

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT^{AK}
DUPAGE COUNTY, ILLINOIS**

TYSEN HANSEN, individually and on)	
behalf of all other similarly situated,)	
)	Case No: 2025LA001594
Plaintiff,)	
vs.)	
)	
ASP AESTHETICS LP,)	
Defendant.)	JURY TRIAL DEMANDED
)	
)	
)	
)	
)	

CLASS ACTION COMPLAINT

Plaintiff Tysen Hansen brings this class action against Defendant ASP Aesthetics LP (“Defendant”) and alleges as follows upon personal knowledge as to Plaintiff and Plaintiff’s own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by Plaintiff’s attorneys.

INTRODUCTION

1. This is a putative class action pursuant to the Telephone Consumer Protection Act, 47 U.S.C. §§ 227, et seq. (the “TCPA”).
2. To promote its goods and services, Defendant engages in unsolicited text messaging and continues to text message consumers after they have opted out of Defendant’s solicitations.
3. Through this action, Plaintiff seeks injunctive relief to halt Defendant’s illegal conduct, which has resulted in the invasion of privacy, harassment, aggravation, and disruption of the daily life of thousands of individuals. Plaintiff also seeks statutory damages on behalf of Plaintiff and members of the Class, and any other available legal or equitable remedies.

JURISDICTION AND VENUE

4. This Court may assert personal jurisdiction over Defendant pursuant to 735 ILCS 5/2-209 in accordance with the Illinois Constitution and the Constitution of the United States, because Defendant is knowingly doing business within this State such that Defendant has sufficient minimum contacts with Illinois and has purposely availed itself of Illinois markets to make it reasonable for this Court to exercise jurisdiction over Defendant.

5. Venue is proper in DuPage County, Illinois pursuant to 735 ILCS 5/2-101 because Defendant conducts business in DuPage County and thus resides there under § 2-102.

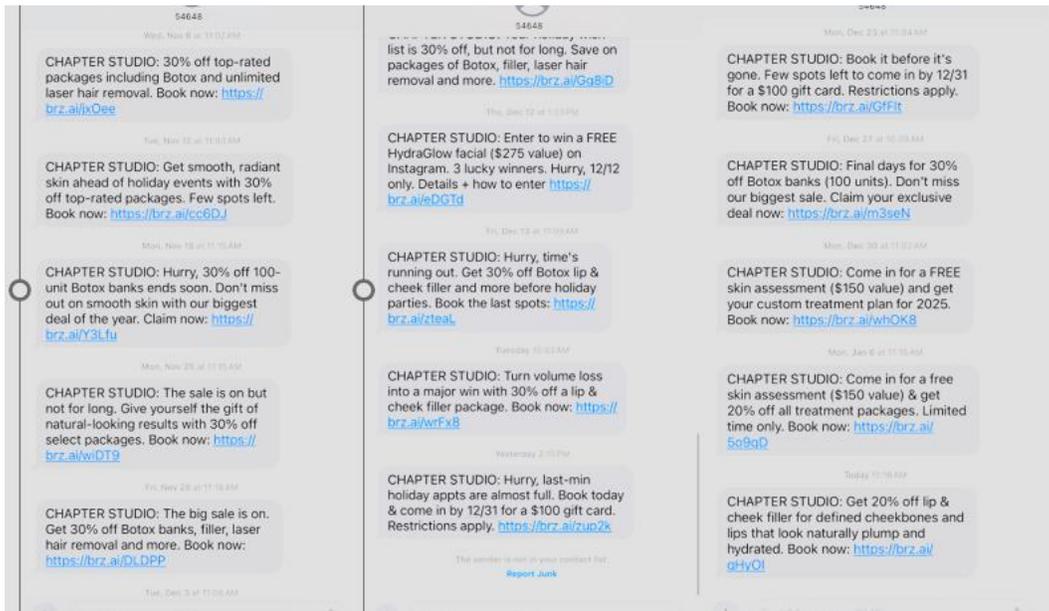
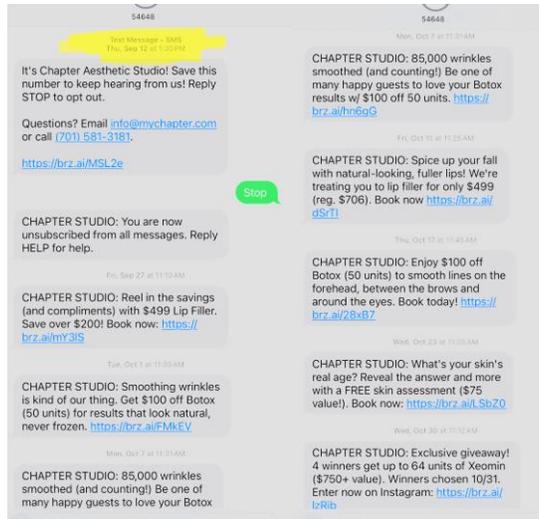
PARTIES

6. Plaintiff Tysen Hansen is a natural person.

7. Defendant is a Delaware corporation whose principal office is located in Chicago, Illinois.

FACTS

8. Defendant has caused multiple text messages to be transmitted to Plaintiff's cellular telephone number ending in 2324 ("2324 Number"):



9. Plaintiff has asked Defendant to stop contacting him on September 12, 2024 (and February 13, 2025) but Defendant continued to send him text messages on September 27, 2024; October 1, 2024; October 7, 2024; October 17, 2024; October 23, 2024; October 30, 2024; November 6, 2024; November 12, 2024; November 18, 2024; November 25, 2024; November 29, 2024; December 3, 2024; December 23, 2024; December 27, 2024; December 30, 2024; January 6, 2025; January 13, 2025; January 20, 2025; January 22, 2025; January 28, 2025; January 29,

2025; February 3, 2025; February 7, 2025; February 10, 2025; February 12, 2025; February 13, 2025; March 21, 2025; March 24, 2025; March 27, 2025; March 31, 2025; and April 4, 2025.

10. As demonstrated by the above screenshots, the purpose of Defendant's text messages was to solicit the sale of consumer goods and/or services.

11. As demonstrated by the above screenshots, Defendant did not honor all consumer requests to opt-out of text message solicitations. Indeed, Plaintiff attempted to opt-out of Defendant's text message solicitations by responding, but Defendant continued to text message Plaintiff.

12. Defendant sent at least two solicitations after Plaintiff's initial opt-out request.

13. Plaintiff is the regular user of the telephone number that received the above text messages.

14. Plaintiff utilizes the cellular telephone number for personal purposes and the number is Plaintiff's residential telephone line. Plaintiff has no land-line phone number and this number is his only way to contact him when he is home.

15. Plaintiff's cellular telephone number has been listed on the National Do Not Call Registry since December 20, 2024.

16. Upon information and belief, Defendant maintains and/or has access to outbound transmission reports for all text messages that were sent advertising/promoting its services and goods. These reports show the dates, times, target telephone numbers, and content of each message sent to Plaintiff and the Class members.

17. Defendant's failure to honor opt-out requests suggests that Defendant does not: (1) maintain written policies and procedures regarding its text messaging marketing; (2) provide

training to its personnel engaged in telemarketing; and/or (3) maintain a standalone do-not-call list.

18. Defendant's apparent failure to (1) maintain the required written policies and procedures, (2) provide training to its personnel engaged in telemarketing, (3) maintain a standalone do-not-call list, and (4) honor consumer opt-out requests caused Plaintiff and the class members harm as they continued to receive text message solicitations after asking for those messages to stop.

19. Defendant's text messages caused Plaintiff and the Class members harm, including statutory damages, inconvenience, invasion of privacy, aggravation, annoyance, and violation of their statutory privacy rights, invasion of their privacy, and intrusion upon seclusion. Defendant's text messages also occupied storage space on Plaintiff's and the Class members' telephones.

CLASS ALLEGATIONS

20. Plaintiff brings this action on his own behalf and on behalf of a nationwide class (the "Class"), pursuant to 735 ILCS 5/2-801 defined as follows:

All persons within the United States who, since April 4, 2021, (1) made a request to Defendant to not receive future text messages, (2) were sent a text message from Defendant or anyone on Defendant's behalf, (3) to said person's residential telephone number, (4) regarding Defendant's goods, products or services.

21. Plaintiff reserves the right to modify the Class definition as warranted as facts are learned in further investigation and discovery.

22. Defendant and its employees or agents are excluded from the Class.

NUMEROSITY

23. Upon information and belief, Defendant has sent text messages to thousands of persons in violation of the TCPA throughout the United States. The members of the Class, therefore, are believed to be so numerous that joinder of all members is impracticable.

24. The exact number and identities of the members of the Class are unknown at this time and can only be ascertained through discovery. Identification of the Class members is a matter capable of ministerial determination from Defendant's call records.

COMMON QUESTIONS OF LAW AND FACT

25. There are numerous questions of law and fact common to members of the Class which predominate over any questions affecting only individual members of the Class. Among the questions of law and fact common to the members of the Class are:

- a. Whether Defendant sent text message solicitations to Plaintiff and the Class members;
- b. Whether Defendant continued to send text message solicitations after opt-out requests;
- c. Whether Defendant maintains an internal do-not-call list and instructs its employees on how to use the list; and
- d. Whether Defendant is liable for damages, and the amount of such damages.

26. The common questions in this case are capable of having common answers. If Plaintiff's claim that Defendant routinely transmits text message solicitations to telephone numbers assigned to cellular telephone services is accurate, Plaintiff and the Class members will have identical claims capable of being efficiently adjudicated and administered in this case.

TYPICALITY

27. Plaintiff's claims are typical of the claims of the Class members, as they are all based on the same factual and legal theories.

PROTECTING THE INTERESTS OF THE CLASS MEMBERS

28. Plaintiff is a representative who will fully and adequately assert and protect the interests of the Class, and has retained competent counsel. Accordingly, Plaintiff is an adequate representative and will fairly and adequately protect the interests of the Class.

PROCEEDING VIA CLASS ACTION IS SUPERIOR AND ADVISABLE

29. A class action is superior to all other available methods for the fair and efficient adjudication of this lawsuit, because individual litigation of the claims of all members of the Class is economically unfeasible and procedurally impracticable. While the aggregate damages sustained by the Class are in the millions of dollars, the individual damages incurred by each member of the Class resulting from Defendant's wrongful conduct are too small to warrant the expense of individual lawsuits. The likelihood of individual Class members prosecuting their own separate claims is remote, and, even if every member of the Class could afford individual litigation, the court system would be unduly burdened by individual litigation of such cases.

30. The prosecution of separate actions by members of the Class would create a risk of establishing inconsistent rulings and/or incompatible standards of conduct for Defendant. For example, one court might enjoin Defendant from performing the challenged acts, whereas another may not. Additionally, individual actions may be dispositive of the interests of the Class, although certain class members are not parties to such actions.

COUNT I
VIOLATION OF 47 U.S.C. § 227(c) and 47 C.F.R. § 64.1200(d)
(On Behalf of Plaintiff and the Class)

31. Plaintiff re-alleges and incorporates the foregoing allegations set forth in paragraphs 1 through 30 as if fully set forth herein.

32. In pertinent part, 47 C.F.R. § 64.1200(d) provides:

No person or entity shall initiate any call for telemarketing purposes to a residential telephone subscriber unless such person or entity has instituted procedures for maintaining a list of persons who request not to receive telemarketing calls made by or on behalf of that person or entity. The procedures instituted must meet the following minimum standards:

(1) *Written policy.* Persons or entities making calls for telemarketing purposes must have a written policy, available upon demand, for maintaining a do-not-call list.

(2) *Training of personnel engaged in telemarketing.* Personnel engaged in any aspect of telemarketing must be informed and trained in the existence and use of the do-not-call list.

(3) *Recording, disclosure of do-not-call requests.* If a person or entity making a call for telemarketing purposes (or on whose behalf such a call is made) receives a request from a residential telephone subscriber not to receive calls from that person or entity, the person or entity must record the request and place the subscriber's name, if provided, and telephone number on the do-not-call list at the time the request is made. Persons or entities making calls for telemarketing purposes (or on whose behalf such calls are made) must honor a residential subscriber's do-not-call request within a reasonable time from the date such request is made. This period may not exceed thirty days from the date of such request. If such requests are recorded or maintained by a party other than the person or entity on whose behalf the telemarketing call is made, the person or entity on whose behalf the telemarketing call is made will be liable for any failures to honor the do-not-call request. A person or entity making a call for telemarketing purposes must obtain a consumer's prior express permission to share or forward the consumer's request not to be called to a party other than the person or entity on whose behalf a telemarketing call is made or an affiliated entity.

33. Under 47 C.F.R. § 64.1200(e), the rules set forth in 47 C.F.R. § 64.1200(d) are applicable to any person or entity making telephone solicitations or telemarketing calls to wireless telephone numbers.

34. Plaintiff and the other Class members made requests to Defendant not to receive calls from Defendant.

35. Defendant failed to honor Plaintiff's and the other Class members' opt-out requests.

36. Defendant's refusal to honor opt-out requests is indicative of Defendant's failure to implement a written policy for maintaining a do-not-call list and to train its personnel engaged in telemarketing on the existence and use of the do-not-call-list.

37. Thus, Defendant has violated 47 C.F.R. § 64.1200(d).

38. Pursuant to section 227(c)(5) of the TCPA, Plaintiff and other Class members are each entitled to an award of \$500.00 in statutory damages for each and every negligent violation.

39. As a result of Defendant's knowing or willful conduct, Plaintiff and the other Class members are each entitled to an award of \$1,500.00 in statutory damages for each and every reckless or intentional violation.

40. Plaintiff and the other Class members are also entitled to and seek injunctive relief prohibiting Defendant's illegal conduct in the future, pursuant to section 227(c)(5).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of himself and the Class, prays for the following relief:

- a) An order certifying this case as a class action on behalf of the Class as defined above, and appointing Plaintiff as the representative of the Class and Plaintiff's counsel as Class Counsel;
- b) An award of statutory damages for Plaintiff and each member of the Class as applicable under the TCPA;
- c) An order declaring that Defendant's actions, as set out above, violate the TCPA;
- d) Attorneys' fees and costs;
- e) Such further and other relief as the Court deems necessary.

JURY DEMAND

Plaintiff requests trial by jury of all claims that can be so tried.

DATED: December 15, 2025

Respectfully submitted,

Tysen Hansen, individually and on behalf of
similarly situated individuals,

By: /s/ Eugene Y. Turin

One of Plaintiff's Attorneys

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