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Dating app gets a “match,” reaches settlement with users claiming age bias

By Andy Serbe

Dating app Tinder reached a \$17.3 million settlement with users who alleged its practice of charging members older than 29 more money for its premium services constituted age discrimination.

The settlement, with an estimated class reach of 230,000 users, stipulates Tinder will equalize its service charges.

Tinder, owned by internet dating company Match Group LLC, allows users to match with each other and chat to set up dates if they swipe right on each other's profiles. While the app is free, it contains paid premium services, which allow unlimited profile views per day and "super likes," improving the odds of matching with another user, among other benefits for which plaintiffs were charged more than younger counterparts.

According to plaintiffs, this constituted age discrimination in violation of the Unruh Civil Rights Act and also broke the Unfair Competition Law. *Lisa Kim v. Tinder Inc.*, 18-cv-03093 (N.D. Cal., filed April 12, 2018).

Last year before the 2nd District Court of Appeal, Tinder argued unsuccessfully in a separate but similar case that the tiered pricing was not discrimination but a discount geared toward millennials akin to senior or child discounts.

According to the Jan. 20 settlement agreement, class members will receive \$50 worth of "super likes" and may submit a claim for one of three additional benefits: \$25 dollars in cash, 25 additional super likes or one month of Tinder's premium subscriptions.

Separate from that, the defendants agreed to \$5,000 for the named plaintiff, Lisa Kim, \$1.2 million in attorney fees, and costs.

The plaintiffs were represented by John P. Kristensen of Kristensen Weisberg LLP and Todd M. Friedman of Woodland Hills. Alexandra Hill of Manatt Phelps and Phillips LLP represented Tinder.

The settlement was reached after an all-day mediation session with Louis M. Meisinger of Signature Resolution.