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Sean Wieber Discusses Illinois BIPA Litigation and Workers Comp Law with Law360

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A recent Illinois state appellate ruling found the state's workers' comp law doesn't preempt claims for statutory damages under its biometric privacy statute, but they say the decision left open some questions and is likely to be reviewed by Illinois' top court.

When the question was first certified to the appellate court in October 2019, the BIPA litigation landscape was less developed, but since then, state and federal courts have routinely ruled against companies trying to get out of BIPA litigation through the workers' comp statute, said Sean Wieber, Winston's Regulated Personal Information (RPI) Co-Chair.

Not surprised by the court's ruling that the claim doesn't represent the type of injury that falls under the state's workers' comp law, Sean added that "It largely laid to rest an argument that was sort of on its last legs to begin with. The writing was largely on the wall."

Read three takeaways from the Illinois ruling on BIPA and workers' comp in this Law360 article (subscription required).

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