

No. 19-

IN THE
Supreme Court of the United States

MATTHEW HERRICK,

Petitioner,

v.

GRINDR LLC, KL GRINDR HOLDINGS INC.,
GRINDR HOLDING COMPANY,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

TOR EKELAND
TOR EKELAND LAW, PLLC
195 Montague Street,
14th Floor
Brooklyn, New York 11201
(718) 737-7264

CARRIE A. GOLDBERG
Counsel of Record
C. A. GOLDBERG, PLLC
16 Court Street, 33rd Floor
Brooklyn, New York 11241
(646) 666-8908
carrie@cagoldberglaw.com

Counsel for Petitioner

289286



COUNSEL PRESS

(800) 274-3321 • (800) 359-6859

QUESTIONS PRESENTED

- (1) Does the Communications Decency Act § 230(c)(1), which protects interactive computer services from liability for traditional publication torts when they publish third party content, prevent well pleaded causes of action for non-publication torts – such as product liability, negligence, fraud, and failure to warn – as a matter of law?

- (2) Whether, as the majority of the Federal Appellate Circuit Courts holds, invocation of the Communications Decency Act § 230(c)(1) is an affirmative defense and therefore inappropriate for resolution at the motion to dismiss stage?

PARTIES TO PROCEEDING

Petitioner is Matthew Herrick. Respondents are Grindr, LLC, KL Grindr Holdings, Inc., and Grindr Holding Company.

RELATED CASES

- *Matthew Herrick v. Grindr, LLC, et. al.*, No. 1:17-cv-00932, U.S. District Court for the Southern District of New York. Order entered on January 25, 2018.
- *Matthew Herrick v. Grindr, LLC, et. al.*, No. 18-396, U.S. Court of Appeals for the Second Circuit. Judgment entered May 9, 2019.

TABLE OF CONTENTS

	<i>Page</i>
QUESTIONS PRESENTED	i
PARTIES TO PROCEEDING	ii
RELATED CASES	iii
TABLE OF CONTENTS.....	iv
TABLE OF APPENDICES	vi
TABLE OF CITED AUTHORITIES	vii
OPINIONS BELOW.....	1
JURISDICTION.....	1
RELEVANT STATUTORY PROVISIONS	1
STATEMENT OF THE CASE	3
Grindr & Herrick.....	7
The Proceedings in the Southern District of New York.....	10
The Proceedings in the Second Circuit Court of Appeals	16
REASONS FOR GRANTING THE PETITION.....	17

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.