

☐ YES ☒ NO

EXHIBITS

CASE NO. 25CH08182

DATE: 8/6/25

CASE TYPE: Class Action

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CASE NOTE

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

SMONE HONEYCUTT, JERESA  
WHITE, and SHANTEL SAGO  
individually and on behalf of similarly  
situated individuals,

*Plaintiffs,*

v.

TEA DATING ADVICE, INC, a  
Delaware corporation,

*Defendant.*

No. 2025CH08182

Hon.

**CLASS ACTION COMPLAINT**

Plaintiffs Smone Honeycutt, Jeresa White, and Shantel Sago (collectively “Plaintiffs”), individually and on behalf of other similarly situated individuals, bring this Class Action Complaint against Defendant Tea Dating Advice, Inc. (“Defendant” or “Tea”) for its violations of the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.* (“BIPA”) and to obtain redress for all persons injured by Defendant’s conduct. Plaintiffs allege as follows based on personal knowledge as to their own acts and experiences, and as to all other matters, upon information and belief, including an investigation conducted by their attorneys.

**INTRODUCTION**

1. Plaintiffs seek to represent a class of individuals who had their unique facial biometrics unlawfully collected, retained, disclosed and used without their consent or authorization by Defendant when they interacted with the identity verification process as part of registration for Defendant’s Tea App.

2. On behalf of themselves and the proposed Class defined below, Plaintiffs seek an

injunction requiring Defendant to comply with BIPA, as well as an award of statutory damages to the Class, together with costs and reasonable attorneys' fees.

### **PARTIES**

4. At all relevant times, Plaintiff Smone Honeycutt has been a citizen of Illinois and resident of Will County.

5. At all relevant times, Plaintiff Jeresa White has been a citizen of Illinois and resident of Cook County.

6. At all relevant times, Plaintiff Shantel Sago has been a citizen of Illinois and resident of Will County.

7. Defendant Tea Dating Advice, Inc. is a Delaware corporation that conducts business throughout Illinois, including in Cook County, Illinois.

### **JURISDICTION AND VENUE**

8. 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 conducts business within this state and because Plaintiffs' claims arise out of Defendant's unlawful in-state actions, as Defendant captured, collected, stored, and used Plaintiffs' biometric identifiers and/or biometric information in this state.

9. Venue is proper in Cook County, Illinois pursuant to 735 ILCS 5/2-101, because Defendant conducts business in Cook County, Illinois, and thus resides there under § 2-102, and because the biometric transactions out of which this cause of action arises occurred in Cook County, Illinois.

### **THE BIOMETRIC INFORMATION PRIVACY ACT**

10. "Biometrics" refers to a "biology-based set[s] of measurements." *Rivera v. Google*

*Inc.*, 238 F. Supp. 3d 1088, 1094 (N.D. Ill. 2017). Specifically, “biometrics” are “a set of measurements of a specified physical component (eye, finger, voice, hand, face).” *Id.* at 1296.

11. BIPA was enacted in 2008 in order to safeguard individuals’ biometrics as the result of the “very serious need [for] protections for the citizens of Illinois when it [comes to their] biometric information.” Illinois House Transcript, 2008 Reg. Sess. No. 276. BIPA is codified as Act 14 in Chapter 740 of the Illinois Compiled Statutes.

12. As set forth in BIPA, biologically unique identifiers, such as a person’s unique facial geometry, cannot be changed. 740 ILCS 14/5(c). The inalterable nature of biologically unique identifiers presents a heightened risk when an individual’s biometrics are not protected in a secure and transparent fashion. 740 ILCS 14/5(d)–(g).

13. As a result of the need for enhanced protection of biometrics, BIPA imposes various requirements on private entities that collect or maintain individuals’ biometrics, including those obtained through facial scans.

14. Among other things, BIPA seeks to regulate “the collection, use, safeguarding, handling, storage, retention, and destruction of biometric identifiers and information.” 740 ILCS 14/5(g). BIPA thus applies to entities that interact with two forms of biometric data: biometric “identifiers” and biometric “information.” 740 ILCS 14/15(a)–(e).

15. BIPA defines a “biometric identifier” as any personal feature that is unique to an individual, including fingerprints, voiceprints, palm scans and facial geometry. “Biometric identifiers” are physiological, as opposed to behavioral, characteristics. BIPA’s text provides a non-exclusive list of protected “biometric identifiers,” including “a retina or iris scan, fingerprint, voiceprint, or scan of hand or face geometry.” 740 ILCS 14/10.

16. “Biometric information” is defined by BIPA as “any information, regardless of

how it is captured, converted, stored, or shared, based on an individual's biometric identifier used to identify an individual.” *Id.* This definition helps ensure that information based on a biometric identifier that can be used to identify a person is covered by BIPA. Collectively, biometric identifiers and biometric information are known as “biometrics.”

17. In BIPA, the Illinois General Assembly identified five distinct activities that may subject private entities to liability:

- a. possessing biometrics without a proper publicly available policy, 740 ILCS 14/15(a);
- b. collecting, capturing, purchasing, receiving, or obtaining biometrics, 740 ILCS 14/15(b);
- c. selling, leasing, trading, or profiting from biometrics, 740 ILCS 14/15(c);
- d. disclosing or disseminating biometrics, 740 ILCS 14/15(d); and
- e. failing to secure biometric data using a reasonable standard of care, 740 ILCS 14/15(e).

18. As the Illinois Supreme Court has held, BIPA “codified that individuals possess a right to privacy in and control over their biometric identifiers and biometric information.” *Rosenbach v. Six Flags Entm’t Corp.*, 2019 IL 123186, ¶ 33, 129 N.E.3d 1197, 1206 (Ill. 2019). The Illinois Supreme Court further held that when a private entity fails to comply with BIPA “that violation constitutes an invasion, impairment, or denial of the statutory rights of any person or customer whose biometric identifier or biometric information is subject to the breach.” *Id.*

### **FACTUAL BACKGROUND**

19. Defendant is the owner and operator of the viral mobile phone dating application “Tea” (hereinafter the “Tea App.”).

20. During the relevant period, Defendant claims to have had 5.7 million users register

for its Tea App., including thousands of users residing within the State of Illinois.<sup>1</sup>

21. In order to verify the gender and identity of potential users of the Tea App. Defendant collected, stored, possessed, and analyzed potential users' facial geometry. Specifically, the Tea App required potential users to upload a "selfie" picture of their face. Some users were also required to upload photos of their Illinois Driver's License. These photos were then used to biometrically analyze potential users' facial geometry to verify their gender and identity before granting them access to Defendant's services.

22. In or about July of 2025, Plaintiff Smone Honeycutt registered as a user of the Tea App. During the registration process Plaintiff was required to upload a "selfie" picture of her face so that Defendant could biometrically analyze her facial geometry to verify her gender.

23. In or about July of 2025, Plaintiff Jeresa White registered as a user of the Tea App. During the registration process Plaintiff was required to upload a "selfie" picture of her face as well as a photo of her Illinois Driver's License so that Defendant could biometrically analyze her facial geometry to verify her gender and identity.

24. On information and belief, Defendant used Plaintiff White's "selfie" picture of her face so that it could biometrically compare the "selfie" with Plaintiff White's picture on her Illinois Driver's License and confirm that the images match.

25. In or about July of 2025, Plaintiff Shantel Sago registered as a user of the Tea App. During the registration process Plaintiff was required to upload a "selfie" picture of her face so that Defendant could biometrically analyze her facial geometry to verify her gender.

26. Thus, each time Plaintiffs were required to upload a "selfie" or picture of their Illinois Driver's License to verify their gender or identity, Defendant collected, captured,

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<sup>1</sup> <https://www.teaforwomen.com/about> (last accessed July 31, 2025).

possessed, and stored their biometrics in the form of facial geometry.

27. However, even though Defendant collected, captured, possessed, and stored Plaintiffs' and Class members' facial biometrics, Defendant failed to obtain proper written consent as required by BIPA to collect such biometrics.

28. In addition, at the time Defendant collected and came into possession of Plaintiffs' facial biometrics, Defendant failed to make publicly available any BIPA compliant written policy as to Defendant's retention and deletion practices regarding the biometrics in its possession.

29. On information and belief, Defendant uses third-party biometric services in order to verify the gender and identity of individuals registering for its Tea App. Thus, by using a third-party vendor to biometrically analyze Plaintiffs' facial biometrics, Defendant also unlawfully disclosed Plaintiffs' and other Class members' facial biometric data to third-party biometric vendors and data storage vendors without Plaintiffs' and Class members' consent.

30. By failing to comply with BIPA, Defendant has violated Plaintiffs' substantive state rights to biometric privacy.

### **CLASS ALLEGATIONS**

31. Plaintiffs bring this action on behalf of themselves and a class of similarly situated individuals pursuant to 735 ILCS § 5/2-801. Plaintiffs seek to represent a Class defined as follows:

**Class:** All individuals whose facial biometric identifiers or biometric information were collected, captured, stored, possessed, disseminated, or otherwise used by Defendant within the state of Illinois any time within the applicable limitations period.

32. Excluded from the Class are any members of the judiciary assigned to preside over this matter; any officer or director of Defendant; and any immediate family member of such officer or director.

33. There are thousands of members of the Class, making the members of the Class so

numerous that joinder of all members is impracticable. Although the exact number of members of the Class is currently unknown to Plaintiffs, the members can be easily identified through Defendant's records.

34. Plaintiffs' claims are typical of the claims of the Class they seek to represent, because the basis of Defendant's liability to Plaintiffs and the Class is substantially the same, and because Defendant's conduct has resulted in similar injuries to Plaintiffs and to the Class.

35. There are many questions of law and fact common to the claims of the Plaintiffs and the Class, and those questions predominate over any questions that may affect individual members of the Class. Common questions for the Class include, but are not limited to, the following:

- a. Whether Defendant collects, captures, or otherwise obtains facial biometric identifiers or biometric information from Illinois residents;
- b. Whether Defendant obtained valid written consent from the Class members before capturing, collecting, or otherwise obtaining their facial biometric identifiers or biometric information;
- c. Whether Defendant disseminates or otherwise discloses the biometric information of Class members without their consent;
- d. Whether Defendant had a publicly available policy regarding its use of biometrics that was compliant with BIPA;
- e. Whether Defendant's conduct violates BIPA;
- f. Whether Defendant's BIPA violations are willful or reckless; and
- g. Whether Plaintiffs and the Class are entitled to damages and injunctive relief.

36. Absent a class action, most members of the Class would find the cost of litigating their claims to be prohibitively expensive and would thus have no effective remedy. The class treatment of common questions of law and fact is superior to multiple individual actions or



piecemeal litigation in that it conserves the resources of the courts and the litigants and promotes consistency and efficiency of adjudication.

37. Plaintiffs will fairly and adequately represent and protect the interests of the other members of the Class they seek to represent. Plaintiffs have retained counsel with substantial experience in prosecuting complex litigation and class actions. Plaintiffs and their counsel are committed to vigorously prosecuting this action on behalf of the other members of the Class and have the financial resources to do so. Neither Plaintiffs nor their counsel have any interest adverse to those of the other members of the Class.

38. Defendant has acted and failed to act on grounds generally applicable to Plaintiffs and the other members of the Class, requiring the Court's imposition of uniform relief to ensure compatible standards of conduct toward the members of the Class and making injunctive or corresponding declaratory relief appropriate for the Class as a whole.

### **COUNT I**

#### **Violations of the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.* (On behalf of Plaintiffs and the Class)**

39. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

40. Defendant is a private entity under BIPA.

41. BIPA requires a private entity, such as Defendant, to obtain informed written consent from individuals before acquiring their biometric information. Specifically, BIPA makes it unlawful to "collect, capture, purchase, receive through trade, or otherwise obtain a person's or customer's biometric identifiers or biometric information unless [the entity] first: (1) informs the subject . . . in writing that a biometric identifier or biometric information is being collected or stored; (2) informs the subject . . . in writing of the specific purpose and length of for which a biometric identifier or biometric information is being captured, collected, stored, and used; and

(3) receives a written release executed by the subject of the biometric identifier or biometric information ” 740 ILCS 14/15(b).

42. Plaintiffs and the other Class members have had their “biometric identifiers,” namely scans of their facial geometry collected, captured, or otherwise obtained by Defendant when they registered as users for Defendant’s service. 740 ILCS 14/10.

43. Defendant’s practice with respect to capturing, collecting, storing, possessing, disclosing and using biometrics fails to comply with applicable BIPA requirements:

- a. Defendant failed to make publicly available a written biometric retention and destruction policy detailing the length of time for which the biometrics are stored and/or guidelines for permanently destroying the biometrics it stores, as required by 740 ILCS 14/15(a);
- b. Defendant failed to inform Plaintiffs and the members of the Class in writing that their biometrics were being collected and stored, prior to such collection or storage, as required by 740 ILCS 14/15(b)(1);
- c. Defendant failed to inform Plaintiffs and the Class in writing of the specific purpose for which their biometrics were being captured, collected, stored, and used, as required by 740 ILCS 14/15(b)(2);
- d. Defendant failed to inform Plaintiffs and the Class in writing the specific length of term their biometrics were being captured, collected, stored, and used, as required by 740 ILCS 14/15(b)(2);
- e. Defendant failed to obtain a written release, as required by 740 ILCS 14/15(b)(3); and
- f. Defendant failed to obtain informed consent to disclose or disseminate the

Class's biometrics, as required by 740 ILCS 14/15(d)(1).

44. BIPA provides for statutory damages of \$5,000 for each willful and/or reckless violation of BIPA and, alternatively, damages of \$1,000 for each negligent violation of BIPA. 740 ILCS 14/20(1)-(2).

45. Defendant's violations of BIPA, a statute that has been in effect since 2008, were knowing and willful, or were at least in reckless disregard of the statutory requirements. Alternatively, Defendant negligently failed to comply with BIPA.

46. Accordingly, with respect to Count I, Plaintiffs, individually and on behalf of the proposed Class, prays for the relief set forth below.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs, individually and on behalf the proposed Class, respectfully requests that this Court enter an Order:

- a. Certifying the Class as defined above, appointing Plaintiffs as class representatives and the undersigned as class counsel;
- b. Declaring that Defendant's actions, as set forth herein, violate BIPA;
- c. Awarding injunctive and equitable relief as necessary to protect the interests of Plaintiffs and the Class by requiring Defendant to comply with BIPA;
- d. Awarding statutory damages of \$5,000 for each willful and/or reckless violation of the BIPA, pursuant to 740 ILCS 14/20(2);
- e. Awarding statutory damages of \$1,000 for each negligent violation of the BIPA, pursuant to 740 ILCS 14/20(1);
- f. Awarding reasonable attorneys' fees, costs, and other litigation expenses,

pursuant to 740 ILCS 14/20(3);

- g. Awarding pre- and post-judgment interest, as allowable by law; and
- h. Awarding such further and other relief as the Court deems just and equitable.

### **JURY DEMAND**

Plaintiffs request trial by jury of all claims that can be so tried.

DATED: August 6, 2025

Respectfully submitted,

SMONE HONEYCUTT, JERESA WHITE,  
and SHANTEL SAGO, individually and on  
behalf of similarly situated individuals

By: /s/ Jordan R. Frysinger  
One of Plaintiffs' Attorneys

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