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5 **IN THE CIRCUIT COURT FOR THE STATE OF OREGON**
6
7 **FOR MULTNOMAH COUNTY**
8

9
10 **ARIEL HAWKINS**, individually and on
11 behalf of all others similarly situated,

12 Plaintiff,

13 vs.

14 **IAC/INTERACTIVECORP**
15 dba **TINDER**,

16 Defendant.
17

Case No.

CLASS ACTION COMPLAINT

Injunctive Relief

ORS 659A.403

ORS 659A.885

Not Subject to Mandatory Arbitration

Jury Trial Demanded

Fee Authority: ORS 21.135(1)

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19 1.

20 Ariel Hawkins (plaintiff) is a trans woman and a Portland, Oregon area
21 resident. She files this lawsuit on behalf of herself and all other Oregon users who
22 Tinder discriminated against by deleting their accounts because they were not
23 cisgender.
24

25 2.

26 The Court has jurisdiction to resolve this legal dispute because it arises under
27 Oregon law. The majority of Tinder’s users in Oregon reside in or around Multnomah
28 County.



MORE FROM DATING

Why Are Trans People Being Banned from Tinder?

The dating app won't really explain why it keeps happening.

SHARE



TWEET



Allison Tierney

Dec 14 2017, 12:20pm



Asset sources: Wikipedia Commons and provided photos

3.

IAC/INTERACTIVECORP (Tinder) is a multibillion-dollar Delaware holding corporation that owns Tinder, a location-based mobile dating app that permits users to communicate with each other based on likes and dislikes. Tinder conducts regular, sustained business in Multnomah County, Oregon.

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2 4.

3 Tinder is a “place of public accommodation” as that term is used in ORS
4 659A.400 because Tinder is a service offering public accommodations, advantages
5 and privileges in the use of its mobile dating app services for tens of thousands of
6 local Oregon users to meet and hookup.
7

8 5.

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10 On March 10, 2018, shortly after plaintiff edited her profile to disclose the fact
11 that she was a preop trans woman, Tinder deleted plaintiff’s account. Tinder deleted
12 plaintiff’s account for the sole reason that she identified as a trans woman. Tinder
13 sent plaintiff an email stating that her account was allegedly deleted for violating
14 its terms of service. As of the date of this lawsuit, Tinder has refused multiple
15 requests to explain what terms of service plaintiff allegedly violated.
16

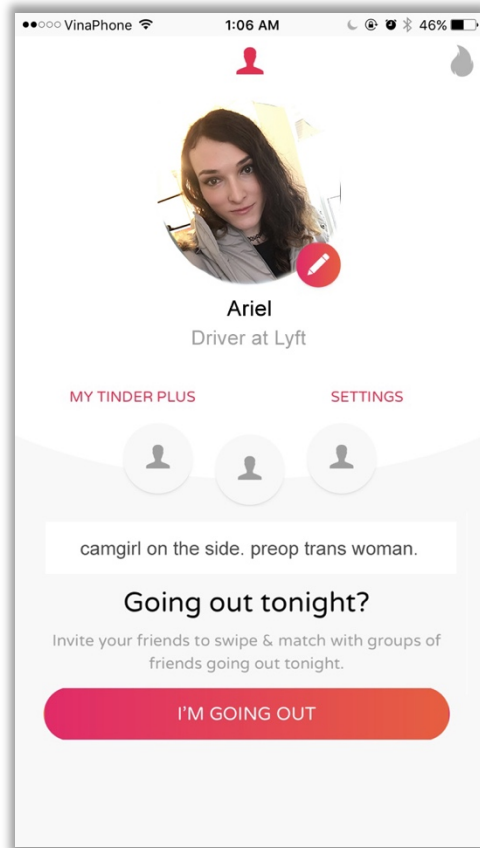
17 6.

18 Recent news articles and online complaints from other members of the trans
19 community suggest plaintiff is not alone. At trial, evidence will show Tinder has a
20 pattern and practice of discriminating against Oregon users like plaintiff who are
21 not cisgender.
22



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2 7.

3 Plaintiff's profile that Tinder deleted was substantially similar to the image
4 below.



21 8.

22 While on Tinder, plaintiff did not violate any of its terms of service. Plaintiff
23 did not post any links or any content that was hate speech, threatening, sexually
24 explicit or pornographic. Plaintiff did not post any content that incited violence or
25 that contained nudity or graphic or gratuitous violence. Plaintiff did not use Tinder
26 for any commercial purpose and did not solicit money from or defraud any users.
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2 9.

3 On March 10, 2018, Tinder refused to provide plaintiff full and equal access
4 to its app by deleting her account because she was not cisgender. Tinder refused
5 multiple requests to identify the term of service plaintiff's profile allegedly violated.
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9
10 From: Tinder <noreply@gotinder.com>
Date: Sat, Mar 10, 2018 at 7:47 PM
Subject: Your account has been deleted - Tinder
To: Ariel <thisisthehawk@gmail.com>

11
12 Hi,

13 Your Tinder profile has violated our terms of service. Your account has been deleted.

14 Please note that if you are a Tinder Plus subscriber, you'll need to cancel your subscription yourself.

15 Best,
Tinder Team
16
17
18

19 10.

20 CLASS ALLEGATIONS

21 The class consists of all Oregon non-cisgender Tinder users who, within one
22 year before the date of the filing of this complaint, suffered discrimination by having
23 had their Tinder profiles deleted on account of their gender and sex. Excluded from
24 the class are all attorneys for the class, officers and directors of Tinder, including
25 officers and directors of any entity with an ownership interest in Tinder, any judge
26 who sits on the case, and all jurors and alternate jurors who sit on the case.
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2 11.

3 The class is so numerous that joinder is impracticable. The size of the Oregon
4 class is in the hundreds and will be determined based on Tinder's account records
5 and claims forms submitted by Oregon Tinder users.
6

7 12.

8 Common questions of fact and law predominate over any questions affecting
9 only individual class members. Common questions include whether Tinder's service
10 is a "public accommodation" under Oregon law, whether Tinder's choice to delete the
11 accounts of non-cisgender users constituted "discrimination" or "restriction" under
12 Oregon law, and whether Tinder acted maliciously. Upon discovery of evidence of
13 Tinder's malice, plaintiff intends to amend this complaint to include a claim for
14 punitive damages.
15
16

17 13.

18 Plaintiff's claim is typical of the claims of the class because each were
19 discriminated against and restricted by Tinder based on their gender and sex, and
20 plaintiff's claims for relief are based upon the same legal theories as are the claims
21 of the class members.
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2 14.

3 Plaintiff will fairly and adequately protect and represent the interests of the
4 class because her claims are typical of the claims of the class, she is represented by
5 nationally known and locally respected attorneys who have experience handling
6 class action litigation who are qualified and competent, and who will vigorously
7 prosecute this litigation, and their interests are not antagonistic or in conflict with
8 the interests of the class.
9
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11 15.

12 A class action is superior to other available methods for fair and efficient
13 adjudication of this case because commons questions of law and fact predominate
14 over other factors affecting only individual members, as far as plaintiff knows, no
15 class action that purports to include Oregon Tinder users suffering the same injury
16 has been commenced, individual class members have little interest in controlling the
17 litigation, due to the high cost of individual actions, the relatively small amounts of
18 damages suffered, and because plaintiff and her attorneys will vigorously pursue the
19 claims. A class action will be an efficient method of adjudicating the claims of the
20 class members who have suffered relatively small monetary damages, as a result of
21 the same conduct by Tinder. In the aggregate, class members have claims for relief
22 that are significant in scope relative to the expense of litigation. Injunctive relief will
23 prevent further ongoing harm to Oregon users.
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2 16.

3 **CLASS CLAIM FOR RELIEF**
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5 **VIOLATION OF ORS 659A.403**

6 As alleged in this complaint, Tinder denied plaintiff full and equal
7 accommodations, advantages, and privileges pertaining to its services constituting a
8 place of public accommodation and discriminated against plaintiff on account of her
9 gender and sex by deleting her Tinder profile because she was not cisgender. As a
10 result, plaintiff and the putative class are entitled to injunctive relief prohibiting
11 Tinder from continuing to discriminate against non-cisgender users, and
12 reimbursement for fees, costs, and expenses under ORS 659A.885.
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3 **PRAYER FOR RELIEF**

- 4 **A.** An injunction prohibiting Tinder from continuing to discriminate against non-
5 cisgender Oregon users,
6
7 **B.** An order directing Tinder to preserve all records and other user data
8 pertaining to this case, certifying this matter as a class action under ORCP
9 32, and reimbursement of litigation fees, costs, and expenses, and
10
11 **C.** Other relief the court deems necessary.

12 **DEMAND FOR JURY TRIAL**

13
14 Plaintiff demands trial by jury as to each issue to which she and the class are
15 entitled to a jury trial.

16
17 March 14, 2018

18 **RESPECTFULLY FILED,**

19 /s/ Michael Fuller

20 **Mark Geragos, Pro Hac Pending**
21 **Ben Meiselas, Pro Hac Pending**
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2 **PROOF OF MAILING**

3 I declare and certify that on the date below I caused a copy of this complaint
4 to be mailed to the Oregon Attorney General at the following address:

5
6 **Ellen Rosenblum**
7 **Oregon Attorney General**
8 **Oregon Department of Justice**
9 **1162 Court Street NE**
10 **Salem, Oregon 97301-4096**

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March 14, 2018

/s/ Michael Fuller
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