

Jenner & Block Secures Appellate Affirmance of Dismissal for BMO in Putative Class Action

News

September 4, 2026

The Illinois Appellate Court, First District, affirmed the dismissal of a putative consumer class action against Jenner & Block client BMO, confirming that there was no merit to claims of consumer fraud, deceptive practices, or related claims about how the bank handled dormant account fees.

The plaintiff had previously brought a separate false claims act lawsuit on behalf of the State of Illinois making similar allegations. After that claim was dismissed for lack of merit, a decision the appellate court had already upheld in an earlier appeal, the plaintiff filed a new class action raising largely the same claims on behalf of himself and other accountholders.

The Jenner team argued that this second lawsuit could not proceed because it was barred by res judicata, a legal doctrine that prevents parties from relitigating claims that have already been resolved and was meritless for additional reasons as well. The circuit court agreed and dismissed the case. The appellate court affirmed that outcome on appeal.

The team was led by Partners Andrew Vail and Gabriel Gillett, with support from Associate Savannah McNeily, and Paralegal Cheryl Kras.

Related Lawyers



Andrew W. Vail

Partner

avail@jenner.com

+1 312 840 8688



Gabriel K. Gillett

Partner

ggillett@jenner.com

+1 312 840 7220



Savannah E.B. McNeily

Associate

smcneily@jenner.com

+1 312 840 7434

Related Capabilities

Class Action

Related Locations

Chicago

© 2026 Jenner & Block LLP. Attorney Advertising. Jenner & Block LLP is an Illinois Limited Liability Partnership including professional corporations. This publication, presentation, or event is not intended to provide legal advice but to provide information on legal matters and/or firm news of interest to our clients and colleagues. Readers or attendees should seek specific legal advice before taking any action with respect to matters mentioned in this publication or at this event. The attorney responsible for this communication is Brent E. Kidwell, Jenner & Block LLP, 353 N. Clark Street, Chicago, IL 60654-3456. Prior results do not guarantee a similar outcome. Jenner & Block London LLP, an affiliate of Jenner & Block LLP, is a limited liability partnership established under the laws of the State of Delaware, USA and is authorised and regulated by the Solicitors Regulation Authority with SRA number 615729. Information regarding the data we collect and the rights you have over your data can be found in our Privacy Notice. For further inquiries, please contact dataprotection@jenner.com.

Stay Informed

