

Seventh Circuit Follows Illinois Supreme Court Precedent and Finds BIPA Claims Timely

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In a ruling that maintains the status quo created by the Illinois Supreme Court's holding in [*Cothron v. White Castle System, Inc.*, 2023 IL 128004](#), the Seventh Circuit recently affirmed the trial court's ruling that certain of the defendant's alleged violations of the Illinois Biometric Information Privacy Act (BIPA), 740 ILCS 14/1 et seq., are not barred by the five-year statute of limitations. As discussed in greater detail in an earlier [BIPA Bellweather](#) post the Illinois Supreme Court's *Cothron* decision held that a separate claim accrues under BIPA *each and every time* biometric data or information is collected, scanned and/or disclosed.

Relying on that decision, plaintiff Cothron requested that the Seventh Circuit lift the stay and allow her case to proceed consistent with the ruling of the trial court and the Illinois Supreme Court. In sharp contrast, defendant White Castle Systems, Inc. requested that the Seventh Circuit expand the interlocutory appeal to include new issues concerning the scope of the plaintiff's damages and constitutional arguments. With little analysis, the Seventh Circuit denied White Castle's request and found that the Illinois Supreme Court's ruling "makes it clear that the suit is timely with respect to some of the allegedly unlawful fingerprint scans."

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