

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

TYSEN HANSEN, individually and on behalf of
all other similarly situated,

Plaintiffs,

v.

ASP Aesthetics LP,

Defendants.

Case No.: 2025LA001594

FILED

FEB 10, 2026 02:18 PM

Candice Adams

CLERK OF THE
18TH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

**ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

This matter, having come to be heard on Plaintiff's Unopposed Motion for Preliminary Approval of Proposed Class Action Settlement (the "Motion for Preliminary Approval"), the Court having reviewed in detail and considered the Motions, the Class Action Settlement Agreement and Release ("Settlement Agreement") between Plaintiff Tysen Hansen ("Plaintiff") and Defendant ASP Aesthetics LP (collectively, "Defendant," and with the Plaintiff, the "Named Parties"), and all other papers that have been filed with the Court related to the Settlement Agreement, including all exhibits and attachments to the Motion and the Settlement Agreement, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement is GRANTED.
2. Except as otherwise provided below, all capitalized terms used in this Preliminary Approval Order shall have the meanings or definitions given to them in the Settlement Agreement.

3. The Parties have agreed to a class action settlement of all Released Claims. Plaintiff seeks and for purposes of settlement only, Defendant does not object to certification of a Settlement Class defined as follows:

All persons within the United States who, during the Class Period, (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 cellular telephone number, (4) regarding Defendant's goods, products or services.

Specifically excluded are the following Persons:

- (i) Defendant and its respective subsidiaries, affiliates, employees, officers, directors, agents, counsel, and representatives;
- (ii) Settlement Class Counsel and their employees and immediate family;
- (iii) The judges who have presided over the Action;
- (iv) Any of the Released Parties;
- (v) All persons who have properly and timely elected to become Opt-Outs from the Settlement Class in accordance with the Court's orders.

4. For purposes of settlement only, the Court finds that the prerequisites to class action treatment have been preliminarily satisfied.

Likely Approval As Fair, Reasonable, And Adequate

5. Approval of a class action settlement should be given if the settlement offer is fair, reasonable, and adequate. When assessing the fairness of a proposed settlement, some of the factors the trial judge should consider include: (1) the strength of the case for the plaintiff on the merits, balanced against the money or other relief offered in settlement; (2) the defendant's ability to pay; (3) the complexity, length, and expense of further litigation; (4) the amount of opposition to the settlement; (5) the presence of collusion in reaching a settlement; (6) the reaction of members of the class to the settlement; (7) the opinion of competent counsel; and (8) the stage of proceedings

and the amount of discovery completed. *See City of Chicago v. Korshak*, 206 Ill. App. 3d 968, 972 (1990).

6. Here, the terms of the Settlement Agreement are preliminarily approved as fair, reasonable, and adequate. There is no question that the Parties are at arm's-length. The Settlement appears to be the result of extensive, non-collusive, arm's-length negotiations between experienced counsel who were thoroughly informed of the strengths and weaknesses of the case through mediation-related discovery and whose negotiations were supervised by a respected class action mediator, Howard Tescher of Tescher Mediation.

7. The Settlement provides adequate relief to the proposed Settlement Class. Settlement Class Members who submit an approved Claim Form shall be entitled to up to \$55.00 per text message they received from Defendant after they had asked Defendant to stop contacting them for up to \$550.00 in total compensation per Settlement Class Member. In light of the complexity, length, and expense of further litigation, as well as the strength of the case for Plaintiff on the merits, this relief is adequate for settlement purposes. If the Settlement had not been reached, the Parties faced extensive briefing on the merits of Plaintiff's claims, class certification, and the Settlement Class Members' rights to be part of any class given the defenses that Defendant could have asserted, the outcome of any of which would have been uncertain.

8. There is no reason to doubt the effectiveness of distributing relief under the Settlement. As further addressed below, the Parties propose a Notice Program reasonably calculated to reach nearly all members of the proposed Settlement Class who will be able to submit claims for Cash Payments online or by mail and those claims will be processed by an experienced claims administrator, as further addressed below.

9. No agreements exist between the Parties aside from the Settlement.

10. The Settlement treats members of the proposed Settlement Class equitably relative to each other. All members of the Proposed Settlement Class may claim and each will be paid based on the number of violative text messages each received after all attorneys' fees and expenses, all Notice and Administration Costs, and any Service Award have been paid. This relief is equitable in light of the claims of the Settlement Class Members.

11. Having thoroughly reviewed the Settlement Agreement, the supporting exhibits, and the Parties' arguments, this Court finds that the Settlement is fair, reasonable, and adequate to warrant providing notice to the Settlement Class, and thus likely to be approved, subject to further consideration at the Final Approval Hearing as described below.

Likely Certification Of Settlement Class

12. Certification of a class action in Illinois is governed by 735 ILCS 5/2-801. Section 2-801 contains four prerequisites in order to maintain a class action: (1) the class is so numerous that joinder of all members is impracticable; (2) there are questions of fact and law common to the class that predominate over any questions affecting only individual members; (3) the representative parties will fairly and adequately protect the interests of the class; and (4) the class action is an appropriate method for the fair and efficient adjudication of the controversy.

13. The proposed Settlement Class is sufficiently numerous given that it consists of approximately 4,891 people in the United States.

14. Resolution of the Litigation depends on the common answers to common questions, such as: whether Defendant sent text messages in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (the "TCPA") and there are no individual issues precluding class treatment (predominance).

15. The proposed Settlement Class representative and Settlement Class Counsel will fairly and adequately protect the interests of the proposed Settlement Class.

16. This Settlement is an appropriate method for the fair and efficient adjudication of the controversy. Members of the proposed Settlement Class have not suffered sufficient damages to justify the costs of individual litigation. The Settlement ensures that all Settlement Class Members will have the opportunity to be compensated through a Cash Payment.

17. For these reasons, pursuant to Section 2-801, and for settlement purposes only, the Court finds it will likely certify the Settlement Class defined above in Paragraph 3 of this Order. This finding is subject to further consideration at the Final Approval Hearing to be conducted as described below.

18. The Court hereby preliminarily appoints the Plaintiff as representative of the Settlement Class. The Court hereby preliminarily appoints Manuel Hiraldo, Esq. of Hiraldo P.A. and Michael Eisenband, Esq. of Eisenband Law P.A. as Settlement Class Counsel.

19. In any Final Order and Judgment issued after the Final Approval Hearing, the Court will bar and permanently enjoin all Settlement Class Members who have not been properly excluded from the Settlement Class from (a) filing, commencing, prosecuting, intervening in or participating (as class members or otherwise) in any other lawsuit or administrative, regulatory, arbitration, or other proceeding in any jurisdiction based on, relating to, or arising out of the claims and causes of action or the facts and circumstances giving rise to the Litigation or the Released Claims and (b) organizing Settlement Class Members who have not been excluded from the Settlement Class into a separate class for purposes of pursuing as a purported class action, any lawsuit or arbitration, or other proceeding (including by seeking to amend a pending Complaint to include class allegations or seeking class certification in a pending action) based on, relating to, or arising out of the claims and causes of action in, or the facts and circumstances giving rise to, the Action or the Released Claims.

Approval Of The Manner And Form Of Notice

20. Having preliminarily approved the Settlement, the Court “may order such notice that it deems necessary to protect the interests of the class and the parties.” 735 ILCS 5/2-803. The Parties have submitted two proposed forms of Class Notice: Email Notice and Postcard Notice, both of which are attached to the Settlement Agreement as Exhibits 4 and 5. In addition, the Parties will direct the Settlement Administrator to create a Settlement Website where the Notice and Claim Form will be available.

21. Having reviewed these exhibits and the proposed Notice Program, the Court finds that the Parties’ proposed plan for providing notice to Settlement Class Members (a) is reasonable and constitutes due, adequate, and sufficient notice to all Persons entitled to receive notice; (b) is reasonably calculated, under the circumstances, to apprise the Settlement Class of the pendency of the Litigation and of their right to object to or to exclude themselves from the Settlement; and (c) meets all applicable requirements of applicable law. The Notice Program satisfies the requirements of Section 2-803 and due process. The Court therefore approves the Notice Program and the notice documents substantially in the form attached as the exhibits to Plaintiff’s Motion.

22. Continental DataLogix LLC has been selected to serve as the Settlement Administrator under the terms of the Settlement. The Court hereby appoints Continental DataLogix LLC to serve as the Settlement Administrator, to be supervised jointly by the Parties in taking the actions ordered below, and performing any other duties of the Settlement Administrator provided for in the Settlement Agreement.

23. Accordingly, the Court hereby ORDERS as follows:

24. The Administrator shall implement the Class Notice program, as set forth below and in the Settlement Agreement, using the Class notices substantially in the forms attached to the Settlement Agreement and approved by this Preliminary Approval Order. Notice shall be provided

to the members of the Settlement Class pursuant to the Class Notice program, as specified in the Settlement Agreement and approved by this Preliminary Approval Order. The Class Notice program shall include e-mail Notice and mail Notice (to the extent necessary), and the Long-Form Notice, as set forth in the Settlement and below.

Notice

25. The Administrator shall administer Notice as set forth in the Settlement Agreement. The Notice shall be completed and issued no later than 45 days after entry of the Preliminary Approval Order.

Settlement Website

26. The Administrator shall establish a Settlement Website as a means for Settlement Class Members to obtain notice of, and information about, the Settlement. The Settlement Website shall be established as soon as practicable following Preliminary Approval, but no later than before commencement of the Class Notice program. The Settlement Website shall include to the Settlement, the Long-Form Notice, the Preliminary Approval Order, and other such documents as Class Counsel and counsel for Defendant agree to include. These documents shall remain on the Settlement Website until at least 60 days following the Claim Deadline.

27. The Administrator is directed to perform all substantive responsibilities with respect to effectuating the Class Notice program, as set forth in the Settlement. To the extent that the Parties or Administrator determine that ministerial changes to the Notice Plan are necessary before disseminating notice to the Settlement Class Members, they may make such changes without further application to the Court

Final Approval Hearing And Related Deadlines

28. This Court will hold a Final Approval Hearing, on **May 27, 2026 at 9:30 a.m. CDT/CST**, in Courtroom 2016 of the Eighteenth Judicial Circuit Court of DuPage County, 505

N. County Farm Road, Wheaton, Illinois 60187 or **by remote means** as ordered by the Court. The purposes of the Final Approval Hearing will be to consider the fairness, reasonableness, and adequacy of the proposed Settlement and the application for an award of Attorneys' Fees and Expenses, and to consider whether the Court should issue a Final Order and Judgment approving the Settlement, granting Settlement Class Counsel's application for Attorneys' Fees and Expenses, granting the Service Awards application by Plaintiff, and dismissing the claims against Defendant with prejudice.

29. The Court reserves the right to adjourn the Final Approval Hearing without further notice to Settlement Class Members or to approve the Settlement with modification without further notice to Settlement Class Members.

30. Any person within the Settlement Class who wishes to be excluded from the Settlement Class may exercise their right to opt-out of the Settlement Class by following the opt-out procedures set forth in the Settlement Agreement. To be valid and timely, opt-out requests must be received by all those listed in the Long-Form Notice no later than 80 days after entry of the Preliminary Approval Order.

31. Any Settlement Class Member may object to the Settlement, Class Counsel's Fee Application, or the request for a Service Award for Plaintiff. Any such objections must be mailed to the Clerk of the Court, Class Counsel, and Defendant's Counsel, at the addresses indicated in the Long-Form Notice. For an objection to be considered by the Court, the objection must be postmarked no later than 80 days after entry of the Preliminary Approval Order, as set forth in the Notice. To be valid, an objection must include the following information:

- a. the name of the Action;
- b. the objector's full name, address, and telephone number;

- c. an explanation of the basis upon which the objector claims to be a Settlement Class Member;
- d. all grounds for the objection, accompanied by any legal support for the objection known to the objector or his counsel;
- e. the number of times in which the objector has objected to a class action settlement within the five years preceding the date that the objector files the objection, the caption of each case in which the objector has made such an objection, and a copy of any orders related to or ruling upon the objector's prior such objections that were issued by the trial and appellate courts in each listed case;
- f. the identity of all counsel who represent the objector, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement or Fee Application;
- g. any and all agreements that relate to the objection or the process of objecting—whether written or oral—between objector or objector's counsel and any other person or entity;
- h. the identity of all counsel (if any) representing the objector who will appear at the Final Approval Hearing;
- i. a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing;
- j. a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection; and
- k. the objector's signature (an attorney's signature is not sufficient).

Further Papers in Support of Settlement and Attorney's Fee Application

32. Plaintiff and Class Counsel shall file their Motion for Final Approval of the Settlement, Fee Application and request for a Service Award for Plaintiff, no later than 65 days after entry of the Preliminary Approval Order.

33. Plaintiff and Class Counsel shall file their responses to timely filed objections to the Motion for Final Approval of the Settlement, the Fee Application and/or request a Service Award for Plaintiff no later than 90 days from entry of the Preliminary Approval Order.

Effect of Failure to Approve Settlement

34. If the Settlement is not finally approved by the Court, or for any reason the Parties fail to obtain a Final Approval Order as contemplated in the Settlement Agreement, or the Settlement Agreement is terminated pursuant to its terms for any reason, then the following shall apply:

- a. All orders and findings entered in connection with the Settlement shall become null and void and have no further force and effect, shall not be used or referred to for any purpose whatsoever, and shall not be admissible or discoverable in any other proceeding;
- b. Nothing in this Preliminary Approval Order is, or may be construed as, any admission or concession by or against Defendant or Plaintiff on any point of fact or law; and
- c. Neither the Settlement terms nor any publicly disseminated information regarding the Settlement, including, without limitation, the Class Notice, court filings, orders and public statements, may be used as evidence. In addition, neither the fact of, nor any documents relating to, either Party's withdrawal from the Settlement, any failure of the Court to approve the Settlement and/or any objections or interventions may be used as evidence.

Stay/Bar of Other Proceedings

35. All proceedings in the Action are stayed until further order of the Court, except as may be necessary to implement the terms of the Settlement. Pending final determination of whether the Settlement should be approved, Plaintiff, all persons in the Settlement Class, and persons purporting to act on their behalf are enjoined from commencing or prosecuting (either directly, representatively or in any other capacity) against any of the Released Parties any action or proceeding in any court, arbitration forum or tribunal asserting any of the Released Claims.

36. Based on the foregoing, the Court sets the following schedule for the Final Approval Hearing and the actions which must take place before and after it:

<u>Event</u>	<u>Date</u>	<u>Timeline</u>
Deadline for Completion of Notice	March 27, 2026	45 days from entry of the Preliminary Approval Order
Deadline for opting-out of the Settlement and for submission of Objections	May 1, 2026	80 days from entry of the Preliminary Approval Order
Deadline for submitting claim form	June 11, 2026	15 days after the Final Approval Order
Deadline for filing Motion for Final Approval of Settlement and Class Counsel's Fee application and expenses, and for service award	April 16, 2026	65 days from entry of the Preliminary Approval Order
Deadline for Responses to Objections	May 11, 2026	90 days from entry of the Preliminary Approval Order
Final Approval Hearing	May 27, 2026	Approximately 100 days from entry of the Preliminary Approval Order

IT IS SO ORDERED.

ENTERED: 2/10/20



Judge Louis B. Aranda
Circuit Court Judge
Circuit Court of DuPage County, Illinois