

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

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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)

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