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20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA**

22 JOHN DOE, an individual,

23 Plaintiff,

24 vs.

25 GRINDR INC., a Delaware
26 corporation, and

27 GRINDR LLC, a California
28 corporation,

Defendants.

Case No.: 2:23-cv-02093 ODW
(PDx)

**FIRST AMENDED
COMPLAINT and DEMAND
FOR JURY TRIAL**

1. Strict products liability – defective design
2. Strict products liability – defective manufacturing
3. Strict products liability –



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- defective warning
- 4. Negligence
- 5. Negligent misrepresentation
- 6. Civil cause of action under 18 U.S.C. § 1595(a).

Plaintiff JOHN DOE, for his causes of action against Defendants GRINDR INC. and GRINDR LLC alleges:

PRELIMINARY STATEMENT

1. In our society we do not allow adults to sexually abuse children.

2. Large institutions that turned a blind eye on systematic child sexual abuse and exploitation— such as the Boy Scouts of America and the Catholic Church – have in recent years been forced to account for the widespread child abuse they facilitated.

3. Grindr Inc. and Grindr LLC, (collectively, “Grindr” or “Defendants”), own and operate the world’s largest dating application for LGBTQ+ people.

4. For more than a decade Grindr, which claims an exclusively adult user-base, has known its core product facilitates the sexual predation of children.

5. Grindr has long known that its product is used by LGBTQ+ children, especially those living in rural communities and conservative households who are scared to come out publicly.

1 6. Grindr enables these children to frictionlessly create online
2 profiles, without the permission or knowledge of the child’s parent or
3 guardian. Then, Grindr connects adults to these children for in-person sexual
4 encounters. Many of these children who experiment with Grindr are youth
5 who do not feel safe coming out as queer in their communities. As a result,
6 Grindr has created a generation of the already marginalized children whose
7 first LGBTQ+ sexual encounter is with an adult, i.e., rape.

8 7. Grindr’s own marketing is aimed to recruit children to use its
9 product. For instance, it promotes itself on TikTok, an app where almost a
10 third of its users are teens, and publishes marketing videos depicting purported
11 users at middle or high schools.

12 8. Research shows that as many as 50% of all sexually active boys
13 who identify as gay use Grindr to meet partners for sex. Grindr, which
14 disclaims responsibility for its child-users, routinely matches these kids with
15 adults for the purpose of romantic connection, the exchange of sexually
16 explicit imagery, and in-person sexual encounters.

17 9. This case is about John Doe (“Doe” or “Plaintiff”). John Doe
18 was a 15-year-old living in a small town. He loved music class and video
19 games. At high school, he felt out of place and had trouble socializing with his
20 classmates. He had no friends at school.

21 10. John Doe knew he was gay, but no one in his family had
22 observed any signs that he was. He had never dated and did not know how.
23 He was also too ashamed to tell his parents he was gay.

24 11. John Doe learned about Grindr through its marketing and
25 downloaded Grindr’s product, the “Grindr App,” onto his phone. He wanted
26 to make friends with other boys who identified as gay or bisexual. Instead,
27 Grindr matched John Doe with four adult men. Over a four-day period, he
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1 was sexually assaulted by each of these four adults. Three of them are now in
2 prison, and the fourth remains at large.

3 12. John Doe was expressive on the Grindr App that he was a kid.
4 At least two of the matches occurred while he was on school property, and he
5 sent messages using the Grindr App in which he shared photos of himself at
6 school. John Doe also made statements consistent with his status as a child
7 using the Grindr App, including that he lived with his parents and hoped to
8 avoid getting into trouble with them.

9 13. The assaults on John Doe were only possible because Grindr
10 purposefully allows children to use its product and matches them with adults
11 for the purpose of in-person sexual encounters.

12 14. John Doe brings this lawsuit against Grindr for child sex
13 trafficking and for designing and manufacturing a defective product that
14 causes the rape of children and fails to warn of the same.

15 PARTIES

16 15. At all relevant times, Plaintiff was a resident of Nova Scotia,
17 Canada.

18 16. Upon information and belief, Defendant Grindr Inc. is a
19 corporation organized and existing under the laws of Delaware, with its
20 headquarters at 750 N. San Vicente Blvd, RE 1400, West Hollywood,
21 California 90069.

22 17. Defendant Grindr LLC is headquartered at 750 N. San Vicente
23 Blvd, RE 1400, West Hollywood, California 90069.

24 18. Upon information and belief, Grindr Inc. assumed all liabilities
25 as the successor to Grindr LLC/Grindr Group LLC upon the latter's merger with
26 Tiga Acquisition Corp., a public company trading on the New York Stock
27 Exchange as "TINV."
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1 **JURISDICTION & VENUE**

2 19. Defendants are subject to the jurisdiction of this Court. Personal
3 jurisdiction and venue are established because Defendants are headquartered
4 and maintain their principal place of business in this county.

5 20. Plaintiff disavows any purported user agreement with Grindr by
6 which Grindr may attempt to compel arbitration. This disavowal is based on
7 Plaintiff’s status as a minor, as well as his disaffirmance of any such contractual
8 agreement upon reaching the age of majority. Any purported arbitration
9 agreement is unconscionable and invalid because of Plaintiff’s age and the
10 disparate bargaining power between the parties. All use of the Grindr App by
11 Plaintiff after reaching the age of majority is part of the ongoing course of
12 sexual trauma caused by the incidents underlying this lawsuit.

13 **FACTUAL ALLEGATIONS**

14 ***About Grindr’s Product: the Grindr App***

15 21. Grindr’s primary product, the “Grindr App,” is an application
16 available for download to a user’s digital devices, including phones and tablets.

17 22. Grindr launched the Grindr App in March 2009 and was one of
18 the first geosocial apps specifically designed for gay and bisexual men.

19 23. The Grindr App is free to download and free to use.

20 24. Grindr makes its money through its in-app advertisements and
21 tiered subscriptions. The more people who use its product and the more time
22 they spend on it, the more money Grindr makes.

23 25. Grindr is estimated to have 11 million monthly active users.

24 26. To set up a Grindr account, Grindr asks for an email address
25 and birth date.

26 27. Grindr allows users to choose whichever birth date they want.
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1 28. Grindr does not verify a person’s birth date if they say they are
2 an adult.

3 29. Grindr requires that minor users lie about their age and say they
4 are eighteen or older.

5 30. Once an account is created, Grindr requires users to complete a
6 personal profile unique to that user. Grindr provides for users to select a
7 username and upload a profile picture. Grindr further advises users to state
8 their height, weight, body type, their preferred sex position, and their “tribes”.

9 31. The Grindr App functions by “matching” geographically
10 proximate users with one another. Geolocation is so integral to the Grindr
11 App’s functionality that the product cannot be accessed through a desktop or
12 laptop computer because they lack the required hardware.

13 32. When Grindr matches two users, Grindr provides both users
14 with information about how proximate they are to one another.

15 33. After Grindr matches two users, they can communicate with one
16 another through its direct messaging feature which enables them to exchange
17 private messages, including texts and photos.

18 34. The Grindr App is a product. The Grindr App is tangible – it can
19 be seen and heard. It is available for purchase in a uniform form. It can be
20 moved on a screen, opened and closed. It takes up space and memory, depletes
21 batteries. Grindr has obtained patents for its product. Individuals who work at
22 Grindr have titles like “Chief Product Designer.”

23 ***Grindr intentionally markets the Grindr App to children***

24 35. Although Grindr states publicly that the Grindr App is only for
25 adults, Grindr markets the Grindr App towards children.

26 36. One of the ways Grindr targets its marketing to children is
27 through its account on the popular social media application Instagram, which
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1 has 501,000 followers. While the precise percentage of Grindr’s Instagram
2 users who are children is unknown, at least one report has claimed that more
3 than 40 percent of children under the age of 13 already use Instagram¹.

4 37. Grindr markets the Grindr App to its approximately 116,000
5 followers on TikTok, a social media video site that is also popular with children.
6 Researchers estimate that one-third of TikTok’s millions of daily users in the
7 United States are fourteen years old or younger.²

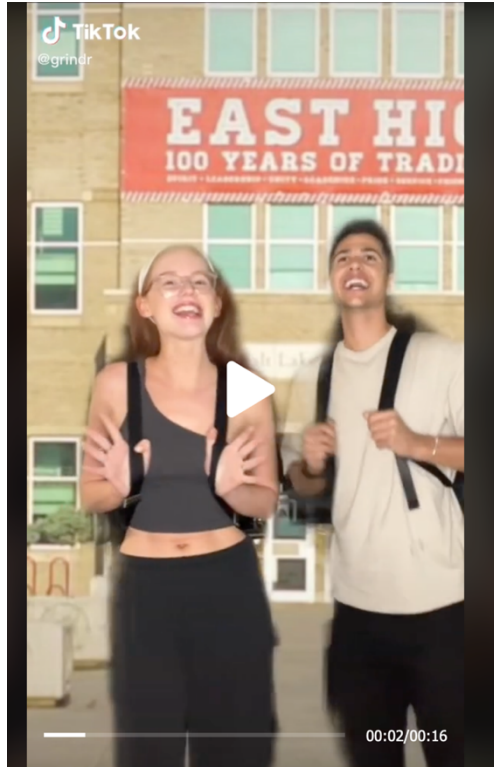
8 38. Grindr has posted numerous videos (“TikToks”) to its TikTok
9 account which portray the use of the Grindr App by children in middle school
10 or high school. The following screenshots exemplify this marketing strategy.

11 39. In this first TikTok video posted by Grindr³ to its official
12 account, two young people wearing backpacks stand outside of a building with
13 a banner indicating it’s a high school. The two young people are immediately
14 confronted by a chime that indicates one of their classmates is using the Grindr
15 App.

23 ¹ Katie Canales, “40% of kids under 13 already use Instagram and some are experiencing
24 abuse and sexual solicitation, a report finds, as the tech giant considers building an
25 Instagram app for kid,” INSIDER (My 13, 2021), available at
<https://www.businessinsider.com/kids-under-13-use-facebook-instagram-2021-5>.

26 ² Raymond Zhong and Sheera Frenkel, “A Third of TikTok’s U.S. Users May Be 14 or
27 Younger, Raising Safety Questions,” N.Y. TIMES (Aug. 14, 2020), available at
<https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html>.

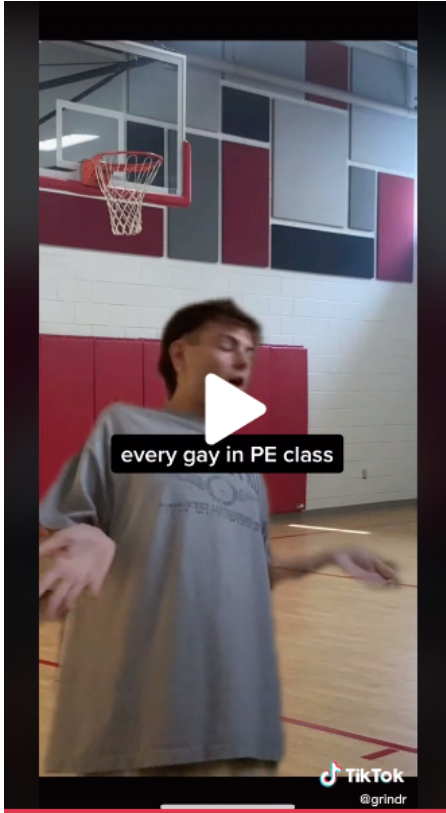
28 ³https://www.tiktok.com/@grindr/video/7132231900412022062?is_copy_url=1&is_from_webapp=v1&lang=en.



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14 40. In a second TikTok video posted by Grindr to its official
15 account,⁴ a young person appears in a gymnasium alongside the text caption,
16 “every gay in PE class.” This video explicitly takes place in an elementary
17 school, middle school, or high school physical education class. With this video
18 on TikTok, Grindr is directly marketing to children and targeting them with
19 messaging that indicates both that Grindr should be used in school, and that it
20 should be used by children.

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27 ⁴[https://www.tiktok.com/@grindr/video/7120344323069316398?is_copy_url=1&is_from_](https://www.tiktok.com/@grindr/video/7120344323069316398?is_copy_url=1&is_from_webapp=v1&item_id=712034433069316398&lang=en)
28 [_webapp=v1&item_id=712034433069316398&lang=en](https://www.tiktok.com/@grindr/video/712034433069316398&lang=en)

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41. Grindr’s marketing to children has been extremely effective. A study published in 2018 in the *Journal of Adolescent Health*⁵ found that more than half of sexually active gay and bisexual adolescent boys found sexual partners on Grindr and other applications, though the Grindr App was by far the most popular.

42. As a result of Grindr’s effective marketing strategy, since 2015 over 100 adult men have faced criminal charges in the United States related to child sexual exploitation using Grindr.⁶ No doubt this number represents but a tiny fraction of all child rapes facilitated by Grindr.

⁵ Kathryn Macapagal et al., “Hookup App Use, Sexual Behavior, and Sexual Health Among Adolescent Men Who Have Sex With Men in the United States,” 62 J. OF ADOLESCENT HEALTH 708 (2018).

⁶ Jenifer McKim, “How Grindr, a Popular Gay dating App, Poses Exploitation Risk to Minors,” NPR (Aug. 3, 2021), available at

1 43. Rather than addressing the epidemic of its product facilitating the
2 rape of children by adults, Grindr takes the stance that it's the cost of doing
3 business that sometimes children will be raped.

4 44. However, Grindr does not itself actually experience the costs of
5 children being harmed because it claims immunity from suit.

6 ***Grindr facilitated and proximately caused John Doe to be raped four times***

7 45. In the spring of 2019, John Doe was fifteen years old. He
8 attended high school in Nova Scotia, Canada.

9 46. Doe presented with Autism and ADHD at a young age. He was
10 gay, but did not know how to tell people within his community.

11 47. John Doe knew about Grindr. Defendant's marketing had
12 reached a fifteen-year-old in Nova Scotia, but the message that he received –
13 that Grindr was a community for likeminded people – bore little resemblance
14 to reality.

15 48. Using his tablet, Doe was able to download, install and activate
16 the Grindr App almost instantaneously.

17 49. Once he downloaded the Grindr App, he received a prompt
18 telling him he'd need to be 18 or older to use it. He complied.

19 50. Doe was never asked to provide any sort of age verification.

20 51. Doe's parents did not know or consent to Doe downloading or
21 using Grindr.

22 52. Despite the technological sophistication of Grindr's geolocation
23 data, which upon information and belief is accurate down to the square meter
24 level, Doe was able to use the Grindr App without restriction while he was at
25 school. While Doe used Grindr's App at school, other Grindr users received
26 information about Doe's location, including how proximate he was to them.

27 <https://www.npr.org/2021/08/03/1024108203/how-grindr-a-popular-gay-dating-app-poses-exploitation-risk-to-minors>.
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1 53. On April 4, 2019, Doe accessed the Grindr App while
2 physically located in his high school.

3 54. The Grindr App matched Doe with Noah Zwicker, an adult.
4 Zwicker instructed Doe to send him an intimate photograph, and then gave
5 him directions to his home.

6 55. Zwicker's home was located next to Doe's school. Grindr
7 matched Doe to Zwicker because of their geographic proximity.

8 56. Grindr also informed Zwicker of his geographic proximity to
9 Doe, which put Zwicker on notice that he was likely engaging with a child
10 using the Grindr App at the neighboring school.

11 57. Doe left school and went to Zwicker's house. Zwicker orally
12 and anally raped him.

13 58. Stunned, traumatized, and confused, John Doe returned to
14 Grindr.

15 59. On April 5, 2019, the Grindr App matched Doe with Clarence
16 Butler, an adult.

17 60. Butler used the Grindr App to meet Doe in person, and then
18 directed Doe to accompany him to Bunker Island. Butler then demanded that
19 the fifteen-year-old Doe perform oral sex on him; Doe complied, believing he
20 had no choice.

21 61. On April 6, 2019, the Grindr App matched Doe to a user that
22 gave the fictitious name "Matt." Matt appeared to be in his fifties. Matt
23 collected Doe from Doe's parents' home at approximately 2 AM in the
24 morning, drove him to a remote location, raped Doe, and drove him back to
25 his parents' home.

26 62. On April 7, 2019, Doe exchanged messages with Scott Hazelton,
27 an adult with whom the Grindr App matched him. Hazelton made Doe send him
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1 photographs of himself. The photos were captured in the high school's
2 bathroom and cafeteria. Doe told Hazelton, via Grindr App direct message, that
3 he lived with his mother and that his parents would want to meet his
4 "boyfriend". In response to these obvious indicia that Doe was a child, Hazelton
5 said he was interested in younger men.

6 63. Hazelton arranged to pick up Doe from a gas station, drove them
7 to Hazelton's home, and raped Doe.

8 64. Doe's mother discovered he had left the family home without
9 notifying her on the night of April 7, 2019. When confronted, Doe told her that
10 Grindr had matched him with the men that had raped him.

11 65. Upon information and belief, Grindr failed to flag Doe's account
12 as belonging to a child. It ignored the fact that many of the logins originated
13 from a high school, and that Doe's content depicted a child that looked fifteen
14 who wrote of living with his mother.

15 66. The Grindr App matched Doe with three men who have now
16 been convicted of sex crimes against him, and a fourth who remains at large
17 and a risk to the children of Nova Scotia. Zwicker was convicted of sexual
18 interference and making sexually explicit material available to a child. He was
19 sentenced to two years in prison for his crimes against Doe. Butler was
20 convicted of numerous crimes, including sexual interference and luring a
21 child. He was sentenced to four years and six months in prison for his crimes
22 against Doe. Matt remains at large; Canadian law enforcement, including the
23 highly regarded Royal Mounted Canadian Police (RCMP) were unable to
24 identify him. Hazelton was convicted of numerous crimes, including sexual
25 interference and luring a child. He was sentenced to three years and six
26 months in prison for his crimes against Doe.

27 67. Grindr never attempted to verify Doe's age.
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1 68. Doe had to testify against his rapists on multiple occasions,
2 reliving the trauma, in an attempt to obtain justice.

3 69. Doe has suffered, and continues to suffer, life changing
4 emotional and psychological injuries caused by Grindr’s failure to create a safe
5 product.

6 70. Doe has suffered the castigation and judgment from people
7 unschooled in the intersection of Autism and childhood sexual trauma who
8 suggest he is to blame for returning to the Grindr App in that four day stretch
9 of compounded daily assaults.

10 71. Doe suffers from severe depression. He has been admitted to
11 psychiatric facilities for treatment. He has attempted suicide and lived with such
12 pervasive suicidal ideation that he explicitly told his family he would not make
13 it to age 19. That he managed to survive is a testament to his resilience and his
14 family’s support.

15 72. Because of the assaults, Doe has suffered from compulsive
16 sexual behaviors.

17 73. Doe had to leave his high school due to the trauma. He was
18 unable to make it through a full day of school because of his emotional and
19 psychological torment. His grades and school performance were so bad that he
20 had to transfer to an alternative educational facility for high school. His
21 academic performance in his final year of school was poor. Doe never obtained
22 a high school diploma.

23 74. Doe has no plans to attend college and is not employed or in
24 employment-training.

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1 *At the time Doe used the Grindr App, Grindr was aware that its product was*
2 *defective and regularly matched kids with adults for unlawful sexual*
3 *encounters*

4 75. Grindr was on notice that, to the extent they existed at all, its age
5 verification systems were defective. This notice was derived from earlier
6 lawsuits against the company and from statements by governmental entities. In
7 February of 2019, months before Doe was raped, The United Kingdom’s
8 Culture Minister publicly announced an investigation into Grindr’s age
9 verification system⁷.

10 76. Grindr had the means to reform its defective age verification
11 system between February and April 2019 but chose not to do so.

12 77. Numerous age verification technologies were available in 2019.

13 78. Grindr has been on notice that children were using the Grindr
14 App and that sexual predators were using it as a targeting tool since June 20,
15 2014, at the latest.

16 79. On June 20, 2014, William F. Saponaro filed suit against Grindr
17 LLC in the Superior Court of New Jersey⁸. Saponaro absurdly alleged that a
18 thirteen-year-old boy had “solicited” sex with an associate of his, and that the
19 associate had invited Saponaro to take part a sexual encounter involving the
20 thirteen-year-old boy. On June 28, 2012 Saponaro was arrested in New Jersey
21 and charged with sexual assault and child endangerment for his role in the rape
22 the child-victim. Saponaro later pled guilty to third-degree child endangerment
23 and fourth-degree criminal coercion.

24 _____
25 ⁷ Natasha Lomas, “Dating apps face questions over age checks after report exposes child
26 abuse,” TECHCRUNCH (Feb. 11, 2019), available at
27 <https://techcrunch.com/2019/02/11/dating-apps-face-questions-over-age-checks-after-report-exposes-child-abuse/>.

28 ⁸ The case was subsequently removed to the United States District Court of New Jersey,
see *Saponaro v. Grindr, LLC*, 93 F. Supp. 3d 319, 321 (D.N.J. 2015).

1 80. Saponaro’s attempt to hold Grindr responsible for his crime was
2 unsuccessful. However, his suit and subsequently guilty plea provided Grindr
3 with incontrovertible proof that Grindr lets children as young as thirteen use the
4 Grindr App and that Grindr matches these kids with adults who expect sex.

5 81. Other instances of Grindr matching children and adults abound
6 in the media:

7 a. On June 29, 2016, a 31-year-old Maryland man was found guilty
8 of soliciting sex from a fictitious 15-year-old boy whose account
9 was created by undercover law enforcement officers. Officers
10 successfully created a profile on the Grindr App with the
11 username “Kinky Twinkie,” and the defendant arranged to have
12 a sexual rendezvous with the fictitious child before being
13 arrested⁹.

14 b. In early 2019, a Massachusetts police officer was arrested and
15 charged with aggravated rape and indecent assault of a 13-year-
16 old-boy he met through Grindr. In a bid to be released from house
17 arrest, the attorney for the defendant tried to shift the blame to
18 the victim by noting that the child, “had been using Grindr, an
19 online dating app, since the age of 11.”¹⁰

20 c. According to multiple news reports, a 25-year-old man was
21 arrested in Boulder, Colorado, on or about December 5 2019, on
22 charges of sexual assault and “sexual assault on a child, pattern
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24 _____
25 ⁹ Loud Chibbaro Jr., “Md. Police sting operation targeted Grindr,” WASHINGTON BLADE
26 (Jul. 14, 2016), available at <https://www.washingtonblade.com/2016/07/14/md-police-sting-operation-targeted-grindr/>.

27 ¹⁰ Julie Manganis, "Cop charged with rape of boy wants off house arrest" THE EAGLE
28 TRIBUNE (April 30, 2019), accessible at
https://www.eagletribune.com/news/merrimack_valley/cop-charged-with-rape-of-boy-wants-off-house-arrest/article_574fea10-5305-549e-8ae9-8773d5a5a1c1.html.

1 of abuse,” for having sex with a 14-year-old child he met on the
2 Grindr App. The suspect admitted to sometimes picking the boy
3 up from school, but claimed that he believed the child to be 18
4 or 19 years-old because, “in order to have a Grindr account, you
5 have to be 18 years old”.¹¹

6 d. On April 11, 2022, Christopher Ohm, of Illinois, was sentenced
7 to 458 months in federal prison for the enticement of a minor,
8 sex trafficking of a minor, and receipt and possession of child
9 pornography¹². Law enforcement identified Ohm when he met
10 with a 13-year-old boy he met on the Grindr App. Upon arrest,
11 an investigation revealed that Ohm had also used the Grindr App
12 to try and meet a different 15-year-old boy for sex.

13 82. Grindr’s failures have harmed an unknowable number of
14 children, young men, and other members of the LGBTQ+ community.

15 83. Grindr’s lack of age verification played an integral role in
16 matching these children with the people who sexually assaulted them, or who
17 would have sexually assaulted them if law enforcement had not intervened.

18 84. According to GBH News, “[s]ince 2015, more than 100 men
19 across the United States — including police officers, priests and teachers —
20 have faced charges related to sexually assaulting minors or attempting sexual
21 activity with youth they met on Grindr¹³.”

22 ¹¹ Janet Oravetz, “Man accused of having sex with 14-year-old boy he met on Grindr,”
23 9NEWS.COM (Dec. 5, 2019), accessible at
24 <https://www.9news.com/article/news/crime/boulder-man-arrested-accused-sex-with-boy-met-grindr/73-e737eec1-4e11-4057-9bea-c3bfd0ee99e5>.

25 ¹² US Attorney’s Office, Central District of Illinois, “Mattoon Sex Offender Sentenced to
26 Over 38 Years in Prison for Child Enticement and Sex Trafficking Crimes” (April 11,
27 2022), accessible at <https://www.justice.gov/usao-cdil/pr/mattoon-sex-offender-sentenced-over-38-years-prison-child-enticement-and-sex>.

28 ¹³ Jenifer B. McKim, Phillip Martin and Gabriela Lopez, “Unseen, Part 3: Popular Gay
Dating App Grindr Poses Exploitation Risk To Minors,” WGBH.org (Jul. 12, 2021),

1 85. On June 6, 2022, the Atlantic, a news magazine, published an
2 article titled, “The Teens Slipping Through the Cracks on Dating Apps”. The
3 piece discussed the lack of age verification on various dating applications,
4 including the Grindr App. Patrick Lenihan, Grindr’s vice president of
5 communications, is quoted in the article as stating, “[w]e [Grindr] would love
6 partnership, specifically from Apple and Google, to develop better age gate
7 technology that respects the privacy of users while also enhancing safety.¹⁴”
8 Mr. Lenihan also claimed that, “[u]se of our app by anyone under the age of
9 consent in their country is a violation of our terms of service and we block/shut
10 down accounts for anyone who violates those terms.”

11 86. As recently as September 13, 2022, Grindr told reporters, that,
12 “it was currently working with Google and Apple to create age and identity
13 verification technology”¹⁵. Upon information and belief, Grindr has not
14 announced any concrete steps to implement the alleged “age verification
15 system”.

16 87. Despite increased societal acceptance of LGBTQ+ individuals,
17 coming out remains a stressful and sensitive event in many lives. Children have
18 turned to Grindr because they believed it to be a safe space for meeting other
19 members of their community and did not, and could not, have understood the
20 extent to which it was a tool used by sexual predators to target children.

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22 _____
23 available at <https://www.wgbh.org/news/national-news/2021/07/12/popular-gay-dating-app-grindr-poses-exploitation-risk-to-minors>.

24 ¹⁴ Moises Mendez II, “The Teens Slipping Through the Cracks on Dating Apps,” THE
25 ATLANTIC (June 6, 2022), available at
<https://www.theatlantic.com/family/archive/2022/06/teens-minors-using-dating-apps-grindr/661187/>.

26 ¹⁵ Securities and Exchange Commission, “Filing Detail” (last accessed Mar. 8, 2023),
27 available at
https://www.sec.gov/Archives/edgar/data/1820144/000114036122033168/ny20004128x12_425.htm.

1 99. The exchange of CSAM is criminally illegal.

2 100. Grindr relies on its geolocation function to match users on the
3 basis of geographic proximity. Grindr’s May 2022 Investor Presentation
4 promotes its ability to match users with the closest 100 Grindr-App users. The
5 Grindr App facilitates these matches without regard to whether a user is
6 underage.

7 101. The geolocation feature caused John Doe injury because it
8 ensured that the adult individuals who sought to prey on children knew Doe
9 was nearby.

10 102. Grindr’s product caused Doe to be raped by four men over four
11 days, and to share sexually explicit photos of himself with them.

12 103. Doe would not have connected with the four men who raped
13 him but for the Grindr App’s failure to verify that he was an adult. Nor would
14 the four men have had digital and physical access to Doe, a vulnerable boy
15 within close geographic proximity, but for the Grindr App.

16 104. The benefits of the Grindr App do not outweigh the risk of
17 danger inherent in its design.

18 105. Grindr’s product is uniquely dangerous, even compared to peer
19 dating apps, because of its emphasis on indiscriminate geographic matching.
20 By “matching” children with geographically proximate adults on a platform
21 which Grindr knows or should know is primarily used as a tool of romantic
22 connection for the purpose of in-person sexual encounters,¹⁶ Grindr creates a
23 danger that boys will be victims of statutory rape and depicted in illegal child
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26 ¹⁶ Kathryn Macapagal et al., “Hookup App Use, Sexual Behavior, and Sexual Health
27 Among Adolescent Men Who Have Sex With Men in the United States,” 62 J. OF
28 ADOLESCENT HEALTH 708-715 (2018).

1 sexual abuse material (“CSAM”). The gravity of this danger is reflected in the
2 associated harsh criminal penalties.

3 106. It was extremely likely and foreseeable to Grindr that the
4 dangers posed by the Grindr App– repeatedly “matching” adults to children
5 who are geographically proximate, providing matched users with information
6 about one another’s geographic locations for the purpose of in-person sexual
7 encounters, and facilitating the exchange of sexually explicit photos– would
8 result in the crimes and harms that Doe experienced. Aside from these
9 reasonably foreseeable uses of the Grindr App, evidence exists that, since
10 2015, over 100 adult men have faced criminal charges in the United States
11 related to child sexual exploitation using the Grindr App.¹⁷

12 107. A safer alternative design was and is mechanically feasible.
13 Grindr could have prevented the injuries to John Doe through the
14 implementation of any of the following safety features in its product:

- 15 a. Deployment of effective age verification tools, potentially
16 through the use of a third-party age verification service or by
17 requiring the submission of governmental identification
18 containing a date of birth;
- 19 b. Use of geo-location technology to identify children using the
20 Grindr App at schools;
- 21 c. Use of geo-fencing technology to prevent use of the Grindr App
22 at schools;
- 23 d. Automated monitoring of review accounts with indicia of child
24 use, including but not limited to: direct messages which share

25 ¹⁷ Jenifer McKim, “How Grindr, a Popular Gay dating App, Poses Exploitation Risk to
26 Minors,” NPR (Aug. 3, 2021), available at
27 <https://www.npr.org/2021/08/03/1024108203/how-grindr-a-popular-gay-dating-app-poses-exploitation-risk-to-minors>.

1 photographs of children or schools, mention preferences for
2 young matches, or indicate a user is living under parental
3 surveillance;

4 e. Real name policies to deter predatory users from committing
5 criminal acts;

6 f. Not instructing kids to lie about their age – presently the Grindr
7 App requires children to click a box saying they are 18+
8 seconds before asking for their birthdate;

9 g. Collaborating with the major platforms from which users
10 download the Grindr App (eg. the Apple or Google app stores)
11 to confirm that those downloading the Grindr App are not
12 minors.

13 **SECOND CAUSE OF ACTION**

14 **Strict Products Liability – Defective Manufacturing**

15 *Against all Defendants*

16 108. Plaintiff incorporates by reference all of the previous
17 allegations in this Complaint as if fully set forth herein.

18 109. Grindr manufactured, distributed, or sold the Grindr App.

19 110. The Grindr App contained a manufacturing defect when it was
20 released for distribution and sale.

21 111. The manufacturing defect included, but was not limited to, the
22 Grindr App’s matching of adults and children for in-person sexual encounters.

23 112. The coding and operations of the Grindr App were among the
24 manufacturing defects.

25 113. Plaintiff was harmed and the victim of statutory rape, rape, and
26 exploitation because of Grindr’s manufacturing defects.

1 114. The defects were a substantial factor in causing Plaintiff's
2 harm.

3 115. Plaintiff suffered physical and emotional harms.

4 **THIRD CAUSE OF ACTION**

5 **Strict Products Liability – Defective Warning**

6 *Against all Defendants*

7 116. Plaintiff incorporates by reference all of the previous
8 allegations in this Complaint as if fully set forth herein.

9 117. Grindr manufactured, distributed or sold the Grindr App.

10 118. Grindr posed potential risks to children and the risks were
11 known in the industry – as demonstrated by the numerous articles, court cases,
12 and research regarding child exploitation on Grindr.

13 119. The potential risks of child sexual abuse presented a substantial
14 danger when the Grindr App is used or misused in an intended or reasonably
15 foreseeable way.

16 120. Grindr's knowledge that minors used the Grindr App and its
17 marketing to minors was reasonably foreseeable.

18 121. An ordinary consumer would not have recognized the potential
19 risks posed by Grindr and the Grindr App.

20 122. Grindr failed to adequately warn or instruct of the potential
21 risks of child sexual exploitation.

22 123. Plaintiff was harmed and the victim of statutory rape, rape, and
23 exploitation because of Grindr's manufacturing defects.

24 124. The defects were a substantial factor in causing Plaintiff's
25 harm.

26 125. Plaintiff suffered physical and emotional harms.

1 **FOURTH CAUSE OF ACTION**

2 **Negligence**

3 *Against all Defendants*

4 126. Plaintiff incorporates by reference all of the previous
5 allegations in this Complaint as if fully set forth herein.

6 127. Grindr owes John Doe the duty to exercise reasonable care and
7 to not aid in the rape of a child.

8 128. Grindr deliberately markets its product to children.

9 129. Grindr knew, or should have known, that thousands of children
10 access the Grindr App because of its ineffective or nonexistent age
11 verification technology.

12 130. Grindr knew that convicted sexual predators had used the
13 Grindr App to target children.

14 131. Grindr breached the above duties when its product matched
15 John Doe with adult men, including the four adult men who raped him, and
16 allowed communications to persist between them.

17 132. Grindr's conduct directly and proximately caused John Doe to
18 be raped and suffer physical, emotional and psychological injuries.

19 **FIFTH CAUSE OF ACTION**

20 **Negligent Misrepresentation**

21 *Against all Defendants*

22 133. Plaintiff incorporates by reference all of the previous
23 allegations in this Complaint as if fully set forth herein.

24 134. Grindr had a duty to John Doe to accurately inform him of the
25 risks of using the Grindr App.

26 135. Grindr negligently misrepresented that the Grindr App is
27 designed to create a safe and secure environment for its users.

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1 under the age of 18 knowing and causing them to be used in commercial sex
2 acts.

3 146. Grindr knowingly benefits financially and by increasing traffic
4 to its platform and collecting ad revenue therefrom in a venture which recruits,
5 entices, harbors, advertises, maintains, patronizes, and solicits persons under
6 the age of 18 knowing and causing them to be used in commercial sex acts.

7 147. Grindr knowingly introduces children to adults for in-person
8 sexual encounters causing children to be victims of sex acts in violation of
9 §1591.

10 148. Grindr recruits both children and adults to use its product that
11 matches users based on geographic proximity and claims on its website that “At
12 Grindr we’ve created a safe space where you can discover, navigate and get
13 zero feet away from the queer world around you.”

14 149. Grindr boasts that it is a “sex-positive platform” but requires
15 users to assent to receiving “user-generated content that could be considered
16 objectionable in certain contexts.”

17 150. Grindr financially benefitted from assisting, supporting, and
18 facilitating a venture that it knew has engaged in sex trafficking when it
19 matched Doe with adults for the purpose of in-person sexual encounters and the
20 exchange of sexually explicit photos and profited from Doe’s use of the Grindr
21 App. Grindr’s own conduct thus violated 18 U.S.C. § 1591.

22 151. Grindr knows that children use the application and Grindr
23 matches those children with adults, knowing that it is facilitating in-person
24 sexual experiences between the children and adults.

25 152. Grindr markets to children while knowing that there is a
26 substantial likelihood Grindr will recommend that child be paired with an adult.

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1 153. Grindr knows that some of its users specifically seek out child
2 users who are on the Grindr App.

3 154. Despite knowing that children use the Grindr App and are
4 matched with predators, Grindr continues to actively solicit children,
5 constituting Grindr's active and knowing participation in the sex trafficking of
6 children.

7 155. Grindr is not merely a beneficiary of third-party trafficking, but
8 is itself knowingly participating in a sex trafficking venture. Grindr itself
9 violated 18 U.S.C. § 1591(a)(1) by knowingly benefiting from a sex trafficking
10 venture while knowing that people under the age of 18 would be caused to
11 engage in sex acts.

12 156. The sex acts occasioned by children through Grindr constitute
13 commercial sex acts insofar as Grindr profits from all users through the sale of
14 ads.

15 157. Grindr knew that Predators frequented the Grindr App for the
16 purposes of meeting children and engaging in child sexual exploitation.

17 158. Grindr's knowledge predates the harm to John Doe and was
18 derived from multiple lawsuits that alleged child sexual exploitation was
19 facilitated by Grindr, from hundreds of news reports discussing child sexual
20 exploitation facilitated by Grindr, and at least one academic study
21 demonstrating that a large proportion of gay and/or bisexual people under the
22 age of 18 used Grindr while they were still children.

23 159. Grindr knew that children were using the Grindr App and being
24 matched with predators. Grindr's knowledge was derived from numerous news
25 reports, including those cited above, discussing that children use the Grindr
26 App, and at least one academic study demonstrating that a large proportion of
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1 gay and/or bisexual people under the age of 18 used the Grindr App while they
2 were still children.

3 160. For example, a study published in the June 2018 issue of Journal
4 of Adolescent Health revealed that as many as 50% of all sexually active boys
5 who identify as gay use the Grindr App to meet partners for sex¹⁸.

6 161. A May 22, 2018 article published on Vice.com featured a quote
7 about from an unnamed Grindr employee or contractor. In response to the
8 Journal of Adolescent Health study, Grindr is quoted as saying, “Grindr does
9 not condone illegal or improper behavior and we are troubled that an underage
10 person may have been using our app in violation of our terms of service. Grindr
11 services are only available for adults. Grindr encourages anyone aware of any
12 illegal or improper activity on the app to submit a report either within the app
13 or via email.” Vice characterized the statement as “predictably lame”.

14 162. Put another way, Grindr’s response acknowledged that a problem
15 existed and rather than announcing any policy change blandly reiterated that
16 users are responsible for policing Grindr’s product.

17 163. Grindr’s knowledge predated the Journal of Adolescent Health
18 report. In February of 2014, the BBC reported on a warning from the United
19 Kingdom’s National Crime Agency (NCA) to UK users of Grindr¹⁹. The NCA
20 warned UK Grindr users that they had an obligation to confirm that persons
21 they matched with on Grindr were over the age of 16 (the age of consent in that
22 jurisdiction). The warning was issued because “the National Society for the
23 Prevention of Cruelty to Children (NSPCC) released a report claiming an
24 increase in the number of teenagers calling the charity’s support lines after

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26 ¹⁸ Kathryn Macapagal et al., “Hookup App Use, Sexual Behavior, and Sexual Health
27 Among Adolescent Men Who Have Sex With Men in the United States,” 62 J. OF
28 ADOLESCENT HEALTH 708-715 (2018).

¹⁹ Declan Harvey, “Warning to ‘sex app’ users to check age of consent,” BBC (Feb. 11,
2014, available at <https://www.bbc.com/news/newsbeat-26039692>).

1 negative experiences using Grindr... the report calls out Grindr and other such
2 apps as the easiest to abuse”

3 164. Five years before John Doe was victimized, Claire Lilley from
4 the NSPCC was quoted as saying: "[t]hese apps do have terms and conditions
5 in place but they're simply not being enforced and as a result children are being
6 put at risk of serious harm. We know this because of the huge increase in calls
7 to ChildLine over the last year about issues such as online grooming."

8 165. Grindr was aware of the report because it was quoted as claiming,
9 “We do our best to ensure all users follow our strict terms-of-service policy that
10 require users to be at a minimum age of 18. We have a diligent team of
11 moderators focused on monitoring and ensuring users adhere to our terms-of-
12 service guidelines.”

13 166. Despite Grindr’s claim to employ a “diligent team of
14 moderators” that monitored for terms of service compliance, John Doe was able
15 to seamlessly join Grindr five years later.

16 167. Despite knowing that children used Grindr and were targeted by
17 sexual predators, Grindr made the affirmative decision to offer a product
18 without operable age verification technology.

19 168. Grindr’s active solicitation of predators and children constitutes
20 a knowing participation in the sex trafficking of children.

21 169. Grindr knowingly recruits entices, provides, obtains or solicits
22 children like John Doe, while knowing or acting in reckless regard of the fact
23 that the person is under 18 and will be caused to engage in commercial sex acts.

24 170. Grindr knowingly recruited or enticed John Doe with its promise
25 of community.

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1 171. The recruitment took place knowingly, in reckless disregard of
2 the fact that John Doe was under the age of 18 and would be caused to engage
3 in a commercial sex act.

4 172. The Grindr App is used for sex acts, including the exchange of
5 lewd and intimate images.

6 173. Grindr knows that some of some of the persons under the age of
7 18 have been solicited to engage in sex acts through use of its product, the
8 Grindr App.

9 174. Grindr engages in this business practice it recklessly disregards
10 the fact that minors are being exposed to sexual harm through use of its product,
11 the Grindr App.

12 **PRAYER FOR RELIEF**

13 WHEREFORE Plaintiff respectfully requests judgment to be entered
14 against Defendant as follows:

15 A. Awarding compensatory damages for all physical injuries,
16 emotional distress, psychological harm, anxiety, humiliation, physical and
17 emotional pain and suffering, and other harm in an amount to be determined at
18 trial;

19 B. Awarding punitive damages in an amount no less than \$66
20 million;

21 C. Awarding attorneys' fees and costs pursuant to any applicable
22 statute or law;

23 D. Awarding pre- and post-judgment interest on all such damages,
24 fees and/or costs; and

25 E. Awarding compensatory and actual damages and reasonable
26 attorney's fees pursuant to 18 U.S.C. §2421A(c).

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F. Awarding such other and further relief as this Court deems just and necessary.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all causes of action.

Respectfully submitted on April 27, 2023.

C.A. Goldberg, PLLC

By: /s/ Hannah Meropol
Hannah Meropol, CA Bar No. 340095
Carrie Goldberg (*Pro hac vice*)
Adam Massey (*Pro hac vice*)

Waters, Kraus & Paul

By: /s/ Kevin Loew
Kevin Loew, CA Bar No. 238080

Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

The undersigned, counsel for Plaintiff JOHN DOE, certifies that the FIRST AMENDED COMPLAINT and DEMAND FOR JURY TRIAL was filed with the Court and served electronically through the CM-ECF (Electronic Case Filing) system to all counsel of record and to those registered to receive a Notice of Electronic Filing for this case on this 27th day of April, 2023.

/s/ Hannah Meropol
Hannah Meropol