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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Top Illinois Decisions Of 2025

By **Celeste Bott**

Law360 (December 23, 2025, 9:15 PM EST) -- State and federal courts have handed down rulings in Illinois cases this year that made clear plaintiffs must allege concrete injury for common law standing, narrowed the scope of the federal anti-kickback statute and laid out a new standard for certifying collective actions.

In a highly anticipated decision, the Illinois Supreme Court concluded that a Walgreens customer looking to hold the company liable for allegedly printing too much financial information on consumers' receipts should not have won class certification in her case, saying the speculative future injury she alleged wasn't enough to confer common law standing for her claims.

The Seventh Circuit, in a discrimination case against Eli Lilly & Co., joined several other federal appellate courts in departing from the long-standing two-step collective action certification process.

It also determined that the federal government pushed the anti-kickback statute's boundaries too far by securing a conviction against a medical equipment pharmacy owner accused of illegally paying $25 million in kickbacks to a patient-leads broker.

And at the very end of the year, the Seventh Circuit affirmed an Illinois district judge's certification of a class of more than 100,000 Amazon shoppers who accuse the e-commerce giant of illegally collecting their facial geometric data in violation of the state's biometric privacy law when they used the company's virtual try-on feature to preview products such as makeup and eyewear.

Here's a breakdown of some of the biggest rulings courts have issued in Illinois cases in 2025.

Ill. Justices Further Clarify State's Standing Doctrine

The state's top court clarified in November that plaintiffs alleging only a statutory violation of federal law, without alleging actual harm or without an explicit right of action in the statute, lack standing to sue in Illinois.

Plaintiff Calley Fausett sued Walgreens after visiting one of its locations in Phoenix to purchase a reloadable prepaid debit card. She alleged she paid cash for the card and, in exchange, received a receipt disclosing more than the card's last five digits, in violation of the Fair and Accurate Credit Transactions Act.

But after collecting some discovery surrounding class certification, Fausett "at best" established an increased risk of identity theft, Illinois' top justices said.

In determining that was a speculative future injury that was insufficient to confer standing in a complaint for money damages, the Supreme Court relied on its own recent precedent in Petta v. Christie Business Holdings, said Tonya Newman, a Neal Gerber & Eisenberg LLP partner who chairs the firm's litigation and disputes practice group.

In that case, the high court ruled in January that a medical clinic patient who was informed a "data incident" may have compromised her personal information doesn't have standing to pursue proposed class claims for damages because she didn't allege that information was ultimately misused.

"I think for me this case is so significant because standing is a jurisdictional issue and that's why it's important to address it at the outset," Newman said. "It signals that for at least this kind of case, Illinois is not going to be the forum for this sort of a class action dispute that it might otherwise have been. Its importance can't really be understated."

Benesch Friedlander Coplan & Aronoff LLP attorney Patrick Beisell agreed, telling Law360 that the ruling is "huge for the defense bar."

"Illinois has been sort of a safe haven for plaintiffs, and particularly class action plaintiffs, who lack standing [in federal court] because of Article III, and now they can't use the state courts as a back door," he said.

The court also drew a clear line between the claims in Fausett's case versus Illinois Biometric Privacy Act claims, which remain in a category of its own because of the "aggrieved" language in the statute, Beisell said.

The parties had disputed the lens through which the justices should have analyzed Fausett's standing. She argued that her standing tracked with the justices' logic in Rosenbach v. Six Flags — which held that any "aggrieved" individual could bring biometric privacy claims without showing actual harm.

But the justices sided with Walgreens' argument that Fausett's standing was more appropriately analyzed through common law principles, saying neither FACTA nor the Fair Credit Reporting Act give a consumer or aggrieved person the green light to file suit over an alleged violation.

The FACTA and FCRA sections that govern standing "are silent as to who may bring the cause of action for damages," the high court said. And, "contrary to plaintiff's contention, Congress did not expressly empower her to sue to enforce her FACTA rights," it held.

The court focused on common law standing and recognized there was a stricter requirement and threshold there, providing clarity on the common law side of the ledger, according to Michael Scodro, a partner in the Supreme Court and appellate practice at Mayer Brown LLP.

Scodro also pointed to the high court's statement that because it had found common law standing was at issue in the appeal, that it "need not determine whether a concrete injury is also required with statutory standing."

"Leaving that door open for future cases is in and of itself significant," he said.

The case is Fausett et al. v. Walgreen Co., case number 131444, in the Supreme Court of the State of Illinois.

Seventh Circuit Addresses 'Outer Boundaries' of Anti-Kickback Statute

In April, the Seventh Circuit reversed for "insufficient evidence" the conviction of Mark Sorensen, the owner of durable medical equipment pharmacy Symed Inc., on charges that he'd violated the federal Anti-Kickback Statute between 2015 and 2018 by paying a broker for leads to patients for whose care his company could bill Medicare and other federal programs.

Sorensen had been sentenced to 42 months in prison last year.

The Anti-Kickback Statute prohibits soliciting or receiving payments in exchange for referring a patient for services. But the appellate panel said that the other individuals and businesses Sorensen had paid were not physicians or decisionmakers in positions to "leverage fluid, informal power and influence" over healthcare decisions, drawing a line between lawful marketing and illegal kickbacks.

Scodro of Mayer Brown said the ruling offers guidance as it pertains to these kinds of payments to advertisers and manufacturers that Sorensen made, but also identifies an area "where we can expect greater and greater clarity over time from the federal appellate courts."

Prosecutors bringing such claims will have to consider whether the payments in question were made to those who can influence patient decisions, as the court emphasized that in this case, the physicians still always had "ultimate control over their patients' healthcare choices and applied independent judgment in exercising that control."

Scodro said he expects more input from the courts going forward as to different actors in the health care space that could be offering advice or exerting some form of influence in patient care.

"There are a number of different factual scenarios that would fall in this area beyond physicians," he said.

The case is USA v. Sorensen et al., case number 24-1557, in the U.S. Court of Appeals for the Seventh Circuit.

Seventh Circuit Sets Its Own Collective Cert. Standard

The Seventh Circuit ruled in August that for the purposes of collective notice under the Fair Labor Standards Act, district courts must consider evidence from both sides with respect to whether workers are similarly situated enough to proceed together. Courts also may issue notice to potential plaintiffs when the named plaintiffs have raised at least a material factual dispute regarding the similarity of potential plaintiffs, the appellate panel said.

The decision came in pharmaceutical giant Eli Lilly's appeal to a March decision granting collective certification to plaintiff Monica Richards' lawsuit accusing the company of preferring to promote millennials over older employees, using the two-step certification process created in 1987's Lusardi v. Xerox Corp. ruling.

The court's new approach is a departure from the approach of the Ninth Circuit, which recently maintained a long-standing two-step approach that requires only a "modest factual showing" for conditional certification. The Seventh Circuit also strayed from the Fifth Circuit, which shifted to a "rigorous" one-step test, and the Sixth Circuit, which created a "strong likelihood" alternative to two steps.

Matt Barszcz, a labor and employment attorney with Cozen O'Connor, said the fact that the Seventh Circuit went in its own new direction makes the ruling noteworthy.

"Any time you have a court that is surveying what other circuits are doing and says, 'No, we're going to do our own thing,' it's always surprising," he said.

The court tried to find a middle ground between the conclusions of its sister circuits, while emphasizing flexibility for district courts, Barszcz said.

"No two cases are the same, so it's important to consider things holistically," he said. "[The Seventh Circuit] did weigh competing considerations of the different approaches."

Eli Lilly has already filed a petition with the U.S. Supreme Court challenging the ruling. While the nation's top court hasn't yet decided whether to take the case, it's one that seems ripe for review, Barszcz told Law360.

"Given that we now have functionally four different approaches to how to handle these things, it seems like this is something the Supreme Court probably should take up just to bring some uniformity," he said.

The case is Richards v. Eli Lilly & Co. et al., case number 24-2574, in the U.S. Court of Appeals for the Seventh Circuit.

Seventh Circuit Backs Class Cert In BIPA Suit Against Amazon

On Dec. 17, the appellate court rejected the argument from Amazon's online retail unit that it would take "tens of thousands of mini trials" to determine whether every class member in consumers Tonya Svoboda and Antonella Colosi's lawsuit used its virtual try-on feature while in Illinois.

The shoppers, who used the feature to test facial products like lipstick and eyewear in Amazon's app, filed claims against the retail giant under the Illinois Biometric Information Privacy Act, which provides companies must get written, informed consent before capturing biometric data, such as the facial geometry at issue in the litigation, and make certain disclosures about its data retention and destruction policies. Amazon was unable to convince the three-judge panel that determining each individual's location would make the class action too burdensome to litigate.

The appellate court agreed that proof of location is individualized, but the question was whether it predominated over the common questions concerning Amazon's liability — whether the facial data used by the try-on tool constitutes biometric identifiers within the meaning of BIPA; and whether using the try-on feature meant that Amazon collected, captured, obtained, or possessed users' biometric information, according to David Morrison, a principal in Goldberg Kohn's litigation and labor and employment groups.

"Because the answer to those common questions running across the class would either lead to Amazon's liability to all or none of the class, the appellate court held that class certification was appropriate," he said.

The Seventh Circuit held that determining users' locations, and verifying they used the try-on tool in Illinois, could be handled in a "final phase" of litigation, where class members will have to submit individualized proofs of claim and show they used the feature in Illinois to be awarded damages, which can include billing addresses, IP and geolocation data, and affidavits.

"That does not mean that Amazon cannot challenge class members' individual proof of location — it can. But that is for another stage in the litigation," Morrison said.

The court also made a point in instructing the district court to "remain vigilant in monitoring the propriety of certification as the case develops" and making clear it could go another way "should damages become unmanageable."

"So, while Amazon must face this class action for now, it maintains the right to question whether a class resolution of the individual damages [and] location issues is more appropriate on an individualized basis and thus seek to decertify the class later," Morrison said.

The case is Tonya Svoboda et al. v. Amazon.com Inc., case number 25-1361, in the U.S. Circuit Court of Appeals for the Seventh Circuit.

--Additional reporting by Lauraann Wood, Max Kutner and Eliot Weld. Editing by Alyssa Miller.
