

Stefan Dandelles Weighs in on Impact of Recent Ninth Circuit Decision Involving Facebook and BIPA

Stefan Dandelles was quoted in Jonathan Bilyk's Cook County Record article -

"Big loss for Facebook on IL privacy law, big win for trial lawyers; Legal questions could be ticketed for Supreme Court"

" A recent decision from a California federal appeals court has handed a big win to a group of plaintiffs seeking to use an Illinois privacy law to squeeze Facebook for potentially billions of dollars, and could forebode a date before the U.S. Supreme Court, should trial lawyers seek to use the decision to boost other attempts to sidestep the high court's earlier attempt to limit their ability to bring large class actions over claims in which no one suffered any actual harm.

On Aug. 8, a three-judge panel of the U.S. Ninth Circuit Court of Appeals in San Francisco ruled three lawsuits filed against social media giant Facebook under the Illinois Biometrics Information Privacy Act could move forward as a consolidated class action. The decision puts potentially billions of dollars in damages at stake, should the case make it to trial.

Stefan Dandelles, co-managing partner at the Chicago office of the firm of Kaufman Dolowich Voluck LLP, said the Ninth Circuit's decision in the Facebook case gives trial lawyers a new tool to deploy in court.

While the Ninth Circuit may not have intended the outcome, Dandelles set the Facebook decision 'bridges the gap a bit' between the differing decisions on standing to sue outlined by the U.S. Supreme Court in Spokeo and by the Illinois Supreme Court in Rosenbach.

Dandelles said he expects trial lawyers will attempt to use the Ninth Circuit decision to test the Spokeo standing limits in federal court in Illinois and elsewhere.

However, this particular Ninth Circuit panel is not likely to have the last word on the subject.

Facebook, for instance, has requested a rehearing before the full Ninth Circuit appeals court, and has indicated it could appeal to the U.S. Supreme Court.

Dandelles said he expects the U.S. Seventh Circuit Court of Appeals in Chicago to also visit the question - and soon - as BIPA cases wend their way through courts in Illinois. A federal judge in Chicago, for instance, in January concluded differently from the Ninth Circuit, finding the law doesn't allow class actions brought by those who merely 'feel aggrieved' by a violation of BIPA.

Should the Seventh Circuit and other federal appeals courts come down opposite the Ninth Circuit, it could set up the kind of circuit split on the question that typically requires the Supreme Court to sort out.

'I think we're still years away from that,' Dandelles said. 'We'll have to first see the impact of (Facebook) on other courts, and on other decisions.' "

To read the full article, [click here](#).