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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
(UNLIMITED JURISDICTION)

PHOENIX UNION HIGH SCHOOL DISTRICT,

Case No. 23STCV23970

Plaintiff,

COMPLAINT

v.

META PLATFORMS, INC., FACEBOOK
HOLDINGS, LLC, FACEBOOK OPERATIONS,
LLC, META PAYMENTS INC., META
PLATFORMS TECHNOLOGIES, LLC,
INSTAGRAM, LLC, SICULUS, INC., SNAP
INC., TIKTOK INC., BYTEDANCE INC.,
GOOGLE LLC, and YOUTUBE, LLC,

Defendants.

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	JURISDICTION AND VENUE.....	4
III.	PARTIES	5
	A. Plaintiff.....	5
	B. Facebook and Instagram Defendants	5
	C. Snap Defendant.....	7
	D. TikTok Defendants	7
	E. YouTube Defendants	8
IV.	FACTUAL ALLEGATIONS.....	9
	A. Millions of Youth Have Become Excessive and Problematic Users of Social Media.....	9
	B. Research Has Confirmed the Harmful Effects of Social Media on Youth.....	12
	C. As a Result, America’s Youth are Facing a Mental Health Crisis	15
	D. Defendants Intentionally Target Youth Users with the Marketing, Design, and Operation of Their Social Media Platforms.....	20
	1. Meta Intentionally Marketed to and Designed Their Social Media Platforms for Youth Users, Substantially Contributing to the Mental Health Crisis.....	27
	2. Snapchat Intentionally Marketed to and Designed Its Social Media Platform for Youth Users, Substantially Contributing to the Mental Health Crisis.....	41
	3. TikTok Intentionally Marketed to and Designed Its Social Media Platform for Youth Users, Substantially Contributing to the Mental Health Crisis.....	49
	4. YouTube Intentionally Marketed to and Designed Its Social Media Platform for Youth Users, Substantially Contributing to the Mental Health Crisis.....	66
	E. The Effect of Social Media Use on Schools.....	76
	F. Impact of Social Media Use on Plaintiff.....	80

V.	SECTION 230 IS NO SHIELD FOR DEFENDANTS’ CONDUCT	86
VI.	CAUSES OF ACTION.....	88
	COUNT One — Public Nuisance	88
	COUNT Two — Negligence	92
	COUNT Three — Gross Negligence.....	98
VII.	PRAYER FOR RELIEF	101
VIII.	JURY TRIAL DEMAND	102

I. INTRODUCTION

1. Meta Platforms, Inc., Facebook Holdings, LLC, Facebook Operations, LLC, Meta Payments Inc., Meta Platforms Technologies LLC, Instagram, LLC, Siculus, Inc., Snap Inc., TikTok Inc., ByteDance Inc., Google LLC, and YouTube, LLC (collectively, “**Defendants**”) design, market, promote, and operate social media platforms. Over the past decade, each has grown their respective platforms exponentially, from millions to billions of users. And Defendants have grown not just their user bases, but the frequency with which users use their platforms and the time each user spends on their platforms. Defendants’ growth is a product of choices they made to design and operate their platforms in ways that exploit the psychology and neurophysiology of their users into spending more and more time on their platforms. These techniques are both particularly effective and harmful to the youth audience Defendants have intentionally cultivated. The result—entirely foreseeable—is that today’s children and teenagers spend excessive amounts of time on Defendants’ platforms at great cost to their mental health. Defendants have created a mental health crisis among America’s youth.

2. Defendants have done so for profit. Their business models are based on advertisements. The more time users spend on their platforms, the more ads Defendants can sell.

3. Youth are central to Defendants’ business models. Youth are more likely to have a phone, to use social media, and to have downtime to spend on Defendants’ social media platforms. Plus, youth influence the behavior of their parents and younger siblings. As one Defendant put it, “los[ing] the teen foothold in the U.S.[.]” would mean “los[ing] the pipeline” for growth.¹

4. Defendants have maximized the time users—particularly youth—spend on their platforms by purposely designing, refining, and operating them to exploit the neurophysiology of the brain’s reward systems to keep users coming back, coming back frequently, and staying on the respective platforms for as long as possible.

5. Youth are particularly susceptible to Defendants’ manipulative conduct because

¹ Sheera Frenkel *et al.*, *Instagram Struggles with Fears of Losing Its ‘Pipeline’: Young Users*, N.Y. Times (Oct. 26, 2021), <https://www.nytimes.com/2021/10/16/technology/instagram-teens.html> [<https://perma.cc/SSL6-QUN2>].

1 their brains are not fully developed, and they consequently lack the same emotional maturity,
2 impulse control, and psychological resiliency that other, more mature users generally possess.

3 6. Defendants have successfully exploited the vulnerable brains of youth, hooking
4 tens of millions of students across the country into positive feedback loops of excessive and
5 problematic use of Defendants' social media platforms. Worse, the content Defendants curate
6 and direct to youth is too often harmful and exploitive (*e.g.*, promoting a "corpse bride" diet,
7 eating 300 calories a day, or encouraging self-harm).

8 7. Defendants' misconduct has been a substantial factor in causing a youth mental
9 health crisis, which has been marked by higher and higher proportions of youth struggling with
10 anxiety, depression, thoughts of self-harm, and suicidal ideation. The rates at which children
11 have struggled with mental health issues have climbed steadily since 2010 and, by 2018, made
12 suicide the second leading cause of death for youth. The pandemic and the corresponding
13 increase in time youth spend on Defendants' platforms has only intensified this crisis.

14 8. The state of children's mental health led the American Academy of Pediatrics, the
15 American Academy of Child and Adolescent Psychiatry, and the Children's Hospital Association
16 to jointly declare a national emergency, and the U.S. Surgeon General to issue an advisory in
17 2021 "to highlight the urgent need to address the nation's youth mental health crisis."²

18 9. In his 2022 State of the Union Address, President Joe Biden also called attention
19 to the harm social media has wrought on youth and implored all to "hold social media platforms
20 accountable for the national experiment they're conducting on our children for profit."³

21 10. Continuing the Department of Health and Human Services' ongoing efforts to

22 ² AAP-AACAP-CHA Declaration of a National Emergency in Child and Adolescent Mental
23 Health, Am. Acad. Pediatrics (Oct. 19, 2021), <https://www.aap.org/en/advocacy/child-and-adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-in-child-and-adolescent-mental-health/> [<https://perma.cc/JKF4-XZCT>]; U.S. Surgeon General
24 Issues Advisory on Youth Mental Health Crisis Further Exposed by COVID-19 Pandemic, U.S.
25 Dep't Health & Hum. Servs. (Dec. 7, 2021),
26 <https://public3.pagefreezer.com/browse/HHS.gov/30-12-2021T15:27/https://www.hhs.gov/about/news/2021/12/07/us-surgeon-general-issues-advisory-on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic.html>
27 [<https://perma.cc/G8AY-PCGA>].

28 ³ President Biden, *State of the Union Address* (Mar. 1, 2022) (transcript available at
<https://www.whitehouse.gov/state-of-the-union-2022/> [<https://perma.cc/A9EH-DV4QJ>]).

1 support President Joe Biden’s strategy to transform mental health care, the Surgeon General
2 released an advisory in early May 2023 on the country’s “[e]pidemic of [l]oneliness and
3 [i]solation,” where he outlined the profound health consequences of social disconnection and laid
4 out six pillars to improve connection across the country, one being the need to “[r]eform [d]igital
5 [e]nvironments.”⁴ Within its recommendations to reform social media environments for youth,
6 the advisory encourages companies to introduce “age-appropriate protections and identity
7 assurance mechanisms, to ensure safe digital environments that enable positive social
8 connection, particularly for minors.”⁵

9 11. Later that month, on May 23, 2023, the Surgeon General issued a second
10 advisory, calling for urgent action by policymakers, technology companies, researchers, families,
11 and young people to gain a better understanding of the impact of social media platforms, and
12 create “safer, healthier online environments to protect children.”⁶

13 12. Plaintiff Phoenix Union High School District (“**Plaintiff**” or “**Phoenix Union**” or
14 “**PXU**”) brings this suit to answer President Biden and the Surgeon General’s call to action.
15 Youth in Plaintiff’s community are experiencing the same mental health crisis observed
16 nationally. In 2021, roughly 17 percent of Arizona high school students had “seriously
17 considered attempting suicide.”⁷ Suicide is now the third leading cause of death of children in
18 Arizona.⁸ Many school-aged children in Arizona also suffer from anxiety, depression, and other
19 mental disorders. In response to these stark numbers, the Arizona House of Representatives has
20

21 ⁴ *Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General’s Advisory on the*
22 *Healing Effects of Social Connection and Community* at 51, U.S. Dep’t Health & Hum. Servs.
23 (2023), <https://www.hhs.gov/sites/default/files/surgeon-general-social-connection-advisory.pdf>
24 [<https://perma.cc/574S-4VJD>].

25 ⁵ *Id.* at 63.

26 ⁶ *Surgeon General Issues New Advisory About Effects Social Media Use Has on Youth Mental*
27 *Health*, U.S. Dep’t Health & Hum. Servs. (May 23, 2023),
28 [https://www.hhs.gov/about/news/2023/05/23/surgeon-general-issues-new-advisory-about-](https://www.hhs.gov/about/news/2023/05/23/surgeon-general-issues-new-advisory-about-effects-social-media-use-has-youth-mental-health.html)
[effects-social-media-use-has-youth-mental-health.html](https://www.hhs.gov/about/news/2023/05/23/surgeon-general-issues-new-advisory-about-effects-social-media-use-has-youth-mental-health.html) [<https://perma.cc/FU9W-ZG2E>].

⁷ Kim Powell, *Teen Suicide Rates in Arizona Higher than National Average*, KOLD News 13
(Sept. 15, 2021), [https://www.kold.com/2021/09/15/teen-suicide-rates-arizona-higher-than-](https://www.kold.com/2021/09/15/teen-suicide-rates-arizona-higher-than-national-average/)
[national-average/](https://www.kold.com/2021/09/15/teen-suicide-rates-arizona-higher-than-national-average/) [<https://perma.cc/YQY8-AXXL>].

⁸ Sara Crocker, *Not All Right: Arizona’s Youth Mental Health Emergency*, Phx. Mag. (Dec. 27,
2022), [https://www.phoenixmag.com/2022/12/27/not-all-right-arizonas-youth-mental-health-](https://www.phoenixmag.com/2022/12/27/not-all-right-arizonas-youth-mental-health-emergency/)
[emergency/](https://www.phoenixmag.com/2022/12/27/not-all-right-arizonas-youth-mental-health-emergency/) [<https://perma.cc/7AZK-5WZP>].

1 formed a special committee on teen mental health,⁹ and Governor Katie Hobbs has called for
2 prioritizing the hiring of social workers and counselors for Arizona schools “to address the
3 mental health crisis among children and teens.”¹⁰

4 13. Students experiencing anxiety, depression, and other mental health issues perform
5 worse in school, are less likely to attend school, are more likely to engage in substance use, and
6 are more likely to act out, all of which directly affects Plaintiff’s ability to fulfill its educational
7 mission.

8 14. That is why Plaintiff, like 96 percent of other school districts in the United States,
9 provides mental health services to its students. For example, Plaintiff provides short term
10 counseling to its students and trains its teachers and staff to screen students for mental health
11 symptoms and refer them to services offered by Plaintiff’s schools or other providers. But
12 Plaintiff needs a comprehensive, long-term plan and funding to drive a sustained reduction in the
13 record rates of anxiety, depression, suicidal ideation, and other tragic indices of the mental health
14 crisis its youth are experiencing at Defendants’ hands.

15 II. JURISDICTION AND VENUE

16 15. This Court has original jurisdiction over this action pursuant to Article VI,
17 Section 10 of the California Constitution.

18 16. This Court has general personal jurisdiction over Defendants because each are
19 headquartered and/or have their principal places of business in the State of California and have
20 continuous and systematic operations within the State of California.

21 17. The Court also has specific personal jurisdiction over Defendants because they
22 actively conduct substantial business in Los Angeles County and the State of California.
23 Defendants have purposefully availed themselves of the privilege of conducting business in this
24 State through the design, development, programming, promotion, marketing, operations, and

25
26 ⁹ Paul Maryniak, *Mesa Lawmaker Forms House Panel on Teen Crisis*, E. Valley Trib. (June 6,
27 2022), https://www.eastvalleytribune.com/news/mesa-lawmaker-forms-house-panel-on-teen-crisis/article_bbc82c04-e379-11ec-8dc3-d7d51589b8e4.html [<https://perma.cc/DBX5-BST9>].

28 ¹⁰ *Transcript: Governor Hobbs 2023 State of the State Address*, Off. Governor Katie Hobbs (Jan.
9, 2023), <https://azgovernor.gov/office-arizona-governor/news/2023/01/transcript-governor-hobbs-2023-state-state-address> [<https://perma.cc/VH6Q-JBJB>].

distribution of their platforms at issue in this lawsuit and have purposefully directed their activities toward the State of California. Defendants have sufficient minimum contacts with the State of California to render the exercise of jurisdiction by this Court permissible under California law and the United States Constitution.

18. Venue is proper in this judicial district pursuant to California Code of Civil Procedure Sections 395 and 395.5 because at least some Defendants reside in this County, their principal places of business are in this County, and a substantial part of the events or omissions giving rise to the claims at issue in this Complaint arose in this County.

III. PARTIES

A. Plaintiff

19. Plaintiff Phoenix Union High School District (“**Plaintiff**” or “**Phoenix Union**” or “**PXU**”) is a public school district located in Arizona’s capital city, Phoenix.¹¹ Phoenix Union operates 24 schools, including 11 comprehensive high schools, six specialty schools, three micro schools, three support schools, and a digital academy.¹²

20. Plaintiff has nearly 4,000 employees in service of the more than 28,000 high school students enrolled in Phoenix Union's schools.¹³

B. Facebook and Instagram Defendants

21. Defendant Meta Platforms, Inc. (“**Meta**”), formerly known as Facebook, Inc., is a Delaware corporation with its principal place of business in Menlo Park, California.

22. Defendant Meta develops and maintains social media platforms, communication platforms, and electronic devices that are widely available to users throughout the United States. The platforms developed and maintained by Meta include Facebook (including its self-titled app, Marketplace, and Workplace), Messenger (including Messenger Kids), Instagram, and a line of electronic virtual reality devices and services called Meta Quest (collectively, “**Meta platforms**”).

¹¹ *Welcome to PXU*, Phx. Union High Sch. Dist., <https://www.pxu.org/domain/55> [<https://perma.cc/S6BR-N2LP>] (last visited Sept. 19, 2023).

¹² *Id.*

¹³ *Id.*

1 23. Meta transacts or has transacted business in this District and throughout the
2 United States. At all times material to this Complaint, acting alone or in concert with its
3 subsidiaries (identified below), Meta has advertised, marketed, and distributed the Meta
4 platforms to consumers throughout the United States. At all times material to this Complaint,
5 Meta formulated, directed, controlled, had the authority to control, or participated in the acts and
6 practices set forth in this Complaint.

7 24. Defendant Meta’s subsidiaries include Facebook Holdings, LLC; Facebook
8 Operations, LLC; Meta Payments Inc.; Meta Platforms Technologies, LLC; Instagram, LLC; and
9 Siculus, Inc.

10 25. Defendant Facebook Holdings, LLC (“**Facebook Holdings**”) was organized
11 under the laws of the state of Delaware on March 11, 2020, and is a wholly owned subsidiary of
12 Meta Platforms, Inc. Facebook Holdings is primarily a holding company for entities involved in
13 Meta’s supporting and international endeavors, and its principal place of business is in Menlo
14 Park, California. Defendant Meta is the sole member of Facebook Holdings.

15 26. Defendant Facebook Operations, LLC (“**Facebook Operations**”) was organized
16 under the laws of the state of Delaware on January 8, 2012, and is a wholly owned subsidiary of
17 Meta Platforms, Inc. The principal place of business of Facebook Operations is in Menlo Park,
18 California. Defendant Meta is the sole member of Facebook Operations.

19 27. Defendant Meta Payments Inc. (“**Meta Payments**”) was incorporated in Florida
20 on December 10, 2010, as Facebook Payments Inc. In July 2022, the entity’s name was amended
21 to Meta Payments Inc. Meta Payments is a wholly owned subsidiary of Meta Platforms, Inc.
22 Meta Payments manages, secures, and processes payments made through Meta, among other
23 activities, and its principal place of business is in Menlo Park, California.

24 28. Defendant Meta Platforms Technologies, LLC (“**Meta Technologies**”) was
25 organized under the laws of the state of Delaware as “Oculus VR, LLC” on March 21, 2014, and
26 acquired by Meta on March 25, 2014. In November 2018, the entity’s name was amended to
27 Facebook Technologies, LLC. In June 2022, the entity’s name was amended again, this time to
28 Meta Platforms Technologies, LLC. Meta Technologies develops Meta’s virtual and augmented

1 reality technology, such as the Meta Quest line of services, among other technologies related to
2 Meta’s platforms, and its principal place of business is in Menlo Park, California. Defendant
3 Meta is the sole member of Meta Technologies.

4 29. Defendant Instagram, LLC (“**Instagram**”) was founded by Kevin Systrom and
5 Mike Krieger in October 2010 and is a social media platform designed for photo and video
6 sharing. In April 2012, Meta purchased the company for approximately \$1 billion. Meta
7 reformed the limited liability company under the laws of the state of Delaware on April 7, 2012,
8 and the company’s principal place of business is in Menlo Park, California. Defendant Meta is
9 the sole member of Instagram.

10 30. Defendant Siculus, Inc. (“**Siculus**”) was incorporated in Delaware on October 19,
11 2011. Siculus is a wholly owned subsidiary of Meta, which supports Meta platforms by
12 constructing data facilities and other projects. Siculus’s principal place of business is in
13 Menlo Park, California.

14 **C. Snap Defendant**

15 31. Defendant Snap Inc. (“**Snap**”) is a Delaware corporation with its principal place
16 of business in Santa Monica, California. Snap transacts or has transacted business in this District
17 and throughout the United States. At all times material to this Complaint, acting alone or in
18 concert with others, Snap has advertised, marketed, and distributed the Snapchat social media
19 platform to consumers throughout the United States. At all times material to this Complaint,
20 Snap formulated, directed, controlled, had the authority to control, or participated in the acts and
21 practices set forth in this Complaint.

22 **D. TikTok Defendants**

23 32. Defendant TikTok Inc. was incorporated in California on April 30, 2015, with its
24 principal place of business in Culver City, California. TikTok Inc. transacts or has transacted
25 business in this District and throughout the United States. At all times material to this Complaint,
26 acting alone or in concert with others, TikTok Inc. has advertised, marketed, and distributed the
27 TikTok social media platform to consumers throughout the United States. At all times material to
28 this Complaint, acting alone or in concert with ByteDance Inc., TikTok Inc. formulated, directed,

1 controlled, had the authority to control, or participated in the acts and practices set forth in this
2 Complaint.

3 33. Defendant ByteDance Inc. (“**ByteDance**”) is a Delaware corporation with its
4 principal place of business in Mountain View, California. ByteDance transacts or has transacted
5 business in this District and throughout the United States. At all times material to this Complaint,
6 acting alone or in concert with others, ByteDance has advertised, marketed, and distributed the
7 TikTok social media platform to consumers throughout the United States. At all times material to
8 this Complaint, acting alone or in concert with TikTok Inc., ByteDance formulated, directed,
9 controlled, had the authority to control, or participated in the acts and practices set forth in this
10 Complaint.

11 **E. YouTube Defendants**

12 34. Defendant Google LLC (“**Google**”) is a limited liability company organized under
13 the laws of the state of Delaware, and its principal place of business is in Mountain View,
14 California. Google LLC is a wholly owned subsidiary of XXVI Holdings Inc., and the managing
15 member of YouTube, LLC. Google LLC transacts or has transacted business in this District and
16 throughout the United States. At all times material to this Complaint, acting alone or in concert
17 with others, Google LLC has advertised, marketed, and distributed its YouTube video sharing
18 platform to consumers throughout the United States. At all times material to this Complaint,
19 acting alone or in concert with YouTube, LLC, Google LLC formulated, directed, controlled,
20 had the authority to control, or participated in the acts and practices set forth in this Complaint.

21 35. Defendant YouTube, LLC is a limited liability company organized under the laws
22 of the state of Delaware, and its principal place of business is in San Bruno, California.
23 YouTube, LLC is a wholly owned subsidiary of Google LLC. YouTube, LLC transacts or has
24 transacted business in this District and throughout the United States. At all times material to this
25 Complaint, acting alone or in concert with Defendant Google LLC, YouTube, LLC has
26 advertised, marketed, and distributed its YouTube social media platform to consumers
27 throughout the United States. At all times material to this Complaint, acting alone or in concert
28 with Google LLC, YouTube, LLC formulated, directed, controlled, had the authority to control,

or participated in the acts and practices set forth in this Complaint.

IV. FACTUAL ALLEGATIONS

A. Millions of Youth Have Become Excessive and Problematic Users of Social Media

36. Researchers studying the effect social media¹⁴ has on the brain have shown that social media exploits “the same neural circuitry” as “gambling and recreational drugs to keep consumers using their products as much as possible.”¹⁵

37. As described below, each Defendant designed and marketed its exploitive social media platform(s) to be extremely popular with youth. And they have all been successful. Approximately 90% of children ages 13–17 use social media.¹⁶ Younger children also regularly use social media. One study reported 38% of children ages 8–12 used social media in 2021.¹⁷ Other studies reveal numbers as high as 49% of children ages 10–12 use social media and 32% of children ages 7–9 use social media.¹⁸

38. The most popular of these platforms is YouTube. Ninety-five percent of children ages 13–17 have used YouTube.¹⁹

39. TikTok has skyrocketed in popularity with teenagers since its merger with Musical.ly in 2018. As of July 2020, “TikTok classified more than a third of its 49 million *daily*

¹⁴ The term “social media” is commonly used to refer to text, photos, videos, and ideas that are exchanged among virtual communities. The interactive technologies that allow for the virtual exchange of these media among networks of users are known as social media platforms.

¹⁵ *Social Media Addiction*, Addiction Ctr, <https://www.addictioncenter.com/drugs/social-media-addiction/#:~:text=Due%20to%20the%20effect%20that,when%20taking%20an%20addictive%20substance> [<https://perma.cc/94AL-ML97>] (last visited June 26, 2023).

¹⁶ *Social Media and Teens*, Am. Acad. Child & Adolescent Psychiatry (Mar. 2018), https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Social-Media-and-Teens-100.aspx [<https://perma.cc/VF8P-9UNT>].

¹⁷ Victoria Rideout *et al.*, *The Common Sense Census: Media Use by Tweens and Teens, 2021* at 5, Common Sense Media (2022), https://www.common sense media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf [<https://perma.cc/L6ND-X7VR>].

¹⁸ *Sharing Too Soon? Children and Social Media Apps*, C.S. Mott Child.’s Hosp. Univ. Mich. Health (Oct. 18, 2021), https://mottpoll.org/sites/default/files/documents/101821_SocialMedia.pdf [<https://perma.cc/ZNA9-W4E5>].

¹⁹ Emily Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/> [<https://perma.cc/BH7W-ZUPM>].

1 users in the United States as being 14 years old or younger[,]” and that likely underestimates
2 those under 14 and older teenagers (i.e., those between 15 and 18 years old) because TikTok
3 claims not to know how old a third of its daily users are.²⁰ TikTok is now the second most
4 popular social media platform among youth with over 67% of children ages 13–17 having used
5 the app.²¹

6 40. Instagram’s numbers are comparable to TikTok, with 62% of children ages 13–17
7 reporting they have used the app.²²

8 41. Snapchat also remains popular with youth, with 59% of children ages 13–17
9 reporting they have used the app.²³

10 42. Facebook rounds out the five most popular social media platforms, with 32% of
11 children ages 13–17 reporting they have used Facebook’s app or website.²⁴

12 43. Teenagers who use these social media platforms are also likely to use them every
13 day. One study estimates that 62% of children ages 13–18 use social media every day.²⁵ An
14 increasing number of younger children also use social media daily with 18% of children ages 8–
15 12 reporting using a social media site at least once a day.²⁶

16 44. Daily use for many teenagers does not consist of logging onto a platform just
17 once. Rather, many teenage users check social media repeatedly throughout the day. In one
18 study, teenage users reported checking Snapchat thirty times a day on average.²⁷

19 ²⁰ Raymond Zhong & Sheera Frenkel, *A Third of TikTok’s U.S. Users May Be 14 or Under,*
20 *Raising Safety Questions*, N.Y. Times (Sept. 17, 2020),
21 <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftp.html>
22 [<https://perma.cc/QQH8-SS5M>].

23 ²¹ Emily Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
24 2022), [https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-](https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/)
25 [2022/](https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/) [<https://perma.cc/BH7W-ZUPM>].

26 ²² *Id.*

27 ²³ *Id.*

28 ²⁴ *Id.*

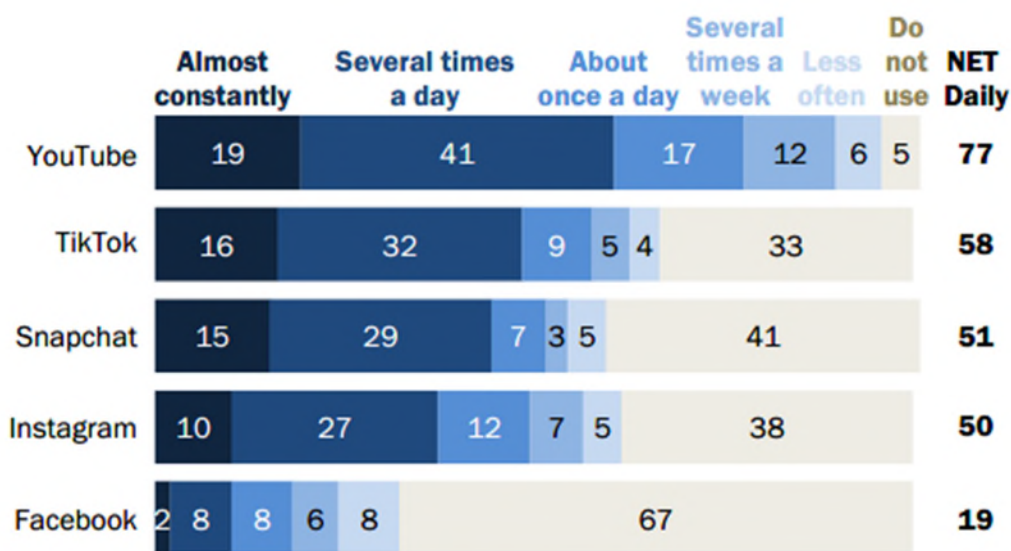
²⁵ Victoria Rideout et al., *The Common Sense Census: Media Use by Tweens and Teens, 2021* at
4, Common Sense Media (2022),
[https://www.common Sense Media.org/sites/default/files/research/report/8-18-census-integrated-](https://www.common Sense Media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf)
[report-final-web_0.pdf](https://www.common Sense Media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf) [<https://perma.cc/L6ND-X7VR>].

²⁶ *Id.* at 5.

²⁷ Erinn Murphy et al., *Taking Stock with Teens, Fall 2021* at 13, Piper Sandler (2021),
tinyurl.com/89ct4p88 [<https://perma.cc/XL9U-WH57>].

45. Even more alarming, some teenagers never stop looking at social media.²⁸

46. As shown in the chart below, nearly 20% of teens report using YouTube almost constantly.²⁹ TikTok and Snapchat are close behind, with near constant use rates among teens at 16% and 15% respectively.³⁰ Meanwhile, 10% of teens use Instagram almost constantly.³¹ And 2% of teens report using Facebook almost constantly.³²



Note: Teens refer to those ages 13 to 17. Those who did not give an answer are not shown.

Figures may not add up to the NET values due to rounding.

Source: Survey conducted April 14-May 4, 2022.

"Teens, Social Media and Technology 2022"

PEW RESEARCH CENTER

47. Teenagers are aware of the grip social media has on their lives yet still cannot stop using it; 36% of teenagers admit they spend too much time on social media.³³ And over half of teens say that giving up social media would be somewhat hard, with nearly one-in-five teens saying giving up social media would be very hard.³⁴ And of the subgroup of teenagers who use at

²⁸ Emily Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/> [<https://perma.cc/BH7W-ZUPM>].

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

1 least one platform “almost constantly,” 71% said giving up social media would be hard, with
2 32% saying giving up social media would be very hard.³⁵

3 48. The more that teenagers use social media, the harder they find it to give up.
4 Teenagers who say they spend too much time on social media are almost twice as likely to say
5 that giving up social media would be hard as teens who see their social media usage as about
6 right.³⁶

7 49. Another study shows that among teenagers who regularly use social media, 32%
8 “wouldn’t want to live without” YouTube.³⁷ 20% of teenagers said the same about Snapchat;
9 13% said the same about both TikTok and Instagram; and 6% said the same about Facebook.³⁸

10 50. Despite using social media frequently, most youth do not enjoy it. Only 27% of
11 boys and 42% of girls ages 8–18 reported enjoying social media “a lot” in 2021.³⁹

12 **B. Research Has Confirmed the Harmful Effects of Social Media on Youth**

13 51. Social media use—especially excessive use—has severe and wide-ranging effects
14 on youth mental health. Social media use is linked to increases in mental, emotional,
15 developmental, and behavior disorders. Independent research and internal data from these social
16 media platforms show social media has a direct negative impact on teenagers’ mental health on
17 various fronts.

18 52. In general, moderate or high rates of any electronic screen use are associated with
19 lower psychological well-being for children and adolescents.⁴⁰ Those with high screen time

20 ³⁵ *Id.*

21 ³⁶ *Id.*

22 ³⁷ Victoria Rideout *et al.*, *Common Sense Census: Media use by tweens and teens*, 2021 at 31,
23 Common Sense Media (2022),
[https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-](https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf)
[report-final-web_0.pdf](https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf) [<https://perma.cc/L6ND-X7VR>].

24 ³⁸ *Id.*

25 ³⁹ *Id.* at 34.

26 ⁴⁰ Jean M. Twenge & W. Keith Campbell, *Associations between screen time and lower*
psychological well-being among children and adolescents: Evidence from a population-based
study, 12 Prev. Med. Rep. 271–83 (2018),
27 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6214874/> [<https://perma.cc/F9VM-MBRW>];
Ariel Shensa *et al.*, *Social Media Use and Depression and Anxiety Symptoms: A Cluster*
28 *Analysis*, 42(2) Am. J. Health Behav. 116–28 (2018),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5904786/> [<https://perma.cc/PTD2-G6XL>].

(seven+ hours/day) are twice as likely to receive diagnoses of depression, anxiety, or need treatment for mental or behavior health conditions compared to low-screen-time users (one hour/day).⁴¹

53. Researchers have found that high-volume social media use is associated with increased levels of depression and anxiety for adults.⁴² Social media has particularly detrimental effects on the mental health of adolescents. Depressive symptoms, suicide-related outcomes, and suicide rates among adolescents increased between 2010 and 2015, at the same time that youth use of social media increased.⁴³ Researchers examining the link between these increases found that adolescents who spent more time on screen activities were significantly more likely to have high depressive symptoms or have at least one suicide-related outcome, and that the highest levels of depressive symptoms were reported by adolescents with high social media use and fewer in-person social interactions.⁴⁴

54. One of the primary reasons the use of social media is associated with depressive symptoms among adolescents is because it encourages unhealthy social comparison and feedback-seeking behaviors.⁴⁵ Because adolescents spend a majority of their time on social media looking at other users' profiles and photos, rather than updating their own profiles, they are likely to engage in negative comparisons with their peers.⁴⁶ Specifically, adolescents are

⁴¹ *Id.*

⁴² Ariel Shensa *et al.*, *Social Media Use and Depression and Anxiety Symptoms: A Cluster Analysis*, 42(2) *Am. J. Health Behav.* 116–28 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5904786/> [<https://perma.cc/PTD2-G6XL>]; Jean M. Twenge *et al.*, *Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*, 6 *Clinical Psych. Sci.* 3–17 (2017), <https://doi.org/10.1177/2167702617723376>.

⁴³ Fazida Karim *et al.*, *Social Media Use and Its Connection to Mental Health: A Systemic Review*, *Cureus* Volume 12(6) (June 15, 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7364393/> [<https://perma.cc/PBC3-LF35>].

⁴⁴ *Id.*

⁴⁵ Jacqueline Nesi & Mitchell J Prinstein, *Using Social Media for Social Comparison and Feedback-Seeking: Gender and Popularity Moderate Associations with Depressive Symptoms*, 43 *J. Abnormal Child Psych.* 1427–38 (2015), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5985443/> [<https://perma.cc/ZZW4-J3B2>].

⁴⁶ *Id.*; see also Nino Gugushvili *et al.*, *Facebook use intensity and depressive symptoms: a moderated mediation model of problematic Facebook use, age, neuroticism, and extraversion at 3*, *BMC Psych.* 10, 279 (2022), <https://doi.org/10.1186/s40359-022-00990-7>

likely to engage in harmful upward comparisons with others they perceive to be more popular.⁴⁷

55. Clinicians have also observed a clear relationship between youth social media use and disordered eating behavior.⁴⁸ One study found that the more social media accounts an adolescent has, the higher their scores on evaluations of disordered eating behaviors and cognitions.⁴⁹ Additionally, the study found that, for girls, greater daily time spent using Instagram and Snapchat was associated with significantly higher scores on evaluations of disordered eating behaviors.⁵⁰

56. Social media use also contributes to sleep deprivation. Young adults who spend a lot of time on social media during the day or check it frequently throughout the week are more likely to suffer sleep disturbances than their peers who use social media infrequently.⁵¹ In turn, disturbed and insufficient sleep is associated with poor health outcomes.⁵² One study found that young children are losing approximately one night's worth of sleep every week, staying up to use social media or even waking themselves up in the middle of the night to check notifications, driven by the fear of missing out.⁵³

57. Defendants exacerbate the disruption of sleep by sending push notifications and emails either at night when children should be sleeping or during school hours when they should be studying, thereby prompting children to re-engage with Defendants' platforms at times when

[<https://perma.cc/Z3K2-ZWRC>] (explaining that youth are particularly vulnerable because they "use social networking sites for construing their identity, developing a sense of belonging, and for comparison with others").

⁴⁷ *Id.*

⁴⁸ Simon M. Wilksch *et al.*, *The relationship between social media use and disordered eating in young adolescents*, 53 *Int'l J. Eating Disorders* 96–106 (2020), <https://pubmed.ncbi.nlm.nih.gov/31797420/> [<https://perma.cc/VE58-DSAC>].

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Jessica C. Levenson *et al.*, *The Association Between Social Media Use and Sleep Disturbance Among Young Adults*, 85 *Preventive Med.* 36–41 (Apr. 2016), <https://www.sciencedirect.com/science/article/abs/pii/S0091743516000025> [<https://doi.org/10.1016/j.ypmed.2016.01.001>].

⁵² *Id.*

⁵³ *See, e.g.*, Beatrice Nolan, *Kids are waking up in the night to check their notifications and are losing about 1 night's worth of sleep a week, study suggests*, *Bus. Insider* (Sept. 19, 2022), <https://www.businessinsider.com/social-media-costing-children-one-night-sleep-study-2022-9> [<https://perma.cc/X4J4-KYTW>] (approximately 12.5% of children report waking up to check social media notifications).

1 using them is harmful to their health and well-being.

2 58. Further, children are especially vulnerable to developing harmful behaviors
3 because the prefrontal cortex is not fully developed in children and teens.⁵⁴ Consequently, they
4 find it particularly difficult to exercise the self-control required to regulate their own use of
5 Defendants' platforms. In this regard, self-regulation allows people to delay gratification,
6 postponing an immediate reward for a better reward later. Adolescents' low capacity for self-
7 regulation means they are particularly vulnerable to the immediately pleasurable, but ultimately
8 harmful, effects of the repeated dopamine spikes caused by an external stimulus, such as "likes"
9 that activate the reward system in the brain.⁵⁵

10 59. As discussed in further detail *infra* Section IV.D, these reward-based learning
11 systems "contribute to the maintenance of excessive usage patterns."⁵⁶ Researchers investigating
12 the "directionality between social networking [platforms] and problematic use," have found that
13 "increases in the intensity of use . . . predict[] problematic use."⁵⁷ And empirical studies have
14 found that problematic use is associated with "insomnia, stress, relationship dissatisfaction,
15 anxiety, social anxiety, and depressive symptoms."⁵⁸

16 60. In this regard, adolescents are especially vulnerable to long-term harm from
17 Defendants' platforms because excessive and problematic use can disrupt their brains'
18 development at a critical stage.

19 **C. As a Result, America's Youth are Facing a Mental Health Crisis**

20 61. The number of youth using Defendants' social media platforms and the intensity
21 of such use have both increased significantly since 2008, which has contributed to a wide range
22 of negative effects on youth mental health. Over that same time the number of youth
23 experiencing depression, contemplating suicide, seeking emergency room help for mental health

24 ⁵⁴ Nino Gugushvili *et al.*, *Facebook use intensity and depressive symptoms: a moderated*
25 *mediation model of problematic Facebook use, age, neuroticism, and extraversion* at 3, *BMC*
26 *Psych.* 10, 279 (2022), <https://doi.org/10.1186/s40359-022-00990-7> [[https://perma.cc/Z3K2-](https://perma.cc/Z3K2-ZWRC)
27 [ZWRC](https://perma.cc/Z3K2-ZWRC)].

27 ⁵⁵ *Id.*

28 ⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.* (collecting sources).

1 issues and—tragically—committing suicide has skyrocketed.

2 62. These issues led the United States Surgeon General to issue an advisory on the
3 youth mental health crisis in December 2021.⁵⁹ In issuing the advisory, the Surgeon General
4 noted, “[m]ental health challenges in children, adolescents, and young adults are real and
5 widespread. Even before the pandemic, an alarming number of young people struggled with
6 feelings of helplessness, depression, and thoughts of suicide—and rates have increased over the
7 past decade.”⁶⁰

8 63. While the report highlights ways in which the COVID-19 pandemic has
9 exacerbated mental health issues for American youth, it also highlights the mental health
10 challenges youth faced before the pandemic. Specifically, the report notes that before the
11 pandemic, “mental health challenges were the leading cause of disability and poor life outcomes
12 in young people.”⁶¹

13 64. In fact, before the pandemic, one in five children ages 3–17 in the United States
14 had a mental, emotional, developmental, or behavior disorder.⁶²

15 65. From 2009 to 2019, the rate of high school students who reported persistent
16 feelings of sadness or hopelessness increased by 40% (to one out of every three kids).⁶³ The
17 proportion of kids seriously considering attempting suicide increased by 36% and the proportion
18 creating a suicide plan increased by 44%.⁶⁴

19 66. From 2007 to 2019, suicide rates among youth ages 10–24 in the United States

20
21 ⁵⁹ *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory*, U.S. Dep’t Health &
22 Hum. Servs. (Dec. 7, 2021), [https://www.hhs.gov/sites/default/files/surgeon-general-youth-
23 mental-health-advisory.pdf](https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf) [<https://perma.cc/SQZ7-NDFR>].

24 ⁶⁰ *U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by
25 COVID-19 Pandemic*, U.S. Dep’t Health & Hum. Servs. (Dec. 7, 2021),
26 [https://public3.pagefreezer.com/browse/HHS.gov/30-12-
27 2021T15:27/https://www.hhs.gov/about/news/2021/12/07/us-surgeon-general-issues-advisory-
28 on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic.html](https://public3.pagefreezer.com/browse/HHS.gov/30-12-2021T15:27/https://www.hhs.gov/about/news/2021/12/07/us-surgeon-general-issues-advisory-on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic.html)
[<https://perma.cc/G8AY-PCGA>].

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory* at 8, U.S. Dep’t Health
& Hum. Servs. (Dec. 7, 2021), [https://www.hhs.gov/sites/default/files/surgeon-general-youth-
mental-health-advisory.pdf](https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf) [<https://perma.cc/SQZ7-NDFR>].

⁶⁴ *Id.*

increased by 57%.⁶⁵ By 2018, suicide was the second leading cause of death for youth ages 10–24.⁶⁶

67. From 2007 to 2016, emergency room visits for youth ages 5–17 rose 117% for anxiety disorders, 44% for mood disorders, and 40% for attention disorders.⁶⁷

68. This and other data led the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, and the Children’s Hospital Association to join the Surgeon General and declare a national emergency in child and adolescent mental health in December 2021.⁶⁸

69. President Biden also addressed the mental health harms Defendants’ platforms have caused youth in his 2022 state of the union address⁶⁹ and again in 2023, demanding to “finally hold social media platforms accountable for [the] experimenting they’re doing – running [on] children for profit.”⁷⁰

70. The national youth mental health crisis continues to worsen. In May 2023, the Surgeon General issued a new advisory about the effects of social media on youth mental health based on the most recent research.⁷¹

71. For example, the Surgeon General cites research that indicates that youth who

⁶⁵ *Id.*

⁶⁶ AAP-AACAP-CHA Declaration of a National Emergency in Child and Adolescent Mental Health, Am. Acad. Pediatrics (Oct. 19, 2021), <https://www.aap.org/en/advocacy/child-and-adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-in-child-and-adolescent-mental-health/> [<https://perma.cc/JKF4-XZCT>].

⁶⁷ Matt Richtel, *A Teen’s Journey Into the Internet’s Darkness and Back Again*, N.Y. Times (Aug. 22, 2022), <https://www.nytimes.com/2022/08/22/health/adolescents-mental-health-technology.html> [<https://perma.cc/SL22-JTMG>].

⁶⁸ AAP-AACAP-CHA Declaration of a National Emergency in Child and Adolescent Mental Health, Am. Acad. Pediatrics (Oct. 19, 2021), <https://www.aap.org/en/advocacy/child-and-adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-in-child-and-adolescent-mental-health/> [<https://perma.cc/JKF4-XZCT>].

⁶⁹ President Biden, *State of the Union Address* (Mar. 1, 2022) (transcript available at <https://www.whitehouse.gov/state-of-the-union-2022/>) [<https://perma.cc/A9EH-DV4Q>].

⁷⁰ President Biden, *State of the Union Address* (Feb. 7, 2023) (transcript available at <https://www.whitehouse.gov/state-of-the-union-2023/>) [<https://perma.cc/H4P7-NY8P>].

⁷¹ Surgeon General Issues New Advisory About Effects Social Media Use Has on Youth Mental Health, U.S. Dep’t Health & Hum. Servs. (May 23, 2023), <https://www.hhs.gov/about/news/2023/05/23/surgeon-general-issues-new-advisory-about-effects-social-media-use-has-youth-mental-health.html> [<https://perma.cc/FU9W-ZG2E>].

1 spend more than three hours per day on social media platforms face twice the risk of
2 experiencing poor mental health outcomes, such as symptoms of depression and anxiety.⁷² And
3 the most recent data, as the Surgeon General notes, indicates social media use by young people is
4 “nearly universal,” with up to 95% of youth ages 13–17 using social media platforms and more
5 than 33% of youth saying they use social media “almost constantly.”⁷³ On average, the data
6 reveals that “8th and 10th graders now spend an average of 3.5 hours per day on social media.”⁷⁴

7 72. The Surgeon General’s advisory highlights two primary ways in which social
8 media platforms can harm youth. First, “[e]xtreme, inappropriate, and harmful content continues
9 to be easily and widely accessible by children and adolescents,” which the advisory notes “can
10 be spread through direct pushes, unwanted content exchanges, and algorithmic designs.”⁷⁵
11 Second, “[e]xcessive and problematic use of social media can harm children and adolescents by
12 disrupting important healthy behaviors.”⁷⁶ As the advisory explains, “[s]ocial media platforms
13 are often designed to maximize user engagement, which has the potential to encourage excessive
14 use and behavioral dysregulation.”⁷⁷ Moreover, the advisory cites research indicating that “social
15 media exposure can overstimulate the reward center in the brain and, when the stimulation
16 becomes excessive, can trigger pathways comparable to addiction.”⁷⁸ Youth are more vulnerable
17 to these risks because their brains are still developing, and many self-identify as having
18 “addictions” to social media.⁷⁹ A study published in 2023 on the gender-specific impacts of
19 social media found that more than one-third of girls aged 11–15 say they feel “addicted” to
20

21
22 ⁷² Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory at 6, U.S. Dep’t
23 Health & Hum. Servs. (2023), [https://www.hhs.gov/sites/default/files/sg-youth-mental-health-](https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf)
[social-media-advisory.pdf](https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf) [<https://perma.cc/39QN-NAY7>].

24 ⁷³ *Id.* at 4.

25 ⁷⁴ *Id.* at 7 (citation omitted).

26 ⁷⁵ *Id.* at 8.

27 ⁷⁶ *Id.* at 9.

28 ⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Surgeon General Issues New Advisory About Effects Social Media Use Has on Youth Mental Health*, U.S. Dep’t Health & Hum. Servs. (May 23, 2023), [https://www.hhs.gov/about/news/2023/05/23/surgeon-general-issues-new-advisory-about-](https://www.hhs.gov/about/news/2023/05/23/surgeon-general-issues-new-advisory-about-effects-social-media-use-has-youth-mental-health.html)
[effects-social-media-use-has-youth-mental-health.html](https://www.hhs.gov/about/news/2023/05/23/surgeon-general-issues-new-advisory-about-effects-social-media-use-has-youth-mental-health.html) [<https://perma.cc/FU9W-ZG2E>].

1 certain social media platforms.⁸⁰

2 73. “Our children,” as the Surgeon General explained in his advisory, “have become
3 unknowing participants in a decades-long experiment.”⁸¹ The risk of harm to an entire generation
4 is too great to wait, especially in the face of what the Surgeon General described as “*ample*
5 indicators that social media can [] have a profound risk of harm to the mental health and well-
6 being of children and adolescents.”⁸² Therefore, the Surgeon General issued a call in his 2023
7 advisory to “urgently take action to create safe and healthy digital environments that minimize
8 harm and safeguard children’s and adolescents’ mental health and well-being during critical
9 stages of development.”⁸³

10 74. The White House echoed these concerns, announcing in May 2023 that the
11 “United States is experiencing an unprecedented youth mental health crisis” and “there is now
12 *undeniable* evidence that social media and other online platforms have contributed to [this] youth
13 mental health crisis.”⁸⁴ The White House explained that “online platforms often use manipulative
14 design techniques embedded in their products to promote addictive and compulsive use by young
15 people to generate more revenue.”⁸⁵ The White House also specifically recognized the impact on
16 school districts, noting that “[s]ocial media use in schools is affecting students’ mental health
17 and disrupting learning.”⁸⁶

18 75. Given the totality of these findings, the Surgeon General urged social media
19 companies to take responsibility in creating safe online environments by changing their practices
20 and adopting specific policies to, for example:

21 ⁸⁰ *Id.*

22 ⁸¹ *Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory* at 11, U.S.
23 Dep’t Health & Hum. Servs. (2023), [https://www.hhs.gov/sites/default/files/sg-youth-mental-](https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf)
24 [health-social-media-advisory.pdf](https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf) [<https://perma.cc/39QN-NAY7>].

25 ⁸² *Id.* at 4 (emphasis added).

26 ⁸³ *Id.*

27 ⁸⁴ *Fact Sheet: Biden-Harris Administration Announces Actions to Protect Youth Mental Health,*
28 *Safety & Privacy Online*, The White House (May 23, 2023),
[https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/23/fact-sheet-biden-](https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/23/fact-sheet-biden-harris-administration-announces-actions-to-protect-youth-mental-health-safety-privacy-online/)
[harris-administration-announces-actions-to-protect-youth-mental-health-safety-privacy-online/](https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/23/fact-sheet-biden-harris-administration-announces-actions-to-protect-youth-mental-health-safety-privacy-online/)
[<https://perma.cc/22Q4-PHSP>] (emphasis added).

⁸⁵ *Id.*

⁸⁶ *Id.*

- a. “Prioritize and leverage expertise in developmental psychology and user mental health and well-being in product teams to minimize risks of harm to children and adolescents[;]”⁸⁷
- b. Design platforms and algorithms to prioritize health and safety as the first principle;⁸⁸
- c. “[A]void design features that attempt to maximize time, attention, and engagement[;]”⁸⁹
- d. “Create effective and timely systems and processes to adjudicate requests and complaints” from youth, families, and educators “to address online abuse, harmful content and interactions, and other threats to children’s health and safety[;]”⁹⁰
- e. “Share data relevant to the health impact of platforms and strategies” with the public and independent researchers;⁹¹
- f. “Conduct and facilitate transparent and independent assessments of the impact of social media products and services on children and adolescents[;]”⁹²
- g. Minimize risk of harm by creating default settings for children that are set to the highest safety and priority standards, written in easy-to-read and highly visible formats;⁹³ and
- h. “Adhere to and enforce age minimums...that respect the privacy of youth users.”⁹⁴

D. Defendants Intentionally Target Youth Users with the Marketing, Design, and Operation of Their Social Media Platforms

76. This mental health crisis is no accident. It is the result of the Defendants’ deliberate choices and affirmative actions to design and market their social media platforms to attract youth.

⁸⁷ *Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory* at 16, U.S. Dep’t Health & Hum. Servs. (2023), <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf> [<https://perma.cc/39QN-NAY7>].

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

77. Defendants each run and operate social media platforms. The interactive features Defendants provide on their platforms are similar in many respects. For example, Facebook, Instagram, Snap, TikTok, and YouTube all offer tailored “feeds” of content curated by complex algorithms intended to learn users’ interests; ways to publicly express affirmation for such curated content through “likes,” comments, and sharing or reposting the content; and, in fact, each is known to copy the designs and features of one another.⁹⁵ The salient features of Defendants’ social media platforms are described in more detail below.

78. Defendants make money from their social media platforms by using them as advertising platforms. Defendants collect data on their users’ viewing habits and behaviors and use that data to sell advertisers access to their youth and other users to allow those companies to promote their products. Advertisers pay a premium to target advertisements to specific categories of users, including youth.

79. Defendants view their population of adolescent and even pre-adolescent users as one of their most valuable commodities. Young users are central to Defendants’ business model and advertising revenue as an audience for advertisements because children are more likely than adults to use social media. Today, 95% of children ages 13–17 have cellphones,⁹⁶ 90% use social media,⁹⁷ and 28% buy products and services through social media.⁹⁸

80. To profit from these young users, Defendants intentionally market their platforms to youth and adolescents. For children under 13, the Children’s Online Privacy Protection Act (“COPPA”)⁹⁹ regulates the conditions under which platforms like Defendants’ can collect and use their information.

⁹⁵ See, e.g., Kevin Hurler, *For Sites Like Instagram and Twitter, Imitation Is the Only Form of Flattery*, Gizmodo (Aug. 16, 2022), <https://www.gizmodo.com.au/2022/08/for-sites-like-instagram-and-twitter-imitation-is-the-only-form-of-flattery/> [<https://perma.cc/U5E9-8X6L>].

⁹⁶ Emily Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/> [<https://perma.cc/BH7W-ZUPM>].

⁹⁷ *Social Media and Teens*, Am. Acad. Child & Adolescent Psychiatry (Mar. 2018), https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Social-Media-and-Teens-100.aspx [<https://perma.cc/VF8P-9UNT>].

⁹⁸ Erinn Murphy et al., *Taking Stock with Teens, Fall 2021* at 13, Piper Sandler (2021), tinyurl.com/89ct4p88 [<https://perma.cc/XL9U-WH57>].

⁹⁹ See 15 U.S.C. §§ 6501-6506.

1 81. COPPA requires platforms that either target children under age 13 or have actual
2 knowledge of users under age 13 to obtain “verifiable parental consent” prior to collecting and
3 using information about children under age 13.¹⁰⁰ Defendants have blatantly violated COPPA or
4 turned a blind eye to younger users on their platforms by leaving users to self-report their age.

5 82. Seeking to capture even younger audiences, Defendants have each offered “kid
6 versions” of their platforms, which, while not collecting users’ information, are “designed to fuel
7 [kids’] interest in the grown-up version.”¹⁰¹

8 83. To maximize revenue, Defendants have intentionally designed and operated their
9 platforms to maximize users’ screen time. Defendants have built features intended to exploit
10 human psychology and designed complex algorithms driven by advanced artificial intelligence
11 and machine-learning systems, progressively modifying their platforms in ways that promote
12 excessive and problematic use—despite knowing these practices are harming young users.

13 84. One way Defendants maximize the time users spend on their platforms involves
14 the design of feeds—whether of photos, videos, or sponsored or promoted content. Each
15 Defendant uses algorithms to serve users personalized content for them to consume ad nauseum.
16 Google’s former design ethicist, Tristan Harris, explained that this never-ending stream is
17 designed to “keep [users] scrolling, and purposely eliminate any reason for [them] to pause,
18 reconsider or leave.”¹⁰² Defendants’ feeds take “an experience that was bounded and finite, and
19 turn it into a bottomless flow that keeps going.”¹⁰³ This “flow state,” as psychologists describe it,
20 “fully immerse[s]” users, distorts their perception of time, and “has been shown to be associated
21 with problematic use of social networking sites.”¹⁰⁴

22
23 ¹⁰⁰ *Id.*

24 ¹⁰¹ Leonard Sax, *Is TikTok Dangerous for Teens?*, Inst. Fam. Stud. (Mar. 29, 2022),
<https://ifstudies.org/blog/is-tiktok-dangerous-for-teens-> [\[https://perma.cc/RGX9-3JWC\]](https://perma.cc/RGX9-3JWC).

25 ¹⁰² Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int’l (July 27, 2016),
[https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-](https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237)
26 [1104237](https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237) [\[html https://perma.cc/E328-D8WY\]](https://perma.cc/E328-D8WY).

27 ¹⁰³ *Id.*

28 ¹⁰⁴ Nino Gugushvili et al., *Facebook use intensity and depressive symptoms: a moderated mediation model of problematic Facebook use, age, neuroticism, and extraversion at 3*, BMC Psych. 10, 279 (2022), <https://doi.org/10.1186/s40359-022-00990-7> [\[https://perma.cc/Z3K2-ZWRC\]](https://perma.cc/Z3K2-ZWRC).

85. A second way social media platforms manipulate users is through social reciprocity. “Reciprocity,” from a psychology perspective, refers to the powerful social phenomenon of how people respond to positive or, conversely, hostile actions. Reciprocity means that in response to friendly actions, people respond in a friendly manner and vice versa.¹⁰⁵ Sociologist Phillip Kunz best illustrated the automatic nature of reciprocity through his Christmas card experiment. In the experiment, Mr. Kunz sent a group of complete strangers holiday cards with pictures of his family and included a brief note.¹⁰⁶ Those people, whom he had never met or communicated with before, reciprocated, flooding him with holiday cards.¹⁰⁷ The majority of the responses did not even ask Mr. Kunz who he was.¹⁰⁸ They simply responded to his initial gesture with a reciprocal action.

86. Reciprocity is why Facebook and Snapchat automatically tell a “sender when you ‘saw’ their message, instead of letting you avoid disclosing whether you read it. As a consequence, you feel more obligated to respond[,]” immediately.¹⁰⁹ Through these alerts and other push notifications, users feel psychologically compelled to return to the platform.

87. A third way Defendants manipulate users to keep using or coming back to their platforms is through the use of intermittent variable rewards (“IVR”). Also referred to as random rewards or random reinforcement, IVR is another principle of behavioral psychology that has been recognized and studied for decades. The rewards are variable because the behavior is not

¹⁰⁵ Ernst Fehr & Simon Gächter, *Fairness and Retaliation: The Economics of Reciprocity*, 14(3) J. Econ. Persps. 159–81 (2000), https://www.researchgate.net/profile/Ernst-Fehr-2/publication/23756527_Fairness_and_Retaliation_The_Economics_of_Reciprocity/links/5eb024e945851592d6b87d3b/Fairness-and-Retaliation-The-Economics-of-Reciprocity.pdf [<http://dx.doi.org/10.2139/ssrn.229149>].

¹⁰⁶ Phillip R. Kunz & Michael Woolcott, *Season’s Greetings: From my status to yours*, 5(3) Soc. Sci. Rsch. 269–78 (Sept. 1976), <https://www.sciencedirect.com/science/article/abs/pii/0049089X7690003X?via%3Dihub> [[https://doi.org/10.1016/0049-089X\(76\)90003-X](https://doi.org/10.1016/0049-089X(76)90003-X)].

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int’l (July 27, 2016), <https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237> [html <https://perma.cc/E328-D8WY>].

1 rewarded every time. Slot machines are the classic example of how IVR works.¹¹⁰ With each pull
2 of the lever on a slot machine, the user may or may not win a prize. Slot machine winnings are
3 intermittent and vary in value. As casino owners know, IVR creates behaviors that are very hard
4 to stop, even when the rewards are no longer given out.

5 88. The neurobiology behind the effectiveness of IVR is well understood. IVR works
6 by spacing out dopamine-triggering stimuli with dopamine gaps—allowing for anticipation and
7 craving to develop, which strengthens the desire to engage in the activity with each release of
8 dopamine.

9 89. Defendants integrate IVR into the design and operations of their respective
10 platforms by “link[ing] a user’s action (like pulling a lever) with a variable reward.”¹¹¹ For
11 example, when “we swipe down our finger to scroll the Instagram feed, we’re playing a slot
12 machine to see what photo comes next.”¹¹² Meta also delays the time it takes to load the feed.
13 “This is because without that three-second delay, Instagram wouldn’t feel variable.”¹¹³ Without
14 that delay, there would be no time for users’ anticipation to build. In slot machine terms, there
15 would be “no sense of *will I win?* because you’d know instantly. So the delay isn’t the app
16 loading. It’s the cogs spinning on the slot machine.”¹¹⁴ Each of the Defendants’ platforms
17 exploits this biochemical reaction among its users, typically using “likes,” “hearts,” or other
18 forms of approval that serve as the reward. *See infra* Section IV.D.1–4.

19 90. “Everyone innately responds to social approval, but some demographics, in
20
21
22

23 ¹¹⁰ See, e.g., Julian Morgans, *The Secret Ways Social Media is Built for Addiction*, Vice (May 17,
24 2017), [https://www.vice.com/en/article/vv5jkb/the-secret-ways-social-media-is-built-for-](https://www.vice.com/en/article/vv5jkb/the-secret-ways-social-media-is-built-for-addiction)
[addiction](https://perma.cc/2HES-Y3AB) [<https://perma.cc/2HES-Y3AB>].

25 ¹¹¹ Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int’l (July 27, 2016),
[https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-](https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237.html)
26 [1104237.html](https://perma.cc/E328-D8WY) [<https://perma.cc/E328-D8WY>].

27 ¹¹² *Id.*

28 ¹¹³ Julian Morgans, *The Secret Ways Social Media is Built for Addiction*, Vice (May 17, 2017),
<https://www.vice.com/en/article/vv5jkb/the-secret-ways-social-media-is-built-for-addiction>
[<https://perma.cc/2HES-Y3AB>].

¹¹⁴ *Id.*

particular teenagers, are more vulnerable to it than others.”¹¹⁵

91. Youth are especially vulnerable both to the ways in which Defendants manipulate users to maximize their “watch time,” and to the resulting harms. Children’s brains undergo a fundamental shift around age 10 that makes “preteens extra sensitive to attention and admiration from others.”¹¹⁶ Consequently, for young users of social media, Defendants’ use of IVR, reciprocity, and other “rewards” taps into this heightened sensitivity at a critical time in their development.

92. Adolescence is a period of rapid growth and development in the human brain, second only to infancy in that regard. As a result of many of these changes during adolescence, preteens and teens are highly sensitive to both positive and negative social stimuli. The structures of the brain “closely tied” to social media activity and that drive instinctual behavior begin to change.¹¹⁷ The ventral striatum is one of those structures. It receives a rush of dopamine and oxytocin, known as the “happy hormones[,]” whenever we experience social rewards.¹¹⁸ Between the ages of 10 and 12, the receptors for those happy hormones begin to multiply in this region of the brain, which makes compliments on a new hairstyle, laughter from a classmate, or other social rewards “start to feel a lot more satisfying.”¹¹⁹

93. These biological changes incentivize kids and teens to develop healthy social skills and connections. “But arriving at school in a new pair of designer jeans, hoping your crush will smile at you in the hallway, is worlds away from posting a video on TikTok that may get thousands of views and likes,” according to Mitch Prinstein, Chief Science Officer for the American Psychology Association.¹²⁰

94. Part of what makes interactions on social media so different is that they are often

¹¹⁵ Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int’l (July 27, 2016), <https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237> [html <https://perma.cc/E328-D8WY>].

¹¹⁶ Zara Abrams, *Why young brains are especially vulnerable to social media*, Am. Psych. Ass’n (Aug. 25, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens> [<https://perma.cc/J68J-JZPE>].

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

1 permanent and public in nature. There is no public ledger tracking the number of consecutive
2 days you have spoken to someone, like there is for Snap “streaks.” Similarly, “[a]fter you walk
3 away from a regular conversation, you don’t know if the other person liked it, or if anyone else
4 liked it[.]”¹²¹ Conversely, on Defendants’ platforms, kids, their friends, and even complete
5 strangers can publicly deliver or withhold social rewards in the form of likes, comments, views,
6 and follows.¹²²

7 95. These social rewards release dopamine and oxytocin in the brains of youth and
8 adults alike but there are two key differences, as Chief Science Officer Prinstein explained:
9 “First, adults tend to have a fixed sense of self that relies less on feedback from peers. Second,
10 adults have a more mature prefrontal cortex, an area that can help regulate emotional responses
11 to social rewards.”¹²³

12 96. Adolescents, by contrast, are in a “period of personal and social identity
13 formation,” much of which “is now reliant on social media.”¹²⁴ “Due to their limited capacity for
14 self-regulation and their vulnerability to peer pressure,” adolescents “are at greater risk of
15 developing mental disorder.”¹²⁵

16 97. Together, Meta, Snap, TikTok, and Google have designed, refined, marketed, and
17 operated their social media platforms to maximize the number of youth who use their platforms
18 and the time they spend on those platforms. Despite knowing that social media inflicts harms on
19 youth, Defendants have continued to create more sophisticated versions of their platforms with
20 features designed to keep users engaged and maximize the amount of time they spend using
21 social media. Defendants’ conduct in designing and marketing exploitive and manipulative

22 ¹²¹ *Id.*

23 ¹²² *Id.*

24 ¹²³ *Id.*

25 ¹²⁴ Betul Keles *et al.*, *A systematic review: the influence of social media on depression, anxiety*
26 *and psychological distress in adolescents*, Int’l J. Adolescence & Youth (202) 25:1, 79–93
27 (Mar. 3, 2019),
28 https://www.researchgate.net/publication/331947590_A_systematic_review_the_influence_of_social_media_on_depression_anxiety_and_psychological_distress_in_adolescents/fulltext/5c94432345851506d7223822/A-systematic-review-the-influence-of-social-media-on-depression-anxiety-and-psychological-distress-in-adolescents.pdf
[\[https://doi.org/10.1080/02673843.2019.1590851\].](https://doi.org/10.1080/02673843.2019.1590851)

¹²⁵ *Id.*

platforms, youth spend excessive amounts of time on Defendants' platforms.

98. Defendants' efforts worked. The majority of teenagers use the same five social media platforms: YouTube, TikTok, Instagram, Snapchat, and Facebook.¹²⁶ Each of these platforms individually boasts high numbers of teenage users.

1. Meta Intentionally Marketed to and Designed Their Social Media Platforms for Youth Users, Substantially Contributing to the Mental Health Crisis

a. The Meta Platform

99. Meta platforms, including Facebook and Instagram, are among the most popular social networking platforms in the world, with more than 3.6 billion users worldwide.¹²⁷

(i) The Facebook Platform

100. Facebook is a social networking platform that is one of Meta's platforms.

101. Facebook was founded in 2004 and has become the largest social network in the world. As of October 2021, Facebook had approximately 2.9 billion monthly active users, approximately 2 billion of whom use Facebook every day.¹²⁸

102. When Facebook was founded in 2004, only students at certain colleges and universities could use the social media platform, and verification of college enrollment was required to access Facebook.

103. In 2005, Facebook expanded and became accessible to students at more universities around the world, after which Meta launched a high school version of Facebook that also required an invitation to join.

104. Meta later expanded eligibility for Facebook to employees of several companies, including Apple and Microsoft, and added more universities to its network.

105. In September 2006, Facebook became available to all internet users. At the time,

¹²⁶ Emily Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/> [<https://perma.cc/BH7W-ZUPM>].

¹²⁷ Felix Richter, *Meta Reaches 3.6 Billion People Each Month*, Statista (Oct. 29, 2021), <https://www.statista.com/chart/2183/facebook-mobile-users/> [<https://perma.cc/5NCB-AG9B>].

¹²⁸ See *id.*; S. Dixon, *Number of Daily Active Facebook Users Worldwide as of 3rd Quarter 2022 (in Millions)*, Statista (Oct. 27, 2022), <https://www.statista.com/statistics/346167/facebook-global-dau/> [<https://perma.cc/WC96-FA6Z>].

Meta claimed that it was open only to persons aged 13 and older with a valid email address; however, on information and belief, Meta did not in fact require verification of a user's age or identity and did not actually verify users' email addresses, such that underage users could easily register an account with and access Facebook.

106. Facebook then underwent a series of changes aimed at increasing user engagement and platform growth, without regard to user safety, including the following:

- a. In 2009, Facebook launched the "like" button;
- b. In 2011, Facebook launched Messenger, its direct messaging service, and started allowing people to subscribe to accounts outside of their "friends";
- c. In 2012, Facebook started showing advertisements in its news feed and launched a real-time bidding system through which advertisers could bid on users based on their visits to third-party websites;
- d. In 2014, Facebook's facial recognition algorithm (DeepFace) reached near-human accuracy in identifying faces;
- e. In 2015, Facebook made significant changes to its news feed algorithm to determine what content to show users and launched its live-streaming service;
- f. In 2016, Facebook launched games for its social media platform, so that users could play games without having to install new apps; and
- g. In 2017, Facebook launched Facebook Creator, an app for mobile video posts that assists with content creation.

(ii) The Instagram Platform

107. Instagram is a social media platform that launched in 2010, which Meta acquired for \$1 billion in April 2012.

108. Instagram enables users to share photos and videos with other users and to view other users' photos and videos. These photos and videos appear on users' Instagram "feeds," which are virtually bottomless, scrollable lists of content.

109. After being acquired by Meta, Instagram experienced exponential user growth, expanding from approximately 10 million monthly active users in September 2012 to more than

one billion monthly active users worldwide today, including approximately 160 million users in the United States.¹²⁹

110. Instagram’s user growth was driven by design and development changes to the Instagram platform that increased engagement at the expense of the health and well-being of Instagram’s users—especially the children using the platform.

111. For example, in August 2020, Instagram began hosting and recommending short videos to users, called Reels.¹³⁰ Like TikTok, Instagram allows users to view an endless feed of Reels that are recommended and curated to users by Instagram’s algorithm.

112. Instagram has become the most popular photo sharing social media platform among children in the United States—approximately 72% of children aged 13–17 in the United States use Instagram.¹³¹

b. Meta Markets Its Platforms to Youth

113. To maximize the revenue generated from relationships with advertisers, Meta has expended significant effort to attract youth, to its platforms, including designing features that appeal to a teen and preteen audience. Meta explicitly targets teenagers for multiple reasons. In part, Meta views teenagers as a way to attract other potential users, such as by using teenagers to recruit parents who want to participate in their children’s lives as well as younger siblings who look to older siblings as models for which social media platforms to use and how to use them.¹³²

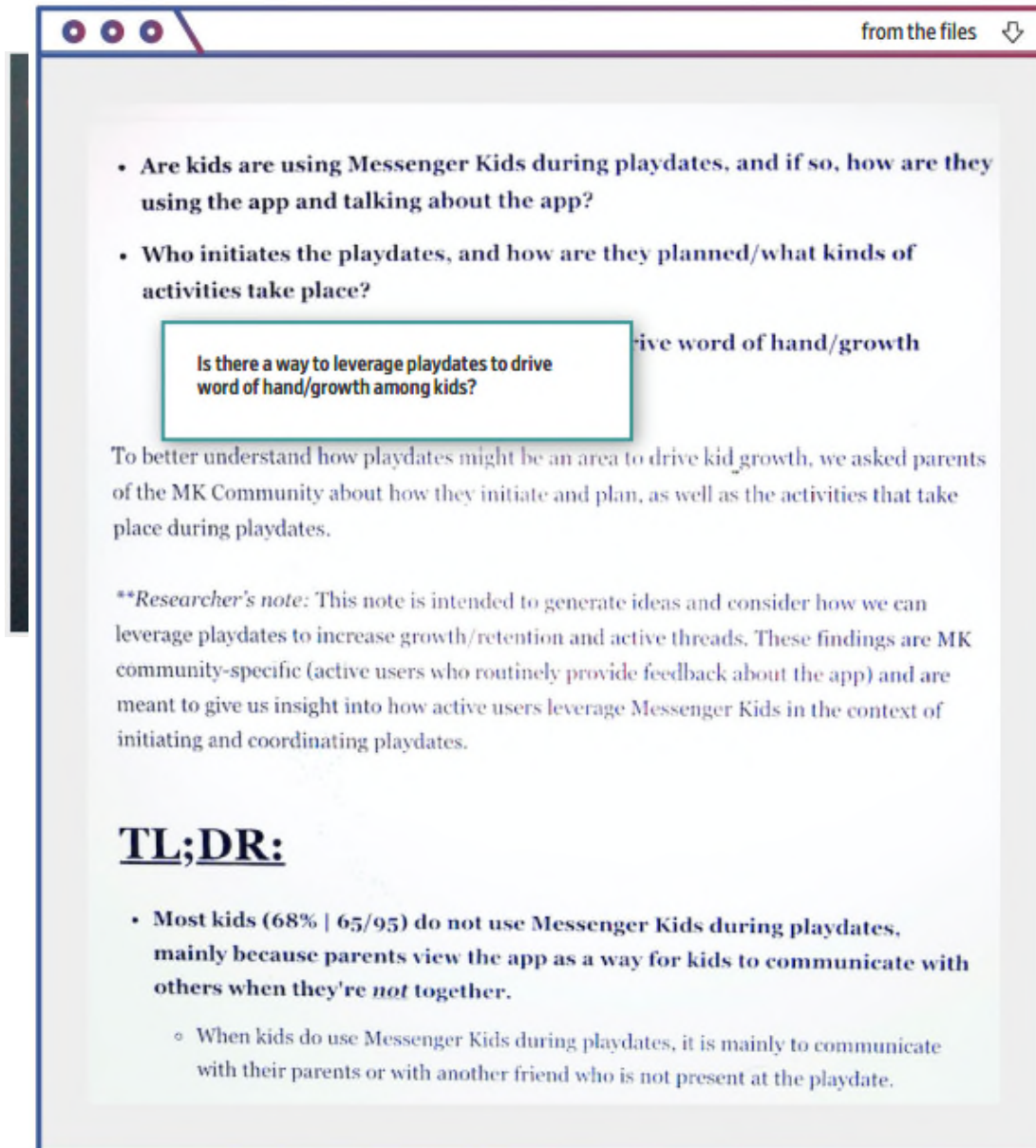
¹²⁹ S. Dixon, *Number of Instagram Users Worldwide from 2020 to 2025 (in Billions)*, Statista (May 23, 2022), <https://www.statista.com/statistics/183585/instagram-number-of-global-users/> [<https://perma.cc/6LZ4-BGBB>].

¹³⁰ *Introducing Instagram Reels*, Instagram (Aug. 5, 2020), <https://about.instagram.com/blog/announcements/introducing-instagram-reels-announcement> [<https://perma.cc/6FJX-3LV2>].

¹³¹ Katherine Schaeffer, *7 Facts About Americans and Instagram*, Pew Rsch. Ctr. (Oct. 7, 2021), <https://www.pewresearch.org/fact-tank/2021/10/07/7-facts-about-americans-and-instagram/> [<https://perma.cc/C244-RDFH>].

¹³² Sheera Frenkel *et al.*, *Instagram Struggles with Fears of Losing Its ‘Pipeline’: Young Users*, N.Y. Times (Oct. 26, 2021), <https://www.nytimes.com/2021/10/16/technology/instagram-teens.html> [<https://perma.cc/SSL6-QUN2>].

114. Most importantly, Meta recognizes that teenagers are the “pipeline” for the continued growth of the company. An internal Instagram strategy memo warned in 2020, “[i]f we lose the teen foothold in the U.S. we lose the pipeline.”¹³³ A 2018 marketing presentation declared the loss of teenage users to other social media platforms an “existential threat.”¹³⁴ In response, starting in 2018, Instagram devoted almost all its annual marketing budget to attracting teenagers—hundreds of millions of dollars annually.¹³⁵



115. Meta also views preteens or “tweens” as a “valuable but untapped audience,”

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.*

1 even contemplating “exploring playdates as a growth lever.”¹³⁶ Meta formed a team to study
2 preteens, endeavored to create more products designed for them, and commissioned strategy
3 papers regarding the “business opportunities” created.¹³⁷

4 116. For these reasons, the Meta platforms are designed to be used by children and are
5 actively marketed to children throughout the Meta markets in the United States. Meta advertises
6 to children through its own efforts as well as through advertisers that create and target
7 advertisements to children. Internal Meta documents establish that Meta spends hundreds of
8 millions of dollars researching, analyzing, and marketing to children to find ways to make its
9 platforms more appealing to these age groups and to maximize the time they spend on its
10 platforms, as these age groups are seen as essential to Meta’s long-term profitability and market
11 dominance.¹³⁸ For instance, after Instagram’s founders left Meta in September 2018, “Facebook
12 went all out to turn Instagram into a main attraction for young audiences,” and “began
13 concentrating on the ‘teen time spent’ data point,” in order to “drive up the amount of time that
14 teenagers were on the app with features including Instagram Live, a broadcasting tool, and
15 Instagram TV, where people upload videos that run as long as an hour.”¹³⁹

16 117. In fact, Meta’s acquisition of Instagram in 2012 was primarily motivated by its
17 desire to make up for declines in the use of Facebook by youth, and Meta views Instagram as
18 central to its ability to attract and retain young audiences. A Meta presentation from 2019
19 indicated that “Instagram is well positioned to resonate and win with young people,” and “[t]here
20 is a path to growth if Instagram can continue their trajectory.”¹⁴⁰

21 ¹³⁶ *Id.*

22 ¹³⁷ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram*
23 *Kids, Documents Show; It has investigated how to engage young users in response to*
24 *competition from Snapchat, TikTok; ‘Exploring playdates as a growth lever*, Wall St. J. (Sept.
25 28, 2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>
26 [<https://perma.cc/3QRQ-NU4C>].

27 ¹³⁸ *Id.*

28 ¹³⁹ Sheera Frenkel *et al.*, *Instagram Struggles with Fears of Losing Its ‘Pipeline’: Young Users*,
N.Y. Times (Oct. 26, 2021), [https://www.nytimes.com/2021/10/16/technology/instagram-](https://www.nytimes.com/2021/10/16/technology/instagram-teens.html)
<https://perma.cc/SSL6-QUN2>].

¹⁴⁰ Georgia Wells *et al.*, *Facebook Knows Instagram Is Toxic for Teen Girls, Company*
Documents Show; Its own in-depth research shows a significant teen mental-health issue that

1 118. Although Meta’s policy is that children younger than 13 cannot register an
2 account, it lacks effective age-verification protocols—an issue long known to Meta. Since at
3 least 2011, Meta has known that its age-verification protocols are largely inadequate, estimating
4 at that time that it removed 20,000 children under age 13 from Facebook every day.¹⁴¹ A decade
5 later, in 2021, an Instagram executive acknowledged that users under 13 can still “lie about
6 [their] age now,” to register an account.¹⁴²

7 119. Meta has yet to implement protocols to verify a user’s age. Meta also has
8 agreements with cell phone manufacturers and/or providers and/or retailers, who often pre-install
9 its platforms on mobile devices prior to sale and without regard to the age of the intended user of
10 each such device. That is, even though Meta is prohibited from providing the Meta platforms to
11 users under the age of 13, Meta actively promotes and provides underage users access to its
12 platforms by encouraging and allowing cell phone manufacturers to pre-install the platforms on
13 mobile devices indiscriminately. Consequently, approximately 11% of United States children
14 between the ages of 9 and 11 used Instagram in 2020,¹⁴³ despite Meta claiming to remove
15 approximately 600,000 underage users per quarter.¹⁴⁴

17 *Facebook plays down in public*, Wall St. J. (Sept. 14, 2021),
18 [https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739)
19 [documents-show-11631620739](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739) [<https://perma.cc/3VKL-UW94>].

19 ¹⁴¹ Austin Carr, *Facebook Booting “20,000” Underage Users Per Day: Reaction to Growing*
20 *Privacy Concerns?*, Fast Co. (Mar. 22, 2011),
21 [https://www.fastcompany.com/1741875/facebook-booting-20000-underage-users-day-reaction-](https://www.fastcompany.com/1741875/facebook-booting-20000-underage-users-day-reaction-growing-privacy-concerns)
22 [growing-privacy-concerns](https://www.fastcompany.com/1741875/facebook-booting-20000-underage-users-day-reaction-growing-privacy-concerns) [<https://perma.cc/8228-YGS7>].

21 ¹⁴² Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram*
22 *Kids, Documents Show; It has investigated how to engage young users in response to*
23 *competition from Snapchat, TikTok; ‘Exploring playdates as a growth lever*, Wall St. J. (Sept.
24 28, 2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>
25 [<https://perma.cc/3QRQ-NU4C>].

24 ¹⁴³ Brooke Auxier et al., *Parenting Children in the Age of Screens: 1. Children’s engagement*
25 *with digital devices, screen time*, Pew Rsch. Ctr. (July 28, 2020),
26 [https://www.pewresearch.org/internet/2020/07/28/childrens-engagement-with-digital-devices-](https://www.pewresearch.org/internet/2020/07/28/childrens-engagement-with-digital-devices-screen-time/)
27 [screen-time/](https://www.pewresearch.org/internet/2020/07/28/childrens-engagement-with-digital-devices-screen-time/) [<https://perma.cc/U7LH-D62Q>].

26 ¹⁴⁴ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram*
27 *Kids, Documents Show; It has investigated how to engage young users in response to*
28 *competition from Snapchat, TikTok; ‘Exploring playdates as a growth lever*, Wall St. J. (Sept.
29 28, 2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>
30 [<https://perma.cc/3QRQ-NU4C>].

1 120. Ultimately, as discussed above, Meta’s efforts to attract young users have been
2 successful. *See supra* Section IV.A.

3 **c. Meta Intentionally Maximizes the Time Users Spend on its Platforms**

4 121. Once users begin using its platforms, Meta employs a variety of strategies to keep
5 them there, using features that exploit the natural human desire for social interaction and the
6 neurophysiology of the brain’s reward systems to keep users endlessly scrolling, posting,
7 “liking,” commenting, and counting the number of “likes” and comments to their own posts. As
8 discussed above, the rapidly developing adolescent brain, highly attuned to social rewards, is
9 particularly vulnerable to such exploitation.

10 122. Many of the features Meta has designed utilize the well-established principle of
11 intermittent variable rewards or IVR, discussed above, including one of its most defining
12 features: the “Like” button. Meta knows “Likes” are a source of social comparison harm for
13 many users, as detailed below. Several Meta employees involved in creating the Like button
14 have since left Meta and have spoken publicly about the manipulative nature of Meta’s platforms
15 and the harm they cause users.¹⁴⁵

16 123. Another way in which Meta employs IVR is through its push notifications and
17 emails. These notifications alert users to activity related to their account, such as when someone
18 else has “Liked” a post or when the user has been tagged in someone else’s post. Meta spaces out
19 notifications of likes and comments into multiple bursts rather than notifying users in real time,
20 which activates the brain’s reward circuitry and then creates dopamine gaps that leave users
21 craving in anticipation for more. In this regard, Meta’s push notifications and emails are
22 specifically designed to manipulate users to reengage with Meta’s platforms to increase user
23 engagement regardless of a user’s health or wellbeing.

24 124. Other features of Meta’s platforms based on IVR principles include posts,
25 comments, tagging, and the “pull to refresh” feature (which, as noted above, has the same effect
26

27 ¹⁴⁵ *See, e.g.,* Paul Lewis, ‘Our minds can be hijacked’: the tech insiders who fear a smartphone
28 dystopia, *Guardian* (Oct. 6, 2017),
[https://www.theguardian.com/technology/2017/oct/05/smartphone-addiction-silicon-valley-](https://www.theguardian.com/technology/2017/oct/05/smartphone-addiction-silicon-valley-dystopia)
[dystopia](https://perma.cc/8DU4-MLJA) [<https://perma.cc/8DU4-MLJA>].

on the brain as pulling the lever on a slot machines).

125. Still other design decisions utilize the principle of reciprocity, such as the use of visual cues to reflect that someone is currently writing a message (a feature designed to keep a user on the platform until they receive the message), and alerting users when a recipient has read their message (which encourages the recipient to respond and return to the platform to check for a response).

126. The Meta platforms are designed to encourage users to post content and to like, comment, and interact with other users' posts. Each new post that appears on a user's feed can function as a dopamine-producing social interaction in the user's brain. Similarly, likes, comments, and other interactions with the user's posts function as an even stronger dopamine-producing stimulus than does seeing new posts from other users. This in turn drives users to post more content they expect will generate even more likes and comments. In this regard, Meta has designed its platforms to effectively trap users—especially youth—in endless cycles of what Facebook whistleblower Frances Haugen called “little dopamine loops.”¹⁴⁶

d. Meta's Algorithms Are Manipulative and Harmful

127. Meta also employs advanced computer algorithms and artificial intelligence to make its platforms as engaging and habit forming as possible for users. For example, the Meta platforms display curated content and employ recommendations that are customized to each user by using sophisticated algorithms. The proprietary services developed through such algorithms include News Feed (a newsfeed of stories and posts published on the platform, some of which are posted by connections and others that are suggested by Meta's algorithms), People You May Know (algorithm-based suggestions of persons with common connections or background), Suggested for You, Groups You Should Join, and Discover (algorithm-based recommendations of groups). Such algorithm-based content and recommendations are pushed to each user in a steady stream as the user navigates the platform, as well as through notifications sent to the

¹⁴⁶ Allison Slater Tate, *Facebook whistleblower Frances Haugen says parents make 1 big mistake with social media*, Today (Feb. 7, 2022), <https://www.today.com/parents/teens/facebook-whistleblower-frances-haugen-rcna15256> [<https://perma.cc/7P7V-CDNH>].

1 user's smartphone and email addresses when the user is disengaged with the platform.

2 128. Meta's algorithms are not based exclusively on user requests or even user inputs.
3 Meta's algorithms combine information entered or posted by the user on the platform with the
4 user's demographics and other data points collected and synthesized by Meta, make assumptions
5 about that user's interests and preferences, make predictions about what else might appeal to the
6 user, and then make very specific recommendations of posts and pages to view and groups to
7 visit and join based on rankings that will optimize Meta's key performance indicators. In this
8 regard, Meta's design dictates the way content is presented, such as its ranking and
9 prioritization.¹⁴⁷

10 129. Meta's current use of algorithms in its platforms is driven and designed to
11 maximize user engagement. Over time, Meta has gradually transitioned away from chronological
12 ranking, which organized the interface according to when content was posted or sent, to
13 prioritize what Meta calls "Meaningful Social Interactions" ("MSI"), which emphasizes users'
14 connections and interactions such as likes and comments and gives greater significance to the
15 interactions of connections that appeared to be the closest to users. In order to do this, Meta
16 developed and employed an "amplification algorithm" to execute engagement-based ranking,
17 which considers a post's likes, shares, and comments, as well as a respective user's past
18 interactions with similar content, and exhibits the post in the user's newsfeed if it otherwise
19 meets certain benchmarks.

20 130. Although Meta claims that the goal of this engagement-based ranking is "helping
21 you have more meaningful social interactions,"¹⁴⁸ Meta's algorithms covertly operate on the
22 principle that intense reactions invariably compel attention. Because these algorithms measure
23 reactions and contemporaneously immerse users in the most reactive content, these algorithms
24 effectively work to steer users toward the most negative content, because negative content

25
26 ¹⁴⁷ See, e.g., Adam Mosseri, *Shedding More Light on How Instagram Works*, Instagram (June 8,
27 2021), [https://about.instagram.com/blog/announcements/shedding-more-light-on-how-](https://about.instagram.com/blog/announcements/shedding-more-light-on-how-instagram-works)
[instagram-works](https://perma.cc/8MTZ-238X) [<https://perma.cc/8MTZ-238X>].

28 ¹⁴⁸ Mark Zuckerberg, Facebook (Jan. 11, 2018, 4:28 PM),
<https://www.facebook.com/zuck/posts/10104413015393571?pnref=story>
[<https://perma.cc/F8VD-U6JU>].

1 routinely elicits passionate reactions. In other words, the algorithm is designed to prioritize the
2 number of interactions rather than the quality of interactions.

3 131. As set forth in greater detail below, Meta was well aware of the harmful content
4 that it was promoting but failed to change its algorithms because the inflammatory content that
5 its algorithms were feeding to users fueled their return to the platforms and led to more
6 engagement—which in turn helped Meta sell more advertisements that generate most of its
7 revenue.

8 132. Meta’s shift from chronological ranking to algorithm-driven content and
9 recommendations has changed the Meta platforms in ways that are profoundly dangerous and
10 harmful to children. Meta’s algorithms exploit vulnerabilities that are heightened in preteens and
11 teens due to their social and psychological development—and Meta designs its platforms with
12 these specific vulnerabilities in mind.

13 **e. Meta’s Harmful “Feeds”**

14 133. Both Facebook and Instagram show each user an algorithm-generated “feed” that
15 consists of a series of photos and videos posted by accounts that the user follows, along with
16 advertising and content specifically selected and promoted by Meta.

17 134. These feeds are virtually bottomless lists of content that enable users to scroll
18 endlessly without any natural end points that would otherwise encourage them to move on to
19 other activities. In this regard, “[u]nlike a magazine, television show, or video game,” the Meta
20 platforms only rarely prompt their users to take a break by using “stopping cues.”¹⁴⁹ Meta’s
21 “bottomless scrolling” feature is designed to encourages users to use its platforms for unlimited
22 periods of time.

23 135. Meta also exerts control over a user’s feed through certain ranking mechanisms,
24 escalation loops, and promotion of advertising and content specifically selected and promoted by
25 Meta based on, among other things, its ongoing planning, assessment, and prioritization of the
26 types of information most likely to increase user engagement.

27 ¹⁴⁹ See Zara Abrams, *How Can We Minimize Instagram’s Harmful Effects?*, Am. Psych. Ass’n
28 (Dec. 2, 2021), <https://www.apa.org/monitor/2022/03/feature-minimize-instagram-effects>
[<https://perma.cc/XV58-GHJ4>].

1 136. As Senator Richard Blumenthal, Chair of the Subcommittee on Consumer
2 Protection, Product Safety, and Data Security, explained during one of a series of Senate
3 hearings in 2021 on “Protecting Kids Online,” Meta utilizes private information of its child users
4 to “precisely target [them] with content and recommendations, assessing what will provoke a
5 reaction,” including encouragement of “destructive and dangerous behaviors,” which is how
6 Meta “can push teens into darker and darker places.”¹⁵⁰ Whistleblower Frances Haugen testified
7 that Meta’s “amplification algorithms, things like engagement based ranking . . . can lead
8 children . . . all the way from just something innocent like healthy recipes to anorexia promoting
9 content over a very short period of time.”¹⁵¹ Meta thus specifically selects and pushes this
10 harmful content on its platforms, for which it is then paid, and does so both for direct profit and
11 also to increase user engagement, resulting in additional profits down the road.

12 137. As part of the Senate Subcommittee’s investigation into social media companies,
13 Senators Richard Blumenthal, Marsha Blackburn and Mike Lee tested and confirmed the fact
14 that Meta’s platforms’ recommendation-based feeds and features promote harmful content by
15 opening test accounts purporting to be teenage girls. Senator Blumenthal stated that, “[w]ithin an
16 hour all our recommendations promoted pro-anorexia and eating disorder content.”¹⁵² Likewise,
17 Senator Lee found that an account for a fake 13-year-old girl was quickly “flooded with content
18 about diets, plastic surgery and other damaging material for an adolescent girl.”¹⁵³

19 138. Meta’s Instagram platform features a feed of “Stories,” which are short-lived
20 photo or video posts that are accessible only for 24 hours. This feature encourages constant,
21 repeated, and compulsive use of Instagram, so that users do not miss out on content before it
22

23 ¹⁵⁰ See *Facebook Whistleblower Frances Haugen Testifies on Children & Social Media Use:*
24 *Full Senate Hearing Transcript* at 09:02, Rev (Oct. 5, 2021),
25 [https://www.rev.com/blog/transcripts/facebook-whistleblower-frances-haugen-testifies-on-](https://www.rev.com/blog/transcripts/facebook-whistleblower-frances-haugen-testifies-on-children-social-media-use-full-senate-hearing-transcript)
26 [children-social-media-use-full-senate-hearing-transcript](https://www.rev.com/blog/transcripts/facebook-whistleblower-frances-haugen-testifies-on-children-social-media-use-full-senate-hearing-transcript) [<https://perma.cc/WML5-286H>]
(statement by Mr. Chairman Blumenthal).

26 ¹⁵¹ *Id.* at 37:34 (statement by Ms. Frances Haugen).

27 ¹⁵² Vanessa Romo, *4 Takeaways from Senators’ Grilling of Instagram’s CEO About Kids and*
28 *Safety*, NPR (Dec. 8, 2021, 10:13 PM),
[https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-senators-](https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-senators-brush-aside-his-promises-to-self-poli)
[brush-aside-his-promises-to-self-poli](https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-senators-brush-aside-his-promises-to-self-poli) [<https://perma.cc/3CH4-GWJW>].

¹⁵³ *Id.*

disappears. As with other feeds, the presentation of content in a user’s Stories is generated by an algorithm designed by Meta to maximize the amount of time a user spends on the app.

139. Instagram also features a feed called “Explore,” which displays content posted by users not previously “followed.” The content in “Explore” is selected and presented by an algorithm designed by Meta to maximize the amount of time a user spends on the app. As with other feeds, the Explore feature may be scrolled endlessly, and its algorithm will continually generate new recommendations, encouraging users to use the app for unlimited periods of time.

140. Further, Instagram also features another feed called “Reels,” which presents short video posts by users not previously followed. These videos play automatically, without input from the user, encouraging the user to stay on the app for indefinite periods of time. As with other feeds, Reels content is selected and presented by an algorithm designed by Meta to maximize the amount of time a user spends on the app.

f. For Years, Meta Has Been Aware That Its Platforms Harm Children

141. In an internal slide presentation in 2019, Meta’s own researchers, studying Instagram’s effects on children, concluded, “**We make body image issues worse for one in three teen girls[.]**”¹⁵⁴ This presentation was one of many documents leaked by former Meta employee Frances Haugen to journalists at the *Wall Street Journal* and federal regulators in 2021.¹⁵⁵ The *Wall Street Journal*’s reporting on the documents began in September 2021 and caused a national and international uproar.

142. The leaked documents confirmed what social scientists have long suspected, that

¹⁵⁴ Georgia Wells *et al.*, *Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show; Its own in-depth research shows a significant teen mental-health issue that Facebook plays down in public*, Wall St. J. (Sept. 14, 2021), <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739> [<https://perma.cc/3VKL-UW94>].

¹⁵⁵ The *Wall Street Journal* and *Digital Wellbeing* published several of these documents in November 2021. See Paul Marsden, *The ‘Facebook Files’ on Instagram Harms—All Leaked Slides on a Single Page*, Digit. Wellbeing (Oct. 20, 2021), <https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page/> [<https://perma.cc/XT2G-A77K>]. Gizmodo also started publishing these documents in November 2021. See Dell Cameron *et al.*, *Read the Facebook Papers for Yourself*, Gizmodo (Apr. 18, 2022), <https://gizmodo.com/facebook-papers-how-to-read-1848702919> [<https://perma.cc/7K26-G7GF>].

1 social media platforms like Meta’s—and Instagram in particular—can cause serious harm to the
2 mental and physical health of children. Moreover, this capacity for harm is by design—what
3 makes the Meta platforms profitable is precisely what harms its young users.

4 143. Upon information and belief, at least as far back as 2019, Meta initiated a
5 Proactive Incident Response experiment, which began researching the effect of Meta on the
6 mental health of today’s children.¹⁵⁶ Meta’s own in-depth analyses show significant mental-
7 health issues stemming from the use of Instagram among teenage girls, many of whom linked
8 suicidal thoughts and eating disorders to their experiences on the app.¹⁵⁷ In this regard, Meta’s
9 researchers have repeatedly found that Instagram is harmful for a sizable percentage of teens that
10 use the platform.¹⁵⁸

11 144. In particular, the researchers found that “[s]ocial comparison,” or individuals’
12 assessment of their own value relative to that of others, is “worse on Instagram” for teens than on
13 other social media platforms.¹⁵⁹ One in five teens reported that Instagram “makes them feel
14 worse about themselves.”¹⁶⁰ Roughly two in five teen users reported feeling “unattractive,” while
15 one in ten teen users reporting suicidal thoughts traced them to Instagram.¹⁶¹ Teens
16 “consistently” and without prompting blamed Instagram “for increases in the rate of anxiety and
17 depression.”¹⁶² And although teenagers identify Instagram as a source of psychological harm,
18 they often lack the self-control to use Instagram less. Also, according to Meta’s own researchers,
19 young users are not capable of controlling their Instagram use to protect their own health.¹⁶³

21 ¹⁵⁶ See *Facebook Whistleblower Testifies on Protecting Children Online*, C-SPAN (Oct. 5,
22 2021), [https://www.c-span.org/video/?515042-1/whistleblower-frances-haugen-calls-congress-](https://www.c-span.org/video/?515042-1/whistleblower-frances-haugen-calls-congress-regulate-facebook)
23 [regulate-facebook](https://www.c-span.org/video/?515042-1/whistleblower-frances-haugen-calls-congress-regulate-facebook) [<https://perma.cc/5QN2-MKRX>].

24 ¹⁵⁷ See Georgia Wells *et al.*, *Facebook Knows Instagram Is Toxic for Teen Girls, Company*
25 *Documents Show*, Wall St. J. (Sept. 14, 2021, 7:59 AM),
[https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739?mod=hp_lead_pos7&mod=article_inline)
26 [documents-show-11631620739?mod=hp_lead_pos7&mod=article_inline](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739?mod=hp_lead_pos7&mod=article_inline)
27 [<https://perma.cc/3VKL-UW94>].

28 ¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Id.*

Such users “often feel ‘addicted’ and know that what they’re seeing is bad for their mental health but feel unable to stop themselves.”¹⁶⁴

145. Similarly, in a March 2020 presentation posted to Meta’s internal message board, researchers found that 32% of teen girls said that “when they felt bad about their bodies, Instagram made them feel worse.”¹⁶⁵ 66% of teen girls and 40% of teen boys have experienced negative social comparison harms on Instagram.¹⁶⁶ Further, approximately 13% of teen girl Instagram users say the platform makes thoughts of “suicide and self harm” worse, and 17% of teen girl Instagram users say the platform makes “[e]ating issues” worse.¹⁶⁷ Meta’s researchers also acknowledged that “[m]ental health outcomes” related to the use of Instagram “can be severe,” including “Body Dissatisfaction,” “Body Dysmorphia,” “Eating Disorders,” “Loneliness,” and “Depression.”¹⁶⁸

146. Not only is Meta aware of the harmful nature of the Meta platforms, but the leaked documents also reveal that Meta is aware of the specific design features that lead to

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*; *Teen Girls Body Image and Social Comparison on Instagram—An Exploratory Study in the U.S.*, Wall St. J. (Sept. 29, 2021), <https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf> [<https://perma.cc/7D2X-363R>]; see also *Hard Life Moments-Mental Health Deep Dive* at 14, Facebook (Nov. 2019), <https://about.fb.com/wp-content/uploads/2021/09/Instagram-Teen-Annotated-Research-Deck-1.pdf> [<https://perma.cc/6JNT-ZLJQ>]; Paul Marsden, *The ‘Facebook Files’ on Instagram arms – all leaked slides on a single page* at slide 14, Dig. Wellbeing (Oct. 20, 2021) <https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page> [<https://perma.cc/XT2G-A77K>] (hard life moment – mental health deep dive).

¹⁶⁶ *Teen Girls Body Image and Social Comparison on Instagram—An Exploratory Study in the U.S.* at 9, Wall St. J. (Sept. 29, 2021), <https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf> [<https://perma.cc/7D2X-363R>].

¹⁶⁷ *Hard Life Moments-Mental Health Deep Dive* at 14, Facebook (Nov. 2019), <https://about.fb.com/wp-content/uploads/2021/09/Instagram-Teen-Annotated-Research-Deck-1.pdf> [<https://perma.cc/6JNT-ZLJQ>]; Paul Marsden, *The Facebook Files’ on Instagram arms – all leaked slides on a single page* at slide 14, Dig. Wellbeing (Oct. 20, 2021), <https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page> [<https://perma.cc/XT2G-A77K>].

¹⁶⁸ *Teen Girls Body Image and Social Comparison on Instagram—An Exploratory Study in the U.S.* at 34, Wall St. J. (Sept. 29, 2021), <https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf> [<https://perma.cc/7D2X-363R>].

excessive use and harm to children. For instance, Meta knows that Instagram’s Explore, Feed, and Stories features contribute to social comparison harms “in different ways.”¹⁶⁹ Moreover, specific “[a]spects of Instagram exacerbate each other to create a perfect storm” of harm to users, and that the “social comparison sweet spot”—a place of considerable harm to users, particularly teenagers and teen girls—lies at the center of Meta’s model and platforms’ features.¹⁷⁰ In this regard, Meta’s researchers wrote that “[s]ocial comparison and perfectionism are nothing new, but young people are dealing with this on an unprecedented scale,” and “[c]onstant comparison on Instagram is ‘the reason’ why there are higher levels of anxiety and depression in young people.”¹⁷¹

2. Snapchat Intentionally Marketed to and Designed Its Social Media Platform for Youth Users, Substantially Contributing to the Mental Health Crisis

a. The Snapchat Platform

147. Snapchat was created in 2011 by Stanford University students Evan Spiegel and Bobby Murphy, who serve as Snap Inc.’s CEO and CTO, respectively.¹⁷²

148. Snapchat started as a photo sharing platform that allowed users to form groups and share photos, known as “snaps,” that disappear after being viewed by the recipients. Snapchat became well known for this self-destructing content feature. But Snapchat quickly evolved from a simple photo-sharing app, as Snap made design changes and rapidly developed new features aimed at, and ultimately increasing, Snapchat’s popularity among teenage users.

149. In 2012, Snap added video sharing capabilities, pushing the number of “snaps” to 50 million per day.¹⁷³ A year later, Snap added the “Stories” function, which allows users to

¹⁶⁹ *Id.* at 31.

¹⁷⁰ *Id.* at 33.

¹⁷¹ See *Hard Life Moments-Mental Health Deep Dive* at 53, Facebook (Nov. 2019), <https://about.fb.com/wp-content/uploads/2021/09/Instagram-Teen-Annotated-Research-Deck-1.pdf> [<https://perma.cc/6JNT-ZLJQ>].

¹⁷² Katie Benner, *How Snapchat is Shaping Social Media*, N.Y. Times (Nov. 30, 2016), <https://www.nytimes.com/2016/11/30/technology/how-snapchat-works.html> [<https://perma.cc/6GCG-ZHYX>].

¹⁷³ J.J. Colao, *Snapchat Adds Video, Now Seeing 50 Million Photos A Day*, Forbes (Dec. 14, 2012), <https://www.forbes.com/sites/jjcolao/2012/12/14/snapchat-adds-video-now-seeing-50-million-photos-a-day/?sh=55425197631b> [<https://perma.cc/6DYM-QAGC>].

1 upload a rolling compilation of snaps that the user’s friends can view for 24 hours.¹⁷⁴ The
2 following year, Snap added a feature that enabled users to communicate with one another in real
3 time via text or video.¹⁷⁵ It also added the “Our Story” feature, expanding on the original stories
4 function by allowing users in the same location to add their photos and videos to a single
5 publicly viewable content stream.¹⁷⁶ At the same time, Snap gave users the capability to add
6 filters and graphic stickers onto photos indicating a user’s location, through a feature it refers to
7 as “Geofilters.”¹⁷⁷

8 150. In 2015, Snap added a “Discover” feature that promotes videos from news outlets
9 and other content creators.¹⁷⁸ Users can watch that content by scrolling through the Discover
10 feed. After the selected video ends, Snapchat automatically plays other video content in a
11 continuous stream, which does not cease until a user manually exits the stream.

12 151. In 2020, Snap added the “Spotlight” feature through which it serves users “an
13 endless feed of user-generated content” that Snap curates from the 300 million daily Snapchat
14 users.¹⁷⁹

15 152. Today, Snapchat is one of the largest social media platforms in the world. By its
16 own estimates, Snapchat has 363 million daily users, including 100 million daily users in North
17
18

19 ¹⁷⁴ Ellis Hamburger, *Snapchat’s Next Big Thing: ‘Stories’ That Don’t Just Disappear*, Verge
20 (Oct. 3, 2013), [https://www.theverge.com/2013/10/3/4791934/snapchats-next-big-thing-stories-
that-dont-just-disappear](https://www.theverge.com/2013/10/3/4791934/snapchats-next-big-thing-stories-that-dont-just-disappear) [<https://perma.cc/25YP-T7W4>].

21 ¹⁷⁵ Romain Dillet, *Snapchat Adds Ephemeral Text Chat and Video Calls*, TechCrunch (May 1,
22 2014), [https://techcrunch.com/2014/05/01/snapchat-adds-text-chat-and-video-calls/
\[https://perma.cc/3UAN-LY4N\]](https://techcrunch.com/2014/05/01/snapchat-adds-text-chat-and-video-calls/).

23 ¹⁷⁶ Laura Stampler, *Snapchat Just Unveiled a New Feature*, Time (June 17, 2014),
<https://time.com/2890073/snapchat-new-feature/> [<https://perma.cc/E28M-8KLT>].

24 ¹⁷⁷ Angela Moscaritolo, *Snapchat Adds ‘Geofilters’ in LA*, New York, PC Mag. (July 15, 2014),
25 <https://www.pcmag.com/news/snapchat-adds-geofilters-in-la-new-york> [[https://perma.cc/NJ9E-
3JYD](https://perma.cc/NJ9E-3JYD)].

26 ¹⁷⁸ Steven Tweedie, *How to Use Snapchat’s New ‘Discover’ Feature*, Bus. Insider (Jan. 27,
27 2015), [https://www.businessinsider.com/how-to-use-snapchat-discover-feature-2015-1
\[https://perma.cc/22ST-8HAL\]](https://www.businessinsider.com/how-to-use-snapchat-discover-feature-2015-1).

28 ¹⁷⁹ Salvador Rodriguez, *Snap is launching a competitor to TikTok and Instagram Reels*, CNBC
(Nov. 23, 2020), [https://www.cnbc.com/2020/11/23/snap-launching-a-competitor-to-tiktok-
and-instagram-reels.html](https://www.cnbc.com/2020/11/23/snap-launching-a-competitor-to-tiktok-and-instagram-reels.html) [<https://perma.cc/2HCW-KUFG>].

America.¹⁸⁰ Snapchat reaches 90% of people ages 13–24 in over twenty countries and reaches nearly half of all smartphone users in the United States.¹⁸¹

b. Snap Markets Its Platform to Youth

153. Snapchat’s commercial success is due to its advertising. In 2014, Snap began running advertisements on Snapchat.¹⁸² Since then, Snapchat’s business model has revolved around its advertising revenue, which has boomed. Snap now expects to generate \$4.86 billion in Snapchat advertising revenue for 2022.¹⁸³

154. Snap specifically markets Snapchat to children ages 13–17 because they are a key demographic for Snap’s advertising business. Internal documents describe users between the ages of 13–34 as “critical” to Snap’s advertising success because of the common milestones achieved within that age range.¹⁸⁴

155. While Snap lumps teenagers in with younger adults in its investor materials, Snap



¹⁸⁰ October 2022 Investor Presentation at 5, Snap Inc. (Oct. 20, 2022), <https://investor.snap.com/events-and-presentations/presentations/default.aspx> [<https://perma.cc/8BDK-7S9V>].

¹⁸¹ *Id.* at 6–7.

¹⁸² Sara Fischer, *A timeline of Snap’s advertising, from launch to IPO*, Axios (Feb. 3, 2017), <https://www.axios.com/2017/12/15/a-timeline-of-snaps-advertising-from-launch-to-ipo-1513300279> [<https://perma.cc/7XTY-2AXS>].

¹⁸³ Bhanvi Staija, *TikTok’s ad revenue to surpass Twitter and Snapchat combined in 2022*, Reuters (Apr. 11, 2022), <https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-snapchat-combined-2022-report-2022-04-11/> [<https://perma.cc/L8U2-Q9ZZ>].

¹⁸⁴ October 2022 Investor Presentation at 27, Snap Inc. (Oct. 20, 2022), <https://investor.snap.com/events-and-presentations/presentations/default.aspx> [<https://perma.cc/8BDK-7S9V>].

1 marketing materials features young models that reveal its priority market:

2 156. In addition to its marketing, Snap has targeted a younger audience by designing
3 Snapchat in a manner that older individuals find hard to use.¹⁸⁵ The effect of this design is that
4 Snapchat is a platform where its young users are insulated from older users, including their
5 parents. As Snap’s CEO explained, “[w]e’ve made it very hard for parents to embarrass their
6 children[.]”¹⁸⁶

7 157. Snap also designed Snapchat as a haven for young users to hide content from their
8 parents by ensuring that photos, videos, and chat messages quickly disappear. This design further
9 insulates youth from adult oversight.

10 158. Moreover, Snap added as a feature the ability for users to create cartoon avatars
11 modeled after themselves.¹⁸⁷ By using an artform generally associated with and directed at
12 younger audiences, Snap further designed Snapchat to entice teenagers and younger children.

13 159. In 2013, Snap also marketed Snapchat specifically to children under 13 through a
14 feature it branded “SnapKidz.”¹⁸⁸ This feature—part of the Snapchat platform—allowed children
15 under 13 to take photos, draw on them, and save them locally on the device.¹⁸⁹ Kids could also
16 send these images to others or upload them to other social media sites.¹⁹⁰

17 160. While SnapKidz feature was later discontinued and Snap purports to now prohibit
18 users under the age of 13, its executives have admitted that its age verification “is effectively
19
20

21 ¹⁸⁵ See Hannah Kuchler & Tim Bradshaw, *Snapchat’s Youth Appeal Puts Pressure on Facebook*,
22 Fin. Times (Aug. 21, 2017), [https://www.ft.com/content/07e4dc9e-86c4-11e7-bf50-](https://www.ft.com/content/07e4dc9e-86c4-11e7-bf50-e1c239b45787)
[e1c239b45787](https://perma.cc/D9A4-JFEA) [<https://perma.cc/D9A4-JFEA>].

23 ¹⁸⁶ Max Chafkin & Sarah Frier, *How Snapchat Built a Business by Confusing Olds*, Bloomberg
24 (Mar. 3, 2016), <https://www.bloomberg.com/features/2016-how-snapchat-built-a-business/>
[\[https://perma.cc/DJT8-TK3L\]](https://perma.cc/DJT8-TK3L).

25 ¹⁸⁷ Kif Leswing, *Snapchat just introduced a feature it paid more than \$100 million for*, Bus.
26 Insider (July 19, 2016), [https://www.businessinsider.com/snapchat-just-introduced-a-feature-it-](https://www.businessinsider.com/snapchat-just-introduced-a-feature-it-paid-more-than-100-million-for-2016-7)
[paid-more-than-100-million-for-2016-7](https://perma.cc/4PRE-VSW9) [<https://perma.cc/4PRE-VSW9>].

27 ¹⁸⁸ Larry Magid, *Snapchat Creates SnapKidz – A Sandbox for Kids Under 13*, Forbes (June 23,
28 2013), [https://www.forbes.com/sites/larrymagid/2013/06/23/snapchat-creates-snapkidz-a-](https://www.forbes.com/sites/larrymagid/2013/06/23/snapchat-creates-snapkidz-a-sandbox-for-kids-under-13/?sh=7c682a555e5a)
[sandbox-for-kids-under-13/?sh=7c682a555e5a](https://perma.cc/ZQA9-F2VC) [<https://perma.cc/ZQA9-F2VC>].

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

useless in stopping underage users from signing up to the Snapchat app.”¹⁹¹

161. Snap’s efforts to attract young users have been successful. *See supra* Section IV.A. Teenagers consistently name Snapchat as a favorite social media platform. The latest figures show 13% of children ages 8–12 used Snapchat in 2021,¹⁹² and almost 60% of children ages 13–17 use Snapchat.¹⁹³

c. Snap Intentionally Maximizes the Time Users Spend on its Platform

162. Snap promotes excessive use of its platform through design features and manipulative algorithms intended to maximize users’ screen time.

163. Snap has implemented inherently and intentionally exploitive features into Snapchat, including “Snapstreaks,” various trophies and reward systems, quickly disappearing (“ephemeral”) messages, and filters. Snap designed these features, along with others, to maximize the amount of time users spend on Snapchat.

164. Snaps are intended to manipulate users by activating the rule of reciprocity.¹⁹⁴ Whenever a user gets a snap, they feel obligated to send a snap back. And Snapchat tells users each time they receive a snap by pushing a notification to the recipient’s cellphone. These notifications are designed to prompt users to open Snapchat and view content, increasing the amount of time users spend on Snapchat. Further, because snaps disappear within ten seconds of being viewed, users feel compelled to reply immediately. This disappearing nature of snaps is a defining characteristic of Snapchat and intended to keep users on the platform.

165. Snap also keeps users coming back to the Snapchat platform through the

¹⁹¹ Isobel Asher Hamilton, *Snapchat admits its age verification safeguards are effectively useless*, Bus. Insider (Mar. 19, 2019), <https://www.businessinsider.com/snapchat-says-its-age-verification-safeguards-are-effectively-useless-2019-3> [<https://perma.cc/V938-6AEG>].

¹⁹² Victoria Rideout *et al.*, *Common Sense Census: Media use by tweens and teens, 2021* at 5, Common Sense Media (2022), https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf [<https://perma.cc/L6ND-X7VR>].

¹⁹³ Emily Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/> [<https://perma.cc/BH7W-ZUPM>].

¹⁹⁴ Nir Eyal, *The Secret Psychology of Snapchat*, Nir & Far (Apr. 14, 2015), <https://www.nirandfar.com/psychology-of-snapchat/> [<https://perma.cc/ZQC2-8W3M>].

1 “Snapstreaks” feature.¹⁹⁵ A “streak” is a counter within Snapchat that tracks how many
2 consecutive days two users have sent each other snaps. If a user fails to snap the other user
3 within 24 hours, the streak ends. Snap adds extra urgency by putting an hourglass emoji next to a
4 friend’s name if a Snapchat streak is about to end.¹⁹⁶ This design implements a system where a
5 user must “check constantly or risk missing out.”¹⁹⁷ And this feature is particularly effective on
6 teenage users. “For teens in particular, streaks are a vital part of using the app, and of their social
7 lives as a whole.”¹⁹⁸ Some children become so obsessed with maintaining a Snapstreak that they
8 give their friends access to their accounts when they may be away from their phone for a day or
9 more, such as on vacation.¹⁹⁹

10 166. Snap also designed features that operate on IVR principles to maximize the time
11 users are on its platform. The “rewards” come in the form of a user’s “Snapscore,” and other
12 signals of recognition similar to “likes” used in other platforms. For example, a Snapscore
13

14 ¹⁹⁵See Avery Hartmans, *These are the sneaky ways apps like Instagram, Facebook, Tinder lure*
15 *you in and get you ‘addicted’*, Bus. Insider (Feb. 17 2018),
16 [https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-](https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13)
17 [2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13](https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13) [<https://perma.cc/5RE8-3PMA>]; see
18 generally Virginia Smart & Tyana Grundig, ‘We’re designing minds’: Industry insider reveals
19 secrets of addictive app trade, CBC (Nov. 3, 2017),
20 <https://www.cbc.ca/news/science/marketplace-phones-1.4384876> [[https://perma.cc/93PV-](https://perma.cc/93PV-XE3E)
21 [XE3E](https://perma.cc/93PV-XE3E)]; Julian Morgans, *The Secret Ways Social Media is Built for Addiction*, Vice (May 17,
22 2017), [https://www.vice.com/en/article/vv5jkb/the-secret-ways-social-media-is-built-for-](https://www.vice.com/en/article/vv5jkb/the-secret-ways-social-media-is-built-for-addiction)
23 [addiction](https://www.vice.com/en/article/vv5jkb/the-secret-ways-social-media-is-built-for-addiction) [<https://perma.cc/2HES-Y3AB>].

24 ¹⁹⁶ Lizette Chapman, *Inside the Mind of a Snapchat Streaker*, Bloomberg (Jan. 30, 2017),
25 <https://www.bloomberg.com/news/features/2017-01-30/inside-the-mind-of-a-snapchat-streaker>
26 [<https://perma.cc/V92N-WSGP>].

27 ¹⁹⁷ *Id.*

28 ¹⁹⁸ Avery Hartmans, *These are the sneaky ways apps like Instagram, Facebook, Tinder lure you*
in and get you ‘addicted’, Bus. Insider (Feb. 17 2018), [https://www.businessinsider.com/how-](https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13)
[app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-](https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13)
[keep-you-hooked-13](https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13) [<https://perma.cc/5RE8-3PMA>]; see generally Cathy Becker, *Experts*
warn parents how Snapchat can hook in teens with streaks, ABC News (July 27, 2017),
[https://abcnews.go.com/Lifestyle/experts-warn-parents-snapchat-hook-teens-](https://abcnews.go.com/Lifestyle/experts-warn-parents-snapchat-hook-teens-streaks/story?id=48778296)
[streaks/story?id=48778296](https://abcnews.go.com/Lifestyle/experts-warn-parents-snapchat-hook-teens-streaks/story?id=48778296) [<https://perma.cc/47HQ-7WVQ>].

¹⁹⁹ Caroline Knorr, *How to resist technology addiction*, CNN (Nov. 9, 2017),
<https://www.cnn.com/2017/11/09/health/science-of-tech-obsession-partner/index.html>
[<https://perma.cc/WWR9-6E2P>]; Jon Brooks, *7 Specific Tactics Social Media Companies Use*
to Keep You Hooked, KQED (June 9, 2017), [https://www.kqed.org/futureofyou/397018/7-](https://www.kqed.org/futureofyou/397018/7-specific-ways-social-media-companies-have-you-hooked)
[specific-ways-social-media-companies-have-you-hooked](https://www.kqed.org/futureofyou/397018/7-specific-ways-social-media-companies-have-you-hooked) [<https://perma.cc/RDR2-TKDR>].

increases with each snap a user sends and receives. The increase in score and other trophies and charms users can earn by using the app operate on variable reward patterns. Like Snapstreaks, these features are designed to incentivize sending snaps and increase the amount of time users spend on Snapchat.

167. Snap also designs photo and video filters and lenses, which are central to Snapchat's function as a photo and video sharing social media platform. Snap designed its filters and lenses in a way to further maximize the amount of time users spend on Snapchat. One way Snap uses its filters to hook young users is by creating temporary filters that impose a sense of urgency to use them before they disappear. Another way Snap designed its filters to increase screen use is by gamification. Many filters include games,²⁰⁰ creating competition between users by sending each other snaps with scores. Further, Snap tracks data on the most commonly used filters and develops new filters based on this information.²⁰¹ Snap personalizes, designs and modifies these filters to maximize the amount of time users spend on Snapchat.²⁰²

d. Snapchat's Algorithms Are Manipulative and Harmful

168. Snap also uses complex algorithms to suggest friends and recommend content to users to keep them using Snapchat.

169. Snap utilizes an equation to determine whether someone should add someone else as a friend on Snapchat and notifies the user of these recommendations. This is known as "Quick Add." By using an algorithm to suggest friends to users, Snapchat increases the odds that users will add additional friends, send additional snaps, and spend more time on the app.

170. Snapchat also contains "Discover" and "Spotlight" features that use algorithms to recommend content to users. The Discover feature includes content from news and other media outlets.²⁰³ A user's Discover page is populated by an algorithm and constantly changes

²⁰⁰ Josh Constine, *Now Snapchat Has 'Filter Games'*, TechCrunch (Dec. 23, 2016), <https://techcrunch.com/2016/12/23/snapchat-games/> [<https://perma.cc/U9UY-C5NR>].

²⁰¹ *How We Use Your Information*, Snap Inc., <https://snap.com/en-US/privacy/your-information> [<https://perma.cc/93WL-GSY8>] (last visited June 26, 2023).

²⁰² *Id.*

²⁰³ Steven Tweedie, *How to Use Snapchat's New 'Discover' Feature*, Bus. Insider (Jan. 27, 2015), <https://www.businessinsider.com/how-to-use-snapchat-discover-feature-2015-1> [<https://perma.cc/22ST-8HAL>].

depending on how a user interacts with the content.²⁰⁴ Similarly, the Spotlight feature promotes popular videos from other Snapchat users and is based on an algorithm that determines whether a user has positively or negatively engaged with similar content.²⁰⁵ Snap programs its algorithms to push content to users that will keep them engaged for increased amounts of time on Snapchat and, thereby, worsen their mental health.

e. Snap’s Conduct in Designing and Operating Its Platform Has Harmed Youth Mental Health

171. The way in which Snap has designed and operated Snapchat has caused youth to suffer increased anxiety, depression, disordered eating, and sleep deprivation.

172. Snap knows Snapchat is harming youth because, as alleged above, Snap intentionally designed Snapchat to maximize engagement by preying on the psychology of children through its use of algorithms and other features including Snapstreaks, various trophies and reward systems, quickly disappearing messages, filters, and games.

173. Snap should know that its conduct has negatively affected youth. Snap’s conduct has been the subject of inquiries by the United States Senate regarding Snapchat’s use “to promote bullying, worsen eating disorders, and help teenagers buy dangerous drugs or engage in reckless behavior.”²⁰⁶ Further, Senators across the ideological spectrum have introduced bills that would ban many of the features Snapchat offers, including badges and other awards recognizing a user’s level of engagement with the platform.²⁰⁷ Despite these calls for oversight

²⁰⁴ *How We Use Your Information*, Snap Inc., <https://snap.com/en-US/privacy/your-information> [<https://perma.cc/93WL-GSY8>] (last visited June 26, 2023).

²⁰⁵ Sara Fischer, *Snapchat launches Spotlight, a TikTok competitor*, Axios (Nov. 23, 2020), <https://www.axios.com/2020/11/23/snapchat-launches-spotlight-tiktok-competitor> [<https://perma.cc/3FYB-C2DU>]; *How We Use Your Information*, Snap Inc., <https://snap.com/en-US/privacy/your-information> [<https://perma.cc/93WL-GSY8>] (last visited June 26, 2023).

²⁰⁶ Bobby Allyn, *4 Takeaways from the Senate child safety hearing with YouTube, Snapchat and TikTok*, Nat’l Pub. Radio (Oct. 26, 2021), <https://www.npr.org/2021/10/26/1049267501/snapchat-tiktok-youtube-congress-child-safety-hearing> [<https://perma.cc/8GNJ-PLE9>].

²⁰⁷ See Abigail Clukey, *Lawmaker Aims To Curb Social Media Addiction With New Bill*, Nat’l Pub. Radio (Aug. 3, 2019), <https://www.npr.org/2019/08/03/747086462/lawmaker-aims-to-curb-social-media-addiction-with-new-bill> [<https://perma.cc/VP9G-EVBK>]; *Social Media*

from Congress, Snap has failed to curtail its use of streaks, badges, and other features that award users' levels of engagement with Snapchat.

174. Snap also knows or should know of Snapchat's other negative effects on youth based on published research findings. For instance, researchers coined the phrase "Snapchat dysmorphia" after the pernicious effect Snapchat has had on how young people view themselves.²⁰⁸ The researchers and doctors use this phrase to describe people, usually young women, who are seeking plastic surgery to make themselves look like the way they do through Snapchat filters.²⁰⁹ The cause of this trend appears to be Snapchat's and other social media platforms' beauty filters, which create a "sense of unattainable perfection" that is alienating and damaging to a person's self-esteem.²¹⁰ One social psychologist summed the effect as "the pressure to present a certain filtered image on social media can certainly play into [depression and anxiety] for younger people who are just developing their identities."²¹¹

175. Despite knowing Snapchat harms its young users, Snap continues to update and add features intentionally designed to maximize the amount of time users spend on Snapchat. Snap continues its harmful conduct because its advertising revenue relies on Snapchat's users consuming large volumes of content on its platform.

3. TikTok Intentionally Marketed to and Designed Its Social Media Platform for Youth Users, Substantially Contributing to the Mental Health Crisis

a. TikTok's Platform

176. TikTok is a social media platform that describes itself as "the leading destination for short-form mobile video."²¹² According to TikTok, it is primarily a platform where users

Addiction Reduction Technology Act, S. 2314, 116th Cong. (2019); *Kids Internet Design and Safety Act*, S. 2918, 117th Cong. (2021).

²⁰⁸ 'Snapchat Dysmorphia': When People Get Plastic Surgery To Look Like A Social Media Filter, WBUR (Aug 29, 2018), <https://www.wbur.org/hereandnow/2018/08/29/snapchat-dysmorphia-plastic-surgery> [<https://perma.cc/JDZ7-TUX7>].

²⁰⁹ *Id.*

²¹⁰ Nathan Smith & Allie Yang, *What happens when lines blur between real and virtual beauty through filters*, ABC News (May 1, 2021), <https://abcnews.go.com/Technology/lines-blur-real-virtual-beauty-filters/story?id=77427989> [<https://perma.cc/KA79-G2PX>].

²¹¹ *Id.*

²¹² *About: Our Mission*, TikTok, <https://www.tiktok.com/about> [<https://perma.cc/3XS6-U99U>] (last visited June 26, 2023).

“create and watch short-form videos.”²¹³

177. TikTok’s predecessor, Musical.ly, launched in 2014 as a place where people could create and share 15-second videos of themselves lip-syncing or dancing to their favorite music.²¹⁴

178. In 2017, ByteDance launched an international version of a similar platform that also enabled users to create and share short lip-syncing videos that it called TikTok.²¹⁵

179. That same year, ByteDance acquired Musical.ly to leverage its young user base in the United States, of almost 60 million monthly active users.²¹⁶

180. Months later, the apps were merged under the TikTok brand.²¹⁷

181. Since then, TikTok has expanded the length of time for videos from 15-seconds to up to 10 minutes;²¹⁸ created a fund that was expected to grow to over \$1 billion within three years to incentivize users to create videos that even more people will watch;²¹⁹ and had users

²¹³ *Protecting Kids Online: Snapchat, TikTok, and YouTube: Hearing Before the Subcomm. On Consumer Protection, Product Safety, and Data Security*, 117 Cong. (2021) (statement of Michael Beckerman, VP and Head of Public Policy, Americas, TikTok).

²¹⁴ Biz Carson, *How a failed education startup turned into Musical.ly, the most popular app you’ve probably never heard of*, Bus. Insider (May 28, 2016), <https://www.businessinsider.com/what-is-musically-2016-5> [<https://perma.cc/78KJ-WBRS>].

²¹⁵ Paresh Dave, *China’s ByteDance scrubs Musical.ly brand in favor of TikTok*, Reuters (Aug. 1, 2018), <https://www.reuters.com/article/us-bytedance-musically/chinas-bytedance-scrubs-musical-ly-brand-in-favor-of-tiktok-idUSKBN1KN0BW> [<https://perma.cc/EZ6K-3Q8B>].

²¹⁶ Liza Lin & Rolfe Winkler, *Social-Media App Musical.ly Is Acquired for as Much as \$1 Billion; With 60 million monthly users, startup sells to Chinese maker of news app Toutiao*, Wall St. J. (Nov. 10, 2017), <https://www.wsj.com/articles/lip-syncing-app-musical-ly-is-acquired-for-as-much-as-1-billion-1510278123> [<https://perma.cc/KXV7-C5HW>].

²¹⁷ Paresh Dave, *China’s ByteDance scrubs Musical.ly brand in favor of TikTok*, Reuters (Aug. 1, 2018), <https://www.reuters.com/article/us-bytedance-musically/chinas-bytedance-scrubs-musical-ly-brand-in-favor-of-tiktok-idUSKBN1KN0BW> [<https://perma.cc/EZ6K-3Q8B>].

²¹⁸ Andrew Hutchinson, *TikTok Confirms that 10 Minute Video Uploads are Coming to All Users*, SocialMediaToday (Feb. 28, 2022), <https://www.socialmediatoday.com/news/tiktok-confirms-that-10-minute-video-uploads-are-coming-to-all-users/619535/> [<https://perma.cc/DY6R-A9QY>].

²¹⁹ Vanessa Pappas, *Introducing the \$200M TikTok Creator Fund*, TikTok (July 29, 2021), <https://newsroom.tiktok.com/en-us/introducing-the-200-million-tiktok-creator-fund> [<https://perma.cc/5HJ4-475H>].

1 debut their own songs, share comedy skits,²²⁰ and “challenge” others to perform an activity.²²¹

2 182. The videos users create on TikTok are only one part of the equation.

3 183. “[O]ne of the defining features of the TikTok platform,” is its “For You” feed.²²²

4 There, users are served with an unending stream of videos TikTok curates for them based on
5 complex, machine-learning algorithms intended to keep users on its platform. TikTok itself
6 describes the feed as “central to the TikTok experience and where most of our users spend their
7 time.”²²³ The *New York Times* described it this way:

8 It’s an algorithmic feed based on videos you’ve interacted with, or even just
9 watched. It never runs out of material. It is not, unless you train it to be, full of
10 people you know, or things you’ve explicitly told it you want to see. It’s full of
11 things that you seem to have demonstrated you want to watch, no matter what you
actually say you want to watch.²²⁴

12 184. The “For You” feed has quickly garnered TikTok hundreds of millions of users.
13 Since 2018, TikTok has grown from 271 million global users to more than 1 billion global
14 monthly users as of September 2021.²²⁵

15 **b. TikTok Markets Its Platform to Youth**

16 185. TikTok, like the other Defendants’ platforms, has built its business plan around
17 advertising revenue, which has boomed. In 2022, TikTok is projected to receive \$11 billion in
18 advertising revenue, over half of which (*i.e.*, \$6 billion) is expected to come from the United

19 ²²⁰ Joseph Steinberg, *Meet Musical.ly, the Video Social Network Quickly Capturing the Tween*
20 *and Teen Markets, Inc.* (June 2, 2016), [https://www.inc.com/joseph-steinberg/meet-musically-](https://www.inc.com/joseph-steinberg/meet-musically-the-video-social-network-quickly-capturing-the-tween-and-teen-m.html)
21 [the-video-social-network-quickly-capturing-the-tween-and-teen-m.html](https://www.inc.com/joseph-steinberg/meet-musically-the-video-social-network-quickly-capturing-the-tween-and-teen-m.html)
[<https://perma.cc/452K-SEAS>].

22 ²²¹ John Herrman, *How TikTok is Rewriting the World*, N.Y. Times (Mar. 10, 2019),
23 <https://www.nytimes.com/2019/03/10/style/what-is-tik-tok.html> [[https://perma.cc/82VQ-](https://perma.cc/82VQ-8VPF)
8VPF].

24 ²²² *How TikTok recommends videos #ForYou*, TikTok (June 18, 2020),
25 <https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>
[<https://perma.cc/4DBQ-MCQY>].

26 ²²³ *Id.*

27 ²²⁴ John Herrman, *How TikTok is Rewriting the World*, N.Y. Times (Mar. 10, 2019),
28 <https://www.nytimes.com/2019/03/10/style/what-is-tik-tok.html> [[https://perma.cc/82VQ-](https://perma.cc/82VQ-8VPF)
8VPF].

²²⁵ Jessica Bursztynsky, *TikTok says 1 billion people use the app each month*, CNBC (Sept. 27,
2021), <https://www.cnbc.com/2021/09/27/tiktok-reaches-1-billion-monthly-users.html>
[<https://perma.cc/S6WT-2ET7>].

1 States.²²⁶

2 186. TikTok, since its inception as Musical.ly, has been designed and developed with
3 youth in mind.

4 187. Alex Zhu and Louis Yang, the other co-founder of Musical.ly, raised \$250,000 to
5 build an app that experts could use to create short three- to five-minute videos explaining a
6 subject.²²⁷ The day they released the app, Zhu said they knew “[i]t was doomed to be a failure,”
7 because “[i]t wasn’t entertaining, and it didn’t attract teens.”²²⁸

8 188. According to Zhu, he stumbled upon the idea that would become known as
9 TikTok while observing teens on a train, half of whom were listening to music while the other
10 half took selfies or videos and shared the results with friends.²²⁹ “That’s when Zhu realized he
11 could combine music, videos, and a social network to attract the early-teen demographic.”²³⁰

12 189. Zhu and Yang thereafter developed the short-form video app that is now known
13 as TikTok, which commentators have observed “encourages a youthful audience in subtle and
14 obvious ways.”²³¹

15 190. Among the more subtle ways the app was marketed to youth, are its design and
16 content. For example, the Federal Trade Commission (“FTC”) alleged that the app initially
17 centered around a child-oriented activity (i.e., lip syncing); featured music by celebrities that
18 then appealed primarily to teens and tweens, such as Selena Gomez and Ariana Grande; labelled
19 folders with names meant to appeal to youth, such as “Disney” and “school”; included songs in
20 such folders related to Disney television shows and movies, such as “Can You Feel the Love
21 Tonight” from the movie “The Lion King” and “You’ve Got a Friend in Me” from the movie

22 ²²⁶ Bhanvi Staija, *TikTok’s ad revenue to surpass Twitter and Snapchat combined in 2022*,
23 Reuters (Apr. 11, 2022), [https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-](https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-snapchat-combined-2022-report-2022-04-11/)
[twitter-snapchat-combined-2022-report-2022-04-11/](https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-snapchat-combined-2022-report-2022-04-11/) [<https://perma.cc/L8U2-Q9ZZ>].

24 ²²⁷ Biz Carson, *How a failed education startup turned into Musical.ly, the most popular app*
25 *you’ve probably never heard of*, Bus. Insider (May 28, 2016),
<https://www.businessinsider.com/what-is-musically-2016-5> [<https://perma.cc/78KJ-WBRS>].

26 ²²⁸ *Id.*

27 ²²⁹ *Id.*

28 ²³⁰ *Id.*

²³¹ John Herrman, *Who’s Too Young for an App? Musical.ly Tests the Limits*, N.Y. Times (Sept.
16, 2016), [https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-](https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-by-children-tests-the-limits-of-online-regulation.html)
[by-children-tests-the-limits-of-online-regulation.html](https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-by-children-tests-the-limits-of-online-regulation.html) [<https://perma.cc/9HTF-BHT7>].

1 “Toy Story” and songs covering school-related subjects or school-themed television shows and
2 movies.²³²

3 191. The target demographic was also reflected in the sign-up process. In 2016, the
4 birthdate for those signing up for the app defaulted to the year 2000 (i.e., 16 years old).²³³

5 192. TikTok also cultivated a younger demographic in unmistakable, albeit concealed,
6 ways. In 2020, the *Intercept* reported on a document TikTok prepared for its moderators. In the
7 document, TikTok instructs its moderators that videos of “senior people with too many wrinkles”
8 are disqualified for the “For You” feed because that would make “the video . . . much less
9 attractive [and] not worth[] . . . recommend[ing].”²³⁴

10 193. In December 2016, Zhu confirmed the company had actual knowledge that “a lot
11 of the top users are under 13.”²³⁵

12 194. The FTC alleged that despite the company’s knowledge of these and a
13 “significant percentage” of other users who were under 13, the company failed to comply with
14 the COPPA.²³⁶

15 195. TikTok settled those claims in 2019 by agreeing to pay what was then the largest
16 ever civil penalty under COPPA and to several forms of injunctive relief.²³⁷

17 196. In an attempt to come into compliance with the consent decree and COPPA,
18 TikTok made available to users under 13 what it describes as a “limited, separate app

19 ²³² Complaint for Civil Penalties, Permanent Injunction, and Other Equitable Relief (“**Musical.ly**
20 **Complaint**”) at p. 8, ¶¶ 26–27, *United States v. Musical.ly*, 2:19-cv-01439-ODW-RAO (C.D.
Cal. Feb. 27, 2019), ECF No. 1.

21 ²³³ Melia Robinson, *How to use Musical.ly, the app with 150 million users that teens are obsessed*
22 *with*, Bus. Insider (Dec. 7, 2016), [https://www.businessinsider.com/how-to-use-musically-app-](https://www.businessinsider.com/how-to-use-musically-app-2016-12)
<https://perma.cc/2Q9R-F8TN>].

23 ²³⁴ Sam Biddle et al., *Invisible Censorship: TikTok Told Moderators to Suppress Posts by*
24 *“Ugly” People and the Poor to Attract New Users*, *Intercept* (Mar. 15, 2020),
<https://theintercept.com/2020/03/16/tiktok-app-moderators-users-discrimination/>
25 [<https://perma.cc/6YKN-G54N>].

26 ²³⁵ Jon Russell, *Musical.ly defends its handling of young users, as it races past 40M MAUs at*
27 *8:58–11:12*, TechCrunch (Dec. 6, 2016), [https://techcrunch.com/2016/12/06/musically-](https://techcrunch.com/2016/12/06/musically-techcrunch-disrupt-london/)
[techcrunch-disrupt-london/](https://perma.cc/CCX9-WQDF) [<https://perma.cc/CCX9-WQDF>].

28 ²³⁶ See generally *Musical.ly* Complaint, supra note 227.

²³⁷ Lesley Fair, *Largest FTC COPPA settlement requires Musical.ly to change its tune*, FTC
(Feb. 27, 2019), [https://www.ftc.gov/business-guidance/blog/2019/02/largest-ftc-coppa-](https://www.ftc.gov/business-guidance/blog/2019/02/largest-ftc-coppa-settlement-requires-musically-change-its-tune)
[settlement-requires-musically-change-its-tune](https://perma.cc/S747-9RDD) [<https://perma.cc/S747-9RDD>].

1 experience.”²³⁸ The child version of TikTok restricts users from posting videos through the app.
2 Children can still, however, record and watch videos on TikTok.²³⁹ For that reason, experts fear
3 the app is “designed to fuel [kids’] interest in the grown-up version.”²⁴⁰

4 197. These subtle and obvious ways TikTok markets to and obtained a young userbase
5 are manifestations of Zhu’s views about the importance of user engagement to growing TikTok.
6 Zhu explained the target demographic to the *New York Times*: “[T]eenage culture doesn’t exist”
7 in China because “teens are super busy in school studying for tests, so they don’t have the time
8 and luxury to play social media apps.”²⁴¹ By contrast, Zhu describes “[t]eenagers in the U.S. [as]
9 a golden audience.”²⁴²

10 198. TikTok’s efforts to attract young users have been successful. *See supra*
11 Section IV.A. Over 66% of children ages 13–17 report having used the TikTok app.

12 **c. TikTok Intentionally Maximizes the Time Users Spend on its Platform**

13 199. TikTok employs design elements and complex algorithms to simulate variable
14 reward patterns in a flow-inducing stream of short-form videos intended to captivate its user’s
15 attention well after they are satiated.

16 200. Like the other Defendants’ social media platforms, TikTok developed features
17 that exploit psychological phenomenon such as IVR and reciprocity to maximize the time users
18 spend on its platform.

19 201. TikTok drives habitual use of its platform using design elements that operate on
20 principles of IVR. For example, TikTok designed its platform to allow users to like and reshare
21 videos. Those features serve as rewards for users who create content on the platform. Receiving
22 a like or reshare indicates that others approve of that user’s content and satisfies their natural

23 ²³⁸ Dami Lee, *TikTok stops young users from uploading videos after FTC settlement*, Verge (Feb.
24 27, 2019), [https://www.theverge.com/2019/2/27/18243510/tiktok-age-young-user-videos-ftc-](https://www.theverge.com/2019/2/27/18243510/tiktok-age-young-user-videos-ftc-settlement-13-childrens-privacy-law)
25 [settlement-13-childrens-privacy-law](https://www.theverge.com/2019/2/27/18243510/tiktok-age-young-user-videos-ftc-settlement-13-childrens-privacy-law) [<https://perma.cc/W2BQ-T5Y7>].

26 ²³⁹ *Id.*

27 ²⁴⁰ Leonard Sax, *Is TikTok Dangerous for Teens?*, Inst. Fam. Stud. (Mar. 29, 2022),
28 <https://ifstudies.org/blog/is-tiktok-dangerous-for-teens-> [<https://perma.cc/RGX9-3JWC>].

²⁴¹ Paul Mozur, *Chinese Tech Firms Forced to Choose Market: Home or Everywhere Else*, N.Y.
Times (Aug. 9, 2016), [https://www.nytimes.com/2016/08/10/technology/china-homegrown-](https://www.nytimes.com/2016/08/10/technology/china-homegrown-internet-companies-rest-of-the-world.html)
[internet-companies-rest-of-the-world.html](https://www.nytimes.com/2016/08/10/technology/china-homegrown-internet-companies-rest-of-the-world.html) [<https://perma.cc/2Q2L-DYWZ>].

²⁴² *Id.*

desire for acceptance.²⁴³ Studies have shown that “likes” activate the reward region of the brain.²⁴⁴ The release of dopamine in response to likes creates a positive feedback loop.²⁴⁵ Users will use TikTok—again and again—in hope of another pleasurable experience.²⁴⁶

202. TikTok also uses reciprocity to manipulate users to use the platform. TikTok invokes reciprocity through features like “Duet.” The Duet feature allows users to post a video side-by-side with a video from another TikTok user. Users use Duet as a way to react to the videos of TikTok content creators. The response is intended to engender a reciprocal response from the creator of the original video.

203. TikTok, like Snapchat, offers video filters, lenses, and music, which are intended to keep users on its platform. Also, like Snapchat, TikTok has gamified its platform through “challenges.” These challenges are essentially campaigns in which users compete to perform a specific task. By fostering competition, TikTok incentivizes users to use its platform.

204. TikTok’s defining features, its “For You” feed, is a curated, never-ending stream of short-form videos intended to keep users on its platform. In that way, TikTok feeds users beyond the point they are satiated. The ability to scroll ad infinitum, coupled with the variable reward pattern of TikTok induces a flow-like state for users that distorts their sense of time.²⁴⁷ That flow is yet another way TikTok increases the time users spend on its platform.

d. TikTok’s Algorithms are Manipulative

205. The first thing a user sees when they open TikTok is the “For You” feed, even if

²⁴³ See, e.g., Lauren E. Sherman et al., *The Power of the Like in Adolescence: Effects of Peer Influence on Neural and Behavioral Responses to Social Media*, 27(7) Psych. Sci. 1027–35 (July 2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5387999/> [<https://perma.cc/9T58-KJBG>].

²⁴⁴ *Id.*

²⁴⁵ Rasan Burhan & Jalal Moradzadeh, *Neurotransmitter Dopamine (DA) and its Role in the Development of Social Media Addiction*, 11(7) J. Neurology & Neurophysiology 507 (2020), <https://www.iomcworld.org/open-access/neurotransmitter-dopamine-da-and-its-role-in-the-development-of-social-media-addiction.pdf> [<https://perma.cc/3QWP-9N5A>].

²⁴⁶ *Id.*

²⁴⁷ Christian Montag et al., *Addictive Features of Social Media/Messenger Platforms and Freemium Games against the Background of Psychological and Economic Theories*, 16(14) Int’l J. Env’t Rsch. & Pub. Health 2612 (July 23, 2019), <https://doi.org/10.3390/ijerph16142612> [<https://perma.cc/JUG3-P7VH>].

1 they have never posted anything, followed anyone, or liked a video.²⁴⁸

2 206. The “For You” page presents users with a “stream of videos” TikTok claims are
3 “curated to [each user’s] interests.”²⁴⁹

4 207. According to TikTok, it populates each user’s “For You” feed by “ranking videos
5 based on a combination of factors,” that include, among others, any interests expressed when a
6 user registers a new account, videos a user likes, accounts they follow, hashtags, captions,
7 sounds in a video they watch, and certain device settings, such as their language preferences and
8 where they are located.²⁵⁰

9 208. Critically, some factors weigh heavier than others. To illustrate, TikTok explains
10 that an indicator of interest, such as “whether a user finishes watching a longer video from
11 beginning to end, would receive greater weight than a weak indicator, such as whether the
12 video’s viewer and creator are both in the same country.”²⁵¹

13 209. TikTok claims it ranks videos in this way because the length of time a user spends
14 watching a video is a “strong indicator of interest[.]”²⁵²

15 210. But Zhu offered a different explanation, he repeatedly told interviewers that he
16 was “focused primarily on increasing the engagement of existing users.”²⁵³ “Even if you have
17 tens of millions of users,” Zhu explained, “you have to keep them *always* engaged.”²⁵⁴

18 211. The decisions TikTok made in programming its algorithms are intended to do just

19 ²⁴⁸ Brian Feldman, *TikTok is Not the Internet’s Eden*, N.Y. Mag. (Mar. 16, 2020),
20 [https://nymag.com/intelligencer/2020/03/tiktok-didnt-want-you-to-see-ugly-or-poor-people-on-](https://nymag.com/intelligencer/2020/03/tiktok-didnt-want-you-to-see-ugly-or-poor-people-on-its-app.html)
21 [its-app.html](https://nymag.com/intelligencer/2020/03/tiktok-didnt-want-you-to-see-ugly-or-poor-people-on-its-app.html) [<https://perma.cc/A5TR-U794>].

22 ²⁴⁹ *How TikTok recommends videos #ForYou*, TikTok (June 18, 2020),
23 <https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>
24 [<https://perma.cc/4DBQ-MCQY>].

25 ²⁵⁰ *Id.*

26 ²⁵¹ *Id.*

27 ²⁵² *Id.*

28 ²⁵³ Joseph Steinberg, *Meet Musical.ly, the Video Social Network Quickly Capturing the Tween and Teen Markets*, Inc. (June 2, 2016), <https://www.inc.com/joseph-steinberg/meet-musically-the-video-social-network-quickly-capturing-the-tween-and-teen-m.html> [<https://perma.cc/2VJM-NSSX>].

²⁵⁴ Biz Carson, *How a failed education startup turned into Musical.ly, the most popular app you’ve probably never heard of*, Bus. Insider (May 28, 2016), <https://www.businessinsider.com/what-is-musically-2016-5> [<https://perma.cc/78KJ-WBRS>] (emphasis added).

1 that, as TikTok candidly explained in an internal document titled, “TikTok Algo 101.” The
2 document, which TikTok has confirmed is authentic, “explains frankly that in the pursuit of the
3 company’s ‘ultimate goal’ of adding daily active users, it has chosen to optimize for two closely
4 related metrics in the stream of videos it serves: ‘retention’ — that is, whether a user comes back
5 — and ‘time spent.’”²⁵⁵

6 212. “This system means that watch time is key.”²⁵⁶ Guillaume Chaslot, the founder of
7 Algo Transparency, who reviewed the document at the request of the *New York Times*, explained
8 that “rather than giving [people] what they really want,” TikTok’s “algorithm tries to get people
9 addicted[.]”²⁵⁷

10 213. Put another way, the algorithm, coupled with the design elements, condition users
11 through reward-based learning processes to facilitate the formation of habit loops that encourage
12 excessive use.

13 214. The end result is that TikTok uses “a machine-learning system that analyzes each
14 video and tracks user behavior so that it can serve up a continually refined, never-ending stream
15 of TikToks optimized to hold [user’s] attention.”²⁵⁸

16 **e. TikTok’s Conduct in Designing and Operating its Platform Has Harmed**
17 **Youth Mental Health**

18 215. TikTok’s decision to program its algorithm to prioritize user engagement causes
19 harmful and exploitive content to be amplified to the young market it has cultivated.

20 216. The Integrity Institute, a nonprofit consisting of engineers, product managers, data
21 scientists, and others, has demonstrated how prioritizing user engagement amplifies
22
23
24

25 ²⁵⁵ Ben Smith, *How TikTok Reads Your Mind*, N.Y. Times (Dec. 5, 2021),
<https://www.nytimes.com/2021/12/05/business/media/tiktok-algorithm.html>
26 [<https://perma.cc/KTT2-UWTH>].

27 ²⁵⁶ *Id.*

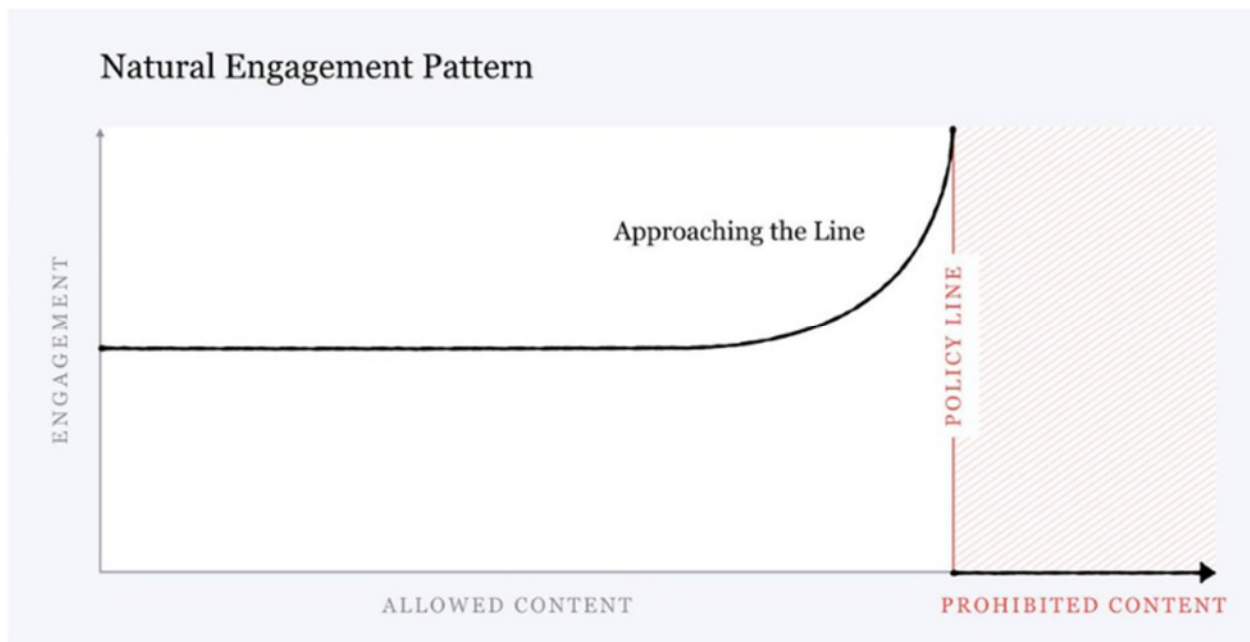
²⁵⁷ *Id.*

28 ²⁵⁸ Jia Tolentino, *How TikTok Holds Our Attention*, New Yorker (Sept. 30, 2019),
<https://www.newyorker.com/magazine/2019/09/30/how-tiktok-holds-our-attention>
[<https://perma.cc/YX85-ZFV6>].

misinformation on TikTok (and other platforms).²⁵⁹ That pattern, the Integrity Institute notes, is “true for a broad range of harms,” such as hate speech and self-harm content, in addition to misinformation.²⁶⁰

217. The Integrity Institute’s analysis builds on a premise Mark Zuckerberg described as the “Natural Engagement Pattern.”²⁶¹

218. This chart shows that as content gets closer and closer to becoming harmful, on average, it gets more engagement.



219. According to Zuckerberg “no matter where we draw the lines for what is allowed, as a piece of content gets close to that line, people will engage with it more on average[.]”²⁶²

220. This has important implications for platform design, as the Integrity Institute

²⁵⁹ *Misinformation Amplification Analysis and Tracking Dashboard*, Integrity Inst. (Oct. 13, 2022), <https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-dashboard> [<https://perma.cc/59QV-BYVK>]; see also Steven Lee Myers, *How Social Media Amplifies Misinformation More Than Information*, N.Y. Times (Oct. 13, 2022), <https://www.nytimes.com/2022/10/13/technology/misinformation-integrity-institute-report.html> [<https://perma.cc/EA9U-UBZF>].

²⁶⁰ *Misinformation Amplification Analysis and Tracking Dashboard*, Integrity Inst. (Oct. 13, 2022), <https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-dashboard> [<https://perma.cc/59QV-BYVK>].

²⁶¹ Mark Zuckerberg, *A Blueprint for Content Governance and Enforcement*, Facebook (Nov. 15, 2018), https://www.facebook.com/notes/mark-zuckerberg/a-blueprint-for-content-governance-and-enforcement/10156443129621634/?hc_location=ufi [<https://perma.cc/ZK5C-ZTSX>].

²⁶² *Id.*

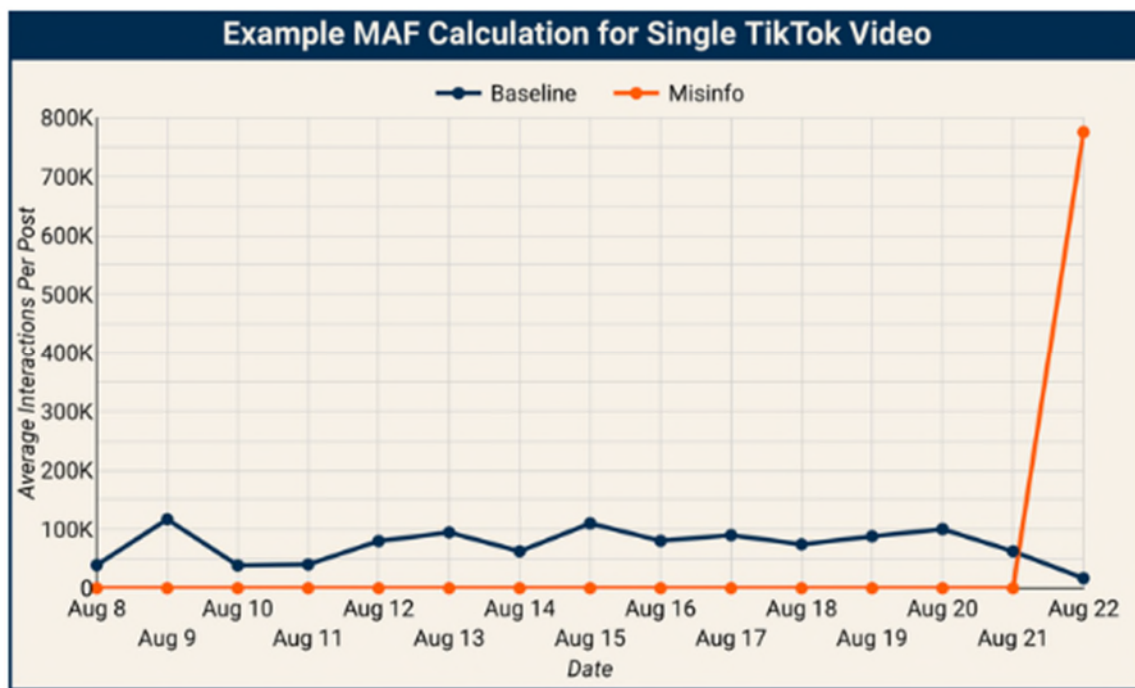
explains:

when platforms use machine learning models to predict user engagement on content, we should expect the predicted engagement to follow the actual engagement. When those predictions are used to rank and recommend content, specifically when a higher predicted engagement score means the content is more likely to be recommended or placed at the top of feeds, then we expect that misinformation will be preferentially distributed and amplified on the platform.²⁶³

221. Put differently, if you use past engagement to predict future engagement, as TikTok does, you are most likely to populate users “For You” feed with harmful content.

222. The Integrity Institute tested its theory by analyzing a category of harmful content: misinformation. Specifically, the Integrity Institute compared the amount of engagement (e.g., number of views) a post containing misinformation received as compared to prior posts from the same content creator.²⁶⁴

223. For example, a TikTok user’s historical posts received on average 75,000 views. When that same user posted a false statement (as determined by the International Fact Checking Network), the post received 775,000 views. In this case, TikTok amplified the misinformation



²⁶³ *Misinformation Amplification Analysis and Tracking Dashboard*, Integrity Inst. (Oct. 13, 2022), <https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-dashboard> [<https://perma.cc/59QV-BYVK>].

²⁶⁴ *Id.*

1 times more than this user’s typical content.²⁶⁵

2 224. After analyzing many other posts from other users, the Integrity Institute found
3 that TikTok on average amplified misinformation 29 times more than other content.²⁶⁶

4 225. A separate investigation by *NewsGuard* found TikTok’s search algorithm
5 similarly amplified misinformation. TikTok’s search engine, like its “For You” feed, is a favorite
6 among youth, with 40% preferring it (and Instagram) over Google.²⁶⁷ Unfortunately, *NewsGuard*
7 found that one in five of the top 20 TikTok search results on prominent news topics, such as
8 school shootings and COVID vaccines, contain misinformation.²⁶⁸

9 226. Misinformation is just one type of harmful content TikTok amplifies to its young
10 users. Investigations by the *Wall Street Journal* found TikTok inundated young users with videos
11 about depression, self-harm, drugs, and extreme diets, to name a few.

12 227. In one investigation, the *Wall Street Journal* found TikTok’s algorithm quickly
13 pushed users down rabbit holes where they were more likely to encounter harmful content. The
14 *Wall Street Journal* investigated how TikTok’s algorithm chose what content to promote to users
15 by having 100 bots scroll through the “For You” feed.²⁶⁹ Each bot was programmed with
16 interests, such as extreme sports, forestry, dance, astrology, and animals.²⁷⁰ Those interests were
17 not disclosed in the process of registering their accounts.²⁷¹ Rather, the bots revealed their
18 interests through their behaviors, specifically the time they spent watching the videos TikTok
19 recommended to them. Consistent with TikTok’s internal “Algo 101” document, the *Wall Street*
20 *Journal* found that time spent watching videos to be “the most impactful data on [what] TikTok

21 ²⁶⁵ *Id.*

22 ²⁶⁶ *Id.*

23 ²⁶⁷ Wanda Pogue, *Move Over Google. TikTok is the Go-To Search Engine for Gen Z*, Adweek
24 (Aug. 4, 2022), <https://www.adweek.com/social-marketing/move-over-google-tiktok-is-the-go-to-search-engine-for-gen-z/> [<https://perma.cc/327V-7T46>].

25 ²⁶⁸ *Misinformation Monitor*, NewsGuard (Sept. 2022),
26 <https://www.newsguardtech.com/misinformation-monitor/september-2022/>
[<https://perma.cc/XH7X-RYZY>].

27 ²⁶⁹ *Inside TikTok’s Algorithm: A WSJ Video Investigation*, Wall St. J. (July 21, 2021),
28 <https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477>
[<https://perma.cc/L3F2-DA4M>].

²⁷⁰ *Id.*

²⁷¹ *Id.*

1 serves you.”²⁷²

2 228. Over the course of 26 minutes, one bot watched 224 videos, lingering over videos
3 with hashtags for “depression” or “sad.”²⁷³ From then on, 93% of the videos TikTok showed this
4 account were about depression or sadness.²⁷⁴

5 229. That is not an outlier. Guillaume Chaslot, a former engineer for Google who
6 worked on the algorithm for YouTube and the founder of Algo Transparency, explained that 90–
7 95% of the content users see on TikTok is based on its algorithm.²⁷⁵

8 230. “Even bots with general mainstream interests got pushed to the margin as
9 recommendations got more personalized and narrow.”²⁷⁶ Deep in these rabbit holes, the *Wall*
10 *Street Journal* found “users are more likely to encounter potential harmful content.”²⁷⁷ For
11 example, one video the *Wall Street Journal* encountered encouraged suicide, reading “Just go.
12 Leave. Stop trying. Stop pretending. You know it and so do they. Do Everyone a favor and
13 leave.”²⁷⁸

14 231. Chaslot explained why TikTok feeds users this content:

15 [T]he algorithm is able to find the piece of content that you’re vulnerable to. That
16 will make you click, that will make you watch, but it doesn’t mean you really like
17 it. And that it’s the content that you enjoy the most. It’s just the content that’s
most likely to make you stay on the platform.²⁷⁹

18 232. A follow-up investigation by the *Wall Street Journal* using bots found “that
19 through its powerful algorithms, TikTok can quickly drive minors—among the biggest users of
20 the app—into endless spools of content about sex and drugs.”²⁸⁰

22 ²⁷² *Id.*

23 ²⁷³ *Id.*

24 ²⁷⁴ *Id.*

25 ²⁷⁵ *Id.*

26 ²⁷⁶ *Id.*

27 ²⁷⁷ *Id.*

28 ²⁷⁸ *Id.*

²⁷⁹ *Id.*

²⁸⁰ Rob Barry *et al.*, *How TikTok Serves up Sex and Drug Videos to Minors*, Wall St. J. (Sept. 8, 2021), https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944?st=e92pu5734lvc7ta&reflink=desktopwebshare_permalink [<https://perma.cc/UVX9-8MCG>].

233. The bots in this investigation were registered as users aged 13 to 15 and, as before, programmed to demonstrate interest by how long they watched the videos TikTok’s algorithms served them.²⁸¹ Videos that did not match their interests, the bots scrolled through without pausing.²⁸² The bots lingered on videos that matched any of their programmed interests.²⁸³

234. Every second the bot hesitated or re-watched a video again proved key to what TikTok recommended to the accounts, which the *Wall Street Journal* found was used to “drive users of any age deep into rabbit holes of content[.]”²⁸⁴

235. For example, one bot was programmed to pause on videos referencing drugs, among other topics. The first day on the platform, the “account lingered on a video of a young woman walking through the woods with a caption” referencing “stoner girls.”²⁸⁵ The following day the bot viewed a video of a “marijuana-themed cake.”²⁸⁶ The “majority of the next thousand videos” TikTok directed at the teenage account “tout[ed] drugs and drug use, including marijuana, psychedelics and prescription medication.”²⁸⁷

236. TikTok similarly zeroed in on and narrowed the videos it showed accounts whether the bot was programmed to express interest in drugs, sexual imagery, or a multitude of interests. In the first couple of days, TikTok showed the bots a “high proportion of popular videos.”²⁸⁸ “But after three days, TikTok began serving a high number of obscure videos.”²⁸⁹

237. For example, a bot registered as a 13-year-old was shown a series of popular videos upon signing up.²⁹⁰ The bot, which was programmed to demonstrate interest in sexual text and imagery, also watched sexualized videos. Later, “[i]t experienced one of the most extreme rabbit holes among the *Wall Street Journal*’s accounts. Many videos described how to tie knots

²⁸¹ *Id.*

²⁸² *Id.*

²⁸³ *Id.*

²⁸⁴ *Id.*

²⁸⁵ *Id.*

²⁸⁶ *Id.*

²⁸⁷ *Id.*

²⁸⁸ *Id.*

²⁸⁹ *Id.*

²⁹⁰ *Id.*

for sex, recover from violent sex acts and discussed fantasies about rape.”²⁹¹ At one point, “more than 90% of [one] account’s video feed was about bondage and sex.”²⁹²

238. At least 2,800 of the sexualized videos that were shown to the *Wall Street Journal*’s bots were labeled as being for adults only.²⁹³ Yet, TikTok directed these videos to the minor accounts because, as TikTok told the *Wall Street Journal*, it does not “differentiate between videos it serves to adults and minors.”²⁹⁴

239. TikTok also directed a concentrated stream of videos at accounts programmed to express interest in a variety of topics. One such account was programmed to linger over hundreds of Japanese film and television cartoons. “In one streak of 150 videos, all but four” of the videos TikTok directed at the account, “featured Japanese animation—many with sexual themes.”²⁹⁵

240. The relentless stream of content intended to keep users engaged “can be especially problematic for young people,” because they may lack the capability to stop watching, says David Anderson, a clinical psychologist at the nonprofit mental health care provider, The Child Mind Institute.²⁹⁶

241. In a similar investigation, the *Wall Street Journal* found TikTok “flood[ed] teen users with videos of rapid-weight-loss competitions and ways to purge food that health professionals say contribute to a wave of eating-disorder cases spreading across the country.”²⁹⁷

242. In this investigation, the *Wall Street Journal* analyzed the tens of thousands of videos TikTok recommended to a dozen bots registered as 13-year-olds. As before, the bots were given interests. Bots scrolled quickly through videos that did not match their interests and lingered on videos that did.²⁹⁸ The accounts registered as 13-year-olds were programmed at

²⁹¹ *Id.*

²⁹² *Id.*

²⁹³ *Id.*

²⁹⁴ *Id.*

²⁹⁵ *Id.*

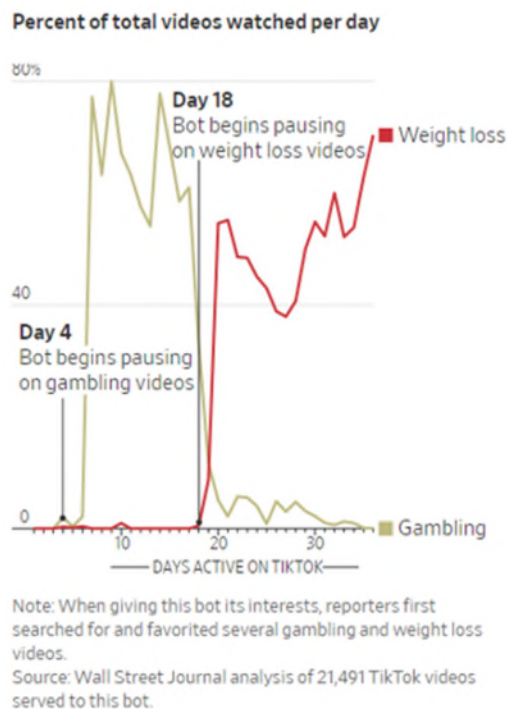
²⁹⁶ *Id.*

²⁹⁷ Tawnell D. Hobbs *et al.*, *The Corpse Bride Diet: How TikTok Inundates Teens with Eating-Disorder Videos*, Wall St. J. (Dec. 17, 2021), <https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848> [<https://perma.cc/TS8V-QQJX>] (some of the accounts performed searches or sent other, undisclosed signals indicating their preferences).

²⁹⁸ *Id.*

different times to display interests in weight loss, gambling, and alcohol.²⁹⁹

243. “TikTok’s algorithm quickly g[a]ve[] users the content they’ll watch, for as long as they’ll watch it.”³⁰⁰ For example, TikTok streamed gambling videos to a bot registered to a 13-year-old after it first searched for and favorited several such videos.³⁰¹ When the bot began demonstrating interest in weight loss videos, the algorithm adapted quickly, as this chart demonstrates.³⁰²



244. After the change in programming, weight-loss videos accounted for well over 40% of the content TikTok’s algorithm recommended to the user.³⁰³

245. The other accounts were also flooded with weight-loss videos. Over the course of about 45 days, TikTok inundated the accounts with more than 32,000 such videos, “many promoting fasting, offering tips for quickly burning belly fat and pushing weight-loss detox programs and participation in extreme weight-loss competitions.”³⁰⁴ Some encouraged purging, eating less than 300 calories a day, consuming nothing but water some days, and other hazardous

²⁹⁹ *Id.*

³⁰⁰ *Id.*

³⁰¹ *Id.*

³⁰² *Id.*

³⁰³ *Id.*

³⁰⁴ *Id.*

1 diets.³⁰⁵

2 246. According to Alyssa Moukheiber, a treatment center dietitian, TikTok’s powerful
3 algorithm and the harmful streams of content it directs at young users can tip them into unhealthy
4 behaviors or trigger a relapse.³⁰⁶

5 247. Unfortunately, it has for the several teenage girls interviewed by the *Wall Street*
6 *Journal*, who reported developing eating disorders or relapsing after being influenced by the
7 extreme diet videos TikTok promoted to them.³⁰⁷

8 248. They are not alone. Katie Bell, a co-founder of the Healthy Teen Project, “said the
9 majority of her 17 teenage residential patients told her TikTok played a role in their eating
10 disorders.”³⁰⁸

11 249. Others, like Stephanie Zerwas, an associate professor of psychiatry at the
12 University of North Carolina at Chapel Hill, could not recount how many of her young patients
13 told her that “I’ve started falling down this rabbit hole, or I got really into this or that influencer
14 on TikTok, and then it started to feel like eating-disorder behavior was normal, that everybody
15 was doing that.”³⁰⁹

16 250. This trend extends nationwide. The National Association of Anorexia Nervosa
17 and Associated Disorders has fielded 50% more calls to its hotline since the pandemic began,
18 most of whom it says are from young people or parents on their behalf.³¹⁰

19 251. Despite the ample evidence that TikTok’s design and operation of its platform
20 harms the tens of millions of youth who use it, TikTok continues to manipulate them into
21 returning to the platform again and again so that it may serve them ads in between the exploitive
22 content it amplifies.

23
24
25
26 ³⁰⁵ *Id.*

27 ³⁰⁶ *Id.*

28 ³⁰⁷ *Id.*

³⁰⁸ *Id.*

³⁰⁹ *Id.*

³¹⁰ *Id.*

1 **4. YouTube Intentionally Marketed to and Designed Its Social Media Platform**
2 **for Youth Users, Substantially Contributing to the Mental Health Crisis**

3 **a. The YouTube Platform**

4 252. YouTube is a platform where users can post, share, view, and comment on videos
5 related to a vast range of topics. The platform became available publicly in December 2005 and
6 was acquired by Google in 2006.

7 253. YouTube reports that today it has over 2 billion monthly logged-in users.³¹¹ Even
8 more people use YouTube each month because consumers do not have to register an account to
9 view a video on YouTube. As a result, anyone can view most content on YouTube—regardless
10 of age.

11 254. Users, whether logged in or not, watch *billions of hours of videos every day*.³¹²

12 255. Users with accounts can post their own videos, comment on others, and since
13 2010 express their approval of videos through “likes.”³¹³

14 256. Beginning in 2008 and through today, YouTube has recommended videos to
15 users.³¹⁴ Early on, the videos YouTube recommended to users were the most popular videos
16 across the platform.³¹⁵ YouTube admits “[n]ot a lot of people watched those videos[,]” at least
17 not based on its recommendation.³¹⁶

18 257. Since then, YouTube has designed and refined its recommendation system using
19 machine learning algorithms that today take into account a user’s “likes,” time spent watching a
20 video, and other behaviors to tailor its recommendations to each user.³¹⁷

21 258. YouTube automatically plays those recommendations for a user after they finish

22 ³¹¹ *YouTube for Press*, YouTube, <https://blog.youtube/press/> [<https://perma.cc/GC4P-PVBW>]
23 (last visited June 26, 2023).

24 ³¹² *Id.*

25 ³¹³ Josh Lowensohn, *YouTube’s big redesign goes live to everyone*, CNET (Mar. 31, 2010),
26 <https://www.cnet.com/culture/youtubes-big-redesign-goes-live-to-everyone/>
27 [<https://perma.cc/Y6S6-KGXX>].

28 ³¹⁴ Cristos Goodrow, *On YouTube’s recommendation system*, YouTube (Sept. 15, 2021),
<https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>
[<https://perma.cc/WM6C-D36J>].

³¹⁵ *Id.*

³¹⁶ *Id.*

³¹⁷ *Id.*

1 watching a video. This feature, known as “autoplay,” was implemented in 2015. YouTube turns
2 the feature on by default, which means videos automatically and continuously play for users
3 unless they turn it off.³¹⁸

4 259. YouTube purports to disable by default its autoplay feature for users aged 13–
5 17.³¹⁹ But, as mentioned above, YouTube does not require users to log in or even have an
6 account to watch videos. For them or anyone who does not self-report an age between 13 and 17,
7 YouTube defaults to automatically playing the videos its algorithm recommends to the user.

8 **b. YouTube Markets Its Platform to Youth**

9 260. The primary way YouTube makes money is through advertising. In 2021 alone,
10 YouTube made \$19 billion in ad revenue.³²⁰

11 261. “In 2012, YouTube concluded that the more people watched, the more ads it
12 could run[.]”³²¹ “So YouTube . . . set a company-wide objective to reach one billion hours of
13 viewing a day[.]”³²²

14 262. “[T]he best way to keep eyes on the site,” YouTube realized, was “recommending
15 videos, alongside a clip or after one was finished.”³²³ That is what led to the development of its
16 recommendation algorithm and autoplay feature described above. *See supra* Section IV.D.4.a.

17 263. YouTube has long known that youth use its platforms in greater proportion than
18 older demographics.

19 264. Yet, YouTube has not implemented even rudimentary protocols to verify the age
20

21 ³¹⁸ *Autoplay videos*, YouTube Help,
22 <https://support.google.com/youtube/answer/6327615?hl=en#:~:text=For%20users%20aged%2013%2D17,turned%20off%20Autoplay%20for%20you> [<https://perma.cc/RYN4-LA55>] (last
23 visited June 26, 2023).

24 ³¹⁹ *Id.*

25 ³²⁰ *Alphabet Inc., Annual Report, Form 10-k* at 60 (2021),
<https://www.sec.gov/ix?doc=/Archives/edgar/data/1652044/000165204422000019/goog-20211231.htm> [<https://perma.cc/9SJ8-FGW8>].

26 ³²¹ Mark Bergen, *YouTube Executive Ignores Warnings, Letting Toxic Videos Run Rampant*,
27 Bloomberg (Apr. 2, 2019), <https://www.bloomberg.com/news/features/2019-04-02/youtube-executives-ignored-warnings-letting-toxic-videos-run-rampant?leadSource=uverify%20wall>
28 [<https://perma.cc/98GG-VNSS>].

³²² *Id.*

³²³ *Id.*

1 of users. Anyone can watch a video on YouTube without registering an account or reporting their
2 age.

3 265. Instead, YouTube leveraged its popularity among youth to increase its revenue
4 from advertisements by marketing its platform to popular brands of children’s products. For
5 example, Google pitched Mattel, the maker of Barbie and other popular kids’ toys, by telling its
6 executives that “YouTube is today’s leader in reaching children age 6–11 against top TV
7 channels.”³²⁴ When presenting to Hasbro, the maker of Play-Doh, My Little Pony, and other
8 kids’ toys, Google touted that “YouTube was unanimously voted as the favorite website for kids
9 2-12,” and that “93% of tweens visit YouTube to watch videos.”³²⁵ In a different presentation to
10 Hasbro, YouTube was referred to as “[t]he new ‘Saturday Morning Cartoons,’” and claimed that
11 YouTube was the “#1 website regularly visited by kids” and “the #1 source where children
12 discover new toys + games.”³²⁶

13 266. In addition to turning a blind eye towards underage users of its platform,
14 YouTube developed and marketed a version of YouTube specifically for children under the age
15 of 13.

16 267. YouTube’s efforts to attract young users have been successful. *See supra*
17 Section IV.A. A vast majority, 95%, of children ages 13–17 have used YouTube.³²⁷

18 **c. YouTube Intentionally Maximizes the Time Users Spend on its Platform**

19 268. Google designed YouTube to maximize user engagement, predominantly through
20 the amount of time users spend watching videos. To that end, Google employs design elements
21 and complex algorithms to create a never-ending stream of videos intended to grip user’s
22 attention.

23 269. Like the other Defendants’ social media platforms, Google developed features
24 that exploit psychological phenomenon such as IVR to maximize the time users spend on
25 YouTube.

26 ³²⁴ Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief, Exhibit A,
27 *FTC v. Google LLC et al.*, No. 1-19-cv-02642-BAH (D.D.C. Sept. 4, 2019), ECF No. 1-1.

28 ³²⁵ *Id.* Exhibit B.

³²⁶ *Id.* Exhibit C.

³²⁷ *Id.*

270. YouTube uses design elements that operate on principles of IVR to drive both YouTube content creators and YouTube viewers into habitual, excessive use. Google designed YouTube to allow users to like, comment, and share videos and to subscribe to content creator's channels. These features serve as rewards for users who create and upload videos to YouTube. As described above, receiving a like indicates others' approval and activates the reward region of the brain.³²⁸ The use of likes, therefore, encourages users to use YouTube over and over, seeking future pleasurable experiences.

271. YouTube also uses IVR to encourage users to view others content. One of the ways Google employs IVR into YouTube's design is through subscriber push notifications and emails, which are designed to prompt users to watch YouTube content and encourages excessive use of the platform. When a user "subscribes" to another user's channel, they receive notifications every time that user uploads new content, prompting them to open YouTube and watch the video.³²⁹

272. One of YouTube's defining features is its panel of recommended videos. YouTube recommends videos to users on both the YouTube home page and on every individual video page in an "Up Next" panel.³³⁰ This list automatically populates next to the video a user is currently watching. This recommended video list is a never-ending feed of videos intended to keep users on the app watching videos without having to affirmatively click or search for other videos. This constant video stream, comprised of videos recommended by YouTube's algorithms, is the primary way Google increases the time users spend on YouTube.

d. YouTube's Algorithms are Manipulative

273. Google uses algorithms throughout YouTube to recommend videos to users.

³²⁸ See, e.g., Lauren E. Sherman et al., *The Power of the Like in Adolescence: Effects of Peer Influence on Neural and Behavioral Responses to Social Media*, 27(7) Psych. Sci. 1027–35 (July 2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5387999/> [<https://perma.cc/9T58-KJBG>].

³²⁹ *Manage YouTube Notifications*, YouTube, <https://support.google.com/youtube/answer/3382248?hl=en&co=GENIE.Platform%3DDesktop> [<https://perma.cc/6NT6-NQ9M>] (last visited June 26, 2023).

³³⁰ *Recommended Videos*, YouTube, <https://www.youtube.com/howyoutubeworks/product-features/recommendations/> [<https://perma.cc/WN7Y-F2ZH>] (last visited June 26, 2023).

1 These algorithms select videos that populate the YouTube homepage, rank results in user
2 searches, and suggest videos for viewers to watch next. These algorithms are manipulative by
3 design and increase the amount of time users spend on YouTube.

4 274. Google began building the YouTube recommendation system in 2008.³³¹ When
5 Google initially developed its recommendation algorithms, the end goal was to maximize the
6 amount of time users spend watching YouTube videos. A YouTube spokesperson admitted as
7 much, saying YouTube’s recommendation system was initially set up to “optimize” the amount
8 of time users watch videos.³³²

9 275. Former YouTube engineer Guillaume Chaslot has also stated that when he worked
10 for YouTube designing its recommendation algorithm, the priority was to keep viewers on the
11 site for as long as possible to maximize “watch time.”³³³ Chaslot further stated that “[i]ncreasing
12 users’ watch time is good for YouTube’s business model” because the more people watch
13 videos, the more ads they see, resulting in an increase of YouTube’s advertising revenue.³³⁴

14 276. Early on, one of the primary metrics behind YouTube’s recommendation
15 algorithm was clicks. As YouTube describes, “[c]licking on a video provides a strong indication
16 that you will also find it satisfying.”³³⁵ But as YouTube learned, clicking on a video does not
17 mean a user actually watched it. Thus, in 2012, YouTube also started tracking watch time—the
18 amount of time a user spends watching a video.³³⁶ YouTube made this switch to keep people

19 ³³¹ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021),
20 <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>
21 [<https://perma.cc/WM6C-D36J>].

22 ³³² Ben Popken, *As algorithms take over, YouTube’s recommendations highlight a human*
23 *problem*, NBC (Apr. 19, 2018), <https://www.nbcnews.com/tech/social-media/algorithms-take-over-youtube-s-recommendations-highlight-human-problem-n867596> [<https://perma.cc/2EV7-GUCT>].

24 ³³³ William Turton, *How YouTube’s algorithm prioritizes conspiracy theories*, Vice (Mar. 5,
25 2018), [https://www.vice.com/en/article/d3w9ja/how-youtubes-algorithm-prioritizes-](https://www.vice.com/en/article/d3w9ja/how-youtubes-algorithm-prioritizes-conspiracy-theories)
26 [conspiracy-theories](https://www.vice.com/en/article/d3w9ja/how-youtubes-algorithm-prioritizes-conspiracy-theories) [<https://perma.cc/8VC9-AYZY>].

27 ³³⁴ Jesselyn Cook & Sebastian Murdock, *YouTube is a Pedophile’s Paradise*, Huffington Post
28 (Mar. 20, 2020), [https://www.huffpost.com/entry/youtube-pedophile-](https://www.huffpost.com/entry/youtube-pedophile-paradise_n_5e5d79d1c5b6732f50e6b4db)
[paradise_n_5e5d79d1c5b6732f50e6b4db](https://www.huffpost.com/entry/youtube-pedophile-paradise_n_5e5d79d1c5b6732f50e6b4db) [<https://perma.cc/8GJ2-KXL4>].

³³⁵ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021),
<https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>
[<https://perma.cc/WM6C-D36J>].

³³⁶ *Id.*

1 watching for as long as possible.³³⁷ In YouTube’s own words, this switch was successful. “These
2 changes have so far proved very positive -- primarily less clicking, more watching. We saw the
3 amount of time viewers spend watching videos across the site increase immediately[.]”³³⁸ And in
4 2016, YouTube started measuring “valued watchtime” via user surveys to ensure that viewers are
5 satisfied with their time spent watching videos on YouTube.³³⁹ All of these changes to
6 YouTube’s algorithms were made to ensure that users spend more time watching videos and ads.

7 277. YouTube’s current recommendation algorithm is based on deep-learning neural
8 networks that retune its recommendations based on the data fed into it.³⁴⁰ While this algorithm is
9 incredibly complex, its process can be broken down into two general steps. First, the algorithm
10 compiles a shortlist of several hundred videos by finding videos that match the topic and other
11 features of the video a user is currently watching.³⁴¹ Then the algorithm ranks the list according
12 to the user’s preferences, which the algorithm learns by tracking a user’s clicks, likes, and other
13 interactions.³⁴² In short, the algorithms track and measure a user’s previous viewing habits and
14 then finds and recommends other videos the algorithm thinks will hold the consumer’s attention.

15 278. YouTube’s recommendation system “is constantly evolving, learning every day
16

17 ³³⁷ Dave Davies, *How YouTube became one of the planet’s most influential media businesses*,
18 NPR (Sept. 8, 2022), [https://www.npr.org/2022/09/08/1121703368/how-youtube-became-one-](https://www.npr.org/2022/09/08/1121703368/how-youtube-became-one-of-the-planets-most-influential-media-businesses)
19 [of-the-planets-most-influential-media-businesses](https://www.npr.org/2022/09/08/1121703368/how-youtube-became-one-of-the-planets-most-influential-media-businesses) [<https://perma.cc/JR2R-E7CF>].

20 ³³⁸ Eric Meyerson, *YouTube Now: Why We Focus on Watch Time*, YouTube (Aug. 10, 2012),
21 <https://blog.youtube/news-and-events/youtube-now-why-we-focus-on-watch-time/>
22 [<https://perma.cc/5D2X-QUZP>].

23 ³³⁹ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021),
24 <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>
25 [<https://perma.cc/WM6C-D36J>].

26 ³⁴⁰ Alexis C. Madrigal, *How YouTube’s Algorithm Really Works*, Atl. (Nov. 8, 2018),
27 [https://www.theatlantic.com/technology/archive/2018/11/how-youtubes-algorithm-really-](https://www.theatlantic.com/technology/archive/2018/11/how-youtubes-algorithm-really-works/575212/)
28 [works/575212/](https://www.theatlantic.com/technology/archive/2018/11/how-youtubes-algorithm-really-works/575212/) [<https://perma.cc/V6B7-64LA>]; Paul Covington *et al.*, *Deep Neural Networks*
for YouTube Recommendations, Google (2016), [https://storage.googleapis.com/pub-tools-](https://storage.googleapis.com/pub-tools-public-publication-data/pdf/45530.pdf)
[public-publication-data/pdf/45530.pdf](https://storage.googleapis.com/pub-tools-public-publication-data/pdf/45530.pdf) [<https://perma.cc/P3V7-BDNF>].

³⁴¹ Karen Hao, *YouTube is experimenting with ways to make its algorithm even more addictive*,
MIT Tech. Rev. (Sept. 27, 2019),
[https://www.technologyreview.com/2019/09/27/132829/youtube-algorithm-gets-more-](https://www.technologyreview.com/2019/09/27/132829/youtube-algorithm-gets-more-addictive/)
[addictive/](https://www.technologyreview.com/2019/09/27/132829/youtube-algorithm-gets-more-addictive/) [<https://perma.cc/CC7F-S7DN>]; Paul Covington *et al.*, *Deep Neural Networks*
for YouTube Recommendations, Google (2016), [https://storage.googleapis.com/pub-tools-public-](https://storage.googleapis.com/pub-tools-public-publication-data/pdf/45530.pdf)
[publication-data/pdf/45530.pdf](https://storage.googleapis.com/pub-tools-public-publication-data/pdf/45530.pdf) [<https://perma.cc/P3V7-BDNF>].

³⁴² *Id.*

1 from over 80 billion pieces of information.”³⁴³ Some of the information the recommendation
2 algorithm relies on to deliver recommended videos to users includes users’ watch and search
3 history, channel subscriptions, clicks, watch time, survey responses, shares, likes, dislikes, users’
4 location (country) and the time of day.³⁴⁴

5 279. The recommendation algorithm can determine what “signals” or factors are more
6 important to individual users.³⁴⁵ For example, if a user shares every video they watch, including
7 videos the user gives a low rating, the algorithm learns not to heavily factor the user’s shares
8 when recommending content.³⁴⁶ Thus, the recommendation algorithm “develops dynamically” to
9 individual user’s viewing habits and makes highly specific recommendations to keep individual
10 users watching videos.³⁴⁷

11 280. In addition to the algorithm’s self-learning, Google engineers consistently update
12 YouTube’s recommendation and ranking algorithms, making several updates every month,
13 according to YouTube Chief Product Officer Neal Mohan.³⁴⁸ The end goal is to increase the
14 amount of time users spend watching content on YouTube.

15 281. Because Google has designed and refined its algorithms to be manipulative, these
16 algorithms are incredibly successful at getting users to view content based on the algorithm’s
17 recommendation. Mohan stated in 2018 that YouTube’s AI-driven recommendations are
18 responsible for 70% of the time users spend on YouTube.³⁴⁹ In other words, 70% of all YouTube
19

20 ³⁴³ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021),
21 <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>
22 [<https://perma.cc/WM6C-D36J>].

23 ³⁴⁴ *Recommended Videos*, YouTube, [https://www.youtube.com/howyoutubeworks/product-](https://www.youtube.com/howyoutubeworks/product-features/recommendations/#signals-used-to-recommend-content)
24 [features/recommendations/#signals-used-to-recommend-content](https://www.youtube.com/howyoutubeworks/product-features/recommendations/#signals-used-to-recommend-content) [[https://perma.cc/WN7Y-](https://perma.cc/WN7Y-F2ZH)
25 [F2ZH](https://perma.cc/WN7Y-F2ZH)] (last visited June 26, 2023).

26 ³⁴⁵ *Id.*

27 ³⁴⁶ *Id.*

28 ³⁴⁷ *Id.*

29 ³⁴⁸ Nilay Patel, *YouTube Chief Product Officer Neal Mohan on The Algorithm, Monetization,*
30 *and the Future for Creators*, Verge (Aug. 3, 2021),
31 <https://www.theverge.com/22606296/youtube-shorts-fund-neal-mohan-decoder-interview>
32 [<https://perma.cc/2HWP-YSL4>].

33 ³⁴⁹ Joan E. Solsman, *YouTube’s AI is the puppet master over most of what you watch*, CNET
34 (Jan. 20, 2018), [https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-](https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/)
35 [mohan/](https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/) [<https://perma.cc/Q6GM-SSDG>].

content that users watch was recommended to users by YouTube’s algorithms as opposed to users purposely searching for and identifying the content they watch.

282. Mohan also stated that recommendations keep mobile device users watching YouTube for more than 60 minutes at a time on average.³⁵⁰

283. Given that people watch more than one billion hours of YouTube videos daily,³⁵¹ YouTube’s recommendation algorithms are responsible for hundreds of millions of hours that users spend watching videos on YouTube.

e. YouTube’s Conduct in Designing and Operating its Platform Has Harmed Youth Mental Health

284. By designing YouTube’s algorithms to prioritize and maximize the amount of time users spend watching videos, Google has harmed youth mental health. In particular, YouTube has harmed youth mental health by recommending exploitive content to youth through its algorithms.

285. YouTube’s algorithms push its young users down rabbit holes where they are likely to encounter content that is violent, sexual, or encourages self-harm, among other types of harmful content.

286. Research by the Tech Transparency Project (“TTP”) shows that YouTube Kids fed children content that involved drug culture, guns, and beauty and diet tips that could lead to harmful body image issues.³⁵² Among the videos TTP found were step-by-step instructions on how to conceal a gun, guides on how to bleach one’s face at home, and workout videos emphasizing the importance of burning calories and telling kids to “[w]iggle your jiggle.”³⁵³ This research shows that YouTube Kids not only lets inappropriate content slip through its

³⁵⁰ *Id.*

³⁵¹ Shira Ovide, *The YouTube Rabbit Hole is Nuanced*, N.Y. Times (Apr. 21, 2022), <https://www.nytimes.com/2022/04/21/technology/youtube-rabbit-hole.html> [<https://perma.cc/7NCH-GHBV>].

³⁵² Alex Hern, *YouTube Kids shows videos promoting drug culture and firearms to toddlers*, Guardian (May 5, 2022), <https://www.theguardian.com/technology/2022/may/05/youtube-kids-shows-videos-promoting-drug-culture-firearms-toddlers> [<https://perma.cc/UMK2-H43F>].

³⁵³ *Guns, Drugs, and Skin Bleaching: YouTube Kids Poses Risks to Children*, Tech Transparency Project (May 5, 2022), <https://www.techtransparencyproject.org/articles/guns-drugs-and-skin-bleaching-youtube-kids-still-poses-risks-children> [<https://perma.cc/EHB9-MBX8>].

algorithmic filters, but actively directed the content to kids through its recommendation engine.

287. Similar examples abound. Amanda Kloer, a campaign director with the child safety group ParentsTogether, spent an hour on her child’s YouTube Kids profile and found videos “encouraging kids how to make their shirts sexier, a video in which a little boy pranks a girl over her weight, and a video in which an animated dog pulls objects out of an unconscious animated hippo’s butt.”³⁵⁴ Another parent recounted that YouTube Kids’ autoplay function led her 6-year-old daughter to an animated video that encouraged suicide.³⁵⁵

288. Other youth are fed content by YouTube’s algorithms that encourages self-harm. As reported by PBS Newshour, a middle-schooler named Olivia compulsively watched YouTube videos every day after she came home from school.³⁵⁶ Over time she became depressed and started searching for videos on how to commit suicide. Similar videos then gave her the idea of overdosing. Weeks later she was in the hospital after “downing a bottle of Tylenol.”³⁵⁷ Ultimately, she was admitted into rehab for digital addiction because of her compulsive YouTube watching.³⁵⁸

289. According to the Pew Research Center, 46% of parents say their child has encountered inappropriate videos on YouTube.³⁵⁹ And children are not encountering these videos on their own volition. Rather, they are being fed harmful and inappropriate videos through YouTube’s algorithms. Again, YouTube’s AI-driven recommendations are responsible for 70%

³⁵⁴ Rebecca Heilweil, *YouTube’s kids app has a rabbit hole problem*, Vox (May 12, 2021), <https://www.vox.com/recode/22412232/youtube-kids-autoplay> [<https://perma.cc/C6BA-AU6E>].

³⁵⁵ *Id.*

³⁵⁶ Lesley McClurg, *After compulsively watching YouTube, teenage girl lands in rehab for ‘digital addiction’*, PBS (May 16, 2017), <https://www.pbs.org/newshour/health/compulsively-watching-youtube-teenage-girl-lands-rehab-digital-addiction> [<https://perma.cc/M594-VB5A>].

³⁵⁷ *Id.*

³⁵⁸ *Id.*

³⁵⁹ Brooke Auxier et al., *Parenting Children in The Age of Screens: 2. Parental views about YouTube*, Pew Rsch. Ctr. (July 28, 2020), <https://www.pewresearch.org/internet/2020/07/28/parental-views-about-youtube/> [<https://perma.cc/U7LH-D62Q>].

of the time users spend on YouTube.³⁶⁰

290. Other reports have also found that YouTube’s recommendation algorithm suggests a wide array of harmful content, including videos that feature misinformation, violence, and hate speech, along with other content that violates YouTube’s policies.³⁶¹ A 2021 crowdsourced investigation from the Mozilla Foundation involving 37,000 YouTube users revealed that 71% of all reported negative user experiences came from videos recommended by YouTube to users.³⁶² And users were 40% more likely to report a negative experience with a video recommended by YouTube’s algorithm than with a video they searched for.³⁶³

291. The inappropriate and disturbing content YouTube’s algorithms expose children to has adverse effects on mental health. Mental health experts have warned that YouTube is a growing source of anxiety and inappropriate sexual behavior among kids under the age of 13.³⁶⁴

292. Even though much of the content YouTube’s algorithms feed to youth is harmful, it can activate the reward circuitry in the brain such that it encourages youth to spend more time watching videos on YouTube. According to Donna Volpitta, founder of The Center for Resilient Leadership, watching “fear-inducing videos cause the brain to receive a small amount of dopamine,” which acts as a reward and creates a desire to do something over and over.³⁶⁵ This dopaminergic response is in addition to the reward stimulus YouTube provides users through IVR.

293. Mental health professionals across the country have seen an increase in children experiencing mental health issues because of YouTube. Natasha Daniels, a child psychotherapist

³⁶⁰ Joan E. Solsman, *YouTube’s AI is the puppet master over most of what you watch*, CNET (Jan. 20, 2018), <https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/> [<https://perma.cc/Q6GM-SSDG>].

³⁶¹ Brandy Zadrozny, *YouTube’s recommendations still push harmful videos, crowdsourced study finds*, NBC News (July 17, 2021), <https://www.nbcnews.com/tech/tech-news/youtubes-recommendations-still-push-harmful-videos-crowdsourced-study-rcna1355> [<https://perma.cc/HT4Q-QSN5>].

³⁶² *Id.*

³⁶³ *Id.*

³⁶⁴ Josephine Bila, *YouTube’s dark side could be affecting your child’s mental health*, CNBC (Feb. 13, 2018), <https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html> [<https://perma.cc/CRO9-6VJV>].

³⁶⁵ *Id.*

in Arizona, said she has seen a rise in cases of children suffering from anxiety because of videos they watched on YouTube.³⁶⁶ Because of their anxiety, these children “exhibit loss of appetite, sleeplessness, crying fits, and fear.”³⁶⁷

294. In addition to causing anxiety, watching YouTube is also associated with insufficient sleep.³⁶⁸ In one study on the effect of app use and sleep, YouTube was the only app consistently associated with negative sleep outcomes.³⁶⁹ For every 15 minutes teens spent watching YouTube, they had a 24% greater chance of getting fewer than seven hours of sleep.³⁷⁰ YouTube is particularly problematic on this front because the recommendation and autoplay feature make it “so easy to finish one video” and watch the next, said Dr. Alon Avidan, director of the UCLA Sleep Disorders Center.³⁷¹ In turn, insufficient sleep is associated with poor health outcomes.³⁷² Thus, YouTube exacerbates an array of youth mental health issues by contributing to sleep deprivation.

295. Despite the extensive evidence that YouTube’s design and algorithms harm millions of youth, Google continues to promote YouTube unchanged, manipulating youth into staying on the platform and watching more and more videos so that it can increase its ad revenue.

E. The Effect of Social Media Use on Schools

296. School districts are uniquely harmed by the current youth mental health crisis. This is because schools are one of the main providers for mental health services for school-aged

³⁶⁶ *Id.*

³⁶⁷ *Id.*

³⁶⁸ Meg Pillion *et al.*, *What’s ‘app’-ning to adolescent sleep? Links between device, app use, and sleep outcomes*, 100 *Sleep Med.* 174–82 (Dec. 2022), <https://www.sciencedirect.com/science/article/abs/pii/S1389945722010991?via%3Dihub> [<https://doi.org/10.1016/j.sleep.2022.08.004>].

³⁶⁹ *Id.*

³⁷⁰ *Id.*

³⁷¹ Cara Murez, *One App is Especially Bad for Teens’ Sleep*, U.S. News (Sept. 13, 2022), <https://www.usnews.com/news/health-news/articles/2022-09-13/one-app-is-especially-bad-for-teens-sleep> [<https://perma.cc/L8HD-ZTZ2>].

³⁷² Jessica C. Levenson *et al.*, *The Association Between Social Media Use and Sleep Disturbance Among Young Adults*, 85 *Preventive Med.* 36–41 (Apr. 2016), <https://www.sciencedirect.com/science/article/abs/pii/S0091743516000025> [<https://doi.org/10.1016/j.ypmed.2016.01.001>].

1 children.³⁷³ Indeed, over 3.1 million children ages 12–17 received mental health services through
2 an education setting in 2020, more than any other non-specialty mental health service setting.³⁷⁴

3 297. Most schools offer mental health services to students. In the 2021–22 school year,
4 96% of public schools reported offering at least one type of mental health service to their
5 students.³⁷⁵ But 88% of public schools did not strongly agree that they could effectively provide
6 mental health services to all students in need.³⁷⁶ The most common barriers to providing
7 effective mental health services in public schools are (1) insufficient number of mental health
8 professionals; (2) inadequate access to licensed mental health professionals; and (3) inadequate
9 funding.³⁷⁷ Student opinions also reflect that schools are unable to provide adequate mental
10 health services. Less than a quarter of students in grades 6–12 report accessing counseling or
11 psychological services when they are upset, stressed, or having a problem.³⁷⁸ And of the students
12 who access mental health services, only 41% of middle schoolers and 36% of high schoolers are
13 satisfied with the services they receive.³⁷⁹

14 298. In part, schools are struggling to provide adequate mental health services because
15 of the increase in students seeking these services. More than two-thirds of public schools
16 reported an increase in the percent of students seeking mental health services from school since
17 the start of the pandemic.³⁸⁰

18 299. During this same period, adolescents increased their social media use, also raising
19

20 ³⁷³ *National Survey on Drug Use and Health*, SAMHSA (2019 & 1st & 4th Qs. 2020),
21 <https://www.samhsa.gov/data/report/2020-nsduh-detailed-tables> [<https://perma.cc/NA32-JYQX>].

22 ³⁷⁴ *Id.*

23 ³⁷⁵ *Roughly Half of Public Schools Report That They Can Effectively Provide Mental Health*
24 *Services to All Students In Need*, Nat'l Ctr. Educ. Stat. (May 31, 2022),
https://nces.ed.gov/whatsnew/press_releases/05_31_2022_2.asp [<https://perma.cc/P4K9-4HF7>].

25 ³⁷⁶ *Id.*

26 ³⁷⁷ *Id.*

27 ³⁷⁸ *Insights From the Student Experience, Part I: Emotional and Mental Health* at 2, YouthTruth
28 (2022), https://youthtruthsurvey.org/wp-content/uploads/2022/10/YouthTruth_EMH_102622.pdf [<https://perma.cc/UHV7-RNQ6>].

³⁷⁹ *Id.*

³⁸⁰ *Roughly Half of Public Schools Report That They Can Effectively Provide Mental Health*
Services to All Students In Need, Nat'l Ctr. Educ. Stat. (May 31, 2022),
https://nces.ed.gov/whatsnew/press_releases/05_31_2022_2.asp [<https://perma.cc/P4K9-4HF7>].

1 levels of excessive and problematic use of digital media.³⁸¹ And these higher rates of social
2 media use are related to higher “ill-being.”³⁸² Thus, the increase in adolescent social media use
3 during the pandemic has caused an increase in adolescents experiencing mental health problems.

4 300. That relationship is reflected in reports from public schools. Over 75% of public
5 schools reported an increase in staff expressing concerns about student depression, anxiety, and
6 other disturbances since the start of the pandemic.³⁸³ Students receiving mental health services in
7 educational settings predominately do so because they “[f]elt depressed,” “[t]hought about
8 killing [themselves] or tried to” or “[f]elt very afraid and tense.”³⁸⁴

9 301. Anxiety disorders are also up, affecting 31.9% of adolescents between 13 and 18
10 years old.³⁸⁵ “Research shows that untreated teenagers with anxiety disorders are at higher risk to
11 perform poorly in school, miss out on important social experiences, and engage in substance
12 abuse.”³⁸⁶

13 302. According to the National Alliance on Mental Illness, “[s]tudents ages 6–17 with
14 mental, emotional or behavioral concerns are **3x times more likely** to repeat a grade,” and
15 “[h]igh school students with significant symptoms of depression are more than **twice as likely** to
16 drop out compared to their peers.”³⁸⁷

17
18 ³⁸¹ Laura Marciano *et al.*, *Digital Media Use and Adolescents’ Mental Health During the Covid-19 Pandemic: A Systematic Review and Meta-Analysis*, *Frontiers Pub. Health* (Feb. 2022),
19 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8848548/> [<https://perma.cc/3ZSA-UBDF>].

20 ³⁸² *Id.*

21 ³⁸³ *Roughly Half of Public Schools Report That They Can Effectively Provide Mental Health Services to All Students In Need*, Nat’l Ctr. Educ. Stat. (May 31, 2022),
22 https://nces.ed.gov/whatsnew/press_releases/05_31_2022_2.asp [<https://perma.cc/P4K9-4HF7>].

23 ³⁸⁴ Rachel N. Lipari *et al.*, *Adolescent Mental Health Service Use and Reasons for Using Services in Specialty, Educational, and General Medical Settings*, SAMHSA (May 5, 2016),
24 https://www.samhsa.gov/data/sites/default/files/report_1973/ShortReport-1973.html
25 [<https://perma.cc/X4YF-ZAB7>].

26 ³⁸⁵ *Anxiety Disorders: Facts and Statistics*, Anxiety & Depression Ass’n Am.,
27 <https://adaa.org/understanding-anxiety/facts-statistics> [<https://perma.cc/EBF6-CXBF>] (last
28 visited June 26, 2023).

³⁸⁶ *Id.*

³⁸⁷ *Mental Health By the Numbers*, Nat’l All. Mental Health (June 2022),
<https://www.nami.org/mhstats> [<https://perma.cc/DNB4-SA2R>] (citing *2018-2019 National Survey of Children’s Health*, Data Res. Ctr. Child & Adolescent Health, Child and Adolescent Health Measurement Initiative,

303. Schools are struggling not only to provide students with mental health services but also to deliver an adequate education because of the youth mental health crisis. Students in grades 6–12 identify depression, stress, and anxiety as the most prevalent obstacles to learning.³⁸⁸ Most middle school and high school students also fail to get enough sleep on school nights, which contributes to poor academic performance.³⁸⁹ These negative mental health outcomes are also the most common symptoms of excessive social media use.

304. The youth mental health crisis has also caused a wide range of other behavioral issues among students that interfere with schools' ability to teach. In 2022, 61% of public schools saw an increase in classroom disruptions from student misconduct compared to school years before the pandemic.³⁹⁰ In that same year, 58% of public schools also saw an increase in rowdiness outside of the classroom, 68% saw increases in tardiness, 27% saw increases in students skipping classes, 55% saw increases in the use of electronic devices when not permitted, 37% saw an increase in bullying, 39% saw an increase in physical fights between students, and 46% saw an increase in threats of fights between students.³⁹¹

305. Further exacerbating school's struggle to teach is the fact students are not showing up to school. Indeed, student absenteeism has greatly increased. In the 2021–22 school year, 39% of public schools experienced an increase in chronic student absenteeism compared to the 2020–21 school year, and 72% of public schools saw increased chronic student absenteeism

<https://www.childhealthdata.org/browse/survey/results?q=7839&r=1&g=812> [<https://perma.cc/Y5ZQ-4XQN>] (last visited Apr. 19, 2023)); and Véronique Dupère *et al.*, *Revisiting the Link Between Depression Symptoms and High School Dropout: Timing of Exposure Matters*, J. Adolescent Health 62 (2018) 205–211 (Sept. 24, 2017), [https://www.jahonline.org/article/S1054-139X\(17\)30491-3/fulltext](https://www.jahonline.org/article/S1054-139X(17)30491-3/fulltext) [<https://doi.org/10.1016/j.jadohealth.2017.09.024>].

³⁸⁸ *Insights From the Student Experience, Part I: Emotional and Mental Health* at 2–3, YouthTruth (2022), https://youthtruthsurvey.org/wp-content/uploads/2022/10/YouthTruth_EMH_102622.pdf [<https://perma.cc/UHV7-RNQ6>].

³⁸⁹ Anne G. Wheaton *et al.*, *Short Sleep Duration Among Middle School and High School Students-United States*, 2015, 67(3) Morbidity & Mortality Wkly. Rpt. 85–90 (Jan. 26, 2018), <http://dx.doi.org/10.15585/mmwr.mm6703a1> [<https://perma.cc/873Q-D5PC>].

³⁹⁰ 2022 School Pulse Panel, U.S. Dep't Educ., Inst. Educ. Sci. (2022), <https://ies.ed.gov/schoolsurvey/spp/> [<https://perma.cc/364R-H5U4>].

³⁹¹ *Id.*

1 compared to prior school years.³⁹² Following suit, vandalism has increased in 2022, with 36% of
2 public schools reporting increased acts of student vandalism on school property.³⁹³

3 306. School districts have borne increased costs and expenses in response to the youth
4 mental health crisis. These costs include:

- 5 a. Hiring additional mental health personnel (41% of public schools added staff to
6 focus on student mental health);³⁹⁴
- 7 b. Developing additional mental health resources (46% of public schools created or
8 expanded mental health programs for students, 27% added student classes on
9 social, emotional, and mental health and 25% offered guest speakers for students
10 on mental health);³⁹⁵
- 11 c. Training teachers to help students with their mental health (56% of public schools
12 offered professional development to teachers on helping students with mental
13 health);³⁹⁶
- 14 d. Increasing disciplinary services and hiring additional personnel for disciplinary
15 services in response to increased bullying and harassment over social media;
- 16 e. Addressing property damaged as a result of students acting out because of mental,
17 social, and emotional problems Defendants' conduct caused;
- 18 f. Diverting time and resources from instruction activities to notify parents and
19 guardians of students' behavioral issues and attendance;
- 20 g. investigating and responding to threats made against schools and students over
21 social media;
- 22 h. Updating its student handbook to address use of Defendants' platforms; and
- 23 i. Updating school policies to address use of Defendants' platforms.

24 **F. Impact of Social Media Use on Plaintiff**

25 307. Plaintiff Phoenix Union is a public school district in Arizona's capital city,

26 ³⁹² *Id.*

27 ³⁹³ *Id.*

28 ³⁹⁴ *Id.*

³⁹⁵ *Id.*

³⁹⁶ *Id.*

Phoenix.³⁹⁷ Phoenix Union operates 24 high schools, including 11 comprehensive high schools, six specialty schools, three micro schools, three support schools, and a digital academy.³⁹⁸

308. Plaintiff has nearly 4,000 employees in service of the more than 28,000 high school students enrolled in Phoenix Union's schools.³⁹⁹

309. Phoenix Union has been directly impacted by the mental health crisis among youth in its community.

310. Youth in Plaintiff's community increasingly considered and made plans to commit suicide before the pandemic.⁴⁰⁰ Even in 2022, suicide remained the third leading cause of death of children in Arizona.⁴⁰¹ Arizona's teenage suicide rates are higher than the national average, where nearly 17 percent of high school students say they have seriously considered attempting suicide in the past year.⁴⁰²

311. The trends reflected in the statewide data have also been observed by counselors, social workers, and others at PXU, who have reported an increase in students experiencing anxiety, depression, and suicidal ideation and an increased need for mental health resources. Counselors at Plaintiff's schools have observed that the negative experiences of students on social media have a ripple and lasting effect on student wellbeing that far outweighs any positives.

312. Calls to a teen crisis hotline corroborate what Plaintiff's staff have observed. Teen

³⁹⁷ *Welcome to PXU*, Phx. Union High Sch. Dist., <https://www.pxu.org/domain/55> [<https://perma.cc/S6BR-N2LP>] (last visited Sept. 19, 2023).

³⁹⁸ *Id.*

³⁹⁹ *Id.*

⁴⁰⁰ *2021 Youth Risk Behavior Survey Results: Arizona High School Survey: 10-year Trend Analysis Report* at 6, Ariz. Dep't Health & Hum. Servs. (2021), <https://www.azdhs.gov/documents/yrbs/results/2021/yrbs-10-year-trend-2021.pdf> [<https://perma.cc/DY9M-RT6A>].

⁴⁰¹ Sara Crocker, *Not All Right: Arizona's Youth Mental Health Emergency*, Phx. Mag. (Dec. 27, 2022), <https://www.phoenixmag.com/2022/12/27/not-all-right-arizonas-youth-mental-health-emergency/> [<https://perma.cc/7AZK-5WZP>].

⁴⁰² Kim Powell, *Teen Suicide Rates in Arizona Higher than National Average*, KOLD News 13 (Sept. 15, 2021), <https://www.kold.com/2021/09/15/teen-suicide-rates-arizona-higher-than-national-average/> [<https://perma.cc/YQY8-AXXL>].

1 Lifeline is Arizona’s only teen-to-teen crisis hotline and serves 17 of PXU’s high schools.⁴⁰³ In
2 June and July 2020, Teen Lifeline reported a 46 percent increase in calls and texts from stressed
3 teens.⁴⁰⁴ And from January to August 2021, Teen Lifeline saw a 30 percent increase from the
4 prior year, with 30 percent of calls and texts coming from teens struggling with thoughts of
5 suicide.⁴⁰⁵ The most common reason teenagers call Teen Lifeline is because they are having
6 suicidal thoughts.⁴⁰⁶

7 313. Even before the pandemic, students, parents, and staff called for “social and
8 emotional support; more mentors, counselors, and social workers.”⁴⁰⁷ In response, PXU hired ten
9 new social workers and seven community liaisons and purchased services and supplies for social,
10 emotional, and mental health, all of which totaled approximately to \$1.6 million in 2019,
11 alone.⁴⁰⁸

12 314. To help identify students struggling with their mental health, Plaintiff has invested
13 additional resources since then to train staff to identify signs of depression, self-harm, and
14 suicidal ideation. Over the past five years, PXU has nearly doubled its investment in wrap-
15 around supports to help kids who exhibit signs of mental illness.

16 315. Students’ mental, emotional, and social health has declined as students’ use of
17 Defendants’ platforms has increased, both in frequency and intensity. Phoenix Unions’
18 administrators and teachers alike have noted that social media use among Plaintiff’s students is

19 ⁴⁰³ *Schools We Serve*, Teen Lifeline, <https://teenlifeline.org/schools-we-serve/>
20 [<https://perma.cc/ZV5J-K4NS>] (last visited Sept. 19, 2023).

21 ⁴⁰⁴ Jim Walsh, *As Classrooms Reopen, Students’ Mental Health a Big Concern*, E. Valley Trib.
22 (Sept. 22, 2020), [https://www.eastvalleytribune.com/news/as-classrooms-reopen-students-](https://www.eastvalleytribune.com/news/as-classrooms-reopen-students-mental-health-a-big-concern/article_a9f6d8fa-fc39-11ea-8fc7-13fb3d16b648.html)
[mental-health-a-big-concern/article_a9f6d8fa-fc39-11ea-8fc7-13fb3d16b648.html](https://www.eastvalleytribune.com/news/as-classrooms-reopen-students-mental-health-a-big-concern/article_a9f6d8fa-fc39-11ea-8fc7-13fb3d16b648.html)
23 [<https://perma.cc/64NW-VU28>].

24 ⁴⁰⁵ Kim Powell, *Teen Suicide Rates in Arizona Higher than National Average*, KOLD News 13
(Sept. 15, 2021), [https://www.kold.com/2021/09/15/teen-suicide-rates-arizona-higher-than-](https://www.kold.com/2021/09/15/teen-suicide-rates-arizona-higher-than-national-average/)
[national-average/](https://www.kold.com/2021/09/15/teen-suicide-rates-arizona-higher-than-national-average/) [<https://perma.cc/YQY8-AXXL>].

25 ⁴⁰⁶ *Id.*

26 ⁴⁰⁷ *Next Gen: Safety and Security at Phoenix Union* at 8, Phx. Union Sch. Bd. (Aug. 2, 2018),
[https://go.boarddocs.com/az/phxhs/Board.nsf/files/B3DW2479238F/\\$file/Next%20Gen%20Saf](https://go.boarddocs.com/az/phxhs/Board.nsf/files/B3DW2479238F/$file/Next%20Gen%20Safety%20and%20Security%20Board%20Presentation%20-%200080218%20-%20Final.pdf)
[ety%20and%20Security%20Board%20Presentation%20-%200080218%20-%20Final.pdf](https://go.boarddocs.com/az/phxhs/Board.nsf/files/B3DW2479238F/$file/Next%20Gen%20Safety%20and%20Security%20Board%20Presentation%20-%200080218%20-%20Final.pdf)
27 [<https://perma.cc/RJT7-9V6L>].

28 ⁴⁰⁸ *2019-2020 PXU Proposed Budget* at 8, Phx. Union Sch. Bd. (June 6, 2019),
[https://go.boarddocs.com/az/phxhs/Board.nsf/files/BD2Q7E6589B1/\\$file/2019-](https://go.boarddocs.com/az/phxhs/Board.nsf/files/BD2Q7E6589B1/$file/2019-20%20Proposed%20Budget%20Presentation%204.pdf)
[20%20Proposed%20Budget%20Presentation%204.pdf](https://go.boarddocs.com/az/phxhs/Board.nsf/files/BD2Q7E6589B1/$file/2019-20%20Proposed%20Budget%20Presentation%204.pdf) [<https://perma.cc/4BAT-M5L5>].

ubiquitous and a huge distraction from learning. Students access social media during class time, between classes, and during lunch.

316. In lockstep with these increases in anxiety, depression, and suicidal ideation, student behavior problems have also increased in Plaintiff's schools, including disciplinary incidents tied to social media. Most of these disciplinary incidents are connected to social media, according to administrators.

317. While Plaintiff's schools and its staff must deal with increased behavioral issues on the one hand, they must deal with increased absenteeism on the other.

318. The ongoing increase in time youth spend on Defendants' platforms have intensified the youth mental health crisis and the behavioral issues Plaintiff's students are experiencing.

319. The current youth mental health crisis has led to a marked increase in the number of Plaintiff's students in crisis, acting out, and in need of mental health services.

320. This increase has adversely impacted the educational experience for Plaintiff's staff, teachers, students, and their families. Staff and teachers cannot ignore students who are in crisis and need to support those students, even if this comes at the expense of the educational goals and experience for the larger student body. School campuses are public spaces, and classes and activities are communal experiences. Increases in anxiety, depression, suicidal ideation, and other mental health crises impact both the students suffering from these problems and the other students, teachers, and staff who need to interact with these students.

321. The pernicious effects of Defendants' platforms are inescapable and have fundamentally changed the learning and teaching environment at Plaintiff's schools.

322. In an attempt to address the decline in students' mental, emotional, and social health, Plaintiff has been forced to divert resources and expend additional resources to:

- a. Hire or contract for additional personnel, including counselors, social workers, mental health therapists, and behaviorists to address mental, emotional, and social health issues;
- b. re-direct resources to address mental, emotional, and social health issues;
- c. increase training for teachers and staff to identify students exhibiting symptoms

1 affecting their mental, emotional, and social health;

2 d. educate teachers, staff, and members of the community about the harms caused by
3 Defendants' wrongful conduct;

4 e. develop lesson plans to teach students about the dangers of using Defendants'
5 platforms;

6 f. educate students about the dangers of using Defendants' platforms;

7 g. update its student handbook to address use of Defendants' platforms; and

8 h. update school policies to address use of Defendants' platforms.

9 323. Additionally, more students have been acting out as a result of the decline
10 Defendants caused in students' mental, emotional, and social health. Resultingly, Plaintiff has
11 been forced to divert resources and expend additional resources to:

12 a. repair property damaged as a result of the exploitive and harmful content
13 Defendants directed to students, including repairing toilets and sinks ripped off of bathroom
14 walls;

15 b. increase disciplinary services;

16 c. confiscate devices Defendants' conduct compelled students to use to access
17 Defendants' platforms while in class or on school campus;

18 d. meet with students and the parents of students caught using Defendants' platforms
19 at school; and

20 e. divert time and resources from instructional activities to notify parents and
21 guardians of students' behavioral issues and attendance.

22 324. As of the 2022–23 school year, Plaintiff employs a variety of school-based
23 behavior support staff including, 96 counselors, 13 behavioral intervention specialists, 33 social
24 workers, and 12 student prevention and intervention specialists, along with other administrators
25 who focus on student behavior. While necessary, these staff increases have been costly to
26 Plaintiff.

27 325. The professionals who serve in these roles all provide mental health services to
28 students in crisis. These crises span the gamut. A student can report thoughts of self-harm, a peer

1 can report threats they have received, or a teacher can report a conflict or other challenging
2 situation a student is experiencing. When the support services can be provided within the school
3 setting, Plaintiff provides them. For example, these professionals may communicate with the
4 student's parents to advise them of the issue; meet with the student one-on-one to help the
5 student to process their feelings; convene and facilitate small group discussions; and/or check-in
6 with the student regularly to monitor their well-being and academic progress. When a student's
7 needs are best addressed outside of the school setting, Plaintiff will try to identify and refer
8 parents and families to resources in the community.

9 326. But even with these resources, Plaintiff cannot keep up with the increased need
10 for mental health services because of the youth mental health crisis.

11 327. As a result, the rest of Plaintiff's staff must fill in the cracks to help students with
12 mental health concerns.

13 328. Recently, the Arizona legislature recognized the increasing severity of the youth
14 mental health crisis. In June 2022, in response to a spike of teen suicides in the East Valley, then-
15 state House Speaker Rusty Bowers formed a special committee charged with trying to find
16 solutions to the mental health crisis.⁴⁰⁹

17 329. Representative Joanne Osborne, chairperson of the House Ad Hoc Committee on
18 Teen Mental Health, noted the extent of the youth mental health crisis and social media's role in
19 exacerbating the problem. "Teenage children today are faced with tremendous stress and
20 pressure along the path to adulthood, and far too many succumb to substance abuse and suicidal
21 ideations," said Representative Osborne.⁴¹⁰ " 'Struggles because of the pandemic and social
22 media aggravate the situation further.[']"⁴¹¹

23 330. Arizona Governor Katie Hobbs has also emphasized the importance of addressing
24 the youth mental health crisis. In her inaugural State of the State address, Governor Hobbs
25 acknowledged that Arizona school districts, like Plaintiff, lack adequate resources to address the

26 ⁴⁰⁹ Paul Maryniak, *Mesa Lawmaker Forms House Panel on Teen Crisis*, E. Valley Trib. (June 6,
27 2022), [https://www.eastvalleytribune.com/news/mesa-lawmaker-forms-house-panel-on-teen-](https://www.eastvalleytribune.com/news/mesa-lawmaker-forms-house-panel-on-teen-crisis/article_bbc82c04-e379-11ec-8dc3-d7d51589b8e4.html)
28 [crisis/article_bbc82c04-e379-11ec-8dc3-d7d51589b8e4.html](https://www.eastvalleytribune.com/news/mesa-lawmaker-forms-house-panel-on-teen-crisis/article_bbc82c04-e379-11ec-8dc3-d7d51589b8e4.html) [<https://perma.cc/DBX5-BST9>].

⁴¹⁰ *Id.*

⁴¹¹ *Id.*

ongoing youth mental health crisis.⁴¹² “We need to prioritize hiring social workers and counselors for our schools to address the mental health crisis among children and teens,” Governor Hobbs said.⁴¹³ “Currently each counselor in an Arizona school provides services for more than 700 kids on average. That’s the highest ratio in the nation and nearly three times the recommended standard.”⁴¹⁴

331. Ultimately, Plaintiff requires significantly greater and longer-term funding to address the nuisance Defendants have created, along with abatement and injunctive relief. It is time, as President Biden declared, to get “all Americans the mental health services they need”⁴¹⁵ and “hold social media companies accountable[.]”⁴¹⁶

V. SECTION 230 IS NO SHIELD FOR DEFENDANTS’ CONDUCT

332. Plaintiff anticipates that Defendants will raise section 230 of the Communications Decency Act, 47 U.S.C. § 230(c)(1), as a shield for their conduct. But section 230 is no shield for Defendants’ own acts in designing, marketing, and operating social media platforms that are harmful to youth.

333. Section 230 provides immunity from liability only to “(1) a provider or user of an interactive computer service (2) whom a plaintiff seeks to treat, under a state law cause of action, as a publisher or speaker (3) of information provided by another information content provider.” *Barnes v. Yahoo!, Inc.*, 570 F.3d 1096, 1100–01 (9th Cir. 2009), *as amended* (Sept. 28, 2009).

334. Publication generally involves traditional editorial functions, such as reviewing, editing, and deciding whether to publish or to withdraw from publication third-party content. *Lemmon v. Snap, Inc.*, 995 F.3d 1085, 1091 (9th Cir. 2021).

335. Publication does not, however, include duties related to designing and marketing

⁴¹² *Transcript: Governor Hobbs 2023 State of the State Address*, Off. Governor Katie Hobbs (Jan. 9, 2023), <https://azgovernor.gov/office-arizona-governor/news/2023/01/transcript-governor-hobbs-2023-state-state-address> [<https://perma.cc/VH6Q-JBJB>].

⁴¹³ *Id.*

⁴¹⁴ *Id.*

⁴¹⁵ President Biden, State of the Union Address (Mar. 1, 2022) (transcript available at <https://www.whitehouse.gov/state-of-the-union-2022/>).

⁴¹⁶ President Biden, State of the Union Address (Feb. 7, 2023) (transcript available at <https://www.whitehouse.gov/state-of-the-union-2023/>).

1 a social media platform. *See id.* at 1092–93.

2 336. Plaintiff expressly disavows any claims or allegations that attempt to hold
3 Defendants liable as the publisher or speaker of any information provided by third parties.

4 337. Section 230 does not shield Defendants’ conduct because, among other
5 considerations: (1) Defendants are liable for their own affirmative conduct in recommending and
6 promoting harmful content to youth; (2) Defendants are liable for their own actions designing
7 and marketing their social media platforms in a way that causes harm; (3) Defendants are liable
8 for the content they create that causes harm; and (4) Defendants are liable for distributing,
9 delivering, and/or transmitting material that they know or have reason to know is harmful,
10 unlawful, and/or tortious.

11 338. First, Plaintiff is not alleging Defendants are liable for what third parties have said
12 on Defendants’ platforms but, rather, for Defendants’ own conduct. As described above,
13 Defendants affirmatively recommend and promote harmful content to youth, such as pro-
14 anorexia and eating disorder content. Recommendation and promotion of damaging material is
15 not a traditional editorial function and seeking to hold Defendants liable for these actions is not
16 seeking to hold them liable as a publisher or speaker of third party-content.

17 339. Second, Plaintiff’s claims arise from Defendants’ status as designers and
18 marketers of dangerous social media platforms that have injured the health, comfort, and repose
19 of its community. The nature of Defendants’ platforms centers around Defendants’ use of
20 algorithms and other designs features that encourage users to spend the maximum amount of
21 time on their platforms—not on particular third-party content. The algorithms Defendants
22 employ adapt to the social media activity of individual users to promote whatever content will
23 trigger a particular user’s attention and maximize their screen time. That is, Defendants’
24 algorithms are user-focused rather than content-based and are indifferent to the nature and type
25 of content they promote to users, provided that such content increases the time users spend on
26 their platforms. In that respect, they are content neutral.

27 340. Third, Defendants are liable for the content they create. In addition to content
28 such as Snapchat filters which promote body dysmorphia, Defendants send emails and

1 notifications to youth including material they create which often promotes certain harmful
2 content.

3 341. Fourth, Plaintiff does not seek to hold Defendants liable as publishers or speakers
4 of information provided by other content providers, but instead Plaintiff seeks to hold them liable
5 for distributing material they know or should know is harmful or unlawful. *See Malwarebytes,*
6 *Inc. v. Enigma Software Grp. USA, LLC*, 141 S. Ct. 13 (2020) (statement of Justice Thomas
7 respecting denial of certiorari discussing the distinction between distributor and publisher
8 liability); *cf. Restatement (Second) of Torts* § 581 (Am. Law Inst. 1977) (“[O]ne who only
9 delivers or transmits defamatory matter published by a third person is subject to liability if, but
10 only if, he knows or has reason to know of its defamatory character.”).

11 342. Ultimately, Plaintiff’s claim is not predicated on information provided by another
12 information content provider. Rather, Plaintiff’s claim rests on Defendants’ conduct which has
13 resulted in the current public health crisis among youth mental health.

14 VI. CAUSES OF ACTION

15 COUNT ONE — PUBLIC NUISANCE

16 343. Plaintiff incorporates by reference all preceding paragraphs.

17 344. Plaintiff brings this claim under Arizona public nuisance law as to all Defendants.

18 345. Under Arizona law, a public nuisance is an unreasonable interference with a right
19 common to the general public and which affects a considerable number of people or an entire
20 community or neighborhood.

21 346. Defendants have created a mental health crisis in Plaintiff’s schools, injuring the
22 public health and safety in Plaintiff’s community and interfering with the operations, use, and
23 enjoyment of the property of Plaintiff.

24 347. Defendants, by designing, developing, marketing, supplying, promoting,
25 advertising, operating, and distributing their respective social media platforms for use by
26 students in Plaintiff’s schools in the manner described above, have engaged in conduct that
27 substantially interferes with the health and safety of the students of Plaintiffs, substantially
28 interferes with the functions and operations of Plaintiff’s schools, and harms the health, safety,

1 and welfare of the Plaintiff's community.

2 348. Each Defendant has created or assisted in the creation of a condition that is
3 injurious to the health, safety, and welfare of the Plaintiff's community and interferes with the
4 educational environment for students, teachers, and administrators in Plaintiff's schools.
5 Defendants have each created or assisted in the creation of a condition that significantly disrupts
6 the daily operations and functioning of Plaintiff's schools.

7 349. The health and safety of the students and employees of Plaintiff's schools,
8 including those who use, have used, or will use Defendants' platforms, as well as those affected
9 by others' use of their platforms, are matters of substantial public interest and of legitimate
10 concern to Plaintiff.

11 350. Defendants' conduct has affected and continues to affect a substantial number of
12 people within Plaintiff's community and is likely to continue causing significant harm.

13 351. Defendants' conduct is ongoing and continues to produce permanent and long-
14 lasting damage.

15 352. Defendants' conduct substantially and unreasonably interferes with public health,
16 safety, and the right to a public education in a safe and healthy environment. In that regard, and
17 in other ways discussed herein, the public nuisance created or maintained by Defendants was
18 connected to Plaintiff's property, including but not limited to school buildings.

19 353. This harm to youth mental health and the corresponding impacts to public health,
20 safety, and the welfare of Plaintiff's community outweighs any social utility of Defendants'
21 wrongful conduct.

22 354. The rights, interests, and inconvenience to Plaintiff's community far outweighs
23 the rights, interests, and inconvenience to Defendants, who have profited tremendously from
24 their wrongful conduct.

25 355. But for Defendants' actions, Plaintiff's students would not use social media
26 platforms as frequently or long as they do today, be deluged with exploitive and harmful content
27 to the same degree, and the public health crisis that currently exists as a result of Defendants'
28 conduct would have been averted.

1 356. Logic, common sense, justice, policy, and precedent indicate Defendants’ unfair
2 and deceptive conduct has caused the damage and harm complained of herein. Defendants knew
3 or reasonably should have known that their design, development, marketing, supply, promotion,
4 advertisement, operation, and distribution of their platforms would cause students to use their
5 platforms excessively, that their marketing methods were designed to appeal to youth, and that
6 their active efforts to increase youth use of their platforms were causing harm to youth and to
7 schools, including youth who attend Plaintiff’s schools.

8 357. Thus, the public nuisance caused by Defendants was reasonably foreseeable,
9 including the financial and economic losses incurred by Plaintiff.

10 358. Alternatively, Defendants’ conduct was a substantial factor in bringing about the
11 public nuisance even if a similar result would have occurred without it. By designing,
12 developing, marketing, supplying, promoting, advertising, operating, and distributing their
13 platforms in a manner intended to maximize the time youth spend on their respective
14 platforms—despite knowledge of the harms to youth from their wrongful conduct—Defendants
15 directly facilitated the widespread, excessive, and habitual use of their platforms and the public
16 nuisance affecting Plaintiff. By seeking to capitalize on their success by refining their platforms
17 to increase the time youth spend on their platforms, Defendants directly contributed to the public
18 health crisis and the public nuisance affecting Plaintiff.

19 359. Defendants’ conduct is especially injurious to Plaintiff because, as a direct and
20 proximate cause of Defendants’ conduct creating or assisting in the creation of a public nuisance,
21 the educational environment within Plaintiff’s schools has been and will continue to be
22 substantially harmed.

23 360. Plaintiff has had to take steps to mitigate the harm and disruption caused by
24 Defendants’ conduct, including the following:

- 25 a. hiring additional personnel to address mental, emotional, and social health issues;
- 26 b. developing additional resources to address mental, emotional, and social health
27 issues;
- 28 c. increasing training for teachers and staff to identify students exhibiting symptoms

1 affecting their mental, emotional, and social health;

2 d. training teachers, staff, and members of the community about the harms caused by
3 Defendants' wrongful conduct;

4 e. developing lesson plans to teach students about the dangers of using Defendants'
5 platforms;

6 f. educating students about the dangers of using Defendants' platforms;

7 g. addressing property damaged as a result of students acting out because of mental,
8 social, and emotional problems Defendants' conduct is causing;

9 h. confiscating devices on which students use Defendants' platforms while in class
10 or on Plaintiff's school campuses;

11 i. meeting with students and the parents of students caught using Defendants'
12 platforms at school or other disciplinary matters related to students' use of Defendants'
13 platforms;

14 j. diverting time and resources from instruction activities to notify parents and
15 guardians of students' behavioral issues and attendance;

16 k. updating its student handbook to address use of Defendants' platforms; and

17 l. updating school policies to address use of Defendants' platforms.

18 361. Fully abating the nuisance resulting from Defendants' conduct will require much
19 more than these steps.

20 362. As detailed herein, Plaintiff has suffered special damage different in kind or quality
21 from that suffered by the public in common. The damages suffered by Plaintiff have been greater
22 in degree and different in kind than those suffered by the general public including, but not limited
23 to, costs arising from: expending, diverting, and increasing personnel to provide mental health
24 services; expending, diverting, and increasing resources to address mental health issues;
25 expending, diverting, and increasing staff time to confiscate cell phones and other devices;
26 expending, diverting, and increasing staff time to communicate and engage with parents;
27 expending, diverting, and increasing staff time associated with student discipline; expending,
28 diverting, and increasing staff time associated with routing students to counselors; expending,

diverting, and increasing staff time to train staff to identify students exhibiting symptoms affecting their mental health; expending, diverting, and increasing resources for modifications to mental health curriculum; and expending, diverting, and increasing resources to repair property damages as a result of the exploitive and harmful content Defendants directed to students.

363. As a result of Defendant's conduct, Plaintiff has incurred damages and is entitled to compensation therefor. Plaintiff requests all the relief to which it is entitled in its own right and relating to the special damage or injury it has suffered, including actual and compensatory damages in an amount to be determined at trial and an order providing for the abatement of the public nuisance that Defendants have created or assisted in the creation of, and enjoining Defendants from future conduct contributing to the public nuisance described above. Plaintiff's claim is not brought in any representative or *parens patriae* capacity on behalf of students.

364. Defendants engaged in conduct, as described above, that constituted malice and/or intentional, wanton, willful, or reckless disregard of Plaintiff's rights, being fully aware of the probable dangerous consequences of the conduct and deliberately failing to avoid those consequences.

365. Defendants' conduct, as described above, was intended to serve their own interests despite having reason to know and consciously disregarding a substantial risk that their conduct might significantly injure the rights of others, including Plaintiff, and/or Defendants consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to others, including Plaintiff. Defendants regularly risk the health of consumers and users of their platforms with full knowledge of the dangers of their platforms. Defendants consciously decided not to redesign, warn, or inform the unsuspecting public, including Plaintiff's students or Plaintiff. Defendants' willful, knowing, and reckless conduct therefore warrants an award of aggravated or punitive damages.

366. Defendants are jointly and severally liable because the harms resulting from their acts are indivisible.

COUNT TWO — NEGLIGENCE

367. Plaintiff incorporates by reference all preceding paragraphs.

1 368. Defendants owed Plaintiff a duty to not expose Plaintiff to an unreasonable risk of
2 harm, and to act with reasonable care as a reasonably careful person and/or company would act
3 under the circumstances.

4 369. At all times relevant to this litigation, Defendants owed a duty to consumers and
5 the general public, including Plaintiff, to exercise reasonable care in the design, research,
6 development, testing, marketing, supply, promotion, advertisement, operation, and distribution of
7 Defendants social media platforms, including the duty to take all reasonable steps necessary to
8 design, research , market, advertise, promote, operate, and/or distribute their platforms in a way
9 that is not unreasonably dangerous to consumers users, including youth.

10 370. At all times relevant to this litigation, Defendants owed a duty to consumers and
11 the general public, including Plaintiff, to exercise reasonable care in the design, research,
12 development, testing, marketing, supply, promotion, advertisement, operation, and distribution of
13 their social media platforms, including the duty to provide accurate, true, and correct information
14 about the risks of using Defendants' platforms; and appropriate, complete, and accurate warnings
15 about the potential adverse effects of extended social media use, in particular, social media
16 content Defendants directed via their algorithms to users, including youth.

17 371. At all times relevant to this litigation, Defendants knew or, in the exercise of
18 reasonable care, should have known of the hazards and dangers of their respective social media
19 platforms and specifically, the health hazards their platforms posed to youth in particular,
20 especially extended or problematic use of such platforms.

21 372. Accordingly, at all times relevant to this litigation, Defendants knew or, in the
22 exercise of reasonable care, should have known that use of Defendants' social media platforms
23 by youth could cause Plaintiff's injuries and thus created a dangerous and unreasonable risk of
24 injury to Plaintiff.

25 373. Defendants also knew or, in the exercise of reasonable care, should have known
26 that users and consumers of Defendants' social media platforms were unaware of the risks and
27 the magnitude of the risks associated with the use of Defendants' platforms including but not
28 limited to the risks of extended or problematic social media use and the likelihood that

1 algorithm-based recommendations would expose child and adolescent users to content that is
2 violent, sexual, or encourages self-harm, among other types of harmful content.

3 374. As such, Defendants, by action and inaction, representation and omission,
4 breached their duty of reasonable care, failed to exercise ordinary care, and failed to act as a
5 reasonably careful person and/or company would act under the circumstances in the design,
6 research, development, testing, marketing, supply, promotion, advertisement, operation, and
7 distribution of their social media platforms, in that Defendants designed, researched, developed,
8 tested, marketed, supplied, promoted, advertised, operated, and distributed social media
9 platforms that Defendants knew or had reason to know would negatively impact the mental
10 health of consumers, particularly youth, and failed to prevent or adequately warn of these risks
11 and injuries.

12 375. Despite their ability and means to investigate, study, and test their social media
13 platforms and to provide adequate warnings, Defendants have failed to do so. Defendants have
14 wrongfully concealed information and have made false and/or misleading statements concerning
15 the safety and use of Defendants' social media platforms.

16 376. Defendants' negligence includes:

17 a. Designing, researching, developing, marketing, supplying, promoting,
18 advertising, operating, and distributing their social media platforms without thorough and
19 adequate pre- and post-market testing; design, research, development, testing, marketing, supply,
20 promotion, advertisement, operation, and distribution

21 b. Failing to sufficiently study and conduct necessary tests to determine whether or
22 not their social media platforms were safe for youth users;

23 c. Failing to use reasonable and prudent care in the research, design, development,
24 testing, marketing, supply, promotion, advertisement, operation, and distribution of their social
25 media platforms so as to avoid the risk encouraging extended social media use;

26 d. Designing their social media platforms to maximize the amount of time users
27 spend on the platform and causing excessive and problematic use of their platforms, particularly
28 among youth, through the use of algorithm-based feeds, social reciprocity, and IVR;

1 e. Failing to implement adequate safeguards in the design and operation of their
2 platforms to ensure they would not encourage excessive and problematic use of their platforms;

3 f. Designing and manufacturing their platforms to appeal to minors and young
4 people who lack the same cognitive development as adults and are particularly vulnerable to
5 social rewards like IVR and social reciprocity;

6 g. Failing to take adequate steps to prevent their platforms from being promoted,
7 distributed, and used by minors under the age of 13;

8 h. Failing to provide adequate warnings to child and adolescent users or parents who
9 Defendants could reasonably foresee would use their platforms;

10 i. Failing to disclose to, or warn, Plaintiff, users, consumers, and the general public
11 of the negative mental health consequences associated with social media use, especially for
12 children and adolescents;

13 j. Failing to disclose to Plaintiff, users, consumers, and the general public that
14 Defendants' platforms are designed to maximize the time users, particularly youth, spend on
15 Defendants' platforms and cause negative mental health consequences;

16 k. Representing that Defendants' platforms were safe for child and adolescent users
17 when, in fact, Defendants knew or should have known that the platforms presented acute mental
18 health concerns for young users;

19 l. Failing to alert users and the general public, including students at Plaintiff's
20 schools of the true risks of using Defendants' platforms;

21 m. Advertising, marketing; and recommending Defendants' platforms while
22 concealing and failing to disclose or warn of the dangers known by Defendants to be associated
23 with, or caused by, youth use of Defendants' platforms;

24 n. Continuing to design, research, develop, market, supply, promote, advertise,
25 operate, and distribute Defendants' platforms with knowledge that Defendants' platforms are
26 unreasonably unsafe, addictive, and dangerous to youth mental health;

27 o. Failing to modify Defendants' algorithms, which are used to recommend content
28 to users, in a manner that would no longer prioritize maximizing the amount of time users spend

on Defendants' platforms over the safety of its youth users;

p. Failing to adequately modify Defendants' algorithm-based recommendations to filter out content that expose child and adolescent users to content that is violent, sexual, or encourages self-harm, among other types of harmful content.

q. Committing other failures, acts, and omissions set forth herein.

377. Defendants knew or should have known that it was foreseeable that Plaintiff would suffer injuries as a result of Defendants' failure to exercise reasonable care in designing, researching, developing, testing, marketing, supplying, promoting, advertising, operating, and distributing Defendants' platforms, particularly when Defendants' platforms were designed, developed, operated and marketed to maximize the time youth spend on Defendants' platforms.

378. Defendants could have reasonably foreseen the probable harm caused by their negligence. Each Defendant's acts and omissions were a substantial factor in causing harm to Plaintiff.

379. Plaintiff did not know the nature and extent of the injuries that could result from the intended use of Defendants' social media platforms by Plaintiff's students.

380. Defendants' negligence helped to and did produce, and was the proximate cause of, the injuries, harm, and economic losses that Plaintiff suffered and will continue to suffer, and such injuries, harm, and economic losses would not have happened without Defendants' negligence as described herein.

381. The mental health crisis caused and/or significantly contributed to by Defendants has caused a major disruptive behavioral situation in Plaintiff's schools, and Plaintiff has had to take steps to mitigate the harm and disruption caused by Defendants' conduct, including the following:

a. hiring additional personnel to address mental, emotional, and social health issues;

b. developing additional resources to address mental, emotional, and social health issues;

c. increasing training for teachers and staff to identify students exhibiting symptoms affecting their mental, emotional, and social health;

- d. training teachers, staff, and members of the community about the harms caused by Defendants' wrongful conduct;
- e. developing lesson plans to teach students about the dangers of using Defendants' platforms;
- f. educating students about the dangers of using Defendants' platforms;
- g. addressing property damaged as a result of students acting out because of mental, social, and emotional problems Defendants' conduct is causing;
- h. confiscating devices on which students use Defendants' platforms while in class or on Plaintiff's school campuses;
- i. meeting with students and the parents of students caught using Defendants' platforms at school or other disciplinary matters related to students' use of Defendants' platforms;
- j. diverting time and resources from instruction activities to notify parents and guardians of students' behavioral issues and attendance;
- k. investigating and responding to threats made against Plaintiff's schools and students over social media;
- l. updating its student handbook to address use of Defendants' platforms; and
- m. updating school policies to address use of Defendants' platforms.

382. Defendants' conduct, as described above, was intended to serve their own interests despite having reason to know and consciously disregarding a substantial risk that their conduct might significantly injure the rights of others, including Plaintiff, and/or Defendants consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to others, including Plaintiff. Defendants regularly risk the health of consumers and users of their platforms with full knowledge of the dangers of their platforms. Defendants consciously decided not to redesign, warn, or inform the unsuspecting public, including Plaintiff's students or Plaintiff. Defendants' willful, knowing, and reckless conduct therefore warrants an award of aggravated or punitive damages.

COUNT THREE — GROSS NEGLIGENCE

383. Plaintiff incorporates by reference all preceding paragraphs.

384. Defendants owed Plaintiff a duty to not expose Plaintiff to an unreasonable risk of harm, and to act with reasonable care as a reasonably careful person and/or company would act under the circumstances.

385. Defendants owed a duty to users and the general public, including Plaintiff, to exercise reasonable care in the design, research, development, testing, marketing, supply, promotion, advertisement, operation, and distribution of Defendants social media platforms, including the duty to take all reasonable steps necessary to design, research, market, advertise, promote, operate, and/or distribute their platforms in a way that is not unreasonably dangerous to users, including children.

386. Defendants owed a duty to users and the general public, including Plaintiff, to exercise reasonable care in the design, research, development, testing, marketing, supply, promotion, advertisement, operation, and distribution of their social media platforms, including the duty to provide accurate, true, and correct information about the risks of using Defendants' platforms; and appropriate, complete, and accurate warnings about the potential adverse effects of extended social media use, in particular, social media content Defendants directed via their algorithms to users.

387. Defendants knew or, in the exercise of reasonable care, should have known of the hazards and dangers of their respective social media platforms and specifically, the health hazards their platforms posed to youth in particular, especially extended or problematic use of such platforms.

388. Defendants' platforms were and are of the type that could endanger others, particularly youth, if negligently made, promoted, or distributed. Defendants knew the risks that young people would be attracted to their platforms yet unable to appropriately limit their use of Defendants platforms because of their still-developing brains. Further, Defendants knew the risks their platforms posed to youth, especially extended or problematic use of such platforms.

389. Defendants were grossly negligent in designing, researching, developing, testing,

1 marketing, supplying, promoting, advertising, operating, and distributing their social media
2 platforms.

3 390. As widely used platforms backed by powerful algorithms designed to maximize
4 the amount of time users spend on the platform, Defendants knew or should have known their
5 platforms needed to be designed, researched, developed, tested, marketed, supplied, promoted,
6 advertised, operated, and distributed with due care to avoid causing needless harm. Defendants
7 knew or should have known their products could cause serious risk of harm, particularly to
8 young persons like students in Plaintiff's schools.

9 391. Defendants consciously disregarded those risks and engaged in gross, willful,
10 and/or wanton conduct that lacked any care and amounted to an extreme departure from what a
11 reasonably careful person would do in the same situation to prevent harm to others. Defendants'
12 willful and wanton conduct caused Plaintiff to suffer harm.

13 392. The gross, willful, and wanton conduct of Defendants includes, but is not limited
14 to, the following:

- 15 a. Designing researching, developing, marketing, supplying, promoting, advertising,
16 operating, and distributing their social media platforms without thorough and
17 adequate pre- and post-market testing; design, research, development, marketing,
18 supply, promotion, advertisement, operation, and distribution;
- 19 b. Failing to sufficiently study and conduct necessary tests to determine whether or
20 not their social media platforms were safe for youth users;
- 21 c. Failing to use reasonable and prudent care in the research, design, development,
22 testing, marketing, supply, promotion, advertisement, operation, and distribution of
23 their social media platforms so as to avoid the risk of encouraging extended social
24 media use;
- 25 d. Designing their social media platforms to maximize the amount of time users
26 spend on the platform and causing excessive and problematic use of their
27 platforms, particularly among youth, through the use of algorithm-based feeds,
28 social reciprocity, and IVR;

- e. Failing to implement adequate safeguards in the design and operation of their platforms to ensure they would not encourage excessive and problematic use of their platforms;
- f. Designing and manufacturing their platforms to appeal to minors and young people who lack the same cognitive development as adults and are particularly vulnerable to social rewards like IVR and social reciprocity;
- g. Failing to take adequate steps to prevent their platforms from being promoted, distributed, and used by minors under the age of 13;
- h. Failing to provide adequate warnings to child and adolescent users or parents who Defendants could reasonably foresee would use their platforms;
- i. Failing to disclose to, or warn, Plaintiff, users, and the general public of the negative mental health consequences associated with social media use, especially for children and adolescents;
- j. Failing to disclose to Plaintiff, users, and the general public that Defendants' platforms are designed to maximize the time users, particularly youth, spend on Defendants' platforms and cause negative mental health consequences;
- k. Representing that Defendants' platforms were safe for child and adolescent users when, in fact, Defendants knew or should have known that the platforms presented acute mental health concerns for young users;
- l. Failing to alert users and the general public, including students at Plaintiff's schools of the true risks of using Defendants' platforms;
- m. Advertising marketing; and recommending Defendants' platforms while concealing and failing to disclose or warn of the dangers known by Defendants to be associated with, or caused by, youth use of Defendants' platforms;
- n. Continuing to design, research, develop, market, supply, promote, advertise, operate, and distribute Defendants' platforms with knowledge that Defendants' platforms are unreasonably unsafe, addictive, and dangerous to youth mental health;

- o. Failing to modify Defendants’ algorithms, which are used to recommend content to users, in a manner that would no longer prioritize maximizing the amount of time users spend on Defendants’ platforms over the safety of its youth users;
- p. Failing to adequately modify Defendants’ algorithm-based recommendations to filter out content that expose child and adolescent users to content that is violent, sexual, or encourages self-harm, among other types of harmful content; and
- q. Committing other failures, acts, and omissions set forth herein.

393. Defendants breached the duties they owed to Plaintiff and in doing so consciously disregarded the risk to the safety of others.

394. Defendants breached their duties through their false and misleading statements and omissions in the course of designing, manufacturing, distributing, and marketing their social media platforms.

395. As a foreseeable consequence of Defendants’ breaches of their duties, Plaintiff has suffered and will continue to suffer direct and consequential economic and other injuries as a result of dealing with the youth mental health crisis in Plaintiff’s schools, as described herein.

396. Defendants engaged in conduct, as described above, that far exceeded ordinary inadvertence or inattention and constituted reckless, outrageous, and wanton conduct with intent to cause injury and/or with willful and knowing disregard of the rights or safety of another, being fully aware of the probable dangerous consequences of the conduct and deliberately failing to avoid those consequences despite the unreasonable risk of harm.

397. Defendants regularly risk the health and lives of users of their platforms with full knowledge of the dangers of their platforms. Defendants made conscious decisions not to redesign, warn, or inform the unsuspecting public, including Plaintiff and Plaintiff’s students. Defendants’ willful, knowing, and reckless conduct therefore warrants an award of aggravated or punitive damages.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

398. Entering an Order that the conduct alleged herein constitutes a public nuisance

under Arizona law;

399. Entering an Order that Defendants are jointly and severally liable;

400. Entering an Order requiring Defendants to abate the public nuisance described herein and to deter and/or prevent the resumption of such nuisance;

401. Enjoining Defendants from engaging in further actions causing or contributing to the public nuisance as described herein;

402. Awarding equitable relief to fund prevention education and treatment for excessive and problematic use of social media;

403. Awarding actual, compensatory, and punitive damages;

404. Awarding statutory damages in the maximum amount permitted by law;

405. Awarding reasonable attorneys' fees and costs of suit;

406. Awarding pre-judgment and post-judgment interest; and

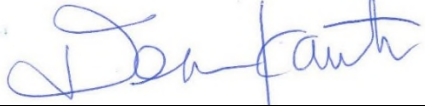
407. Such other and further relief as the Court deems just and proper under the circumstances.

VIII. JURY TRIAL DEMAND

408. Plaintiff hereby demands a trial by jury.

RESPECTFULLY SUBMITTED this 2nd day of October, 2023.

KELLER ROHRBACK L.L.P.

By 

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