

PREDATORY LAWSUIT REPORT - BIPA

ILLINOIS



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BIPA OVERVIEW



Illinois Supreme Court allows massive damages in biometric privacy cases but says lawmakers should weigh in

Chicago Tribune 2/17/23

BIPA Background

Illinois's Biometric Information Privacy Act (BIPA) was enacted with good intentions – to safeguard individuals' biometric privacy. The protection of biometric data is crucial in an increasingly digital world, but the current state of BIPA raises concerns. Thousands of small businesses face lawsuits under this law, with the most prominent case being White Castle, which faces a staggering \$17 billion in exposure.

The Problematic Application of BIPA

One of the major issues with BIPA lies in its overly punitive nature, particularly concerning small businesses. It is important to emphasize that the vast majority of BIPA violations do not involve any harm to individuals. Most violations stem solely from a lack of privacy notice at the time of data collection, not from any misuse or breach of biometric data.

Predatory Lawfirms Get Rich While Illinois Business Suffer

A small number of multi-state lawfirms are getting rich exploiting BIPA while employers across the state struggle to survive.

BIPA SUITS DOMINATED BY A FEW FIRMS

7 PREDATORY LAW FIRMS...

Have brought 745 (69%) of the nearly 1,150 active BIPA lawsuits against Illinois employers in Federal Court or Chicago Metro County Courts.

BIPA Lawsuits by Plaintiff Firm



BIG PAYDAY FOR BIPA PLAINTIFF LAWFIRMS

PLAINTIFF LAWYERS RECEIVE
HUGE PAYDAY COMPARED TO
PAYOUT TO THEIR CLIENTS

PLAINTIFF LAWYERS

\$97.5 million*

EACH CLIENT

~\$428**

Patel v. Facebook, 9th Cir 2019

*<https://shorturl.at/iDGP8>

** <https://shorturl.at/eDOT2>

2 OF THE 3 TOP BIPA PLAINTIFF FIRMS ARE HEADQUARTERED OUT OF STATE

Beaumont Costales

- New Orleans Based
- At least ~189 separate BIPA lawsuits in Chicago Metro + Federal Court (17% of active suits)
- Jeff Cunningham, Chief Executive Magazine's editor described Beaumont Costales as, "a two-person New Orleans plaintiff [firm] called Beaumont Costales with a unique business model. They believe in image building through populist slogans like a political campaign, communicating legal information to clients through text messages and emojis, and when it comes to doing legal homework, relying on Google. But the real specialty is in catering to journalists in need of a quick clickbait headline."

Peiffer Wolf

- New Orleans Based
- At least 122 separate BIPA lawsuits in Chicago Metro + Federal Court (11% of active suits)

StephanZouras, LLP

- Chicago Based
- At least 126 separate BIPA lawsuits in Chicago Metro + Federal Court (11% of active suits)



METHODOLOGY

CALA-IL searched for all BIPA cases active in Federal Courts in Illinois and the following Chicago Metro County Courts: Cook, Lake, McHenry, Kane, DuPage, Will.

We then compiled the names of the listed plaintiff's attorney for each case and counted the number of cases brought by each firm.

Full data on following pages.

Firm	Total #	% of Total Cases
Beaumont Costales	189	17%
Stephan Zouras	126	11%
Peiffer Wolf	122	11%
Fish Potter	83	7%
McGuire Law	69	6%
Wolf Haldenstein	60	5%
Justicia Laboral	96	8%
Neighborhood Legal	24	2%
Lewis Brisbois	18	2%
Mason Lietz	15	1%
Werman Salas	15	1%
DC Law	14	1%
Nick Larry	13	1%
Keller Lenkner	12	1%
Keogh Law	12	1%
Kozonis Klinger	12	1%
Milberg Coleman	12	1%
Caffarelli Associates	10	1%
DC Law	9	1%
Sulaiman Law	9	1%
The Garfinkel Group	9	1%
Garfinkel Group	7	1%
Carlson Lynch	6	1%
Edelson	6	1%
Larry Law	6	1%
Meagher Geer	6	1%
Todd Friedman Law Offices	6	1%
Wilson Elser	6	1%

95 firms have filed 5 or fewer BIBA cases

Total of 1,141 BIBA active cases

ABOUT ILLINOIS CALA

Citizens Against Lawsuit Abuse (CALA) IL is a nonpartisan grassroots movement of citizens and businesses fighting against lawsuit abuse in Illinois. CALA-IL serves as a watchdog to challenge the misuse of our civil justice system that has cost our state's economy billions of dollars and led to numerous bankruptcies and shattered lives. CALA-IL advocates for commonsense legal reform measures by educating the public about the devastating, real-world costs of lawsuit abuse on working families and small businesses.

The author of this report is CALA-IL's Executive Director, Phil Melin. He brings more than a decade of advocacy and small business experience to CALA-IL. After earning his B.S. from California Polytechnic State University-San Luis Obispo and his J.D. from University of the Pacific – McGeorge School of Law, he served as a Congressional District Director and co-founded an Illinois small business. He practiced law in California before moving to Illinois.

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