufficiently articulated her theory of standing in her brief before the district court -- if the facts alleged in the Complaint, taken as true, establish the necessary predicates for standing, her claim may be heard.

“At the pleading stage, general factual allegations of injury resulting from the defendant’s conduct may suffice.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992). Nevertheless, the “irreducible constitutional minimum of standing” requires a plaintiff to demonstrate that they “(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.” *Flat Creek Trans., LLC v. Fed. Motor Carrier Safety Admin.*, 923 F.3d 1295, 1300 (11th Cir. 2019) (quoting *Spokeo, Inc.*, 578 U.S. at 338).

Here, the element in question is traceability. Harvard argues that “Blair failed to allege a causal relationship between Harvard’s purported failure to inform Blair that Courtney was out of compliance with the care contract because she had missed a medical appointment and Courtney’s death,” and consequently has not established that any purported breach of the Contract resulted in the injury alleged. We agree.

25-11942

Opinion of the Court

7

Article III standing requires a “causal connection between the injury and the conduct complained of”; Article III demands “that a federal court act only to redress [an] injury that fairly can be traced to the challenged action of the defendant.” *Cordoba v. DIRECTV, LLC*, 942 F.3d 1259, 1271 (11th Cir. 2019) (first quoting *Lujan*, 504 U.S. at 560; then quoting *Simon v. E. Kentucky Welfare Rights Org.*, 426 U.S. 26, 41 (1976)). Although “for standing purposes [a plaintiff] is not required to prove causation beyond a reasonable doubt or by clear and convincing evidence,” *Focus on the Family v. Pinellas Suncoast Transit Auth.*, 344 F.3d 1263, 1273 (11th Cir. 2003) (emphasis omitted), like all facts used to establish standing, the causal link between action and injury must be more than “unadorned speculation,” *Whitmore v. Arkansas*, 495 U.S. 149, 158 (1990).

On its face, the Complaint does not adequately plead a sufficient causal connection between Harvard’s purported breach of the Contract and Courtney’s death. The Complaint alleges only that “[b]ut for Defendant’s breach of the April 3, 2018 contract, Plaintiff would have been on notice of the risks associated with Courtney’s mental health and could have prepared for same in the summer of 2018; including but not limited to having Narcan for emergency use within the home.” But the mere procurement of Narcan does not reasonably guarantee avoidance of the harm. Indeed, based on the allegations in the Complaint, it is speculative to say that -- even if Harvard had timely informed Courtney’s parents

and even if they had purchased Narcan -- the Blair family (or perhaps someone else) could have acted to successfully prevent Courtney's death.

The fundamental problem is that “an injury is not fairly traceable to the actions of a defendant if caused by the independent action of some third party not before the court,” and “likewise a controversy is not justiciable when a plaintiff independently caused her own injury.” *Cordoba*, 942 F.3d at 1271 (citation modified). The links building the Complaint's tenuous causal chain implicate several third parties -- including Ms. Blair, the Blair family, and intervening physicians or other professionals -- that might have altered the subsequent sequence of events, with or without Harvard's action. Regretfully, we also cannot deny that Courtney herself had agency with regard to the inflicted injury, further complicating the causal link between Harvard and the harm suffered. See *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 402, 418, n.7 (2013) (holding that “self-inflicted injury” did not give rise to Article III standing). Put differently, considering the complex, frustrating, and difficult issues inherent in mental health treatment, we can only speculate as to what might have happened if Courtney's parents had been forewarned of her lapse in treatment pursuant to the Contract. As the district court found, it is precisely this sort of “unadorned speculation” that is insufficient to establish a causal connection for standing. *Whitmore*, 495 U.S. at 158.

Finally, while we agree with the district court that the Complaint facially fails to allege facts necessary to establish Ms. Blair's

25-11942

Opinion of the Court

9

standing, the court erred in dismissing the matter with prejudice. “Where dismissal can be based on lack of subject matter jurisdiction and failure to state a claim, the court should dismiss on *only* the jurisdictional grounds,” and this dismissal “is without prejudice.” *DiMaio v. Democratic Nat. Comm.*, 520 F.3d 1299, 1303 (11th Cir. 2008) (per curiam). Because, as the district court acknowledged, Ms. Blair had not adequately established Article III standing, the court was “without jurisdiction to consider the more interesting and substantive questions presented by the case,” including the applicability of Georgia’s statute of limitations. *Id.* We therefore vacate the district court’s alternative holdings, and remand with instructions that the court reenter its judgment without prejudice.

**AFFIRMED IN PART, VACATED IN PART, AND
REMANDED FOR FURTHER PROCEEDINGS.**