

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

Bo Turek, individually, and on behalf of all others similarly situated
v. Revolution Global, LLC, et al.

Case No. 25-cv-01842 (N.D. Ill. Mar. 13, 2026) · No. 25-cv-01842 · Decided March 13, 2026

SUMMARY

The United States District Court for the Northern District of Illinois granted Defendants’ motion to dismiss Bo Turek’s seven-count putative class action concerning the labeling and marketing of cannabis-infused products and cannabis concentrates under Illinois law. The court held that Counts II through VII failed because Turek did not adequately plead actual damages, dismissed the UDTPA claim without prejudice based on his stipulation, and additionally found that the common-law fraud claim failed to plead reliance on an affirmative misrepresentation with particularity. The court declined to resolve the novel question of how the Illinois Cannabis Regulation and Tax Act classifies vapable cannabis products.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Mary M. Rowland
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	March 13, 2026
DOCKET	25-cv-01842
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants removed the putative class action from the Circuit Court of Cook County under the Class Action Fairness Act and moved to dismiss all seven counts under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff’s favor, and asks whether the complaint states a plausible claim for relief. Fraud-based claims are subject to Rule 9(b), which requires particularity concerning the circumstances of the alleged fraud.

PRECEDENTIAL VALUE	Unpublished federal district court memorandum opinion; persuasive only and not binding precedent.
PARTIES	Bo Turek, individually and on behalf of all others similarly situated v. Revolution Global, LLC, Revolution Global Health, Inc., Revolution Illinois Holdings, LLC, Revolution Core Holdings, LLC, Revolution Ventures, IL, LLC, Revolution Ventures IL II, LLC, Revolution IP Ventures, LLC, Revolution Cannabis – Delavan, LLC

TOPICS

motions to dismiss

consumer protection

deceptive trade practices

statutory interpretation

civil procedure

PRACTICE AREAS

consumer protection

cannabis regulation

commercial litigation

civil procedure

consumer fraud

warranty law

QUESTIONS PRESENTED

1. Whether Turek adequately pleaded actual damages under the Illinois Consumer Fraud and Deceptive Business Practices Act, common-law fraud, fraudulent concealment, express warranty, implied warranty, and unjust enrichment.
2. Whether Turek adequately pleaded reliance on an affirmative misrepresentation for his common-law fraud claim.
3. Whether Turek's alleged misclassification of vapable cannabis products constituted a mistake of law that could not support fraud-based claims.
4. Whether the absence of contractual privity barred Turek's express- and implied-warranty claims against manufacturers whose product he purchased from an independent dispensary.
5. Whether Turek's unjust-enrichment claim failed because it rested on the same conduct underlying his dismissed claims.
6. Whether the court should resolve the novel Illinois-law question of whether vapable oils are cannabis-infused products or cannabis concentrates under the Cannabis Regulation and Tax Act.

HOLDINGS

1. A plaintiff does not adequately plead actual damages under an overpayment theory merely by alleging that the plaintiff would not have purchased a product if it had been properly labeled or identified as legally compliant; the complaint must allege facts connecting the alleged misrepresentation or noncompliance to a reduction in the product's actual value.
2. A common-law fraud claim must plead with particularity that the plaintiff relied on an affirmative misrepresentation, including facts showing that the plaintiff viewed or received the alleged misrepresentation before making the purchase.

3. A fraudulent-concealment claim may be based on reliance on an omission rather than an affirmative misrepresentation, and Turek sufficiently pleaded reliance by alleging that he relied on a product warning label that omitted warnings allegedly required for cannabis-infused products.
4. A plaintiff cannot base an Illinois fraud or consumer-fraud claim on a representation or mistake concerning a statutory product classification when the alleged legal classification is discoverable through ordinary diligence.
5. Under Illinois law, express- and implied-warranty claims generally require contractual privity, and generalized public advertising, product labels, and mass-market marketing materials do not establish the direct-dealing exception where the plaintiff purchased the product from an independent dealer.
6. When an unjust-enrichment claim rests on the same allegedly improper conduct as another claim, it stands or falls with that related claim; dismissal of the underlying claims therefore requires dismissal of the unjust-enrichment claim.
7. The court declined to decide whether vapable oils are cannabis-infused products or cannabis concentrates under Illinois law because the issue was novel, technical, and unnecessary to disposition.

KEY QUOTATIONS

“Without any “facts to support his conclusory assertions of actual damage, [Turek] has not sufficiently pleaded that he paid more than the actual value of the merchandise he received.”” (Section III.C)

“If an unjust enrichment claim rests on the same improper conduct alleged in another claim, then the unjust enrichment claim will be tied to this related claim—and [] will stand or fall with the related claim.” (Section III.G)

FACTUAL BACKGROUND

Defendants manufacture and sell cannabis products in Illinois, including vapable oils marketed as cannabis concentrates. Turek, a medical marijuana user, purchased a 0.5-gram disposable vape cartridge from an independent dispensary and alleged that it was legally a cannabis-infused product rather than a cannabis concentrate, but was mislabeled and marketed as a concentrate. He alleged that he would not have purchased the product had he known it was allegedly noncompliant with Illinois law and lacked required warnings and dosing instructions.

PROCEDURAL HISTORY

Turek filed the action in the Circuit Court of Cook County, Illinois, on January 17, 2025. Defendants removed it to the Northern District of Illinois on February 21, 2025, and moved to dismiss on August 12, 2025. The court granted the motion, dismissed the complaint without prejudice, denied oral argument as moot, and allowed Turek to file an amended complaint by April 15, 2026.

DISPOSITION

dismissed

CASES CITED

- Lax v. Mayorkas, 20 F.4th 1178, 1181 (7th Cir. 2021)
- Haywood v. Massage Envy Franchising, LLC, 887 F.3d 329, 333 (7th Cir. 2018)
- Camasta v. Jos. A. Bank Clothiers, Inc., 761 F.3d 732, 736–37, 740 (7th Cir. 2014)
- Bilek v. Federal Insurance Co., 8 F.4th 581, 586 (7th Cir. 2021)
- Sevugan v. Direct Energy Services, LLC, 931 F.3d 610, 614 (7th Cir. 2019)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 558 (2007)
- McCauley v. City of Chicago, 671 F.3d 611, 616 (7th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)
- Smart Oil, LLC v. DW Mazel, LLC, 970 F.3d 856, 863 (7th Cir. 2020)
- Gainer Bank, N.A. v. Jenkins, 284 Ill. App. 3d 500, 672 N.E.2d 317, 318–19 (1996)
- Ornelas v. Safeway Insurance Co., No. 88 C 3583, 1988 WL 102232, at *1 (N.D. Ill. Sept. 26, 1988)
- Spector v. Mondelēz International, Inc., 178 F. Supp. 3d 657, 673 (N.D. Ill. 2016)
- In re Aqua Dots Products Liability Litigation, 654 F.3d 748 (7th Cir. 2011)
- Lewert v. P.F. Chang's China Bistro, Inc., 819 F.3d 963 (7th Cir. 2016)
- Rudy v. Family Dollar Stores, Inc., 583 F. Supp. 3d 1149, 1160 (N.D. Ill. 2022)
- Terrazzino v. Wal-Mart Stores, Inc., 335 F. Supp. 3d 1074, 1079–84 (N.D. Ill. 2018)
- McDonnell v. Nature's Way Products, LLC, No. 16 C 5011, 2017 WL 1149336, at *1–3 (N.D. Ill. Mar. 28, 2017)
- Muir v. Playtex Products, LLC, 983 F. Supp. 2d 980, 990 (N.D. Ill. 2013)
- Sabo v. Wellpet, LLC, 250 F. Supp. 3d 332, 337 (N.D. Ill. 2017)
- Rodriguez v. Cresco Labs, Inc., No. 25 C 633, 2025 WL 3215872, at *3 (N.D. Ill. Nov. 18, 2025)
- Kelly v. Sears Roebuck & Co., 308 Ill. App. 3d 633, 720 N.E.2d 683, 690–92 (1999)
- Newman v. Metropolitan Life Insurance Co., 885 F.3d 992, 998 (7th Cir. 2018)
- Wigod v. Wells Fargo Bank, N.A., 673 F.3d 547, 571 (7th Cir. 2012)
- Caremark, Inc. v. Coram Healthcare Corp., 113 F.3d 645, 650 n.7 (7th Cir. 1997)
- Pirelli Armstrong Tire Corp. Retiree Medical Benefits Trust v. Walgreen Co., 631 F.3d 436, 446 (7th Cir. 2011)
- Eberhardt v. Walsh, 122 F.4th 681, 687 n.4 (7th Cir. 2024)
- Cozzi Iron & Metal, Inc. v. U.S. Office Equipment, Inc., 250 F.3d 570, 576 (7th Cir. 2001)
- Zeikos Inc. v. Walgreen Co., No. 23 C 303, 2023 WL 8281523, at *5 (N.D. Ill. Nov. 30, 2023)
- Gvozden v. Mill Run Tours, Inc., No. 10-CV-04595, 2015 WL 4656663, at *13 (N.D. Ill. Aug. 5, 2015)
- Sears Roebuck & Co., 720 N.E.2d at 690, 692
- Connick v. Suzuki Motor Co., 174 Ill. 2d 482, 675 N.E.2d 584, 591, 593 (1996)
- McIntosh v. Walgreens Boots Alliance, Inc., 2019 IL 123626, 135 N.E.3d 73, 84–85
- Kupper v. Powers, 2017 IL App (3d) 160141, 71 N.E.3d 347, 354–55
- Capiccioni v. Brennan Naperville, Inc., 339 Ill. App. 3d 927, 791 N.E.2d 553, 558 (2003)

- Cresco Labs, 2025 WL 3215872, at *5
- Manley v. Hain Celestial Group, Inc., 417 F. Supp. 3d 1114, 1123, 1125 (N.D. Ill. 2019)
- Elward v. Electrolux Home Products, Inc., 214 F. Supp. 3d 701, 705 (N.D. Ill. 2016)
- Miller v. Emerson Electric Co., No. 1:23-CV-03797, 2025 WL 964905, at *5 (N.D. Ill. Mar. 31, 2025)
- Gurrola v. Ford Motor Co., 774 F. Supp. 3d 959, 976–77 (N.D. Ill. 2025)
- Rosenstern v. Allergan, Inc., 987 F. Supp. 2d 795, 805 (N.D. Ill. 2013)
- Nationwide Agribusiness Insurance Co. v. Dugan, 810 F.3d 446, 450 (7th Cir. 2015)
- King v. Damiron Corp., 113 F.3d 93, 97 (7th Cir. 1997)
- Cleary v. Philip Morris Inc., 656 F.3d 511, 517 (7th Cir. 2011)
- Siegel v. Shell Oil Co., 612 F.3d 932, 937 (7th Cir. 2010)

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