

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Hartman v. Meta Platforms, Inc.

Hartman · No. 3:23-CV-02995-NJR · Decided May 15, 2026

SUMMARY

The United States District Court for the Southern District of Illinois grants Meta Platforms, Inc.'s motion to certify a choice-of-law order for interlocutory appellate review under 28 U.S.C. § 1292(b). The court certifies whether Illinois courts must consider Illinois public policy and interests before enforcing a contractual choice-of-law provision selecting a foreign state's law. The issue arises in a putative class action alleging violations of the Illinois Biometric Information Privacy Act through Meta's Messenger applications.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Nancy J. Rosenstengel
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	May 15, 2026
DOCKET	3:23-CV-02995-NJR
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under 28 U.S.C. § 1292(b) to certify for interlocutory appellate review an order denying its motion for summary judgment based on a contractual choice-of-law provision.
STANDARD OF REVIEW	Under 28 U.S.C. § 1292(b), certification requires a controlling question of law, substantial grounds for difference of opinion, and a determination that immediate appeal may materially advance the ultimate termination of the litigation. The Seventh Circuit describes the requirements as four conjunctive criteria: the question must be one of law, controlling, contestable, and likely to speed up the litigation.
PRECEDENTIAL VALUE	Unknown
PARTIES	Meta Platforms, Inc. v. Rebecca Hartman, Joseph Turner, R.H., a Minor, by and through her Guardian and Next of Friend Rebecca Hartman, E.T., a Minor, by and through his Guardian and Next of

Friend Joseph Turner, all other persons similarly situated known and unknown

TOPICS

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QUESTIONS PRESENTED

1. Whether the Choice of Law Order presented a question of law suitable for interlocutory review under 28 U.S.C. § 1292(b).
2. Whether the certified choice-of-law question was controlling, contestable, and likely to materially advance the ultimate termination of the litigation.
3. Whether, under Illinois choice-of-law rules, courts must consider Illinois public policy and Illinois's materially greater interest before enforcing a choice-of-law provision selecting foreign law.

HOLDINGS

1. The enforceability framework for a contractual choice-of-law provision under Illinois choice-of-law rules presents a pure question of law suitable for interlocutory appellate review.
2. The proper legal standard governing enforceability of the choice-of-law provision was controlling because its resolution could materially affect the further course and potentially the outcome of the litigation.
3. The choice-of-law question was contestable and presented substantial grounds for a difference of opinion.
4. The possibility that interlocutory review could resolve the governing-law issue and potentially terminate the BIPA action was sufficient to satisfy the section 1292(b) requirement that immediate appeal may materially advance the litigation.

KEY QUOTATIONS

“Unless all these criteria are satisfied, the district court may not and should not certify its order to [the court of appeals] for an immediate appeal under section 1292(b).”

“The criteria are conjunctive, not disjunctive.”

“all that section 1292(b) requires as a precondition to an interlocutory appeal, once it is determined that the appeal presents a controlling question of law on which there is a substantial ground for a difference of opinion, is that an immediate appeal may materially advance the ultimate termination of the litigation.”

FACTUAL BACKGROUND

Meta operates Facebook Messenger and Messenger Kids, which allow users to apply facial filters and effects. Plaintiffs allege that Meta collected and stored their biometric identifiers and biometric information without their knowledge or consent, violating the Illinois Biometric Information Privacy Act. Meta relies on a Terms of Service provision selecting California law and contends that California law bars Plaintiffs' BIPA claims.

PROCEDURAL HISTORY

Plaintiffs brought claims under the Illinois Biometric Information Privacy Act based on Meta's alleged collection and storage of biometric identifiers and information through Messenger applications. The court previously denied Meta's motion to dismiss and then denied Meta's choice-of-law-based motion for summary judgment, concluding that the California choice-of-law provision was unenforceable. Meta moved to certify the choice-of-law order for interlocutory review, and the district court granted the motion and certified a question to the Seventh Circuit.

DISPOSITION

other

CASES CITED

- Ahrenholz v. Bd. of Tr. of Univ. of Ill., 219 F.3d 674, 675-77 (7th Cir. 2000)
- Stromberg Metal Works, Inc. v. Press Mech., Inc., 77 F.3d 928, 933 (7th Cir. 1996)
- Smurfit Newsprint Corp. v. Se. Paper Mfg., 368 F.3d 944, 949 (7th Cir. 2004)
- Sokaogon Gaming Enter. Corp. v. Tushie-Montgomery Assocs., Inc., 86 F.3d 656, 659 (7th Cir. 1996)
- First State Ins. Co. v. XTRA Intermodal, Inc., No. 3:22-CV-216, 2024 WL 2813812, at *3-*4 & n.5 (S.D. Ill. June 3, 2024)
- Thompson v. Burnett, No. 1:15-cv-01712, 2017 WL 6606536, at *2 (S.D. Ind. Dec. 27, 2017)
- Sterk v. Redbox Auto. Retail, LLC, 672 F.3d 535, 536 (7th Cir. 2012)
- Gramercy Mills, Inc. v. Wolens, 63 F.3d 569, 571 (7th Cir. 1995)
- In re Lion Air Flight JT 610 Crash, 110 F.4th 1007, 1011 (7th Cir. 2024)