

# Chicago Daily Law Bulletin®

Volume 161, No. 139

## Rape claims against Match emerge

### Woman suing online dating service filed one of 1,283 complaints in two-year period

BY LAURAANN WOOD

Law Bulletin staff writer

Match.com received 1,283 complaints of sexual assault and violence over a two-year period at issue in a lawsuit the dating site faces, an attorney who represents a rape victim said in court Thursday.

The figure emerged in Cook County Circuit Court as Daniel S. Kirschner — a partner at Corboy & Demetrio P.C. who represents a Jane Doe in the case — contended that Match should comply with a prior motion to produce 10 years of unredacted assault complaints Match received about its users.

Match responded to Kirschner's May 29 motion with two years of complaints of rape and violence. But the company blacked out all identifying information such as user ID numbers, usernames, e-mails and first and last names of both the alleged victims and alleged abusers.

Eric Y. Choi, an associate at Neal, Gerber & Eisenberg who represents Match, said the company redacted the documents to protect the privacy of third parties not involved in the lawsuit. He also said he produced only two years of complaints because that's as far back as rape complaints were tracked.

Before then, he said, allegations of sexual assault were part of a category that also included miscellaneous reports such as issues with credit card charges.

The case stems from a December 2009 sexual assault of

Doe by Ryan Logan, who met her through the dating service.

Kirschner wants the identities of users accused of rape so he can determine if Logan, who was convicted of criminal sexual abuse against Doe and received a 90-day sentence, has more Match accusers. In his criminal trial, Logan was found not guilty of sexually assaulting another Match user.

Kirschner also wants to identify how many users Match has allowed to remain on the site despite prior complaints against them.

Of the complaints Match produced from late 2007 to late 2009, Kirschner told Cook County Associate Judge Moira Susan Johnson, 143 users expressly reported a rape, 48 reported "serious" rape attempts, 22 reported first-hand knowledge of a past sexual assault, 71 reported third-hand knowledge of a past assault, 12 reported fearing rape, 47 suspected being drugged and going unconscious, 340 reported unspecified acts of violence and 600 reported "straight violence."

During Kirschner's breakdown, James K. Gardner — a partner at Neal, Gerber & Eisenberg LLP who also represents Match — interjected.

Citing a protective order between the parties, Gardner said a Chicago Daily Law Bulletin reporter should be removed from the courtroom. The order states any documents produced by either party that contains third-party identities should be marked confidential and can only be discussed in certain circumstances — such as pleadings and discussions with parties and witnesses in the case.

Gardner expressed concern about exposing non-parties' identities to the public. But Kirschner highlighted a portion of the order that eliminates any communica-



Daniel S. Kirschner

tion restriction in open court.

Johnson didn't rule on the matter because Gardner agreed to proceed without filing a motion to remove the reporter, who was the only public observer in the Daley Center courtroom.

Siding with his privacy concerns, though, Johnson ruled the website doesn't have to provide any names or e-mails but should disclose users' ID numbers. This lets Kirschner identify any repeat numbers — which would reveal anybody who has received more than one rape complaint — without readily knowing outside parties' identities.

"This is not a criminal action here, so non-parties' names will not be given today," Johnson told the attorneys.

Match must submit the documents by Aug. 27.

Kirschner must also operate on the same deadline, Johnson ruled, to provide any e-mails between Doe and others that discuss her emotional well-being.

Match asked for Doe's e-mails, seeking ones with the specific search terms that included "Logan," "Match" and "rape." Choi requested complete versions of the e-mails, pointing to two

documents that featured bottoms that seemed cut off from incorrect printing margins.

Kirschner said producing all of those e-mails is too burdensome of a task because some terms such as "love" and "date" returned results beyond the scope of Match's request.

"It would probably take an hour to do," Choi replied.

Johnson agreed some terms were too broad for the search but told Kirschner that he should go back through his e-mails if Match has to review its complaints. She said Kirschner could indicate which terms returned extensive results and didn't want him to "just not respond."

"Unfortunately, what's good for the goose is good for the gander," Johnson said.

Doe filed a lawsuit against Match in 2011 that alleged the dating service failed to remove Logan's profile after a separate user filed a rape complaint about him to Match.

The suit also alleges Match failed to monitor his website user and warn police as well as other users about his actions. It also says Match misrepresented the quality of its service and members pursuant to Illinois' Dating Referral Services Act.

Match and Doe are scheduled to return to court Sept. 10.

In a December 2013 hearing at the Daley Center, over a motion by Match to dismiss the suit, Gardner told Johnson that Match had no obligation as a virtual "bulletin board" to monitor or act on content posted by its users.

Johnson rejected that motion, finding that the federal Communications Decency Act, which grants immunity to websites for third-party users' content, did not apply to the alleged conduct in the case.

The case is *Jane Doe v. Match.com LLC*, 13 L 4197.