

## Biometric Privacy Class Action Against Google Is Stayed to Reduce Litigation Costs

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A federal court in Illinois agreed with Google that a biometric privacy lawsuit filed against it in the Northern District of Illinois should be stayed in favor of a similar pending state court case. Although it is not uncommon for plaintiffs' firms to file nearly duplicative lawsuits in state and federal courts, it is not always a guarantee that such lawsuits will be automatically stayed. Before a stay order can be obtained, the defendant typically must still engage in costly (and sometimes lengthy) motion practice. And at least some courts still allow the later-filed action to proceed, on various grounds.

This time, the district court made it clear that such duplicative actions should not be allowed, as they waste the parties' and judicial resources. They also create the risk of inconsistent rulings. In the underlying lawsuit, which will now be addressed by the Illinois state court, the named plaintiff alleged that Google violated the Illinois Biometric Information Privacy Act (BIPA) by using Google Photos service to scan individual pictures and extract biometric data without informed consent.

This is a helpful procedural win for Google and for defendants facing similarly [duplicative privacy class actions](#) around the country.

“The significant costs imposed by piecemeal litigation—dividing the informed-consent claims and the retention-policy claims into two different forums—and the strong Illinois interest in presenting an Illinois statutory dispute to the Illinois state court system dictate that this federal case be stayed in favor of the state case,” Chang wrote.

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