

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS, EASTERN DIVISION

Paula Roppo v. Costco Wholesale Corporation

Roppo v. Costco · No. No. 23 C 06046 · Decided December 3, 2025

SUMMARY

The United States District Court for the Northern District of Illinois granted Costco Wholesale Corporation’s motion to dismiss a negligent spoliation claim brought by Paula Roppo. The court held that the amended complaint did not plausibly allege causation because it failed to establish a sufficient nexus between the destruction of surveillance video and Roppo’s inability to prove her underlying negligence claim.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	John J. Tharp, Jr.
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	December 3, 2025
DOCKET	No. 23 C 06046
DISPOSITION	other
PROCEDURAL POSTURE	Costco moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Roppo's negligent spoliation claim. Roppo did not respond. The court granted the motion.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and draws reasonable inferences in the plaintiff's favor, but does not accept legal conclusions as true. The complaint must contain sufficient facts to state a facially plausible claim for relief. An unopposed motion to dismiss cannot be granted solely because it is unopposed, although the court need not conduct the plaintiff's research when the defendant has supplied plausible grounds for dismissal.
PRECEDENTIAL VALUE	unknown

PARTIES

Paula Roppo v. Costco Wholesale Corporation

TOPICS

motions to dismiss

civil procedure

negligence

evidence

PRACTICE AREAS

civil procedure

torts

evidence

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged causation for an Illinois negligent spoliation claim.
2. Whether the court could grant Costco's unopposed Rule 12(b)(6) motion where Costco supplied plausible grounds for dismissal.

HOLDINGS

1. The amended complaint failed to state a claim for negligent spoliation because it did not allege sufficient facts establishing a plausible nexus between the destruction of the video and Roppo's inability to prove the underlying negligence action.
2. The court could grant Costco's unopposed motion because the motion presented plausible reasons for dismissal and the complaint independently failed to state a plausible claim; the motion could not be granted solely because Roppo failed to respond.

KEY QUOTATIONS

“ “[C]ourts may not grant Rule 12(b)(6) motions solely because they are unopposed,” ”

“ “the loss or destruction of the evidence caused the plaintiff to be unable to prove an underlying lawsuit.” ”

FACTUAL BACKGROUND

Roppo alleged that a Costco employee struck her in the back with a shopping cart. After Costco removed her negligence action to federal court, Roppo amended her complaint to allege that Costco negligently spoliated evidence by destroying a video of the incident. She alleged that the destruction made it difficult or impossible to prove liability, causation, and damages, but the court found those allegations conclusory and insufficient to show that the video loss prevented her from proving the underlying negligence claim.

PROCEDURAL HISTORY

Roppo initially sued Costco in Illinois state court for negligence after a Costco employee allegedly struck her with a shopping cart. Costco removed the action to federal court based on diversity jurisdiction. With leave of court, Roppo amended her complaint to add a negligent spoliation claim based on Costco's alleged destruction of incident video. Costco moved to dismiss that claim, and the court granted the unopposed motion after finding that the complaint did not plausibly allege causation.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Kilborn v. Amiridis, 131 F.4th 550 (7th Cir. 2025)
- Marcure v. Lynn, 992 F.3d 625 (7th Cir. 2021)
- Kirksey v. R.J. Reynolds Tobacco Co., 168 F.3d 1039 (7th Cir. 1999)
- Boyd v. Travelers Ins. Co., 652 N.E.2d 267 (Ill. 1995)

OPINION

Roppo

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PAULA ROPPO,)

) Plaintiff,)) v.) No. 23 C 06046) COSTCO WHOLESALE Judge John J. Tharp, Jr.)

CORPORATION,

)) Defendant.)

ORDER

The defendant's motion to dismiss [72] is granted, for the reasons explained in the following Statement. A status hearing will be held on Wednesday, December 17, 2025 at 9:00 a.m. in Courtroom 2303.

STATEMENT

The plaintiff, Paula Roppo, brought suit against the defendant, Costco Wholesale Corporation ("Costco") in Illinois state court after a Costco employee allegedly struck her in the back with a shopping cart. Compl. 1–2, ECF No. 6. Her original complaint contained only a negligence claim. Id. at 1. Costco removed the case to federal court, invoking this Court's diversity jurisdiction. Notice of Removal 1–2, ECF No. 3. With leave of court, Roppo amended her complaint in October 2025 to add a negligent spoliation claim, alleging that Costco wrongly destroyed a video of the incident in question. First Am. Compl. 3–6, ECF No. 70. Costco moved to dismiss the spoliation claim, and Roppo failed to respond to the motion to dismiss. To overcome a motion to dismiss, the complaint must contain sufficient facts to establish a facially plausible claim to relief. Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). The Court assumes all facts in the complaint are true and draws all reasonable inferences in the plaintiff's favor. Kilborn v. Amiridis, 131 F.4th 550, 554 (7th Cir. 2025). The Court does not, however, accept legal conclusions as true. Iqbal, 556 U.S. at

678. “[C]ourts may not grant Rule 12(b)(6) motions solely because they are unopposed,” *Marcure v. Lynn*, 992 F.3d 625, 631 (7th Cir. 2021), but “[o]ur system of justice is adversarial, and our judges are busy people. If they are given plausible reasons for dismissing a complaint, they are not going to do the plaintiff’s research and try to discover whether there might be something to say against the defendants’ reasoning.” *Kirksey v. R.J. Reynolds Tobacco Co.*, 168 F.3d 1039, 1041 (7th Cir. 1999). Under Illinois law, spoliation is cognizable under negligence law. *Boyd v. Travelers Ins. Co.*, 652 N.E.2d 267, 270 (Ill. 1995). As such, a plaintiff seeking recovery for negligent spoliation must show duty, breach, causation, and damages. /d. at 270. Costco argues that Roppo’s amended complaint does not allege sufficient facts to establish that any of those elements are facially plausible. Def.’s Mem. 3, ECF No. 73. This Court’s analysis will focus on the causation element. The causation prong in a spoliation claim requires that a plaintiff establish that “the loss or destruction of the evidence caused the plaintiff to be unable to prove an underlying lawsuit.” *Boyd*, 652 N.E.2d at 271 (emphasis removed). Roppo’s amended complaint alleges that the destruction of the video is “the proximate cause of the Plaintiffs inability and difficulties to prove liability, causation, and damages with respect to their underlying claims alleged herein.” First Am. Compl. 6 § 37. She further claims that “[t]he aforementioned destruction of evidence has enabled Defendant to contest the proximate cause of the Plaintiffs injuries and damages with respect to their underlying claims alleged herein.” /d. at 6 § 38. Costco argues that the absence of a video record of the incident is not dispositive of Roppo’s underlying negligence claim. This Court agrees that the complaint fails to allege a plausible “nexus” between the alleged destruction of the video and an inability to prove the underlying action. *Boyd*, 652 N.E.2d at 272. Roppo’s allegation that the video’s destruction proximately caused such an inability is a legal conclusion that this Court need not, and does not, accept as true, even on a motion to dismiss. Moreover, accepting as true that the video’s nonexistence enabled Costco to challenge causation in the underlying negligence suit, that does not give rise to a reasonable inference that Roppo is unable to prove her underlying claim without the video. Roppo’s amended complaint does not state a claim for negligent spoliation because it contains insufficient factual allegations about causation. Without any argument from Roppo in opposition to Costco’s plausible reasons for dismissing the spoliation claim, this Court will not search for one. For the reasons discussed, the motion to dismiss is granted. Date: December 3, 2025 John J. Tharp, Jr. United States District Judge