

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

BRIAN URLACHER,

Plaintiff,

vs.

GLENN CHARLES, M.D., and CHARLES
MEDICAL GROUP,

Defendants.

2017L001327
CALENDAR/ROOM H
TIME 00:00
PT Stat Misc Action

Case No.

Hon.

COMPLAINT AND JURY DEMAND

Plaintiff, Brian Urlacher ("Plaintiff" or "Urlacher"), by his attorneys, for his complaint against Glenn Charles, M.D. and Charles Medical Group (collectively "Defendants"), states as follows:

OVERVIEW OF RELIEF SOUGHT

1. There are thousands of companies that offer hair rejuvenation, replacement and/or restoration services throughout the United States. Only one was chosen by Plaintiff, former National Football League All-Pro middle linebacker Brian Urlacher, as deserving his endorsement. For more than a decade, Urlacher and his team have carefully vetted the companies and products with whom Urlacher associates his name and likeness, and in 2014 they chose Restoration Holdings, LLC ("RHL") and entered into a lucrative contract with the company to serve as its celebrity endorser and spokesman. Not only did Urlacher serve as RHL's spokesman, he became a client when he himself underwent a restoration procedure.

2. Urlacher was selected to be RHL's spokesman precisely because of the extraordinary value that attaches to his name and likeness, and the announcement of Urlacher's association with the hair restoration generated enormous publicity. In January 2016, prestigious

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OF COOK COUNTY, ILLINOIS

national media including, among others, ESPN, the *Washington Post*, *USA Today*, FOX Sports, NBC News, and CBS Sports widely reported on Urlacher and the success of his treatment. As expected, RHL's business benefitted greatly from Urlacher's endorsement. Not surprisingly, Defendants have attempted illegally to steal and cash in on Urlacher's name and this success.

3. On or after January 2016, Defendants began commercially advertising and marketing their competing products and services by using the Urlacher name and likeness. Among other thing, they have run online advertisements using Urlacher's name and likeness, and embedded his name in source code in order to falsely attract and intercept customers looking for the company endorsed by Urlacher. Among other things, Defendant Glenn Charles "authored" a press release in a national advertising campaign that used Urlacher to promote their services:


Toll Free 877-752-7414 | info@charleshair.com

CHARLES MEDICAL GROUP HOME DR. CHARLES PROCEDURES FINANCING PATIENT PHOTOS FAQ'S PARTNERS CONTACT US Q

Home / Blog / FUE Hair Transplant — Boca Raton Brian Urlacher

FUE Hair Transplant — Boca Raton Brian Urlacher

Published on January 11, 2016 by Glenn Charles



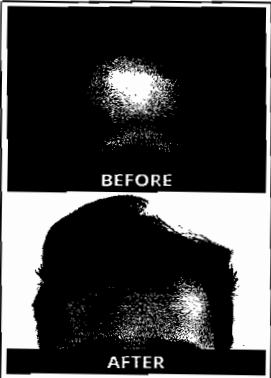
The growing popularity of a Follicular Unit Extraction, also known as an FUE hair transplant, reached new heights recently when former All-Pro NFL linebacker Brian Urlacher revealed how he came by his full head of hair. Urlacher played for the Chicago Bears for 13 years before retiring after the 2012 season. He became highly recognizable for his signature bald head, which he kept shaved throughout his career to cover up what he declared to be unsightly male pattern baldness.

More than three years after his retirement, Urlacher has reemerged in the spotlight, but this time without his signature shiny dome. Like a growing number of other men, **he has been open** about attributing his new head of brown locks to the latest in hair-restoration procedures, a surgical process known as an FUE hair transplant.

The process of an FUE hair transplant yields such natural-looking results because it implants the hairs into place one to four follicles at a time. This allows for unparalleled precision and control. The physician is able to restore the hairline and fullness as needed using the patient's very own hair without causing any scars.

To learn more about the FUE hair transplant, **contact** our Boca Raton office to set up a consultation with **Dr. Glenn Charles**. He can explain the details of the procedure and answer any questions you may have.

Before & After



FUT Hair

Procedure: Hair Transplant
Surgeon: Dr. Charles
Location: Boca Raton, FL
Procedure Details: Male - 31 years old.
Had 1 surgery, Frontal (2103 grafts).

Featured Video

Charles Medical Group (H

(Screen shot of <http://charlesmedicalgroup.com/general/fue-hair-transplant-boca-raton-brian-urlacher/> attached as Exhibit 1.)

4. This is a blatant violation of state law, including the Illinois Right to Publicity Act, 765 ILCS 1075, *et seq.*, and misappropriation, among other things. As a direct consequence of Defendants' deliberate deception, Urlacher has suffered damages in excess of One Hundred Thousand and No/100 Dollars (\$100,000.00).

THE PARTIES

5. Urlacher is an individual who resides in Mattawa, Illinois.

6. Upon information and belief, Defendant Charles Medical Group is a hair transplant and hair loss treatment center with its headquarters located at 200 Glades Road, Suite #2, Boca Raton, Florida. Defendants offer their products and services and otherwise conduct business throughout the country. Defendants, according to their website, promote their procedure to customers throughout the country, including the State of Illinois: "Charles Medical Group is located in beautiful, sunny Boca Raton, Florida.... When you are here, Boca has so much to offer.... Patients love having their surgery here while tying it into vacation time and other business related travel. *If you are an out-of-state patient who is interested in out Flight Reimbursement and Hotel Accommodation Plan, we'd love to talk with you about your options.*" (<http://pistonehair.com/consultations/> attached as Exhibit 2).

7. Upon information and belief, Defendant, Glenn Charles, M.D., is an individual residing in Florida.

NATURE OF THE CASE

8. The case arises out of the Defendants' unauthorized use of Brian Urlacher's name and likeness in online advertisements promoting the hair restoration services of Dr. Glenn

Charles and The Charles Medical Group. Urlacher brings these claims for violation of the right to publicity and against Defendants to remedy the damage caused by Defendants' unauthorized commercial use of his name and likeness.

JURISDICTION & VENUE

9. Plaintiff, Urlacher, is a resident of Illinois.

10. Upon information and belief, Defendant, Glenn Charles, is a resident of Florida.

11. Upon information and belief, Defendant, Charles Medical Group, is an unknown company or corporate entity that, upon information and belief, maintains its principal place of business at 200 Glades Road, Suite #2 in Boca Raton, Florida.

12. Defendants are subject to long-arm jurisdiction in accordance with 735 ILCS § 5/2-209 because, among other things, Defendants have transacted business in this State, Defendants have committed tortious acts in this State, Defendants have solicited and targeted customers and prospective customer in this State, Defendants have derived profits from, among other things, Internet activity directed toward this State, and Plaintiff has suffered direct injury in this State.

13. The amount in controversy exceeds \$100,000.00.

14. Venue is proper in this County because the transaction or occurrence that is the subject of this action took place in this County and/ because a substantial part of the events or omissions giving rise to the claim occurred in this County.

FACTUAL BACKGROUND

15. Now retired from playing, Urlacher is widely regarded as one of the greatest middle linebackers in football history.

16. From 2000 through 2013, Urlacher played middle linebacker in the National Football League (“NFL”) for the Chicago Bears (“Bears”), one of the elite and most storied positions on one of the most famous organizations in NFL history. His career was extraordinary. After winning the NFL Rookie of the Year Award in 2000, he was elected to eight Pro Bowls, and won the NFL Defensive Player of the Year award in 2005. He was admired by football fans for playing through excruciating pain and demonstrating the kind of toughness that defines legends. Urlacher suffered injuries too numerous to list, but they include severe injuries to his neck and wrist that required surgery. He suffered a leg injury in a game against the Green Bay Packers that resulted in a late-night emergency visit to the hospital nearly costing him the loss of his lower leg, not to mention his football career. He returned to make the NFL All-Pro team the following season. In 2012, Urlacher was awarded the Ed Block Courage Award, an annual award presented to selected players in the NFL voted for by their teammates as role models of inspiration, sportsmanship, and courage.

17. Urlacher’s popularity is not and has never been confined to Chicago. To the contrary, he has become embedded in the popular culture. Urlacher became one of the most recognizable faces in all of professional sports, his name and likeness coming to epitomize the determination and toughness of the most rugged position in all of sports.

18. Consequently, the Urlacher name and face became one of the most iconic in sports, his jersey regularly topping the sales of NFL jerseys, even though he retired at the young age of 35 three years ago.

19. Urlacher has also had enormous success as an endorser of products and services seeking to profit from an association with Urlacher and to contract with him to use aspects of his

world famous identity, including his image and persona, in their advertising and marketing materials.

20. Because of the public's widespread knowledge and recognition of Urlacher and admiration for him, goods and services endorsed by and associated with Urlacher have become well and favorably known and have benefited greatly from their association with Urlacher.

21. Urlacher's name and persona have developed enormous commercial value and secondary meaning in promoting products as a result of the public's widespread knowledge and admiration of him.

22. For example, as a result of his fame and accomplishments, Urlacher was and is highly sought after as a celebrity endorser, with global companies such as McDonald's, Nike, and others paying Urlacher millions to endorse their products.

23. Because of the extraordinary value that attaches to the companies and products that Urlacher endorses and that are authorized to use the Urlacher name and likeness, Urlacher and his team of advisors have been meticulous and careful in choosing those with whom he associates. By carefully controlling the location, type, nature, and frequency of his product endorsements – rejecting far more requests to use his name and persona than he grants – Urlacher has enhanced and maintained the value of his endorsements.

24. The majority of Urlacher's income, and his income potential, is now derived from Urlacher's ability to license his name and persona to commercial sponsors who wish to capitalize on his fame. As a business, the licensing of Urlacher's identity is just as important to him as his professional football career.

25. In 2014, Urlacher agreed to be a spokesman for and endorse the ground-breaking hair restoration services offered in this highly-competitive field by RHL. This endorsement is

exclusive, and Urlacher was paid handsomely for his sponsorship and services. Not only did Urlacher serve as RHL's spokesman, he became a client when he himself underwent a restoration procedure.

26. Urlacher was selected to be RHL's spokesman precisely because of the extraordinary value that attaches to his name and likeness, and the announcement of Urlacher's association with RHL generated enormous publicity. In January 2016, prestigious national media including, among others, ESPN, the *Washington Post*, *USA Today*, FOX Sports, NBC News, and CBS Sports widely reported on Urlacher and the success of his hair restoration treatment. As expected, RHL's business increased dramatically from Urlacher's endorsement. Defendants have attempted illegally to steal and cash in on this success.

27. On or after January 2016, Defendants began commercially advertising and marketing their competing products and services by using the Urlacher name and likeness. Among other things, they have run, and continue to run, online advertisements using Urlacher's name and likeness in at least the following online advertisements:



Home / Blog / FUE Hair Transplant — Boca Raton Brian Urlacher

FUE Hair Transplant — Boca Raton Brian Urlacher

Published on January 11, 2016 by Glenn Charles



The growing popularity of a Follicular Unit Extraction, also known as an FUE hair transplant, reached new heights recently when former All-Pro NFL linebacker Brian Urlacher revealed how he came by his full head of hair. Urlacher played for the Chicago Bears for 13 years before retiring after the 2012 season. He became highly recognizable for his signature bald head, which he kept shaved throughout his career to cover up what he declared to be unsightly male pattern baldness.

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The process of an FUE hair transplant yields such natural-looking results because it implants the hairs into place one to four follicles at a time. This allows for unparalleled precision and control. The physician is able to restore the hairline and fullness as needed using the patient's very own hair without causing any scars.

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Before & After



BEFORE



AFTER

FUT Hair

Procedure: Hair Transplant
Surgeon: Dr. Charles
Location: Boca Raton, FL
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Had 1 surgery, Frontal (2103 grafts).

Featured Video

Charles Medical Group (H...

(Exhibit 1.)



Home / Blog / Brian Urlacher

Charles Medical Group Blog

Tag Archives: Brian Urlacher

FUE Hair Transplant — Boca Raton Brian Urlacher

Published on January 11, 2016 by Glenn Charles



The growing popularity of a Follicular Unit Extraction, also known as an FUE hair transplant, reached new heights recently when former All-Pro NFL linebacker Brian Urlacher revealed how he came by his full head of hair. Urlacher played for the **Read More...**

Filed under: **Brian Urlacher, FUE Hair Transplant**

Before & After



BEFORE



AFTER

FUT Hair

Procedure: Hair Transplant
Surgeon: Dr. Charles
Location: Boca Raton, FL
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Charles Medical Group (H...

(Exhibit 3.)

28. Defendants have also authorized or caused to be embedded in their website Urlacher's name in source code – more than a dozen times – in order to falsely attract and intercept customers looking for the company endorsed by Urlacher. **(Exhibits 4 & 5.)**

29. Defendants caused the advertisements at issue in this case to be distributed in this District and elsewhere in Illinois where they market and sell hair restoration products and services.

30. Upon information and belief, Defendants actively have solicited customers in the State of Illinois, have sent marketing and other materials into the State of Illinois, and have performed services on Illinois residents. Defendants actively solicit customers from all over the country, as evidence by the option on Defendants' website for customers: "If you are an out-of-state patient who is interested in our Flight Reimbursement and Hotel Accommodation Plan, we'd love to talk with you about your options." **(Exhibit 3.)** The Defendants offer "Virtual Consultations" so that clients in Illinois can discuss treatment and financing options.

31. Many of the Defendants' clients, if not a majority of Defendants' clients, reside outside of the State of Florida and travel to Defendants' facility in Boca Raton, Florida to undergo hair treatment procedures. The vast majority of these, according to Defendants' agents, reside in the Chicago area, the Detroit area and Canada.

32. Defendants and/or their agents have solicited customers in the State of Illinois, and in particular customers from the Chicago area. Upon information and belief, Defendants and/or their agents have made telephone calls and sent emails, correspondence and other communications to clients and prospective clients in the State of Illinois, and in particular the

Chicago area, for the purpose of selling Defendants' products and services in the stream of commerce.

33. Upon information and belief, Defendants have sent solicitation materials into the State of Illinois, and in particular the Chicago area.

34. Upon information and belief, Defendants have used clients in the State of Illinois, and in particular the Chicago area, for the purpose of referring and/or soliciting business from prospective clients in the State of Illinois, and in particular the Chicago area.

35. Indeed, among other things, Defendants specifically advertise and promote the alleged "successful" hair treatments received by Illinois clients: "This 41 year old male residing in River Forest, Illinois, underwent a Follicular Unit Grafting (FUT) procedure of 1922 grafts to his frontal and vertex areas." (**Exhibit 6.**)

36. Upon information and belief, Defendants have received payments from clients who reside in the State of Illinois, and in particular the Chicago area.

37. Upon information and belief, Defendants have assisted with arranging travel for residents of the State of Illinois, and in particular the Chicago area, specifically for the purpose of selling Defendants' products and services.

38. Defendants never requested or received Urlacher's permission to use Urlacher's identity or to imply his sponsorship or endorsement in connection with the products and services offered by Defendants.

39. Defendants' advertisements, which use Urlacher's identity through the use of his name and his hair restoration story, with links to images of his likeness before and after hair restoration to promote the sale of their products and services, is likely to confuse consumers as to Urlacher's sponsorship or approval of those products.

40. Urlacher has been damaged by Defendants, whose unauthorized advertisements infringe upon Urlacher's right of publicity and falsely conveys Urlacher's endorsement of Defendants' products and services, leading consumers to wrongly conclude that Urlacher endorses those products and services. The advertisements further damage Urlacher by diminishing Urlacher's endorsement value, limiting the number and scope of potential licensees of Urlacher's identity and unfairly enriching Defendants.

41. The injury suffered by Urlacher as a direct result of the intentional conduct by the Defendants occurred in Illinois.

COUNT I
**(PLAINTIFF'S CLAIM FOR VIOLATION OF THE ILLINOIS
RIGHT OF PUBLICITY ACT)**

42. Urlacher realleges and incorporates by reference paragraphs 1 through 41 of this Complaint.

43. Defendants' unauthorized use of Urlacher's identity for commercial purposes is a violation of the Illinois Right of Publicity Act, 765 ILCS § 1075/1-60.

44. Defendants' use of Urlacher's identify was unauthorized because Defendants did not obtain Urlacher's consent to use Urlacher's identity in connection with the advertisements. In fact, Defendants did not even request Urlacher's consent.

45. Defendants' use of Urlacher's identity was willful and deliberate because they used Urlacher's identity intentionally and with knowledge that its use was not authorized.

46. Urlacher has been damaged by Defendants' unauthorized use of Urlacher's identity.

47. The injury suffered by Urlacher is a direct result of the intentional conduct by the Defendants occurred in Illinois.

WHEREFORE, Urlacher request relief be granted in his favor and against Defendants, jointly and severally, for (a) actual damages sustained by Urlacher, including but not limited to Defendants' profits as a result of the violation, in an amount greater than \$100,000.00, (b) attorneys' fees and costs, (c) a permanent injunction requiring Defendants to refrain from any use of Urlacher's identity without prior authorization from Urlacher, and (d) such other and further relief as the Court deems just and proper.

COUNT II
(MISAPPROPRIATION)

48. Urlacher realleges and incorporates by reference paragraphs 1 through 47 of this Complaint.

49. Defendants' unauthorized use of Urlacher's name, likeness and identity for commercial purposes constitutes misappropriation.

50. Defendants' use of Urlacher's identify was unauthorized because Defendants did not obtain Urlacher's consent to use Urlacher's identity in connection with the advertisements. In fact, Defendants did not even request Urlacher's consent.

51. Defendants' use of Urlacher's identity was deliberate because they used Urlacher's identity intentionally and with knowledge that its use was not authorized.

52. Urlacher has been damaged by Defendants' unauthorized use of Urlacher's identity.

53. The injury suffered by Urlacher is a direct result of the intentional conduct by the Defendants occurred in Illinois.

WHEREFORE, Urlacher request relief be granted in his favor and against Defendants, jointly and severally, for (a) actual damages sustained by Urlacher in an amount greater than \$100,000.00, (b) attorneys' fees and costs, (c) a permanent injunction requiring Defendants to

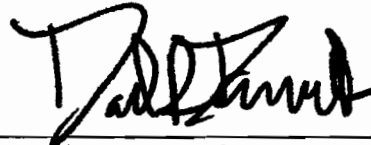
refrain from any use of Urlacher's identity without prior authorization from Urlacher, and (d) such other and further relief as the Court deems just and proper.

JURY DEMAND

Brian Urlacher hereby demands a trial by jury.

Dated: February 6, 2017

By: _____



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