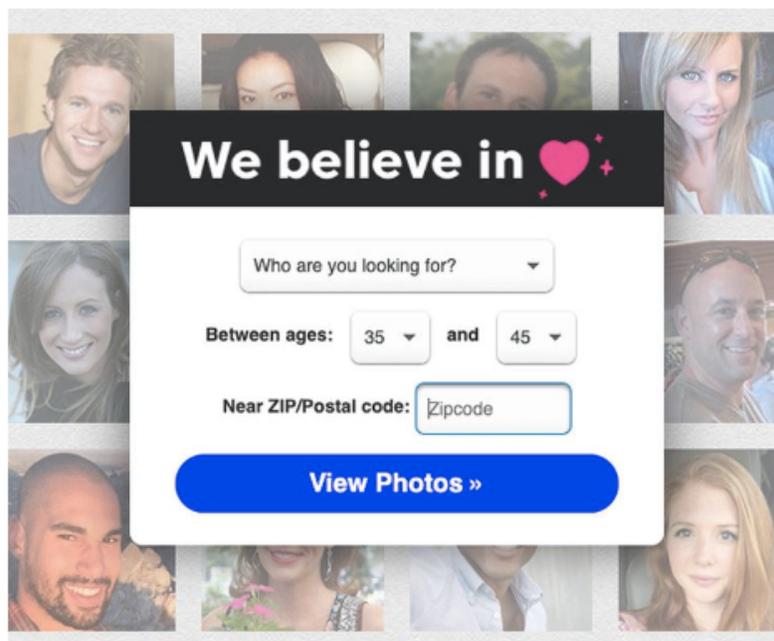


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Love & Arbitration: Tinder, Match.com in \$50M Class Action Crosshairs as Defense Braces for Attempt at Alternative Dispute Resolution

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The litigators are seeking over \$50 million in damages in the class action lawsuit that is pending before U.S. District Judge Alison J. Nathan of the Southern District of New York.



A South Florida litigator filed class action seeking over \$50 million in damages in New York federal court against several of the top online dating services.

Marcus Corwin, the lead attorney and partner at Corwin Law in Boca Raton, represents Neal D'Alessio, a class representative who looked for love in all the wrong places.

The class action complaint alleges the defendant, Match Group LLC, which owns Match.com and other dating services, including Tinder, committed fraud, breach of contract, and breach of the implied covenant of good faith and fair dealing.

And Corwin predicted that counsel for Match Group would immediately file a motion to dismiss to seek arbitration, which he said is a favorite litigation strategy for corporate counsel but is becoming less effective.



"Many of these corporations for years had limited rights of consumers to bring a class action," Corwin said. "Then all of a sudden, certain law firms such as mine and others are now able to do mass

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arbitration. It is a challenge to the corporations because to defend an arbitration is more expensive per claim than in a class action lawsuit. Ultimately, they can't have it both ways."

As of the publication of this article, there was no counsel listed for Match Group in the federal docket. A request for comment to the Match Group's public relations team and previous lawyers for the company in federal court went unanswered.

The dispute in the case is based on users, such as D'Alessio, who claimed they were tricked into purchasing subscriptions to Match.com. After creating free profiles, the defendant informed new users that other members had initiated contact with them, according to the complaint.

But to read those messages or to craft a response, the users had to upgrade their accounts to a paid subscription, which hundreds of thousands did only to find out that "many of these communications are actually scammers attempting to make contact with new victims," according to the complaint.

D'Alessio's counsel, which also includes Richard Klass, a New York solo practitioner, stated in the complaint, that, frequently, users would find the defendant deleted these spam accounts or the fraudulent account would "entrap the users into a scam."

Other users also claimed the six-month subscription, which included a "match guarantee," did not disclose in the advertisement that the offer was subject to any additional terms or conditions.

The match guarantee promised users that they would receive an additional six months if they did not "meet someone special" within the first six months, the complaint said.

But, the plaintiff alleged, some of the requirements, including having a photo approved by the website within the first seven days of purchasing a subscription, were not realistic.

Now, Corwin and Klass are seeking over \$50 million in damages in the class action lawsuit that is pending before U.S. District Judge Alison J. Nathan of the Southern District of New York.

stalled, and a separate action in California. Match Group settled the latter case in California state court last week for \$2 million, without admitting fault, based upon claims arising out of automatic renewals without user consent.

"The challenge that a lot of us have as a consumer, with all the applications on our phone, almost all have these terms and conditions that make it difficult for consumers to bring a class action," Corwin said. "We led this lawsuit to make it public and work with Match Group to come up with some resolution. To the extent we arbitrate, we've done hundreds and hundreds of arbitrations in the past."

<https://www.law.com/dailybusinessreview/2021/07/13/love-arbitration-tinder-match-com-in-50m-class-action-crosshairs-as-defense-braces-for-attempt-at-alternative-dispute-resolution/>