

face geometry.” “Biometric information” is defined as any information based on a biometric identifier, regardless of how it is converted or stored. 740 ILCS § 14/10. Collectively, biometric identifiers and biometric information are known as “biometrics.”

2. This case concerns the misuse of individuals’ biometrics by Defendants, who operate the online dating apps “Bumble” and “Badoo.” Using biometrically enabled technology, Defendants have collected, captured, received, disclosed, stored, and/or profited from the facial scan biometrics of Plaintiffs and other Class members, without their informed consent as required by law, in order to identify them.

3. Pursuant to BIPA, private entities, such as Defendants, are, among other things: (a) prohibited from collecting, capturing or otherwise obtaining an individual’s biometric identifiers and information without providing written notice and obtaining a written release; (b) prohibited from selling, leasing, trading or otherwise profiting from an individual’s biometric identifiers and information; (c) prohibited from disclosing, redisclosing or otherwise disseminating an individual’s biometric identifiers or information in the absence of circumstances specifically set forth in the statute; and (d) required, to the extent it is in possession of biometric identifiers or information, to develop a written policy, made available to the public, that establishes a retention schedule and guidelines for permanently destroying such identifiers and information. 740 ILCS § 14/15.

4. Compliance with BIPA is straightforward and may be accomplished through a single sheet of paper or its electronic equivalent. BIPA’s requirements bestow a right to privacy in biometrics and a right to make an *informed* decision when electing whether to provide or withhold biometrics.

5. The Illinois Legislature has found that “biometrics are unlike other unique identifiers that are used to access finances or other sensitive information. For example, even sensitive information like Social Security numbers can be changed. Biometrics, however, are biologically unique to each individual and, once compromised, such individual has no recourse, is at a heightened risk for identity theft, and is likely to withdraw from biometric facilitated transactions.” 740 ILCS 14/5. The risk is compounded when a person’s biometrics are also associated with their other personally identifiable information.

6. The deprivation of the statutory rights conferred by BIPA constitutes the actual injuries the Illinois Legislature sought to prevent.

7. Plaintiffs bring this action for statutory damages and other remedies as a result of Defendants’ conduct in violating Plaintiffs’ statutorily protected biometric privacy rights.

8. On Plaintiffs’ own behalf, and on behalf of the proposed Class defined below, Plaintiffs seek an injunction requiring Defendants to comply with BIPA, as well as an award of damages, including statutory damages, to the Class members, together with costs and reasonable attorneys’ fees.

PARTIES

Plaintiffs

9. At all relevant times, Plaintiff Dario Dzananovic has been a citizen of the state of Illinois.

10. At all relevant times, Plaintiff Kemelle Howell has been a citizen of the state of Illinois.

Defendants

11. Defendant Bumble Trading LLC is a Delaware limited liability company responsible for the operation, marketing, and advertising of the Bumble dating app.

12. Defendant Badoo Trading Limited is a United Kingdom company responsible for the operation of the Badoo dating app.

JURISDICTION AND VENUE

13. This Court may assert personal jurisdiction over Defendants pursuant to 735 ILCS 5/2-209 in accordance with the Illinois Constitution and the Constitution of the United States, because Defendants knowingly conduct business in Illinois and because Plaintiffs' claims arise out of Defendants' unlawful in-state actions, as Defendants collected, captured, received, disclosed, stored, and/or profited from Plaintiffs' biometric identifiers and/or biometric information in this State.

14. Venue is proper in DuPage County pursuant to 735 ILCS 5/2-101, because Defendants are doing business in DuPage County and thus resides there under § 2-102.

COMMON FACTUAL ALLEGATIONS

15. Defendants together own and operate two dating websites and applications known as Badoo and Bumble—two of the world's most popular internet dating applications with millions of users worldwide, including millions of users in the United States. Thanks to Defendants' systematic marketing efforts, Bumble and Badoo have registered at least tens of thousands of users in Illinois and, on information and belief, have generated millions of dollars in revenue from registering and interacting with Illinois users.

16. To enable several features of their online dating applications, Defendants rely upon the use of face geometry templates and collect detailed scans of their users' facial geometry and other personal information.

17. For example Defendants' "Lookalikes" feature in their Badoo app allowed users to upload pictures of celebrities or other romantic interests and then find other users in their area who look like those people.

18. In order to enable facial recognition for their "Lookalikes" feature, Defendants collected, captured, received, disclosed, stored, and/or profited from their users' personal information and facial geometry templates and then analyzed and compared such templates with others stored in a database.

19. Similarly, Defendants' apps implement a photo verification feature and content moderation processes that analyze photographs uploaded from users' smartphones and other handheld devices to their profiles.

20. Like their "Lookalikes" feature, Defendants' photo verification feature and content moderation processes relied upon the collection and analysis of their users' faceprints, a type of detailed facial geometry scan.

21. Within the relevant time period Plaintiff Dzananovic used Defendants' Bumble App, through which Defendants came to possess scans of his facial geometry.

22. Within the relevant time period Plaintiff Howell used Defendants' Badoo app, through which Defendants came to possess scans of her facial geometry.

23. Plaintiffs relied on Defendants to not only provide lawful and legally compliant mobile applications, but to also disclose all material information regarding the technology used in their mobile applications, including all relevant retention, destruction, and dissemination policies.

24. However, Defendants collected or captured Plaintiffs' and the other class members' biometric identifiers and/or biometric information in the form of scans of their facial geometry without their written consent and without first informing Plaintiffs in writing that their biometrics were being collected, stored, used, or disseminated, or publishing any policy specifically about the collection, retention, use, deletion, or dissemination of biometrics, as required by BIPA.

25. To this day, Plaintiffs are unaware of the status of the biometrics obtained by Defendants. Defendants have not informed Plaintiffs whether they still retain Plaintiffs' biometrics, and if they do, for how long they intend to retain such information without Plaintiffs' consent.

26. By failing to comply with BIPA, Defendants have violated Plaintiffs' substantive state rights to biometric privacy.

CLASS ALLEGATIONS

27. Plaintiffs bring this action individually and on behalf of all similarly situated individuals pursuant to 735 ILCS § 5/2-801. Plaintiffs seek to represent a Class defined as follows:

Class: All individuals who used the Bumble or Badoo app while a resident of, or located in, the State of Illinois between November 1, 2016 through December 21, 2021.

28. Excluded from the Class are (i) Defendants; (ii) Defendants' parents, subsidiaries, affiliates, officers, directors, investors, and employees; (iii) any entity in which Defendants have a controlling interest; and (iv) any judge presiding over this Action, their staff, and the members of the judge's immediate family..

29. Upon information and belief, there are at least tens of thousands of members of the Class, making the members of the Class so numerous that joinder of all members is impracticable.

Although the exact number of members of the Class is currently unknown to Plaintiffs, the members can be easily identified through Defendants' records.

30. Plaintiffs' claims are typical of the claims of the members of the Class they seek to represent, because the factual and legal bases of Defendants' liability to Plaintiffs and the other members are the same, and because Defendants' conduct has resulted in similar injuries to Plaintiffs and to the Class. As alleged herein, Plaintiffs and the Class have all suffered damages as a result of Defendants' BIPA violations.

31. There are many questions of law and fact common to the claims of Plaintiffs and the Class, and those questions predominate over any questions that may affect individual members. Common questions for the Class include, but are not limited to, the following:

- a. Whether Defendants possessed Class members' biometric identifiers or information;
- b. Whether Defendants' conduct is subject to BIPA;
- c. Whether Defendants made available to the public a written policy establishing a retention schedule and guidelines for destroying biometrics;
- d. Whether Defendants obtained a written release from the Class before capturing, collecting, or otherwise obtaining their biometrics;
- e. Whether Defendants provided a written disclosure that explains the specific purposes, and the length of time, for which biometrics were being collected, stored and used before taking such biometrics;
- f. Whether Defendants' conduct violates BIPA;
- g. Whether Defendants' violations of BIPA are willful or reckless; and
- h. Whether Plaintiffs and the Class are entitled to damages and injunctive relief.

32. Absent a class action, most members of the Class would find the cost of litigating their claims to be prohibitively expensive and would thus have no effective remedy. The class treatment of common questions of law and fact is superior to multiple individual actions in that it conserves the resources of the courts and the litigants and promotes consistency of adjudication.

33. Plaintiffs will adequately represent and protect the interests of the members of the Class. Plaintiffs have retained counsel with substantial experience in prosecuting complex litigation and class actions. Plaintiffs and Plaintiffs' counsel are committed to vigorously prosecuting this action on behalf of the other members of the Class and have the financial resources to do so. Neither Plaintiffs nor Plaintiffs' counsel has any interest adverse to those of the other members of the Class.

34. Defendants have acted and failed to act on grounds generally applicable to Plaintiffs and the other members of the Class, requiring the Court's imposition of uniform relief to ensure compatible standards of conduct toward the members of the Class and making injunctive or corresponding declaratory relief appropriate for the Class as a whole.

COUNT I

Violations of the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.* (On behalf of Plaintiffs and the Class)

35. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

36. Defendants are private entities under BIPA.

37. Defendants violated BIPA by collecting, capturing, receiving, storing, disclosing, and/or profiting from individuals' biometric identifiers and information, including the biometric identifiers and information of Plaintiff and Class Members, without publishing the requisite written policies, providing the requisite written information, and without obtaining the requisite written releases.

38. Plaintiffs and the other Class members have had their “biometric identifiers,” namely scans of their facial geometry, and information derived therefrom, *i.e.*, “biometric information,” collected, captured, stored, and disclosed and Defendants profited from the facial recognition features of their mobile applications.

39. At the time Defendants came into possession of Plaintiffs’ and the Class members’ biometrics, and at all times Defendants were in possession of the same, Defendants failed to make publicly available any written policy establishing a biometric retention and destruction schedule.

40. BIPA provides for statutory damages of \$5,000 for each willful and/or reckless violation of Section 15(a) and, alternatively, damages of \$1,000 for each negligent violation of BIPA. 740 ILCS 14/20(1)-(2).

41. Defendants’ violations of BIPA, a statute that has been in effect since 2008, were knowing and willful, or were at least in reckless disregard of the statutory requirements. Alternatively, Defendants negligently failed to comply.

WHEREFORE, with respect to Count I, Plaintiffs, individually and on behalf of the proposed Class, respectfully request that this Court enter an Order:

- a. Certifying the Class as defined above, appointing Plaintiffs as class representatives and the undersigned as class counsel;
- b. Declaring that Defendants’ actions, as set forth herein, violate 740 ILCS 14/1, *et seq.*;
- c. Awarding injunctive and equitable relief as necessary to protect the interests of Plaintiffs and the Class by requiring Defendants to comply with 740 ILCS 14/1, *et seq.*;

- d. Awarding statutory damages of \$5,000 for each willful and/or reckless violation of 740 ILCS 14/1, *et seq.*;
- e. Awarding statutory damages of \$1,000 for each negligent violation of 740 ILCS 14/1, *et seq.*;
- f. Awarding reasonable attorneys' fees, costs, and other litigation expenses pursuant to 740 ILCS 14/20(3);
- g. Awarding pre- and post-judgment interest, as allowable by law; and
- h. Awarding such further and other relief as the Court deems just and equitable.

JURY DEMAND

Plaintiffs request trial by jury of all claims that can be so tried.

Dated: May 30, 2024

Respectfully submitted,

DARIO DZANANOVIC and KEMELLE HOWELL, individually and on behalf of all others similarly situated

By: /s/ Eugene Y. Turin
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