

2019 Midyear Report: Hinshaw's Gretchen Harris Sperry Reviews the Biggest Legal Decisions in Illinois

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Hinshaw Partner Gretchen Harris Sperry—chair of the firm's Appellate practice—is featured in a *Law360* midyear report on the biggest Illinois court decisions. In particular, Sperry spoke about the Illinois Supreme Court decisions in *Kenrick Roberts v. The Board of Trustees of Community College District No. 508* and *McIntosh v. Walgreens*.

A summary of her analysis follows below.

In *Kenrick Roberts*, Illinois' highest court placed limits on protections for whistleblowers, ruling that relators must specifically allege a company's conduct was illegal when bringing claims under the state Whistleblower Act. Sperry noted that the opinion lays out "a very detailed discussion of what constitutes bad behavior on behalf of the employer" – guidance that was previous lacking in legal precedent.

She predicted that employers will benefit from the pleading requirements outlined by the court in this decision:

"[As a putative whistleblower,] you have to come with more than just, 'I feel like they did the wrong thing.' It has to be something significant that you are reporting. [This decision is] really going to rein in the kinds of allegations you can make against employers for retaliation. This is good protection for them."

In *McIntosh*, the court ruled that the state's voluntary payment doctrine blocks consumers from bringing certain claims of deceptive acts under the state Consumer Fraud Act. In doing so, the court rejected the plaintiff's contention that consumer fraud claims are "categorically exempt" from preclusion under the doctrine.

Sperry said that consumer fraud claims could be alleged for any number of minor or major tax implications, often low in damages, but also with a high reward for class action plaintiff attorneys who "go the long haul." The decision in *McIntosh* helps resolve uncertainty over how the voluntary payment doctrine interacts with the CFA statute requiring specific allegations of fraud.

Read "[Biggest Illinois Decisions So Far In 2019: Midyear Report](#)" on the *Law360* website (*subscription required*)

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