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Sex abuse victim settles with dating site

Woman accepts undisclosed cash sum, will pursue civil charges against abuser

BY LAURAANN WOOD
Law Bulletin staff writer

A woman identified as Jane Doe who sued match.com after she was sexually abused by a man who had allegedly sexually assaulted at least one other woman from the site previously has settled her lawsuit against the online dating service.

Although the amount is confidential, the agreement came Monday in Doe's negligence case, which alleged Match failed to remove co-defendant Ryan Logan's profile after a separate user filed a rape complaint against him.

"The process has been absolutely horrible, but I brought this lawsuit to give a voice to Internet dating rape victims everywhere, and I knew I had to stay strong for there to be justice," Doe said.

While the agreement dismisses match.com from Doe's lawsuit, her case against Logan remains pending before Cook County Associate Judge Moira Susan Johnson.

Daniel S. Kirschner, a partner at Corboy & Demetrio P.C. who represents Doe, said Doe plans to move forward with pursuing a judgment against Logan.

The case stems from Logan's criminal sexual abuse of Doe in December 2009. According to Doe's lawsuit, a different female Match user informed the website that Logan had allegedly raped her two years earlier, but the site allowed him to continue to use the service and did not remove his profile.

During a consolidated criminal bench trial in November 2010, Cook County Associate Judge James B. Linn found Logan guilty of the 2009 sexual assault of Doe. However, Linn did not find him guilty of the other woman's allegations.

In February 2011, Linn vacated that conviction and instead found Logan guilty of criminal sexual abuse and unlawful restraint, giving him a 90-day sentence.

Doe filed suit against match.com LLC and Logan in March 2011, alleging Match failed to remove Logan's profile, monitor his website use, notify police or warn other users about him.

She also alleged the company violated the Illinois Dating Referral Services Act by misrepresenting the quality, benefits or nature of its service and failing to protect its customers by maintaining a team that would receive and act upon reported complaints of suspicious activity.

"Naming Ryan Logan as a defendant in the civil lawsuit was critical in order to keep the case in state court, where I was confident Illinois public policy would render match.com's terms of use agreement void and unenforceable, which it did," Kirschner said.

Match denied Doe's allegations and instead contended Doe contractually agreed to its terms of use agreement, which provides that litigation against the company should be filed in a state or federal court in Dallas County, Texas, and the federal Communications Decency Act blocks state-level claims against website operators for a third-party's content posted on its site.

Match also contended Doe's allegations should fail under comparative negligence since she "contravened both common sense and Match.com's 'Online Dating Safety Tips' ... by going to [Logan's] apartment alone for her first encounter with Logan." Johnson later granted Kirschner's motion to strike that affirmative defense.

James K. Gardner, who is of counsel at Neal, Gerber & Eisenberg LLP, and associate Eric Y. Choi of the same firm represented Match. They could not be reached for comment.

Match first moved to dismiss the case in July 2011 based on its terms of use argument, but Circuit Judge Drella C. Savage instead granted summary judgment to Doe. He



Daniel S. Kirschner

ruled the Dating Referral Services Act controlled the rights in the case, which would stay in Illinois courts and be subject to Illinois law.

The 1st District Appellate Court declined to accept Match's appeal of that order.

Match moved for dismissal again in June 2013 based on its Communications Decency Act argument. Johnson denied that motion, finding Doe's allegations did not describe conduct protected by the act.

Last May, Doe moved for Match to produce 10 years of unredacted assault complaints it received about its users. She requested the complaints to determine whether Logan has more Match accusers and to see whether other users have been allowed to remain active on the site despite receiving prior complaints against them.

The company responded with about two years of users' complaints of rape and violence — but it 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.

Of Match's production — consisting of more than 1,200 complaints from late 2007 to late 2009 — Kirschner told Johnson during a hearing last July that 143 users expressly reported a rape, 48 reported "serious" rape attempts, 22 reported firsthand knowledge of a past sexual assault, 71 reported thirdhand 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 that hearing, Johnson ruled Match needed to reproduce the complaints with users' ID numbers so Doe could identify any repeat accounts — which would reveal anybody who has received more than one complaint — while still protecting third-parties' privacy.

The parties had since been moving toward a January 2017 trial date, participating in mediations and completed the deposition of Match CEO Sam Yagan on April 20 before they settled Thursday.

Their most recent mediation happened before retired circuit judge William J. Haddad of ADR Systems of America LLC on April 7, Kirschner said. The parties didn't reach an agreement during that meeting, he said, but continued calls and conversations helped Doe close her case against Match.

"For Jane, openly and freely discussing her trauma has been and will always be therapeutic and a means of educating other women on the dangers of Internet dating," Kirschner said. "Judge Haddad was phenomenal in bringing the parties together for a settlement which does not add the additional insult of gagging the victim."

Doe's fear in bringing her lawsuit was similar to concerns many rape victims struggle with, Kirschner said.

"Would she be believed? Would the wrongdoer be held accountable? Would she have the strength to endure victim-shaming and tearing down her dignity?" he said. "Without question, this settlement is a testament that the answer to each of those is 'yes.'"

Doe said she is relieved to have reached the agreement with Match.

"While my plan is to move forward and focus on all the positive things in my life, I will always be a voice for rape victims and an advocate for greater safety regulations of the Internet dating industry," she said.

The case is docketed as *Jane Doe v. Matchcom LLC et al.*, 13 L 4197.