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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 FOR THE COUNTY OF LOS ANGELES

15 WHITNEY WOLFE,

Case No.

16 Plaintiff,

COMPLAINT FOR DAMAGES

17 vs.

18 TINDER; MATCH.COM; and IAC, INC.,
 19 and DOES 1 through 20, inclusive,

JURY TRIAL DEMANDED

20 Defendant. /

21 Plaintiff WHITNEY WOLFE complains and alleges as follows:

INTRODUCTION

22 1. The founders of a red-hot technology startup named Tinder engaged in atrocious
 23 sexual harassment and sex discrimination against Whitney Wolfe, the young woman who co-
 24 founded Tinder and was the face of Tinder in magazines and in Tinder’s efforts to market the
 25 company to other young women. Tinder’s Chief Marketing Officer Justin Mateen repeatedly
 26 called Ms. Wolfe a “whore,” including in front of CEO Sean Rad, and he told Ms. Wolfe that he
 27 was taking away her “Co-Founder” title because having a young female co-founder “makes the
 28 company seem like a joke” and “devalues” the company.

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1 2. Mr. Mateen and Mr. Rad subjected Ms. Wolfe to a barrage of horrendously sexist,
2 racist, and otherwise inappropriate comments, emails and text messages, including describing one
3 person as a “liberal lying desperate slut” and others as “middle age Muslim pigs” and referring,
4 for example, to “fucking” the wife of a prominent blogger, and a text depicting IAC Chairman
5 Barry Diller as a penis. Although it is tempting to describe the conduct of Tinder’s senior
6 executives as “frat-like,” it was in fact much worse- representing the worst of the misogynist,
7 alpha-male stereotype too often associated with technology startups.

8 3. Although Ms. Wolfe repeatedly complained to CEO Rad, he ignored her
9 complaints, dismissing her as “annoying” and “dramatic,” and threatened her job. Ms. Wolfe
10 finally broke down the night that Mr. Mateen called her a “whore” at a company event, and she
11 offered to resign in consideration for modest severance and the vesting of her stock. Mr. Rad
12 snidely rejected the offer and fired her.

PARTIES

14 4. Plaintiff is a resident of the County of Los Angeles, State of California. During
15 the entire period of time at issue in this lawsuit, Plaintiff resided in Los Angeles County, in the
16 State of California. She worked for Defendants in Los Angeles County, California throughout
17 her employment.

18 5. Tinder is a corporation headquartered and doing business in the State of California
19 County of Los Angeles.

20 6. Match.com is a corporation doing business in the State of California County, with
21 offices in West Hollywood, County of Los Angeles.

22 7. IAC, Inc. is a corporation doing business in the State of California County of Los
23 Angeles. Upon information and belief, IAC, Inc. is the majority owner of Tinder.

24 8. Plaintiff is informed and believes, and thereon alleges, that each of the Defendants
25 was, at all times herein mentioned, the agent, employee, partner and/or representative of one or
26 more of the remaining Defendants and was acting within the course and scope of such
27 relationship. Plaintiff is further informed and believes that each of the Defendants herein gave
28 consent to, ratified and authorized the acts alleged herein to each of the remaining Defendants.

1 app was going to be a phenomenal success if marketed properly. Rad eventually agreed that she
2 could pitch it to the team and see if they were interested.

3 13. At first, other members of the founding group resisted the pivot toward Tinder, but
4 Wolfe's persistence prevailed. Per Mr. Rad's suggestion, Ms. Wolfe presented her marketing
5 plan to the other Cardify employees, Mr. Gulczynski, Mr. Badeen and Mr. Munoz. Mr. Rad was
6 also in attendance at the meeting. As confirmed in texts from Mr. Gulczynski, everyone in the
7 group was impressed with Ms. Wolfe's vision, and they encouraged her to follow through with
8 her college campus marketing plan to see if the product had any future. Justin Mateen, who
9 would later be hired as Tinder's Chief Marketing Officer and go on to sexually harass Ms. Wolfe,
10 was not an employee or part of the group at this time and played no role in the meeting in which
11 Ms. Wolfe sold her marketing strategy to the remaining members of the co-founder team.

12 14. At around this same time, it occurred to the group that the Matchbox name was
13 potentially problematic in that it was similar to "match," and IAC wholly owned the dating
14 website/app, Match.com. Match.com also provided HR services to Tinder, and CEO Rad
15 reported to Match.com CEO, Sam Yagan. Because Mr. Gulczynski had designed a flame as the
16 logo for the new company, renaming efforts were focused on names that could take advantage of
17 the existing artwork. Mr. Rad proposed to call it Tender but Ms. Wolfe argued that Tender was
18 too romantic. She suggested "Tinder" because tinder helps to light a flame, which had obvious
19 dating analogues.

20 15. On September 14, 2012, the day of her flight to Southern Methodist University
21 (SMU) to unveil the newly-named Tinder app, Ms. Wolfe stopped in to visit Alexa Mateen, who
22 at the time, was an intern/summer employee at Tinder. Ms. Wolfe saw Justin Mateen, Alexa's
23 older brother, and told him that she was on her way to Texas to launch the new Tinder app.
24 Mr. Mateen, a long-time friend of Mr. Rad who had several on-going projects with him, told her
25 that Mr. Rad had invited him to join Tinder on a two-month contract. Ms. Wolfe was
26 enthusiastic to have someone else on board to work on the Tinder marketing push.

27 16. Those first campus marketing blitzes to SMU and then the University of Utah
28 were extremely successful. Ms. Wolfe took the user count from around a couple of hundred

1 users (consisting mainly of friends of the team and test users) to over 1500. The group quickly
2 abandoned Cardify to work exclusively on Tinder. Simply put, without Ms. Wolfe's aggressive
3 lobbying on behalf of the Tinder prototype, and without her remarkably effective marketing
4 campaign, there would likely have been no Tinder --- at least not on the scale it exists at today.
5 Joe Munoz, who developed the app, wrote to Ms. Wolfe: "I credit you 100% with the growth of
6 Tinder and I think that sending you around the US to visit sororities was absolutely the best
7 investment we could possibly have made on the marketing side."

8 17. Things went well at the new company. Tinder was meeting with unprecedented
9 success --- in no small part due to the marketing efforts of Ms. Wolfe. The app was starting to
10 take off in ways that were drawing lots of positive attention to the startup.

11 18. During this time, Ms. Wolfe was routinely held out as the face of the company. In
12 or about November 2012, following an internal meeting where the company addressed for the
13 first time co-founder status, Ms. Wolfe was officially designated, "co-founder." Thereafter, her
14 business cards and her email signature block both contained this designation. *See, e.g.*, exemplar
15 Tinder business card and Tinder email from Ms. Wolfe attached hereto as Exhibit 1. Her co-
16 founder status is also confirmed in texts from Mr. Rad dated January 4, 2013 (attached hereto as
17 Exhibit 2).

18 19. Justin Mateen joined Tinder as Chief Marketing Officer, a position that made him
19 Ms. Wolfe's direct supervisor. Within two months after he became an employee, in November
20 2012, Mr. Mateen began pursuing a romantic relationship with Ms. Wolfe. On or about
21 November 11, 2012, Mr. Mateen asked Ms. Wolfe to come to his house because he was very
22 upset about an ex-girlfriend. When Ms. Wolfe declined to do so, Mr. Mateen became irritated,
23 telling her that she would do it for her "other boss," Sean, and that if she did not meet him he
24 would be very upset with her. Ms. Wolfe eventually agreed to meet with Mr. Mateen. When she
25 did so, he expressed that he had strong feelings for her and was interested in pursuing a romantic
26 relationship. However, the two would not start officially dating until February 2013, as
27 Mr. Mateen made it clear he was not ready for a monogamous relationship.

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1 20. In early 2013, Ms. Wolfe began doing more and more press interviews and
2 features on behalf of Tinder. In these interviews and articles she was held out as a co-founder of
3 Tinder. Ms. Wolfe had spearheaded the app’s national college launch. She had honed in on
4 female influencers on social media channels like Instagram, which had been instrumental in
5 making Tinder “cool” and socially acceptable for many women who had once been hesitant to
6 use dating apps. Tinder, in turn, was lauded for breaking the notoriously male-dominated startup
7 mold in that it had a woman among its co-founders. Examples of articles in which Ms. Wolfe is
8 held out as a Tinder co-founder and/or in which Tinder mines positive press from the fact that it
9 has a female co-founder include articles in The Wire (“This acceptance might have something to
10 do with the fact that unlike every other hook-up app out there, which were birthed by men, as
11 Ann Friedman notes in The New Yorker, one of its four founders, Whitney Wolfe, is a woman”),
12 Elle Magazine, Marie Claire and Harper’s Bazaar. (See screenshot of Harper’s Bazaar article
13 titled attached hereto as Exhibit 3).

14 21. However, even then there were gender-based inconsistencies in how the company
15 presented itself. When Tinder-related articles appeared in more traditional business outlets,
16 Wolfe’s name was often nowhere to be seen. When she would ask why only her name of the five
17 founders was absent they would tell her “you’re a girl.” They stated that they couldn’t include
18 her name in the business press, because it “makes the company look like it was an accident.”
19 According to Mr. Mateen “a girl founder,” who at the time was 24, devalued the company. They
20 also said five founders looked like “too many cooks in the kitchen.” Given their misogyny, it is
21 not surprising that the sole female on the team was the one who was excluded from the business
22 press.

23 22. Ms. Wolfe turned her attention to the overseas market, and drafted an international
24 marketing plan. She hired, trained, managed, and motivated the team that would launch Tinder
25 in various overseas markets, and she provided the marketing ideas that made Tinder so explosive
26 in the United Kingdom, in France, in Germany, in Spain, and in Italy.

27 23. On April 22, 2013, in recognition of her instrumental role in the founding of the
28 company and its subsequent success, Ms. Wolfe received a stock option grant in Tinder. The

1 vesting schedule provided for 25% vesting after six months (that is, October 1, 2013), and the
2 remaining 75% would vest in six equal installments every six months thereafter.

3 24. Despite the success of Tinder, Ms. Wolfe's relationship with Mr. Mateen was not
4 going well. He grew to be verbally controlling and abusive in the relationship. He accused her
5 of destroying his power at the company because she had a title similar to his --- Ms. Wolfe's title
6 was "VP and Co-Founder," while Mr. Mateen's title was "CMO and Co-Founder." They broke
7 up several times in the months following September 2013, during which time Mr. Mateen
8 aggressively directed his anger stemming from the failure of the relationship towards Ms. Wolfe.

9 25. Also about this time, specifically in early-November of 2013, Mr. Mateen and
10 Mr. Rad informed Ms. Wolfe that they were removing her "co-founder" designation. Mr. Mateen
11 told Ms. Wolfe that the reason she could no longer hold herself out as a co-founder was that she
12 was a 24-year old "girl" with little experience. Once again he said that holding her out as a co-
13 founder "makes the company look like a joke" and "devalues the company." Mr. Mateen tried to
14 justify the situation by saying "Facebook and Snapchat don't have girl founders, it just makes it
15 look like Tinder was some accident." Further, as Mr. Rad informed Ms. Wolfe, IAC would not
16 let her be publicly recognized as a co-founder.

17 26. Mr. Mateen went on to say that he didn't want boys trying to date Ms. Wolfe due
18 to her co-founder status, and that being a female co-founder of Tinder was "slutty" because it is
19 an app people use "to hook up." When Ms. Wolfe protested the overtly discriminatory nature of
20 this treatment, Mr. Rad and Mr. Mateen informed her that she would accept their decision or she
21 would be fired.

22 27. Against her better judgment, and mentally exhausted from defending herself
23 against the abuse that followed from her attempt to move on from the relationship, towards the
24 end of November 2013, Ms. Wolfe gave the relationship with Mr. Mateen another chance. The
25 attempt was short-lived and, aside from a couple of isolated incidents in the next two months,
26 Ms. Wolfe ended the relationship on or about December 12, 2013. Despite her clear intentions in
27 breaking up with him, Mr. Mateen instructed Ms. Wolfe to be "a good girl" and stay away from
28 other men for a period of six months during which time he would evaluate her to determine

1 whether she was “worthy” of being with him, or whether she was the “slut” that he considered
2 her to be before she met him.

3 28. Ms. Wolfe’s refusal to bow to Mr. Mateen’s deluded and misogynist attempts to
4 control her, triggered a campaign of sustained, outrageous abuse at Tinder. Mr. Mateen would
5 call Ms. Wolfe “disgusting.” He told her not to “look at him with her ugly eyes” in front of
6 Tinder’s new Director of Marketing, Josh Metz, on one of his first days of work when Ms. Wolfe
7 was in the process of welcoming him to Tinder. During a marketing brainstorm session with Mr.
8 Metz, Mr. Mateen and Ms. Wolfe, Mr. Mateen told Ms. Wolfe in front of the other employees
9 that she was “a desperate loser” who “jumps from relationship to relationship” and referred to her
10 as a “joke.” Following this harrowing meeting, Ms. Wolfe sent Mr. Rad a text informing him of
11 the harassment. Mr. Rad never responded to her.

12 29. Not content with berating her in person, Mr. Mateen also said terrible things about
13 Ms. Wolfe to her co-workers. On one occasion, Mr. Mateen told Rosette Pambakian, head of PR,
14 that Ms. Wolfe was a “fake person” and “just a bad girl.” He also told Mr. Rad, Mr. Metz and
15 Ms. Pambakian that he ended the relationship with Ms. Wolfe because she was “an alcoholic who
16 lost control” (Ms. Wolfe has no alcohol dependency issues), and that he needed “to watch her and
17 see if she was a slut when they broke up.” This made an already hostile workplace even more
18 difficult, as Ms. Wolfe’s colleagues began to treat her in a stand-offish manner. She soon found
19 herself not included in events or meetings that previously she would have been invited to attend.

20 30. In mid-January 2014, at a time when Mr. Rad and Mr. Mateen had numerous
21 work-related disagreements, Mr. Mateen lashed out at Ms. Wolfe, accusing her of “destroying the
22 balance of power” between him and Mr. Rad. He demanded to see her texts to Mr. Rad. When
23 Ms. Wolfe refused, he called her a series of obscene names and threatened that if Ms. Wolfe
24 didn’t “fix it” she would suffer consequences. Mr. Mateen’s behavior was so outrageous that an
25 onlooker from an apartment above the street directly behind Tinder’s offices where the argument
26 took place intervened urging him to stop.

27 31. While CEO Rad did acknowledge that “Justin is nuts” when Ms. Wolfe once again
28 complained to him, he would ultimately either ignore her pleas for help or call her a dramatic or

1 emotional girl. Mr. Rad also told her if she was unable to “disengage” it would be her fault, not
2 Mr. Mateen’s.

3 32. Mr. Mateen did not limit his abuse to his in-person, workplace encounters with
4 Ms. Wolfe. He subjected her to a barrage of aggressive, angry texts in which Mr. Mateen berated
5 her for, among other things, possibly talking to another man (“I will shit on him in life.... He can
6 enjoy my left overs”) (attached hereto as Exhibit 4), for speaking to Muslim men while she was
7 on family vacation in Aspen (“You prefer to social climb middle aged Muslim pigs that stand for
8 nothing.”) (attached hereto as Exhibit 5), even for being friendly with another girl who he
9 referred to as a “liberal lying desperate slut.” (Attached hereto as Exhibit 6). He even went so
10 far as to threaten Ms. Wolfe that if she ever “hurt his pride” --- alluding to her being with other
11 men or having a new boyfriend ---, he would fire her. (Attached hereto as Exhibit 7). Mr.
12 Mateen’s outrageously abusive behavior continued in one form or another throughout the
13 remainder of Ms. Wolfe’s employment with Tinder.

14 33. Mr. Mateen’s anger, jealousy and control issues were so intense that they
15 impacted Tinder business opportunities. In or about January 2014, Ms. Wolfe was contacted by
16 the Creative Director of an influential fashion and lifestyle blog. This Creative Director wanted
17 to do a feature on Ms. Wolfe in her role as a young female co-founder of a very hot dating app
18 startup. Ms. Wolfe immediately recognized the marketing potential of such a piece --- which
19 would be read by large numbers of young, trend-setting women. Rather than welcoming the free
20 publicity, Mr. Mateen became incensed and claimed that the Creative Director was “disrespecting
21 him” by doing a feature on Ms. Wolfe (his ex-girlfriend) and not focusing on other women,
22 including a female assistant, in the story. He said that the Creative Director wanted to have sex
23 with Ms. Wolfe because of her co-founder title. He became so angry that he threatened to “fuck”
24 the Creative Director’s wife, and said that he would “be a handyman for my backyard and will be
25 on a leash.” In the end, tired of being attacked by Mr. Mateen, Ms. Wolfe told the Creative
26 Director that he shouldn’t come to the office at that time.

27 34. Mr. Mateen continued to engage in threatening and abusive behavior. He
28 bombarded Ms. Wolfe with harassing and increasingly frightening texts in which Mr. Mateen

1 threatened her with termination if he was unable to come to terms with her no longer wanting to
2 date him (“the effect will be that ur gone”), in which he ignored her pleas to stop berating her
3 during work hours (“[y]ou’re effecting my work environment. I am trying to do my job and this
4 is very out of control,”) and in which he obsessively grills her about her romantic life even when
5 she makes it clear that they “are not together” and he has “no right to [her] personal life.” She
6 begs him to “please stop.... You are harassing me.” *See* texts between Mr. Mateen and
7 Ms. Wolfe from this time period attached hereto as Exhibit 8.

8 35. The abusive atmosphere at Tinder was beyond the pale and becoming unbearable
9 for Ms. Wolfe, as it would for any reasonable person. As noted above, on multiple occasions she
10 spoke to Mr. Rad to see if he would intervene to end the abuse or, at a minimum, change the
11 reporting structure so that she was no longer directly supervised by Mr. Mateen. Mr. Rad would
12 simply accuse Ms. Wolfe of being “dramatic,” or “annoying” and ignore her complaints. On one
13 occasion, CEO Rad told Ms. Wolfe that he and Mr. Mateen had agreed that even though
14 Mr. Mateen was still upset about the failure of their relationship, they were going to allow her to
15 stay at Tinder.

16 36. During a meeting with Ms. Wolfe and Mr. Mateen, Mr. Rad told Ms. Wolfe that if
17 she and Mr. Mateen couldn’t get along, it would be Ms. Wolfe who would be fired. Mr. Rad told
18 her that it was her job to “keep Justin calm.” If she couldn’t do that she would be fired.

19 37. When Ms. Wolfe finally told Mr. Mateen that she would go to HR to file a formal
20 complaint, Mr. Mateen threatened to fire her if she did so. When Ms. Wolfe threatened to speak
21 to a lawyer, Mr. Mateen told her that it was a threat he would not tolerate.

22 38. Throughout all of this appalling behavior, IAC, the majority owner of Tinder and
23 Ms. Wolfe’s joint employer, completely abdicated any supervisory role over its Tinder
24 employees. That Mr. Rad thought little of IAC is evident in at least one obscene text he sent to
25 Ms. Wolfe in the summer of 2013, depicting IAC Chairman Barry Diller as a penis.

26 39. By the spring of 2013, Mr. Rad was dating Alexa Dell, the 20-year old daughter of
27 an iconic technology figure. Ms. Wolfe soon came to consider Mr. Rad’s new girlfriend a friend
28 and confidant. In a number of text communications between the two young women at about this

1 time, Ms. Wolfe sought her advice as to what to do about the on-going harassment, going so far
2 as to say that the abuse was unbearable: “[t]he shit he says when he talks makes me wanna kill
3 myself he’s so low and nasty I might quit.” *See* texts between Ms. Wolfe and Ms. Dell attached
4 hereto as Exhibit 9.

5 40. At a company party in Malibu on April 6, 2014, Ms. Wolfe noticed that
6 Mr. Mateen was unwilling to say “hello” to her, while he eagerly greeted Ms. Wolfe’s friend,
7 Kate Wilson, who accompanied her to the event. When she eventually asked him what was
8 wrong, Mr. Mateen responded: “You’re a whore.” He accused her of being with a boy and
9 insisted he knew all about what her “disgusting self had been up to.” He said this in front of Mr.
10 Rad. He went on call her “a gold digger,” and “a disease” and “disgusting.” As Ms. Wolfe
11 began to head toward the exit, she was accosted by Mr. Rad’s guest at the party who spat in her
12 face. This was witnessed by Ms. Wilson. Mr. Mateen went on to ask Ms. Wilson if it were true,
13 referring to Ms. Wolfe and her possible involvement with another man. Mr. Mateen’s younger
14 brother repeatedly accused Ms. Wolfe of not being “a good girl.”

15 41. Shocked, humiliated and deeply shaken, Ms. Wolfe told Mr. Rad that she really
16 wanted to speak to him and find a solution for her at work. She was not able to work for
17 someone who called her a whore, let alone at a company party and in front of the CEO.

18 42. In the communications that followed over the next twenty-four hours, Mr. Rad
19 bullied Ms. Wolfe into “resigning.” He told her that “things were going to get ugly.” Ms. Wolfe,
20 beaten down by the abuse and fearing for her reputation if she was fired ostensibly for
21 performance reasons, texted Mr. Rad that she would leave peacefully if she could get a
22 reasonable amount of severance and her vested equity. However, Mr. Rad rejected that. When
23 Ms. Wolfe requested the opportunity to talk with Mr. Rad about how much longer she would
24 continue working at Tinder, Mr. Rad responded that “Your employment continuing is not likely
25 an option at this point.” *See* texts between Ms. Wolfe and Mr. Rad attached hereto as Exhibit 10.

26 43. In the days that followed, Ms. Wolfe, completely beaten down by the many
27 months of outrageous abuse she had suffered at Tinder, submitted a resignation letter that
28 explicitly cited the abusive treatment as the reason for her no longer working at the company.

1 Mr. Rad, fully recognizing the danger that would follow from such a letter becoming public, or at
2 least known to IAC, instructed Ms. Wolfe to draft a second letter that omitted this basis for her
3 leaving the company.

4 44. A few weeks after Ms. Wolfe’s termination, she met with IAC’s Sam Yagan at a
5 Starbucks in Dallas. (As noted above, Mr. Yagan is the CEO of Defendant Match.com, another
6 on-line dating site that is wholly-owned by IAC). Ms. Wolfe described some of the harassment
7 and discrimination she had suffered at Tinder, including having her “co-founder” status stripped
8 away because she is a “girl,” being called a “whore” by her boss in front of the CEO, and,
9 ultimately, her retaliatory termination. By the time she was finished relating the shocking history
10 of some of the abuse she had suffered at Tinder --- a company owned by IAC --- she was in tears.
11 Mr. Yagan was unmoved. Telling her he didn’t feel compelled to do anything in response to
12 Ms. Wolfe’s complaints, Mr. Yagan explained that this didn’t bother him: “I can still sleep at
13 night.”

14 **FIRST CAUSE OF ACTION**

15 **(Discrimination in Violation Of Cal. Gov’t Code § 12940(a))**

16 Plaintiff hereby incorporates by reference Paragraphs 1 through 44 of this Complaint as if
17 fully set forth herein and for a cause of action alleges as follows:

18 45. At all times herein mentioned, California’s Fair Employment and Housing Act
19 (“FEHA”), Cal. Government Code § 12940 *et seq.*, was in full force and effect and fully binding
20 upon Defendants. Plaintiff was a member of a group protected by the statute, in particular
21 section 12940(a), prohibiting discrimination in employment based on sex.

22 46. The termination of Plaintiff’s employment by Defendants constitutes discrimination
23 based on sex and violated Government Code § 12940(a).

24 47. As a direct, foreseeable and proximate result of Defendants’ unlawful actions,
25 Plaintiff has suffered and continues to suffer substantial losses in earnings, equity and other
26 employment benefits and has incurred other economic losses.

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1 amounting to malice, and in conscious disregard of the rights and safety of plaintiff and others.
2 Plaintiff is thus entitled to recover punitive damages from Defendants in an amount according to
3 proof.

4 **THIRD CAUSE OF ACTION**

5 **(Failure to Take All Reasonable Steps to Prevent**
6 **Sexual Harassment in Violation of Cal. Gov't Code § 12940(k))**

7 Plaintiff hereby incorporates by reference Paragraphs 1 through 44 of this Complaint as if
8 fully set forth herein, and for a cause of action alleges as follows:

9 55. At all times herein mentioned, California's Fair Employment and Housing Act
10 ("FEHA"), Cal. Gov't Code §§ 12900, *et seq.*, was in full force and effect and was fully binding
11 upon Defendant. Specifically, § 12940(k) makes it an unlawful employment practice for an
12 employer to fail to take all reasonable steps necessary to prevent sexual harassment from
13 occurring.

14 56. As described above, Tinder's CEO, Sean Rad received multiple complaints about
15 the sexually harassing behavior of CMO, Justin Mateen, but did nothing about his behavior. IAC
16 senior executive, Sam Yagan was informed by Plaintiff of Mr. Mateen's behavior and Tinder's
17 discriminatory treatment of her yet failed to take any action. Defendants failed to adequately
18 investigate Mr. Mateen's behavior when warned about him, failed to take all reasonable steps to
19 prevent him from harassing Plaintiff and did not investigate or discipline him in response to
20 Plaintiff's complaint. Defendants' failed to take all reasonable steps necessary to prevent
21 harassment from occurring in violation of § 12940(k).

22 57. As a direct, foreseeable and proximate result of Defendants' unlawful actions,
23 Plaintiff has suffered and continue to suffer losses in earnings, equity and other employment
24 benefits and has incurred other economic losses.

25 58. As a direct, foreseeable, and proximate result of Defendants' unlawful actions,
26 Plaintiff has suffered substantial emotional distress, humiliation, shame, and embarrassment, all
27 to the Plaintiff's damage in an amount to be proven at the time of trial.

28 59. Defendants committed the acts herein despicably, maliciously, fraudulently, and
oppressively, with the wrongful intention of injuring Plaintiff, from an improper and evil motive

1 amounting to malice, and in conscious disregard of the rights and safety of Plaintiff and others.
2 Plaintiff is thus entitled to recover punitive damages from Defendants in an amount according to
3 proof.

4 **FOURTH CAUSE OF ACTION**

5 **(Retaliation in Violation of Cal. Gov't Code § 12940(h))**

6 Plaintiff hereby incorporates by reference Paragraphs 1 through 44 of this Complaint as if
7 fully set forth herein, and for a cause of action alleges as follows:

8 60. At all times herein mentioned, California's Fair Employment and Housing Act
9 ("FEHA"), Cal. Gov't Code §§ 12900, *et seq.*, was in full force and effect and was fully binding
10 upon Defendant. Specifically, § 12940(h) makes it an unlawful employment practice for an
11 employer to discriminate against any person because the person has opposed any practices
12 forbidden under this part.

13 61. On multiple occasions, Plaintiff opposed the sexually harassing behavior of CMO
14 Mateen to both Mr. Mateen and to CEO Rad. In response to her complaints, Defendants
15 terminated the employment of Plaintiff.

16 62. As a direct, foreseeable and proximate result of Defendants' unlawful actions,
17 Plaintiff has suffered and continues to suffer losses in earnings, equity and other employment
18 benefits and has incurred other economic losses.

19 63. As a direct, foreseeable, and proximate result of Defendants' unlawful actions,
20 Plaintiff has suffered substantial emotional distress, humiliation, shame, and embarrassment, all
21 to the Plaintiff's damage in an amount to be proven at the time of trial.

22 64. Defendants committed the acts herein despicably, maliciously, fraudulently, and
23 oppressively, with the wrongful intention of injuring Plaintiff, from an improper and evil motive
24 amounting to malice, and in conscious disregard of the rights and safety of Plaintiff and others.
25 Plaintiff is thus entitled to recover punitive damages from Defendants in an amount according to
26 proof.

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FIFTH CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

Plaintiff hereby incorporates by reference Paragraphs 1 through 44 of this Complaint as if fully set forth herein and for a cause of action alleges as follows:

65. The conduct of Defendants’ senior executives as set forth above was so extreme and outrageous that it exceeded the boundaries of human decency and was beyond pale of conduct tolerated in a civilized society. This conduct was intended to cause severe emotional distress, or was done in reckless disregard of the probability of causing severe emotional distress.

66. As an actual and proximate result of Defendants’ wrongful conduct, Plaintiff has suffered and continues to suffer severe and continuous humiliation, emotional distress, and physical and mental pain and anguish, all to her damage in an amount according to proof at the time of trial.

67. Defendants committed the acts alleged herein maliciously, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff, and acted with an improper and evil motive amounting to malice and in conscious disregard of Plaintiff’s rights. Because the acts taken toward Plaintiff were carried out by Defendants acting in a deliberate, cold, callous, and intentional manner in order to injure and damage Plaintiff, she is entitled to recover punitive damages from Defendants in an amount according to proof.

SIXTH CAUSE OF ACTION

(Defamation)

Plaintiff hereby incorporates by reference Paragraphs 1 through 44 of this Complaint as if fully set forth herein and for a cause of action alleges as follows:

68. Defendants caused to be published false and unprivileged communications tending directly to injure Plaintiff in her business and professional reputation. More specifically, Defendants made untrue statements regarding the founding of Tinder that deliberately omitted Plaintiff’s role in the founding and growth of the company, including, but not necessarily limited to when Sean Rad related the history of Tinder for a piece in the on-line publication, TechCrunch entitled “A Brief History of Tinder,” posted on June 6, 2014, where he omitted any mention of

1 Ms. Wolfe, notwithstanding that she helped found the company, suggested the name, wrote the
2 initial marketing plan, and signed up the important initial subscribers, greatly contributing to the
3 company’s success. In addition, defendants chief marketing officer, Justin Mateen, falsely
4 accused plaintiff of being a “slut” and “whore.”

5 69. Defendants’ defamatory statements were designed and intended to diminish
6 Plaintiff’s reputation and injure Plaintiff in her good name and employment.

7 70. As a proximate result of the defamatory statements made by Defendant as
8 aforesaid, Plaintiff has suffered injury to her business and professional reputation, and further has
9 suffered and continues to suffer embarrassment, humiliation, and anguish, all to her damage in an
10 amount according to proof.

11 71. Defendants committed the acts alleged herein maliciously, fraudulently, and
12 oppressively, with the wrongful intention of injuring Plaintiff, and acted with an improper and
13 evil motive amounting to malice and in conscious disregard of Plaintiff’s rights. Because the acts
14 taken toward Plaintiff were carried out by Defendants acting in a deliberate, cold, callous, and
15 intentional manner in order to injure and damage Plaintiff, she is entitled to recover punitive
16 damages from Defendants in an amount according to proof.

17 **SEVENTH CAUSE OF ACTION**

18 **(Unfair Business Practices in Violation of California
19 Business and Professions Code §§ 17200-17208)**

20 Plaintiff hereby incorporates by reference Paragraphs 1 through 44 of this Complaint as if
21 fully set forth herein and for a cause of action alleges as follows:

22 72. The foregoing conduct, as alleged, violates the California Unfair Competition Law
23 (“UCL”), Cal. Bus. & Prof. Code § 17200 *et seq.* Section 17200 of the Cal. Bus. & Prof. Code
24 prohibits unfair competition by prohibiting, *inter alia*, any unlawful or unfair business acts or
25 practices.

26 73. Throughout the course of Plaintiff’s employment, Defendants committed acts of
27 unfair competition, as defined by the UCL, by, among other things, engaging in the acts and
28 practices described herein, including but not limited to discriminating against her on the basis of
her gender, retaliating against her for complaining about harassment and discrimination, and

1 defaming her with regards to her role in the founding and growth of Tinder. Defendants’ conduct
2 as herein alleged has damaged the Plaintiff by wrongfully denying her earned wages and equity,
3 and therefore was substantially injurious to the Plaintiff.

4 74. Defendants’ course of conduct, acts, and practices in violation of the California
5 laws mentioned in the above paragraph constitute a separate and independent violation of the
6 UCL. Defendants’ conduct described herein violates the policy or spirit of such laws or
7 otherwise significantly threatens or harms competition.

8 75. Plaintiff seeks disgorgement in the amount of the respective unpaid wages and
9 equity and such other legal and equitable relief from Defendants’ unlawful and willful conduct as
10 the Court deems just and proper.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- 13 1. For compensatory damages, including but not limited to, lost back pay, plus
14 interest, lost fringe benefits and future lost earnings and fringe benefits, lost
15 equity, damages for emotional distress and pain and suffering, according to proof
16 allowed by law;
- 17 2. For punitive damages allowed by law;
- 18 3. For restitution and/or disgorgement;
- 19 4. For an award to Plaintiff of costs of suit incurred herein and reasonable attorneys’
20 fees;
- 21 5. For an award of prejudgment and post-judgment interest; and
- 22 6. For an award to Plaintiff of such other and further legal and equitable relief as the
23 Court deems just and proper.

24 DATED: June 30, 2014

Respectfully submitted,

25 RUDY, EXELROD, ZIEFF & LOWE, LLP

26
27 By: 

28 JOHN T. MULLAN
Attorneys for Plaintiff
WHITNEY WOLFE

DEMAND FOR JURY TRIAL

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Plaintiff hereby requests trial by jury.

DATED: June 30, 2014

Respectfully submitted,

RUDY, EXELROD, ZIEFF & LOWE, LLP

By: 

JOHN T. MULLAN
Attorneys for Plaintiff
WHITNEY WOLFE

RUDY EXELROD ZIEFF & LOWE LLP

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EXHIBIT 1

tinder



Whitney Wolfe
Co-Founder / VP of Marketing

whitney@gotinder.com
801.860.9740

From: Whitney Wolfe <whitney@gotinder.com>

Subject: marketing updates

Date: July 15, 2013 at 7:49:43 PM CDT

To: Sean Rad <sean@gotinder.com>

last week:

- tinder australia launch party
- UK/France guerilla marketing efforts went into full force
- SUITS
- Events in UK / France / Israel

next couple weeks:

- UK tinder water fight in hyde park with press from major outlets
- VIP room St. Tropez major blow out party with well known DJ
- Street art on a major wall of London

--

Whitney Wolfe
Co-Founder, Director of Marketing

tinder

EXHIBIT 2

Messages

Sean Rad

Edit

Ok love ya haha

Jan 4, 2013, 3:47 PM

You still are cofounder you
shit

Stop

I put Chris and Jon in te
article bc they are
emotional. Are you too?

And I told you that u could
make your title even in FB
to cofounder

I'll talk to you tomorrow
uve really rubbed me the
wrong way today

Not going back on my
work

Shut it. I'll come get you



iMessage

Send

●●●●○ Verizon LTE 4:58 PM

74% 

< Messages (1) Sean

Contact

Ok. See you soon

So what do I say regarding tinder? I'm director of marketing and a co founder? I have to tell the producer via email I'm answering some questions for her

I told Justin I'm going to "faint" right after I say "this new amazing app tinder"

So it goes viral and blonde that fainted on a google hangout

Lol

Yes u can say that



iMessage

Send

EXHIBIT 3



LOG IN / REGISTER / NEWSLETTER

BAZAAR

HOME

LATEST

FASHION

BEAUTY

CELEBRITIES

VIDEO

LIFESTYLE


BLOG

< HOME / < THE LATEST / HOW TO TINDER, BY THE WOMAN WHO INVENTED TINDER



HOW TO TINDER, BY THE WOMAN WHO INVENTED TINDER

MERCURY MUSIC
PRIZE NOMINEES

by Emma Zacharia / 30 October 2013 /  comment(s) [add comments](#)



It's no longer enough to be witty, effervescent and profoundly magnetic - these days, all the single ladies must be tech-savvy too. As Darwin keeps telling us, the laws of evolution are such that to survive we must adapt. So it's out with nonchalant hair flicks and coquettish, lash fluttering and in with the perfectly-staged selfie. Improving Instagram filters are your armour, texted acronyms your amorous poetry...

Feeling lost? Yes, so are we. Here to help, Bazaar calls in the illuminating wisdom of Tinder vice president, Whitney Wolfe. An online matchmaking app, Tinder calls upon our primal urge to decide if someone is 'hot or not'. Their model is simple and effective: Tinder matches you to users close by with mutual interests, and you swipe left or right depending on whether you think they're attractive, or not. With over two hundred

EXHIBIT 4

Stop justin. Were at work.

Ur heartless

Ul regret acting this way
once my tenderness for
you wears off from ur
behavior

Ok Justin I'm sorry you're
so upset. We are broken
up and this is
inappropriate.

So easy for you to move
on. I'm shocked but at
least I have my answer

Please stop threatening
me and get back to work.

point

Go talk to ur 26 year old
fucking accomplished
nobody

I will shit on him in life

OMG

Delivered



iMessage

Send

Q W E R T Y U I O P

A S D F G H J K L



Z X C V B N M



Let's see if that homo can
make money without
daddy. I have 5 wins under
my belt and in hungry as
fuck

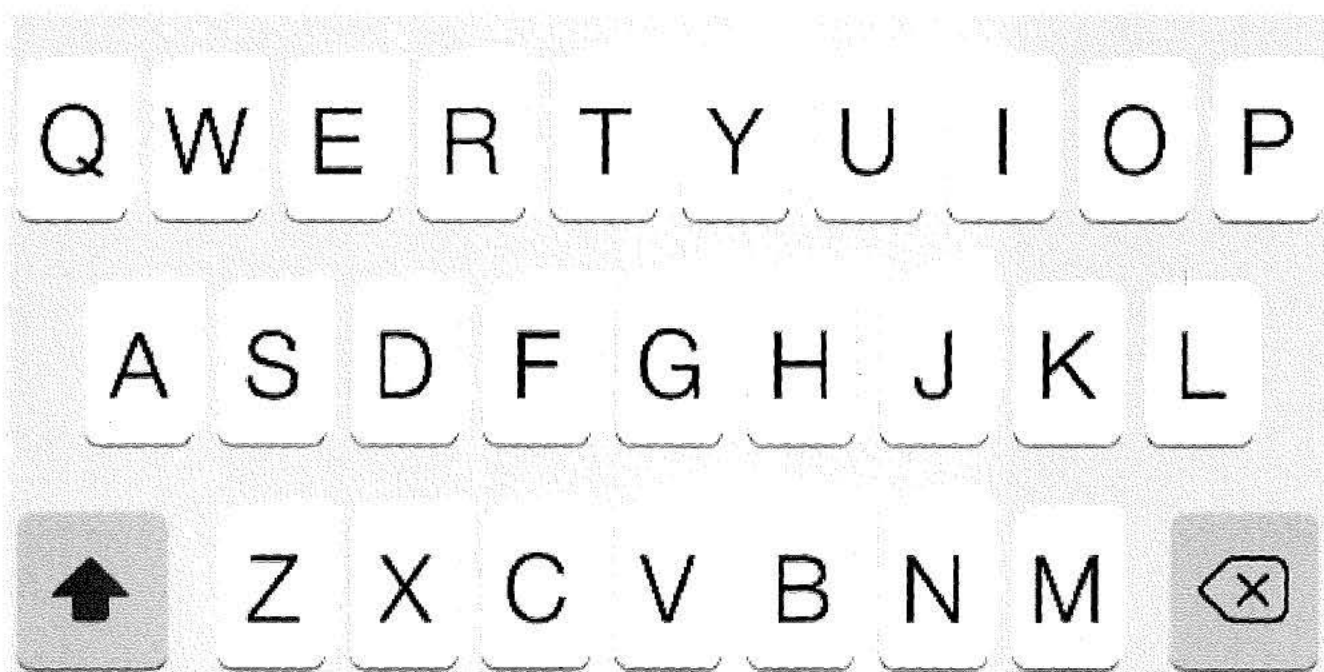
And I'm the best father

The best husband



Message

Send



Hagsgagahaha so pathetic
I even imagined a life w u. I
actually thought u would
be a good mother and
wife. I have horrible
judgement. He can enjoy
my left overs.

I was too just dealing w ur
a use

Delivered

Yea fuck u

Ur abuse

EXHIBIT 5



11:35 AM

67%

< Messages (4) **Justin**

Contact

Without fail

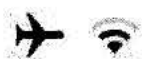
I won't engage when ur attacking and accusing

If u want to be sweet and loving I'm happy to respond

And hung out w Muslims that are not loyal who tried to do shady shut to me

Last night u grouped u with liz

Omg stop



11:13 AM

74%

← Messages (2) **Justin**

Contact

together

I don't vacation w half
boyfriends

But it could have helped
lead us there

I understand. You prefer to
social climb middle aged
Muslim pigs that stand for
nothing.

Ya exactly justin you bailed
it

Nailed



11:12 AM

74%



Messages (2) **Justin**

Contact

friend

Tell me what u want

I'm seriously sorry you
don't understand

U don't want me to talk to
people ?

No I don't want you to talk
to middle aged Muslim
men who fly out gold
diggers and flirted with my
ex gf

And were so bad that their
other best friend had to tell

EXHIBIT 6

No Service

9:57 AM



< Messages (5) Justin

Contact

Yea well look how much u fly

How do u think I feel

I hate REDACTED

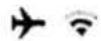
Liberal lying desperate slut

Anyway ul be fine. Don't worry. Maybe I'll see I at airport before my flight for a hug

I've been depressed for a couple months but especially last 3 weeks

Not depressed but close

EXHIBIT 7



11:40 AM

64%

< Messages (4) **Justin**

Contact

I have to go now

U really brought up Fahad?

And a lawyer

Who the fuck are you?

U said I would be fired if I hurt your pride

How fake r u

Wow

I do need a lawyer

Ur threatening me

I dare you to do that

Everyday



iMessage

Send

EXHIBIT 8



11:39 AM

65%

< Messages (4) **Justin**

Contact

hurt you or anyone

Thank you I hope so

Yes if I can not get a long with you and it starts to effect my work too much not bc of me but the effect will be that ur gone

It's a fact

You always knew that

And if you threaten me I will bark back like a psycho so u should know better.

It's sad sad that U said that and I need to tell u not to fuck with me

So sad I'm ashamed to



iMessage

Send

◀ Back

27 of 62

I have to go I don't respond to harassment. I'll take this whole convo to sean if you continue

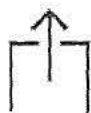
What do you think sean will do? Stop threatening me.

He will hopefully be a man and tell you to stop harassing me

Live with yourself knowing you are a liar.

That's bad enough

Don't text me unless you can be honest or send me this simple text "I did not



 Back

31 of 62

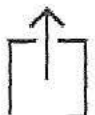
this simple text "I did not talk to him after the 4 hour convo".

You are a true coward for not even being able to admit u lied. Being a liar is one thing but not admitting to ur lies are even worse. I'm so happy I know the truth now.

You're effecting my work environment. I am trying to do my job and this is very out of control.

Please don't do this during work hours

No worries. It's done. I'm free from the liar.



Back

REDACTED

Contact

dad made me promise to set a boundary and I'm going to do it

This is not about your dad please do not involve him.

If I find out u lied to me about this we will have a problem. I am trying to trust you.

Justin- this is turning into harassment again.

Stop.

I am asking you kindly not to threaten me

You said after the 4 hour talk two weeks ago u



iMessage

Send

Back

REDACTED

Contact

Justin - this is turning into harassment again.

Stop.

I am asking you kindly not to threaten me

You said after the 4 hour talk two weeks ago u never spoke again and that there is absolutely nothing going on

If that's true than there is nothing to be worried about. I'm not threatening you at all.

You just threatened me "we will have a problem"

That's a threat



iMessage

Send



Back

REDACTED

Contact

there is absolutely nothing going on

If that's true than there is nothing to be worried about. I'm not threatening you at all.

You just threatened me "we will have a problem"

That's a threat

I need to be able to trust u

Yes on a personal level

But u r saying that ur not lying

U swore

I need to be more clear



iMessage

Send

 Back

REDACTED

Contact

Yes on a personal level

But u r saying that ur not lying

U swore

I need to be more clear. We are not together. You have no right to my personal life. I answered your question, yet you continue to ask the same thing 100 times over. Then you threaten me. Unacceptable

Just be honest with me either way. I don't want to revisit this. I feel like ur being dishonest.



iMessage

Send

< Back

REDACTED

Contact

continue to ask the same thing 100 times over. Then you threaten me. Unacceptable

Just be honest with me either way. I don't want to revisit this. I feel like ur being dishonest.

Why would u say nothing was romantic in aspen. That implies that afterwards something changed and that u r talking to him

We will not revisit this. I answered you and I will not do it again

What if I told u I know ur lying?



iMessage

Send

 Back **REDACTED**

Contact

being dishonest.

Why would u say nothing was romantic in aspen. That implies that afterwards something changed and that u r talking to him

We will not revisit this. I answered you and I will not do it again

What if I told u I know ur lying?

You can tell me whatever you like. I am no longer engaging in this conversation.

I sense it. You are acting



iMessage

Send

Back

REDACTED

Contact

You can tell me whatever you like. I am no longer engaging in this conversation.

I sense it. You are acting so weird and if u didn't continue talking to him u would just say just I swear I'm not talking to him. Forget about it I promise u

But ur not saying that to me

Justin, I'm not giving into your mind control anymore. You don't have a right to "I swear" anymore

Please stop this



iMessage

Send

 Back **REDACTED**

Contact

I'm not talking to him.
Forget about it I promise u

But ur not saying that to
me

Justin, I'm not giving into
your mind control
anymore. You don't have a
right to "I swear" anymore

Please stop this

If I can't trust u it will me
difficult to communicate

So ur lying

I feel like you're harassing
me

Admit it



iMessage

Send

Back

REDACTED

Contact

right to "I swear" anymore

Please stop this

If I can't trust u it will me
difficult to communicate

So ur lying

I feel like you're harassing
me

Admit it

And let's be on one page

It only feels that way if you
are being dishonest

No. I am not. And please
stop for the last time. You
are harassing me



Message

Send

EXHIBIT 9

Back

REDACTED

Contact

Tue, Apr 1, 7:21 PM

Can we do a little later?
I'm so stressed out I'm
having a big talk w parents

About what I'm going to
do if I'm staying or leaving
tinder

I can't be around Justin he
is unbearable

Ok

What time

8?

Kk

Anyway I can help??



iMessage

Send

 Back

REDACTED

Contact

No I just need to make a choice

Well how soon??

I dunno it's like miserable

He shit he says when we talks makes me wanna kill myself he's so low and nasty I might quit

I wonder if sean would let me keep some of my equity that I haven't vested yet

Cuz I've been there from day one etc

Have u talked to him about



iMessage

Send

 Back

REDACTED

Contact

myself he's so low and nasty I might quit

I wonder if sean would let me keep some of my equity that I haven't vested yet

Cuz I've been there from day one etc

Have u talked to him about the Justin stuff???

I need to talk to him and see . Please don't say a word I wanna talk to him on my own

I'm just not happy there anymore

I think u should at lelast



iMessage

Send

EXHIBIT 10

●●●○ Verizon LTE 7:02 AM 22%

< Messages (1) Sean Contact

Can't talk right now...what's up?

Read above you'll understand I'm not coming from a bad place sean. I'm sobbing in bed I want happiness and good for all of us I just want to leave peacefully. I am not suing anyone omg!

Maybe I can go and focus on a new project that you are hands on with too. Who knows. This is what I'm trying to talk about- NOT SUING YOU lol. U don't understand in trying to quit in a professional and good way



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●●●○○ Verizon LTE 7:02 AM 22%

< Messages (1) Sean Contact

I come in peace. I quit. Two weeks notice. I just wanna understand if I can have a grave period of pay til/ how much equity I vested etc. This is what I meant by having a talk not a nasty mean talk sean.

Sent as Text Message

*grace

I come in peace. I quit. Two weeks notice. I just wanna understand if I can have a grave period of pay til/ how much equity I vested etc. This is what I meant by having a talk not a nasty mean talk sean.

I have not involved anything legal at all sean-

📷 iMessage Send

●●●○ Verizon LTE 7:02 AM 22%

< Messages (1) Sean Contact

anything legal at all sean-
I'm not up to anything I
just wanna go peacefully
and with what I earned.

I'm very sorry if I've made
you feel otherwise

Would love to have an
open and proactive next
step talk whenever you're
ready.

Email me now saying
you're quitting and give me
your reason which I
presume is because you
want to move to Dallas to
start a new company

And then what?



iMessage

Send

●●●○○ Verizon LTE 7:03 AM 22%

< Messages (1) Sean Contact

This is scary I've been there for 2 years, this is my job and career and I don't know why you can't talk me through it. I've worked hard and I wanna make sure this is the best decision

Send me the email and I will prepare your docs for you tomorrow

What do the docs say?

I will talk you through everything tomorrow

I keep what I've vested but do I get a grace period of pay or what?

 iMessage Send

●●●○○ Verizon LTE 7:03 AM ⓘ 22% 🔋

< Messages (1) Sean Contact

I keep what I've vested but do I get a grace period of pay or what?

I don't know how it works

You will get to keep whatever you have vested as stated in your agreement

There is absolutely no grace period for someone who quits

Oh ok totally understandable

That is a ridiculous ask

I have never quit before or been fired ever



iMessage

Send

●●●○○ Verizon LTE 7:03 AM 22%

< Messages (1) Sean Contact

Oh ok totally understandable

That is a ridiculous ask

I have never quit before or been fired ever

You do not get any severance

Email me your resignation letter and I will take it from there

Well I need to tell my parents first to make sure they will help support me

This is why I wanna talk to u I need to do this not irrationally



iMessage

Send

●●●○○ Verizon LTE 7:03 AM ⓘ 22% 🔋

< Messages (1) Sean Contact

Well I need to tell my parents first to make sure they will help support me

This is why I wanna talk to u I need to do this not irrationally

Dont you get it??

Like I might have to work one more month if my dad won't pay my rent

So could we discuss when exactly I leave tomorrow?

But I'll leave in peace for sure soon

Your employment continuing is not likely an option at this point



iMessage

Send

●●●○○ Verizon LTE 7:03 AM 22%

< Messages (1) Sean Contact

But I'll leave in peace for sure soon

Your employment continuing is not likely an option at this point

I'm taking off. We can discuss tomorrow.

Are you serious sean?

Send me the letter and I will take it from there

Why are u treating me like a stranger

It's hurtful I'm trying to be kind and peaceful

Just be gentle this is a big



iMessage

Send