

FILED: December 1, 2020

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 20-1077**  
**(1:14-cv-00333-CCE-JEP)**

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THOMAS H. KRAKAUER, on behalf of a class of persons,  
Plaintiff - Appellee,

v.

DISH NETWORK, L.L.C.,  
Defendant - Appellant.

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**No. 20-1198**  
**(1:14-cv-00333-CCE-JEP)**

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THOMAS H. KRAKAUER, on behalf of a class of persons,  
Plaintiff - Appellee,

v.

DISH NETWORK, L.L.C.,  
Defendant - Appellant.

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ORDER

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Dish Network, LLC (“Dish”), seeks to appeal the district court’s final disbursement order and other preceding decisions. Thomas H. Krakauer moves to dismiss, arguing, among other things, that the appeals are premature. We agree and, therefore, dismiss the appeals.

Article III standing requires a party to show, among other things, that “it has suffered an ‘injury in fact’ that is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical.” *South Carolina v. United States*, 912 F.3d 720, 726 (4th Cir.) (internal quotation marks omitted), *cert. denied*, 140 S. Ct. 392 (2019). In addition, under the related doctrine of ripeness, “a [party’s] claim is not ripe for judicial review if it rests upon contingent future events that may not occur as anticipated, or indeed may not occur at all.” *Id.* at 730 (internal quotation marks omitted). Both standing and ripeness are indispensable requirements for subject matter jurisdiction. *Id.* at 726, 730.

Here, Dish’s interest in the ongoing claims administration process is contingent upon the issue—not yet resolved in the district court—of whether any unclaimed class funds revert to Dish. If not, then the errors that Dish assigns to the claims administration process will not have caused any injury to Dish. For this reason, we conclude that Dish presently lacks standing to bring these appeals and, moreover, the issues on appeal are not ripe for our review.

Accordingly, we grant Krakauer's motion and dismiss the appeals for lack of jurisdiction. Entered at the direction of the panel: Chief Judge Gregory, Judge King, and Senior Judge Shedd.

For the Court

/s/ Patricia S. Connor, Clerk