

DOT-COM HAS 'DATE' IN COURT

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Oh, the heartache!

A Brooklyn man sued Match.com yesterday for inflicting "humiliation and disappointment" on lonely hearts "who feel rejected when their e-mails get no reply."

Sean McGinn alleges the popular matchmaking Web site dangles phony date bait by posting profiles of people who no longer subscribe to its \$39.99-a-month service.

As a result, lovelorn singles have been "defrauded" out of millions of dollars and countless hours spent sending heartfelt missives in vain, the 37-year-old TV producer says.

Most members of Match.com -- which claims 86 million searches a month in the United States -- are actually unavailable because they "are canceled subscribers or never subscribed at all," according to his suit filed in Manhattan federal court.

The class-action complaint doesn't specify damages, but says they exceed \$5 million.

McGinn is also demanding that the Internet's biggest dating site "cease and desist its deceptive practices," which he claims are "willfully causing emotional harm to the consumer and social harm to society at large."

"Match's policy causes severe emotional distress and anxiety for some [subscribers], including those who keep writing e-mails to one member after another and never hear back because he/she is writing to people who've canceled," his suit says.

"Because the writer has no way of knowing this, he or she may experience profound personal anguish, suffering which is easily preventable by Match."

The suit also alleges that "Match induces canceled members to log in . . . creating the appearance that inactive members are active" by sending bogus BlackBerry notifications that read, "Someone has winked back at you."

McGinn declined to comment, but in an ironic twist, his lawyer said McGinn "met someone he's happy with" through the site.

"We're not saying that Match doesn't provide a valuable service, but they don't have to misrepresent what they're offering you," attorney Norah Hart said.

About 15 other disgruntled Match.com users are lined up to join the case, she said.

McGinn's suit is the latest in a series of fraud allegations lodged against Dallas-based Match.com and other social-networking sites.

A 2005 suit accused Match.com -- owned by media mogul Barry Diller's IAC Corp. -- of sending a female employee out on a date with a male subscriber to keep him signed up.

Match.com didn't respond to a request for comment.