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15  
 16 **UNITED STATES DISTRICT COURT**  
 17 **NORTHERN DISTRICT OF CALIFORNIA**

18 **SAN MATEO COUNTY BOARD OF**  
**EDUCATION, and**  
 19 **NANCY MAGEE, in her official capacity as**  
 San Mateo County Superintendent of Schools,

20 Plaintiffs,

21 v.

22 **YOUTUBE, LLC;**  
**GOOGLE LLC;**  
 23 **XXVI HOLDINGS INC.;**  
**ALPHABET INC.;**  
 24 **SNAP INC.;**  
 25 **TIKTOK INC.; and**  
**BYTEDANCE INC.,**

26 Defendants.

Case No.

**COMPLAINT**

1. PUBLIC NUISANCE
2. NEGLIGENCE
3. RICO
4. CONSPIRACY
5. GROSS NEGLIGENCE
6. UNFAIR COMPETITION

**JURY TRIAL DEMANDED**

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1 **I. INTRODUCTION**

2 **A. The Creation of a Mental Health Crisis**

3 1. This case represents one of the most serious issues facing the nation’s children,  
4 adolescents, and teenagers—perhaps the most serious mental health crisis they have ever faced.  
5 Powerful corporations who wield unmatched, highly concentrated technology in pursuit of profit are  
6 knowingly creating this unprecedented mental health crisis. YouTube, Snap, TikTok and their related  
7 companies have carefully cultivated the crisis, which is a feature—not a bug—of their social media  
8 products. Thanks to the U.S. Congress and concerned whistleblowers, critical facts have recently come  
9 to light. Even with only a small glimpse into what the YouTube, TikTok, and Snap companies know  
10 about this crisis, the public can now fairly conclude that the social media defendants’ conduct was no  
11 accident, but rather that Defendants acted knowingly, deliberately, and intentionally.

12 2. The full scale and depravity of the YouTube, TikTok, and Snap companies’ conduct in  
13 this case may only be fully understood after this Court issues injunctive relief addressing what  
14 President Biden recently referred to, in his 2023 State of the Union address, as the “experiment” that  
15 Defendants and other major social media companies “are running on our children for profit.” In  
16 addition to injunctive relief restraining Defendants and their co-conspirators from further engaging in  
17 their unlawful conduct, this action seeks to recover San Mateo County schools’ costs to address the  
18 youth mental health crisis caused by the YouTube, TikTok, and Snap companies’ conduct, and to  
19 compel Defendants to disgorge the profits of their unlawful conduct.

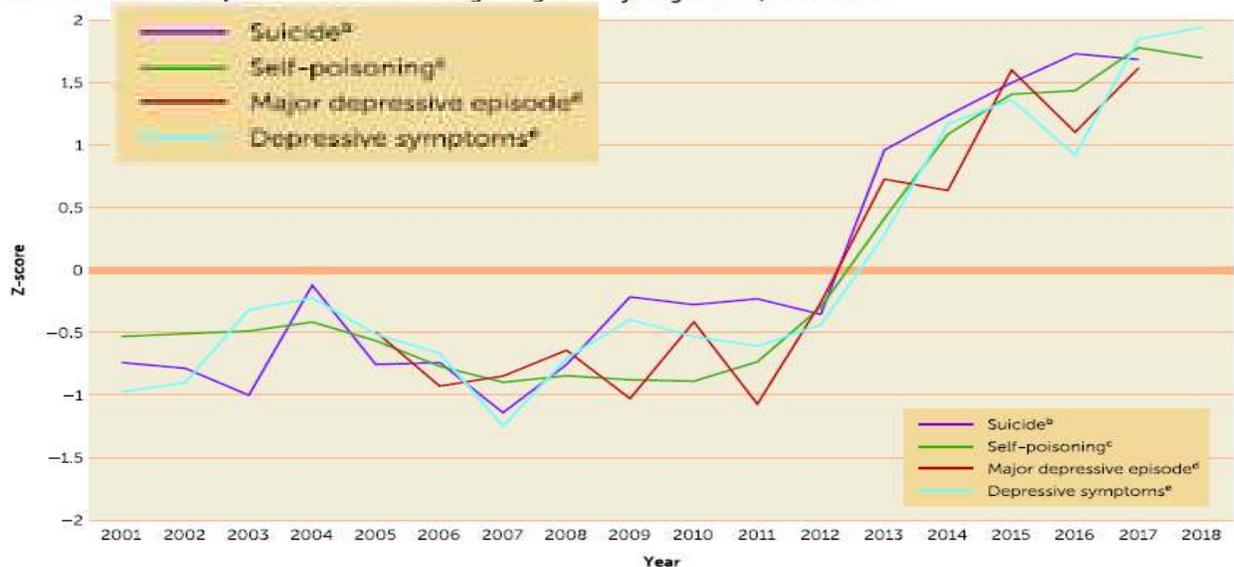
20 **B. The Use of Artificial Intelligence Technology**

21 3. Using perhaps the most advanced artificial intelligence and machine learning technology  
22 available in the world today, Defendants purposefully designed their platforms to be addictive and to  
23 deliver harmful content to youth. For the youth targeted by social media companies and for the adults  
24 charged with their care, the results have been disastrous. Across the country, including in San Mateo  
25 County, a youth mental health crisis has exploded. Excessive use of the YouTube, TikTok, and Snap  
26 companies’ platforms by children has become ubiquitous. And now there are more children struggling  
27 with mental health issues than ever before. Suicide is now the second leading cause of death for youths.  
28 There is simply no historic analog to the crisis the nation’s youth are now facing.

4. The national tragedy of youth mental health is captured in the Centers for Disease Control and Prevention's (CDC) most recent bi-annual Youth Risk Behavior Survey report. That report observes a steady and then accelerated increase in nearly all categories of risk between 2011 and 2021. This trend tracks precisely with the release and growing popularity of the YouTube, TikTok, and Snap companies' platforms during the same period. The report concludes that although the pandemic added to risk factors for depression from isolation, there was a crisis brewing long before. And adoption of the YouTube, TikTok and Snap companies' platforms during the same period only increased otherwise. As one leading expert in child and adolescent psychiatry told the New York Times, there is "no question" that the dramatic increase in suicidal behavior and depression found in the CDC's report is linked to social media.<sup>1</sup>

5. "Young people are telling us that they are in crisis."<sup>2</sup> While less than a third of high school age teenagers reported "persistent feelings of sadness or hopelessness" in 2011, today that number climbs closer to half of all teenagers, with no sign of retreating. In one stunning survey, one in ten teens reported having tried to kill themselves in 2021. The data for female teens and adolescents has

FIGURE 1. Indicators of poor mental health among U.S. girls and young women, 2001–2018<sup>a</sup>



<sup>a</sup> Standard deviations are within means at the generational level, not at the individual level, and thus should not be used to calculate individual-level effect sizes.

<sup>b</sup> Source: Centers for Disease Control and Prevention. Suicide rates among 12- to 14-year-old girls.

<sup>c</sup> Source: Spiller et al. (14). Self-poisoning among 13- to 15-year-old girls.

<sup>d</sup> Source: Twenge et al. (11). Major depressive episode among 14- to 15-year-old girls.

<sup>e</sup> Sources: Keyes et al. (8) and Twenge et al. (9). Depressive symptoms among eighth-grade girls.

<sup>1</sup> Azeen Ghorayshi & Roni Caryn Rabin, *Teen Girls Report Record Levels of Sadness, C.D.C. Finds*, The New York Times (Feb. 13, 2023), <https://www.nytimes.com/2023/02/13/health/teen-girls-sadness-suicide-violence.html>.

<sup>2</sup> *Id.*

1 rocketed nearly off the chart, with rates of hopelessness and depression double that of their male peers.  
 2 One in three girls reported having “seriously contemplated suicide” compared to one in five teens  
 3 overall. For gay, lesbian, and bisexual teens and adolescents, the levels of hopelessness and depression  
 4 are, unsurprisingly, even worse, reaching nearly 70%.

5 6. “We don’t have enough therapists to care for all these kids.”<sup>3</sup> Nobody was ready for the  
 6 unparalleled crisis that the YouTube, TikTok and Snap companies and their co-conspirators created,  
 7 and nobody but the social media companies saw it coming. An emergency room in New York counted  
 8 8,000 visits in 2022 for children suffering from suicidal ideation or self-harm. In 2010, years before  
 9 TikTok and Snap became universally popular and when YouTube had only just begun to experiment  
 10 with its feed algorithm, that number was 3,000. For context, the hospital had just 250 such emergency  
 11 room visits in 1982. The number of teens and adolescents waiting in the emergency room for mental  
 12 health treatment for suicide nationwide has tripled from 2019 to 2021.<sup>4</sup>

13  
 14 According to data from the American Academy of Child and Adolescent  
 15 Psychiatry, most counties in the United States have a severe shortage of **Child  
 16 and Adolescent Psychiatrists (CAPs)** per 100,000 children.

17 Red=low number of Child and Adolescent Psychiatrists (CAPs)



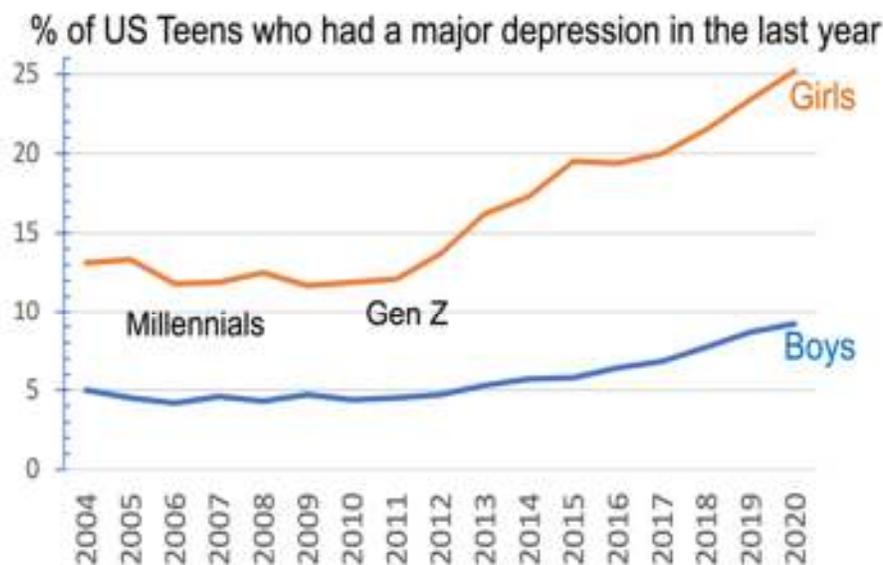
Map: Dilcia Mercedes, CBS News • Source: American Academy of Child and Adolescent Psychiatry

<sup>3</sup> *Id.*

<sup>4</sup> Stephen Stock, *Children languish in emergency rooms awaiting mental health care*, CBS News (Feb. 27, 2023), <https://www.cbsnews.com/news/emergency-rooms-children-mental-health/>.

### 1 C. The Monetizing of Misery

2 7. In testimony before the Senate Judiciary Committee, Professor Jonathan Haidt  
3 concluded that “something changed in the lives of American teens around 2010” because of a “hockey  
4 stick” data trend of mental health issues at that time. Researchers observe the rise of smart phones and  
5 social media popularity during this time as the primary explanation.<sup>5</sup>



Source: U.S. National Survey on Drug Use and Health

16 Figure 2: rates of major depression roughly doubled, for boys and for girls, from 2010 to 2020.

17

18 8. Social media companies are “monetizing misery.”<sup>6</sup> In 2017, for the first time in the  
19 world, a court found that social media was a contributing cause of the death of a child. A senior coroner  
20 in northwest London ruled that a 14-year-old girl “died from an act of self-harm while suffering from  
21 depression and the negative effects of online content.” Declining to rule the death a suicide, the judicial  
22 officer found that social media’s algorithms had forced a stream of unsolicited content to the girl that  
23 romanticized and glorified self-harm, and even instructed her not to seek any professional help. In just a  
24 matter of weeks preceding her death, the girl was fed thousands of individual pieces of content  
25 encouraging self-harm. A child psychiatrist described the content as “very disturbing” and told the

26 <sup>5</sup> Jonathan Haidt, *Teen Mental Health is Plummeting, and Social Media is a Major Contributing Cause*,  
27 Testimony before the Senate Judiciary Committee, Subcommittee on Technology, Privacy, and the  
Law (May 4, 2022), <https://www.judiciary.senate.gov/imo/media/doc/Haidt%20Testimony.pdf>.

28 <sup>6</sup> Dan Milmo, *Social media firms ‘monetising misery’, says Molly Russell’s father after inquest*, The  
Guardian (Sept. 30, 2022), <https://www.theguardian.com/uk-news/2022/sep/30/molly-russell-died-while-suffering-negative-effects-of-online-content-rules-coroner>.

1 court that she herself could not sleep for weeks after viewing it because it was so extreme.<sup>7</sup> A young  
2 girl's life, full of promise and purpose, was cut tragically short by an algorithm broadcasting to her a  
3 relentless stream of dark and twisted, life-sucking content. The algorithm kept pursuing her like a  
4 methodical predator until she finally fulfilled its commands to end her own life. In exchange for this  
5 dystopian result, the social media company responsible might plan to collect its marginal advertising  
6 revenue for her final days on earth spent visiting their app, like a bounty for her life.



18 *Teenage Girl Tragically Takes Own Life, Coroner Blames Social Media*

19 Source: <https://www.theguardian.com/uk-news/2022/sep/30/>

20 *Father Ian Russel's Comments*

21 Source: <https://nypost.com/202210/01/molly-russels-cause-of-death-ruled-a-suicide-resulting-from-social-media/>

22 **D. The Crisis in Our Schools**

23 9. Charged with the care and education of the nation's children, educators in San Mateo  
24 County are on the frontlines and face the brunt of a crisis they are compelled to address. Like other  
25 schools across America, schools in San Mateo County have had to deploy extraordinary and  
26 unprecedented resources and measures to protect and restore the health and safety of children in  
27 their care. Our local schools have had to divert precious resources away from traditional

28 <sup>7</sup> Dan Milmo, *Psychiatrist 'unable to sleep' after seeing material viewed by Molly Russell*, The  
Guardian (Sept. 27, 2022), <https://www.theguardian.com/uk-news/2022/sep/27/molly-russell-inquiry-hears-of-distressing-self-harm-content>.

1 pedagogical goals to address this immediate and pressing crisis. But a tragedy for some is a bonanza  
2 for others. As schools and families are dealing with an exploding crisis wreaking havoc on the  
3 health and safety of the nation’s youth, social media companies enjoy an explosion of revenue. As  
4 more and more youth in San Mateo County become afflicted with mental and emotional illness than  
5 they otherwise would have, social media companies’ userbase swells from millions to billions.  
6 While students have suffered direct harm to their mental health and schools have been left to  
7 address mental health problems, schools have also suffered concrete and tangible harm—for  
8 example, several schools in San Mateo County were vandalized in connection with the “Devious  
9 Lick” TikTok “Challenge” **which called on students to vandalize their schools**, as shown below  
10 in a local high school newspaper:

# The ARAGON OUTLOOK

## TikTok “Devious Lick” challenge and vandalism around campus

Marlee Cherkas © October 28, 2021 3 min read



Kyle Delmo / Aragon Outlook

1           10. For the past decade, the YouTube, TikTok and Snap companies have watched and  
2 learned how adolescents and teens have used their platforms, studying their habits and their  
3 preferences. Adolescents and teens have unique neurological and psychological aspects distinct from  
4 those found in adults. As young people mature into adulthood, their still-developing brains are uniquely  
5 hardwired to prioritize seeking affirmation and social rewards as an evolutionary strategy to cultivate  
6 healthy social relationships and a sense of self as they develop social emotional skills. What nature has  
7 provided as a tool to foster healthy development, social media companies have identified as a powerful  
8 means of exploitation and manipulation. Social media companies quickly realized that these unique  
9 vulnerabilities make young people an especially lucrative market because their reward pathways  
10 hardwired for healthy social development can be readily hijacked to keep them on their platforms for  
11 excessive periods of time. Over time and continuing to today, Defendants have adjusted and optimized  
12 the underlying algorithms and features of their platforms to exploit these vulnerabilities.

13           **E. Focus on Youth**

14           11. The YouTube, TikTok, and Snap companies now focus almost exclusively on young  
15 people on their platforms because this market is existential to their business model. The end goal is to  
16 make young people engage with and stay on the platforms as long as possible, because that means they  
17 can sell more advertising. The YouTube, TikTok, and Snap companies have learned that this is best  
18 accomplished by catering an endless flow of the lowest common denominator of content that is most  
19 provocative and toxic that they can get away with. The YouTube, TikTok, and Snap companies have  
20 also adopted tactics like those used by casinos to entrap young people in dopamine-feedback loops. But  
21 while they have employed some tried and true tactics, their shadowy use of the most advanced artificial  
22 intelligence and machine learning technology is truly uncharted waters for childhood mental health. As  
23 President Biden said in his 2023 State of the Union Address, social media companies' tactics are an  
24 “**experiment** they are running on our children for profit” (emphasis added). This experiment must end  
25 now.

26           12. The YouTube, TikTok, and Snap companies knowingly endanger the youth on their  
27 platforms, for profit. From whistleblowers and leaked documents, the public now knows that social  
28 media companies were keenly aware of the consequences of their tactics in targeting the vulnerabilities

1 of children’s brains. It is apparent that when the YouTube, TikTok, and Snap companies were faced  
2 with a choice about making a change, they decided to stay the course. They simply put profit over the  
3 health and safety of children. Like the public health crisis caused by Big Tobacco, the YouTube,  
4 TikTok, and Snap companies have endeavored to shift blame and shirk responsibility through a  
5 concerted effort to withhold and distort the facts. Despite their advanced knowledge of the disaster they  
6 are causing, the YouTube, TikTok, and Snap companies have made no meaningful attempt to address  
7 this exploding crisis. As they look for new and ingenious way to leverage their unmatched access to  
8 technology to keep children addicted to their platforms, Defendants feed their own addiction, to profits  
9 and ever larger user bases. Due to the YouTube, TikTok, and Snap companies’ unwillingness to  
10 address the crisis of their making, the San Mateo Board of Education and its Superintendent feel they  
11 have no other choice than to bring this lawsuit to ensure the health and safety of children in their care.

## 12 **II. JURISDICTION AND VENUE**

13 13. This Court has original subject-matter jurisdiction under 18 U.S.C. § 1964 and 28  
14 U.S.C. § 1331 because this action arises, in part, under the federal Racketeer Influenced and Corrupt  
15 Organizations Act (“RICO”).

16 14. The Court has personal jurisdiction over Defendants because they do business in the  
17 Northern District of California and have sufficient minimum contacts with the District. Defendants  
18 intentionally avail themselves of the markets in this State through the promotion, marketing, and  
19 operations of their platforms at issue in this lawsuit in California, and by retaining the profits and  
20 proceeds from these activities, to render the exercise of jurisdiction by this Court permissible under  
21 California law and the United States Constitution.

22 15. Venue is proper in this District under 28 U.S.C. § 1391 because, at all relevant times,  
23 Defendants have maintained substantial business operations and engaged in substantial business in this  
24 District; because Defendants entered into relevant transactions and received substantial ill-gotten gains  
25 and profits from users who reside in this District; because Plaintiffs reside and were harmed by  
26 Defendants’ conduct in this District; and because a substantial part of the events, acts, and omissions  
27 giving rise to this action occurred in this District.

28 ///

1 **III. DIVISIONAL ASSIGNMENT**

2 16. Under the Northern District of California’s Local Civil Rule 3-2(c) and 3-2(d),  
3 assignment of this action to the San Francisco or Oakland Division is appropriate because a substantial  
4 part of the events or omissions giving rise to the claims in this action occurred in San Mateo County,  
5 and because a substantial part of the property that is the subject of this action is in San Mateo County.  
6 Plaintiffs serve schools located exclusively in San Mateo County.

7 **IV. PARTIES**

8 **A. Plaintiffs**

9 17. Plaintiffs San Mateo County Board of Education (“SMCBE”) and Nancy Magee, in her  
10 official capacity as San Mateo County Superintendent of Schools (“SMC Superintendent”)  
11 (collectively, “Plaintiffs”) submit this Complaint against Defendants YouTube, LLC, Google LLC,  
12 Alphabet Inc., XXVI Holdings Inc., Snap, Inc., TikTok, Inc., and ByteDance, Inc. (collectively,  
13 “Defendants”) for their conduct in causing and exacerbating a youth mental health crisis.

14 18. Plaintiffs allege that Defendants design, advertise, market, and operate their social media  
15 platforms and products to target children, adolescents, and teenagers, and that these platforms are  
16 intentionally and deliberately designed to prey on, exploit and cause minors to become addicted, which  
17 has caused harm to Plaintiffs.

18 19. Plaintiffs allege the following based on personal knowledge as to themselves and their  
19 own acts, and on information and belief as to all other matters based on the investigation of their  
20 counsel.

21 **B. The YouTube Defendants (Alphabet, XXVI Holdings, Google, and YouTube)**

22 20. Defendant Alphabet Inc. (“Alphabet”) is a Delaware corporation with its principal place  
23 of business in Mountain View, California. Alphabet is the sole stockholder of Defendant XXVI  
24 Holdings Inc.

25 21. XXVI Holdings Inc. (“XXVI Holdings”) is a Delaware corporation with its principal  
26 place of business in Mountain View, California. XXVI Holdings is a wholly owned subsidiary of  
27 Alphabet and the managing member of Defendant Google LLC.

28 22. Defendant Google LLC (“Google”) is a limited liability company organized under the

1 laws of the state of Delaware, and its principal place of business is in Mountain View, California.  
2 Google is a wholly owned subsidiary of XXVI Holdings, and the managing member of Defendant  
3 YouTube, LLC. Google regularly transacts and has transacted business in this District and throughout  
4 the United States. At all times material to this Complaint, acting alone or in concert with others, Google  
5 has advertised, marketed, and distributed its YouTube video sharing platform to consumers throughout  
6 the United States. At all times material to this Complaint, acting alone or in concert with Defendant  
7 YouTube, LLC, Google formulated, directed, controlled, had the authority to control, or participated in  
8 the acts and practices set forth in this Complaint.

9       23. Defendant YouTube, LLC (“YouTube”) is a limited liability company organized under  
10 the laws of the state of Delaware, and its principal place of business is in San Bruno, California.  
11 YouTube is a wholly owned subsidiary of Google. YouTube transacts or has transacted business in this  
12 District and throughout the United States. At all times material to this Complaint, acting alone or in  
13 concert with Defendant Google, YouTube has advertised, marketed, and distributed its YouTube social  
14 media platform to consumers throughout the United States. At all times material to this Complaint,  
15 acting alone or in concert with Google, YouTube formulated, directed, controlled, had the authority to  
16 control, or participated in the acts and practices set forth in this Complaint.

17       **C. The Snap Defendant**

18       24. Defendant Snap Inc. (“Snap”) is a camera and social media technology company,  
19 incorporated in Delaware, with its principal place of business in Santa Monica, California. Formerly  
20 Snapchat, the company was rebranded as Snap on September 14, 2016. Snap develops, maintains,  
21 markets, advertises, and distributes the Snapchat social media platform and multimedia instant  
22 messaging application, and has done so at all times material to this Complaint. Snap transacts business  
23 in this District and throughout the United States, and has done so at all times material to this Complaint.  
24 Snap has engaged in the acts set forth in the Factual Allegations section of this Complaint.

25       **D. The TikTok Defendants (TikTok and ByteDance)**

26       25. Defendant TikTok Inc. (“TikTok”) is a video-sharing social media platform, owned by  
27 the Chinese company ByteDance Inc. TikTok was incorporated in California on April 30, 2015, having  
28 its principal place of business in Culver City, California. TikTok, known as Douyin in China, was

1 internationalized (launched outside of China) in 2017. TikTok, acting alone or in conjunction with its  
2 parent company Defendant ByteDance Inc., develops, maintains, markets, advertises, and distributes  
3 the TikTok social media platform and multimedia instant messaging application, and has done so at all  
4 times material to this Complaint. TikTok, acting alone or in conjunction with its parent company  
5 Defendant ByteDance Inc., transacts business in this District and throughout the United States, and has  
6 done so at all times material to this Complaint. TikTok, acting alone or in conjunction with its parent  
7 company Defendant ByteDance Inc., has engaged in the acts set forth in the Factual Allegations section  
8 of this Complaint.

9       26. Defendant ByteDance Inc. (“ByteDance”) is a Chinese company that has incorporated in  
10 Delaware, with its United States principal place of business in Mountain View, California. ByteDance,  
11 acting alone or in conjunction with its subsidiary TikTok, develops, maintains, markets, advertises, and  
12 distributes the TikTok social media platform and multimedia instant messaging application, and has  
13 done so at all times material to this Complaint. ByteDance, acting alone or in conjunction with its  
14 subsidiary TikTok, transacts business in this District and throughout the United States, and has done so  
15 at all times material to this Complaint. ByteDance, acting alone or in conjunction with its subsidiary  
16 TikTok, has engaged in the acts set forth in the Factual Allegations section of this Complaint.

## 17 **V. FACTUAL ALLEGATIONS**

### 18 **A. Significant Numbers of Youth Have Become Addicted, or Are Becoming** 19 **Addicted, to Social Media**

20       27. According to a Harvard University study, social media’s effect on the brain is similar to  
21 the effect elicited by gambling or taking recreational drugs, in that the same neural pathways are  
22 stimulated. Social media’s effect triggers the same reward area of the brain and positively reinforces the  
23 activity, keeping the user engaged in the social media product.<sup>8</sup>

24       28. Each Defendant has been successful in designing and marketing its social media  
25 products to be popular with youth. Social media use is prevalent among pre-teen and teen children.

26       29. As of 2018, before the Covid-19 pandemic, the **American Academy of Child and**  
27

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28 <sup>8</sup> Addiction Center, *Social Media Addiction*, <https://www.addictioncenter.com/drugs/social-media-addiction/#:~:text=Due%20to%20the%20effect%20that,when%20taking%20an%20addictive%20substance.>

1 **Adolescent Psychiatry** found the following regarding social media use among teens ages 13–17:

- 2 • 99% had used social media;
- 3 • 75% reported active social media profiles;
- 4 • 51% visited social media daily;
- 5 • 66% had their own mobile devices with internet capabilities; and
- 6 • Teens are online for almost nine hours a day on average, not including time spent online for
- 7 homework.<sup>9</sup>

8 30. In October 2021, a University of Michigan Mott Poll found that 32% of parents of  
 9 children ages 7–9, and 49% of children ages 10–12, reported that their children used media apps in the  
 10 previous six months—figures that are likely lower than reality because the poll was of parents.<sup>10</sup>  
 11 Further the Mott Poll suggested that schools should be a key partner in addressing overuse of social  
 12 media and unsafe use—placing a financial burden on schools.

13 31. Another key 2021 study, titled “*The Common Sense Census: Media Use by Tweens and*  
 14 *Teens, 2021*,” was based on data collected since 2015 and focused on changing social media use during  
 15 the pandemic. This lengthy study looked not just at statistics about use, but also at negative impacts on  
 16 children and whether children even enjoy using the products.<sup>11</sup>

17 32. The authors of the 2021 Common Sense Census noted that to their knowledge their  
 18 study was the “the only nationally representative survey tracking media use patterns among a truly  
 19 random sample of 8- to 18-year-olds in the United States.” The study found that 38% of tweens (ages  
 20 8–12) use social media and 18% of tweens use social media daily, which led the study’s authors to  
 21 conclude that “social media use is going up among tweens, a group who are technically not supposed to  
 22 be using social media in the first place.” The study also found that 84% of teens (ages 13–19) use social  
 23 media and that 62% of teens use social media daily. The study found that “[i]f forced to choose, teens

24 \_\_\_\_\_  
 25 <sup>9</sup> American Academy of Child & Adolescent Psychiatry, *Social Media and Teens* (Mar. 2018),  
[https://www.aacap.org/AACAP/Families\\_and\\_Youth/Facts\\_for\\_Families/FFF-Guide/Social-Media-and-Teens-100.aspx](https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Social-Media-and-Teens-100.aspx).

26 <sup>10</sup> C.S. Mott Children’s Hospital, Univ. of Mich. Health, *Sharing Too Soon? Children and Social Media*  
 27 *Apps* (Oct. 18, 2021), [https://mottpoll.org/sites/default/files/documents/101821\\_SocialMedia.pdf](https://mottpoll.org/sites/default/files/documents/101821_SocialMedia.pdf).

28 <sup>11</sup> 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://www.common sense media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf) (“2021 Common Sense Census”).

1 say YouTube is the site that they wouldn't want to live without.”

2 33. A recent Pew Research Center study found that 95% of teenagers use YouTube, making  
3 it the most popular social media platform. Emily Vogels et al., *Teens, Social Media and Technology*  
4 *2022*, Pew Rsch. Ctr. (Aug. 10, 2022), [https://www.pewresearch.org/internet/2022/08/10/teens-social-](https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/)  
5 [media-and-technology-2022/](https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/) (the “2022 Pew Study”). The study also found that TikTok has quickly  
6 become one of the world’s most popular social media platforms, second only to YouTube, with 67% of  
7 children ages 13–17 having used the app, even though TikTok’s terms of service state that a user must  
8 be at least 13 years old. However, TikTok has stated that more than a third of its users in the United  
9 States are 13 years old or younger, and that it does not know the age of a third of its users. The study  
10 also found that 59% of children ages 13–17 report they have used the Snapchat app, making it more  
11 popular than Facebook among teenagers, and the fourth most popular social media platform.

12 34. Due to their addictive nature, many teenagers interact with social media sites  
13 compulsively and continuously, throughout the course of the day. As reported in the 2022 Pew Study,  
14 97% of teens say they use the internet daily, and 52% of teens ages 15–17 say they use the internet  
15 almost constantly. A majority of teens (58%) visit TikTok daily, while about half say the same for  
16 Snapchat (51%) and Instagram (50%).

17 35. The 2022 Pew Study also found that teens use social media platforms, including  
18 YouTube, TikTok, and Snapchat, steadily throughout the day. For example, 86% of TikTok and  
19 Snapchat users say they use these apps daily, and a quarter of teens who use these platforms say they  
20 use these apps almost constantly. Additionally, approximately 20% of teens are on the YouTube  
21 platform continually each day.

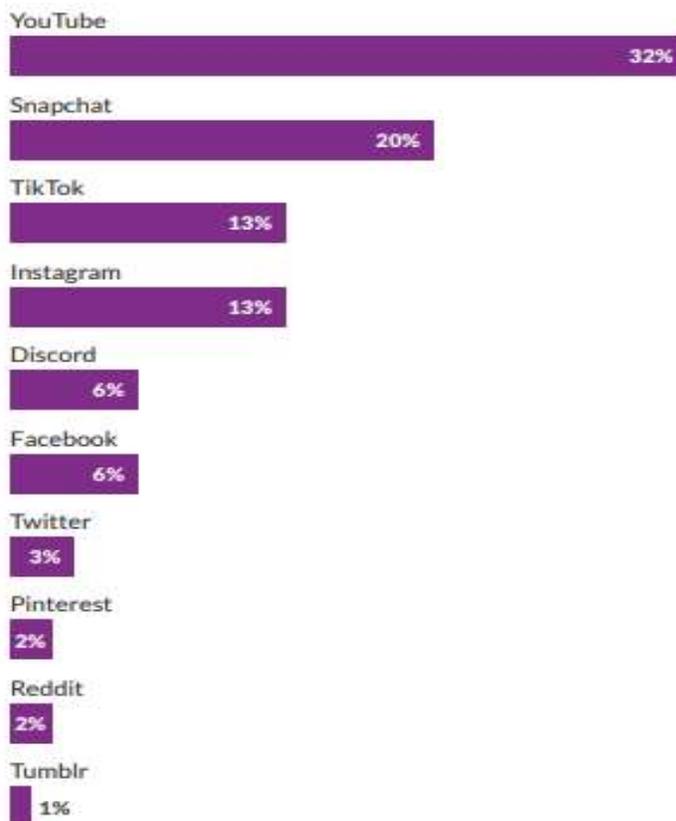
22 36. Young people find it extremely difficult to be moderate in their use of social media,  
23 even when they are conscious that they are using it too much. For example, the 2022 Pew Study found  
24 that 54% of teens say that it would be very hard or somewhat hard to give up social media. A majority  
25 of teens who reported that they use at least one social media site almost constantly also said it would be  
26 very difficult for them to give up social media.

27 37. Another major conclusion of the 2022 Pew Study is that some teens are more susceptible  
28 to compulsive social media use. For these teens, the more they use social media, the more they are

1 drawn down the rabbit hole into further use, making it increasingly difficult for them to stop. The teens  
 2 who are admittedly aware that they spend too much time on social media also report that they would  
 3 struggle to wean themselves off social media.

4 38. The 2021 Common Sense Census study found that teens ages 13–18 report there are  
 5 some social media sites that they “wouldn’t want to live without.” Thirty-two percent (32%) of the  
 6 teens surveyed felt this way about YouTube, 20% felt this way about Snapchat, and 13% felt this way  
 7 about TikTok and Instagram:

8 **FIGURE B. Site teens wouldn’t want to live without, 2021**  
 9 Among the 79% of 13- to 18-year-olds who are regular users  
 10 of social media and online videos (use at least once a week),  
 11 percent who choose each site as the one they wouldn’t want  
 12 to live without



13 39. Rampant use of social media among youth does not correlate to their enjoyment of it.  
 14 The 2021 Common Sense Census study showed that while tweens and teens are regularly and  
 15 increasingly interacting with social media on a daily basis, they are not necessarily doing so because  
 16 they enjoy it. Only 34% of youth (27% of boys and 42% of girls, ages 8–18) saying they enjoy using  
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social media “a lot,” compared to the 57% of boys and 28% of girls who report using social media every day. The same study also reported that screen use is skyrocketing among youth, and that minority youth are disproportionately affected:

## The Common Sense Census: Media Use by Tweens and Teens, 2021

Use of screen media is up 17% for tweens and teens since the start of the pandemic.



Total entertainment screen use per day (average)



Media use grew faster in the last two years than it did in the four years prior to the pandemic.

Overall, boys use more screen media than girls.

Black and Hispanic/Latino children use screens more than White children.

And children in higher-income households use screens for entertainment less than children in middle- and lower-income households.

Average daily entertainment screen use, 2021

■ Tweens ■ Teens

### B. Social Media Significantly Harms Youth Mental Health

40. As said succinctly in his opening remarks before the February 2023 Senate Judiciary Committee’s hearing on social media’s impact on child, teen, and adolescents’ mental health, Senator Blumenthal observed that America was gripped by “a public health emergency egregiously and knowingly exacerbated by Big Tech, aggravated by toxic content on eating disorders, bullying, even

1 suicide—driven by Big Tech’s black box algorithms leading children down dark rabbit holes.”<sup>12</sup>

2 41. Numerous studies have concluded that excessive use of social media can have a  
 3 significant detrimental effect on the mental well-being of young people. Social media use, especially  
 4 compulsive or excessive use, can result in various psychological disorders, including behavioral,  
 5 developmental, emotional, and mental disorders, such as anxiety, depression, thoughts of suicide, and  
 6 eating disorders.

7 42. A 2018 study on the effect of screen time associated with the use of electronic devices,  
 8 has shown that staring at electronic screens is not healthy, especially among adolescents. Jean M.  
 9 Twenge & W. Keith Campbell, *Associations between screen time and lower psychological well-being*  
 10 *among children and adolescents: Evidence from a population-based study*, 12 *Preventive Med. Rep.*  
 11 271–83 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6214874/>. This study concluded:

12 **Average daily entertainment screen use, 2021**

13 **By gender**



14 **By race/ethnicity**



15 **By household income**



16 Note: Tweens are 8- to 12-year-olds. Teens are 13- to 18-year-olds.

- 17 • “After 1 h[our]/day of use, more hours of daily screen time were associated with lower  
 18 psychological well-being, including less curiosity, lower self-control, more distractibility,  
 19 more difficulty making friends, less emotional stability, being more difficult to care for, and  
 20 inability to finish tasks.”
- 21 • Among teens aged 14 to 17, high users of screens (7+ hours/day) were more than twice as  
 22

23 <sup>12</sup> Sen. Richard Blumenthal, *Hearing on Child Internet Safety*, C-SPAN (Feb. 14, 2013), available at  
 24 <https://www.c-span.org/video/?526011-1/hearing-child-internet-safety>.

1 likely as low users of screens (1 hour/day) to ever have been diagnosed with depression or  
2 anxiety, ever have been treated by a mental health professional, or taken medication for a  
3 psychological or behavioral issue in the last 12 months.

- 4 • More hours of daily screen time were associated with lower psychological well-being,  
5 including less curiosity, lower self-control, more distractibility, more difficulty making  
6 friends, less emotional stability, being more difficult to care for, and inability to finish tasks.

7 43. A 2020 literature review and study in the Cureus Journal of Medical Science found that  
8 “social media are responsible for aggravating mental health problems,” and concluded that “social  
9 media envy can affect the level of anxiety and depression in individuals.” Fazida Karim et al., *Social*  
10 *Media Use and Its Connection to Mental Health: A Systemic Review*, 12(6) Cureus (June 15, 2020),  
11 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7364393/>.

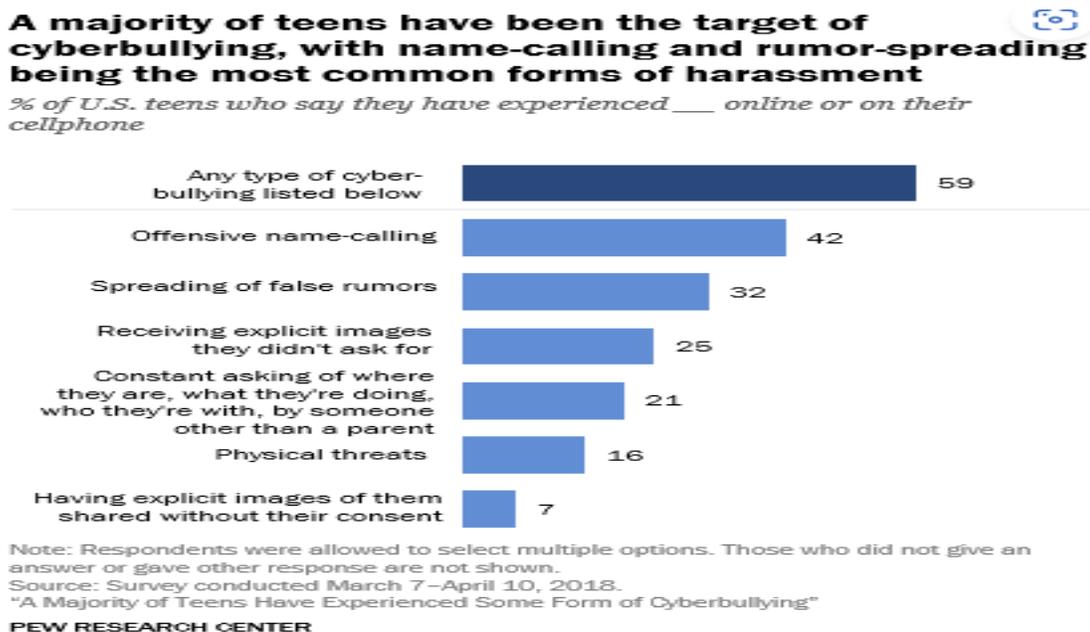
12 44. Adolescents are susceptible to the aggravation of mental health problems and other  
13 psychological disorders linked to the use of social media. Yet another study found a link between  
14 adolescent use of social media and detrimental mental health effects, including depression and suicide.  
15 Jean M. Twenge et al., *Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide*  
16 *Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*, 6 *Clinical*  
17 *Psych. Sci.* 3–17 (2017), <https://doi.org/10.1177/2167702617723376>.

18 45. Social media platforms are a breeding ground for feelings of inadequacy and envy,  
19 among adolescents. The perpetual barrage of idealized photos posted by and endless conveyor belt of  
20 too many two-dimensional friends, as well as a bombardment of celebrities and influencers, portraying  
21 a heightened and unrealistic reality, can lead to negative comparisons and a negative self-image. A  
22 2015 study provides “evidence that technology-based social comparison and feedback-seeking  
23 behaviors may be associated with depressive symptoms among adolescents,” and that young people  
24 “use social media sites as a way to gauge themselves against their peers.” Jacqueline Nesi & Mitchell J.  
25 Prinstein, *Using Social Media for Social Comparison and Feedback-Seeking: Gender and Popularity*  
26 *Moderate Associations with Depressive Symptoms*, 43 *J. Abnormal Child Psych.* 1427–38 (2015),  
27 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5985443/>; see also Nino Gugushvili et al., *Facebook*  
28 *use intensity and depressive symptoms: a moderated mediation model of problematic Facebook use*,

1 age, neuroticism, and extraversion at 3, BMC Psych. 10, 279 (2022), [https://doi.org/10.1186/s40359-](https://doi.org/10.1186/s40359-022-00990-7)  
 2 022-00990-7 (explaining that youth are particularly vulnerable because they “use social networking  
 3 sites for construing their identity, developing a sense of belonging, and for comparison with others”).  
 4 The same 2015 study found that because social media users, including young people, are putting forth  
 5 idealized versions of themselves onto social media, this can lead to distorted views of peers and  
 6 harmful upward comparisons, which are comparison with those believed to be of higher status.

7 46. Cyberbullying has become prevalent on social media. One study found that the more  
 8 time an adolescent who identifies as male spends online, the more likely he may be to commit acts  
 9 cyberbullying. Amanda Giordano et al., *Understanding Adolescent Cyberbullies: Exploring Social*  
 10 *Media Addiction and Psychological Factors*, 7(1) J. Child & Adolescent Counseling 42–55 (2021),  
 11 [https://www.tandfonline.com/doi/abs/10.1080/23727810.2020.1835420?journalCode=u\\_cac20](https://www.tandfonline.com/doi/abs/10.1080/23727810.2020.1835420?journalCode=u_cac20).

12 47. A 2018 Pew Research Center survey found that 59% of teens have experienced some  
 13 form of cyberbullying and the same amount say that it is a major problem for people their age. Monica  
 14 Anderson, *A Majority of Teens Have Experienced Some Form of Cyberbullying*, Pew Rsch. Ctr. (Sept.  
 15 27, 2018), [https://www.pewresearch.org/internet/2018/09/27/a-majority-of-teens-have-experienced-](https://www.pewresearch.org/internet/2018/09/27/a-majority-of-teens-have-experienced-some-form-of-cyberbullying/)  
 16 [some-form-of-cyberbullying/](https://www.pewresearch.org/internet/2018/09/27/a-majority-of-teens-have-experienced-some-form-of-cyberbullying/). As shown in the following chart, the study found that “the majority of  
 17 teens have been the target of cyberbullying, with name-calling and rumor-spreading being the most  
 18 common forms of harassment”:



1 48. A 2019 study published on the NIH’s National Library of Medicine PubMed website  
2 found a clear association between social media usage and disordered eating cognitions and behaviors  
3 and confirmed that these relationships occur at a younger age than previously investigated. Simon M.  
4 Wilksch et al., *The relationship between social media use and disordered eating in young adolescents*,  
5 53 Int’l J. Eating Disorders 96–106 (2020), <https://pubmed.ncbi.nlm.nih.gov/31797420/>. This study  
6 also found a correlation between a greater number of social media accounts, as well as a greater amount  
7 of daily time spent on social media, to a higher incidence of eating disorders among young girls. *Id.*

8 49. There is evidence that social media use can cause sleep deprivation among young adults,  
9 which can be insightful in that young adults are arguably the first generation to grow up with social  
10 media. A 2016 study found that, among a sample group of young adults, “there were consistent,  
11 substantial, and progressive associations between SM [social media] use and sleep disturbance.” Jessica  
12 C. Levenson et al., *The Association Between Social Media Use and Sleep Disturbance Among Young*  
13 *Adults*, 85 Preventive Med. 36–41 (Apr. 2016), [https://www.sciencedirect.com/science/article/abs/pii](https://www.sciencedirect.com/science/article/abs/pii/S0091743516000025)  
14 [/S0091743516000025](https://www.sciencedirect.com/science/article/abs/pii/S0091743516000025). The study found that “the strong association between SM [social media] use and  
15 sleep disturbance has important clinical implications for the health and well-being of young adults.”

16 50. The association between social media use and sleep disturbance also effects adolescents,  
17 according to one study finding that children under 12 may be losing the equivalent of one night’s sleep  
18 per week due to social media use. “The study also found that 12.5% of the children surveyed were  
19 waking up in the night to check their notifications,” and that FOMO (or the fear of missing out) driven  
20 by social media was directly affecting their sleep. *See, e.g.*, Beatrice Nolan, *Kids are waking up in the*  
21 *night to check their notifications and are losing about 1 night’s worth of sleep a week, study suggests*,  
22 Business Insider (Sept. 19, 2022), [https://www.businessinsider.com/social-media-costing-children-one-](https://www.businessinsider.com/social-media-costing-children-one-night-sleep-study-2022-9)  
23 [night-sleep-study-2022-9](https://www.businessinsider.com/social-media-costing-children-one-night-sleep-study-2022-9) (approximately 12.5% of children report waking up to check social media  
24 notifications).

25 51. Another study finds that young people are more susceptible to developing neurotic  
26 behaviors or addiction-like symptoms because the adolescent brain, specifically the pre-frontal cortex,  
27 which is charge of self-regulation, is not fully developed until around the age of twenty-four. Nino  
28 Gugushvili et al., *Facebook use intensity and depressive symptoms: a moderated mediation model of*

1 *problematic Facebook use, age, neuroticism, and extraversion* at 3, *BMC Psych.* 10, 279 (2022),  
2 <https://doi.org/10.1186/s40359-022-00990-7>. Because the young person’s brain is not fully developed,  
3 they may not possess sufficient self-control to deal with the overwhelming aspects of social media. The  
4 study found that this lack of self-control or good-judgment may lead to the young social media user to  
5 engage in risky and or addictive-like usage patterns.

6 52. The aforementioned study extended these findings by “suggesting that also on Facebook  
7 intense but non-addictive use of this social network site may gradually transform into an addictive  
8 usage pattern.” *Id.* The addictive nature of Facebook is applicable to Defendants in this case, because  
9 Defendants deploy the same features and tactics. The study also found that increased intense social  
10 media usage tended to lead to problematic usage, which is associated with stress, anxiety, and  
11 depression. *Id.*

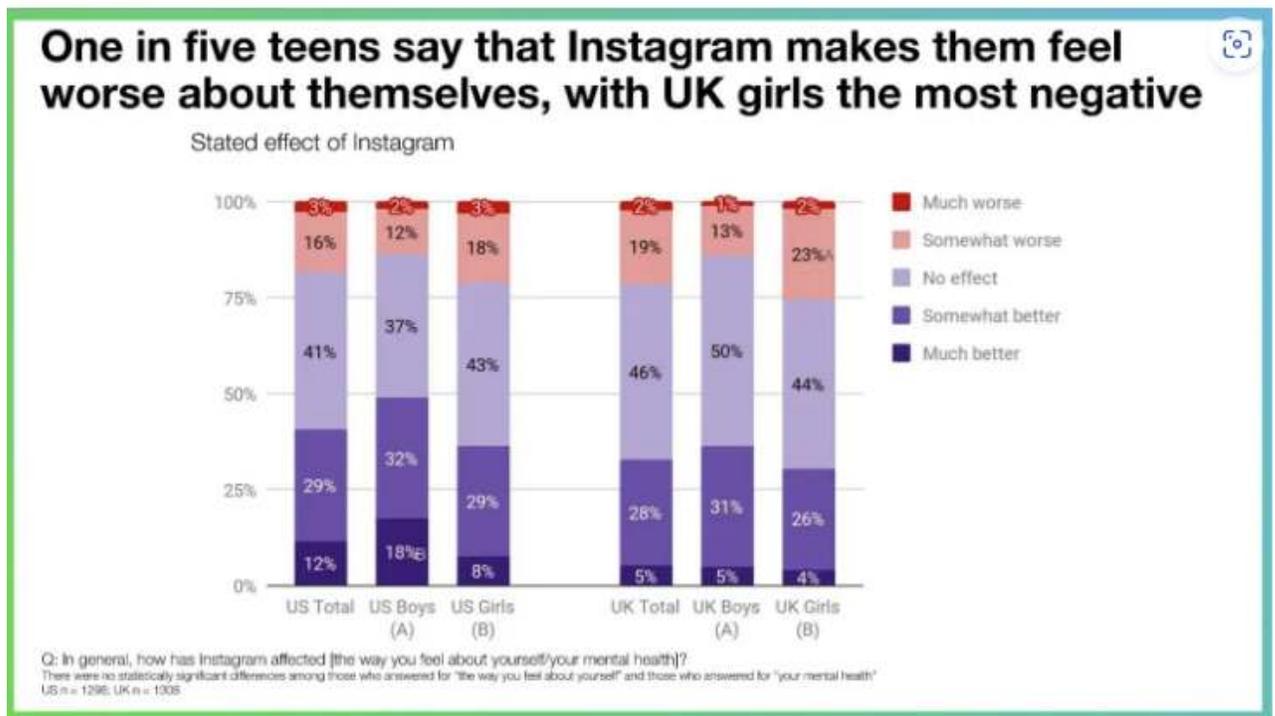
12 53. In 2021, a whistleblower and former employee of Meta Platforms, Inc. (“Meta”), known  
13 formerly as Facebook, Inc., leaked documents to journalists at the Wall Street Journal and government  
14 officials. These documents showed that Meta was aware as early as 2019 that one of its platforms,  
15 Instagram, caused body image issues to worsen for at least one third of teenage girls on the platform  
16 based on its own research and analysis.<sup>13</sup> These documents settled what scientists had long suspected  
17 about Instagram’s harmful impact on children, in addition to confirming that Meta was completely  
18 aware of this issue based on Meta’s own studies. The leak confirmed that Meta designed Instagram in a  
19 way to risk the mental and physical health of children because that is what makes Meta profitable.

20 54. In her letter to Congress, the Meta whistleblower told lawmakers: “I saw Facebook  
21 repeatedly encounter conflicts between its own profits and our safety. **Facebook consistently resolved**  
22 **those conflicts in favor of its own profits** ... Facebook became a \$1 trillion company by **paying for**  
23 **its profits with our safety, including the safety of our children. And that is unacceptable.**”<sup>14</sup>

24 \_\_\_\_\_  
25 <sup>13</sup> The Wall Street Journal and Digital Wellbeing published several of these documents in November  
26 2021. See Paul Marsden, *The ‘Facebook Files’ on Instagram Harms—All Leaked Slides on a Single*  
27 *Page*, Digit. Wellbeing (Oct. 20, 2021), [https://digitalwellbeing.org/the-facebook-files-on-instagram-](https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page/)  
28 [harms-all-leaked-slides-on-a-single-page/](https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page/). Gizmodo also started publishing these documents in April  
2022. See Dell Cameron et al., *Read the Facebook Papers for Yourself*, Gizmodo (Apr. 18, 2022),  
<https://gizmodo.com/facebook-papers-how-to-read-1848702919>.

<sup>14</sup> U.S. Senate Committee on Commerce, Science, and Transportation, *Statement of Frances Haugen*  
(Oct. 4, 2021), [https://www.commerce.senate.gov/services/files/FC8A558E-824E-4914-BEDB-](https://www.commerce.senate.gov/services/files/FC8A558E-824E-4914-BEDB-3A7B1190BD49)  
[3A7B1190BD49](https://www.commerce.senate.gov/services/files/FC8A558E-824E-4914-BEDB-3A7B1190BD49) (emphasis in original).

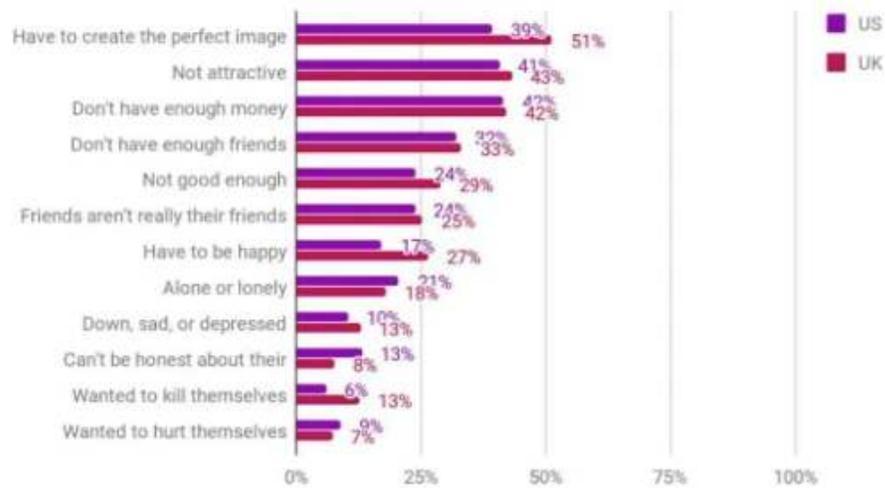
55. The Meta whistleblower further testified that, at least as far back as 2019, Meta initiated a Proactive Incident Response experiment, which began researching the effect of Meta on the mental health of today’s children.<sup>15</sup> Meta’s reporting showed a significant pattern of mental health issues in teenage girls who use Instagram. Those issues included suicidal ideation and eating disorders, which Meta’s own research directly linked to the teenager’s usage of Instagram. Meta refers to its prime target audience of tweens as “herd animals” who “want to find communities where they fit.”



<sup>15</sup> See C-SPAN, *Facebook Whistleblower Testifies on Protecting Children Online* (Oct. 5, 2021), <https://www.c-span.org/video/?515042-1/whistleblower-frances-haugen-calls-congress-regulate-facebook>.

## The perfect image, feeling attractive, and having enough money are the most likely to have started on Instagram

Started on Instagram

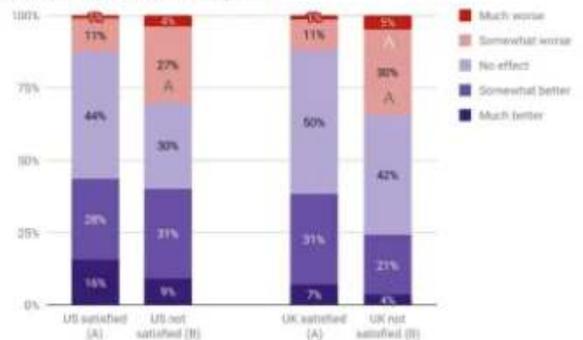


Q: Of the things you've felt in the past month, did any of them start on Instagram? Please select all that apply  
 US n = 565; UK n = 557

## Teens who struggle with mental health say Instagram makes it worse

- Young people are acutely aware that Instagram can be bad for their mental health, yet are compelled to spend time on the app for fear of missing out on cultural and social trends.
- Teens specifically call out the following as ways that Instagram harms their mental health:
  - pressure to conform to social stereotypes
  - pressure to match the money and body shapes of influencers
  - the need for validation -- views, likes, followers
  - friendship conflicts, bullying, and hate speech
  - over-sexualization of girls
  - inappropriate advertisements targeted to vulnerable groups

Stated effect of Instagram



Q: In general, how has Instagram affected [the way you feel about yourself/your mental health]?  
 There were no statistically significant differences among those who answered for "the way you feel about yourself" and those who answered for "your mental health"  
 US n = 1298; UK n = 1308

1           56.     Research (including Meta’s own studies) has shown that teens blame Instagram for  
2 increases in anxiety and depression.<sup>16</sup> Twenty percent (20%) of teens report that Instagram makes them  
3 feel worse about themselves, while 40% say they felt unattractive after using Instagram. Of teens  
4 reporting suicidal ideation, 6% traced their thoughts of killing themselves to Instagram.

5           57.     According to Meta’s own research, 32% of responding teenage girls said Instagram  
6 made them feel even worse when they had negative thoughts about their bodies. Similarly, 60% of  
7 teenage girls and 40% of teenage boys reported experiencing social harm from using Instagram.  
8 Approximately 13% of teenage girls say Instagram has made them think of suicide or self-harm.  
9 Seventeen percent (17%) of teenage girls reported eating issues stemming from Instagram. Meta’s own  
10 research and reporting makes plain that Meta was completely aware of these alarming trends.

11           58.     Meta was not just aware of the alarming child mental illness trends tied to Instagram.  
12 Rather, whistleblower documents show Meta knew specifically that the features it designed to  
13 encourage maximum user engagement through psychological manipulation were key to the social harm  
14 Meta’s platform was responsible for creating.<sup>17</sup> Meta called the collection of its various features a  
15 “perfect storm” for teenager mental illness because of the “unprecedented scale” of social comparison  
16 related anxiety and depression they each generated. Meta was aware that each of these features  
17 intensified each other. The result was a finely tuned machine that made Meta incredibly wealthy and  
18 sent teen mental illness from social media skyrocketing.

19           59.     In response to the shocking details from the Meta whistleblower, Meta CEO Mark  
20 Zuckerberg responded in an open letter. Zuckerberg made an unapologetic denial of the allegations,  
21 declaring: “We care deeply about issues like safety, well-being and mental health.”<sup>18</sup> Zuckerberg  
22 admitted that Meta had “an industry-leading research program” that was responsible for the leaked  
23 information, and that Meta was not ignoring that research. Zuckerberg claimed that Meta uses its  
24

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25 <sup>16</sup> See Georgia Wells et al., *Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents*  
26 *Show*, The Wall Street Journal (Sept. 14, 2021), [https://www.wsj.com/articles/facebook-knows-](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739)  
[instagram-is-toxic-for-teen-girls-company-documents-show-11631620739](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739).

27 <sup>17</sup> *Teen Girls Body Image and Social Comparison on Instagram—An Exploratory Study in the U.S.* at  
28 34, The Wall Street Journal (Sept. 29, 2021), [https://s.wsj.net/public/resources/documents/teen-girls-](https://s.wsj.net/public/resources/documents/teen-girls-body-image-and-social-comparison-on-instagram.pdf)  
[body-image-and-social-comparison-on-instagram.pdf](https://s.wsj.net/public/resources/documents/teen-girls-body-image-and-social-comparison-on-instagram.pdf).

<sup>18</sup> Mark Zuckerberg, *I wanted to share a note I wrote to everyone at our company*, Facebook (Oct. 5,  
2021), <https://www.facebook.com/zuck/posts/10113961365418581>.

1 “industry-leading research” to help children in crisis. Zuckerberg represented that Meta would conduct  
2 more research into the areas of concern and make that research publicly available, explaining that it was  
3 “the right thing to do.”

4 60. In sworn testimony before the Senate Subcommittee on Consumer Protection, Product  
5 Safety, and Data Security, executives from TikTok, Snap, and YouTube were asked by Senator  
6 Blumenthal and the committee whether they had conducted research on their platforms’ harmful effects  
7 on children.<sup>19</sup> Each company responded that they had and were conducting such research. The  
8 representative from Snap defiantly testified to the committee that the research Snap had conducted  
9 actually showed overwhelming feelings of happiness among its users. Senator Blumenthal followed-up  
10 by confirming each company’s response, and asked if they would make that research publicly available.  
11 All three responded that they would make the research available. *Id.* All three companies also stated  
12 that they would make their research and technical details about their algorithms available to external,  
13 independent researchers outside of the companies, such as childhood mental health experts. *Id.*

14 61. To date, neither Meta nor Defendants have voluntarily and fully disclosed the results of  
15 any such research to the public.

16 62. Defendants’ platforms operate similarly or in the same way as Meta’s platforms.<sup>20</sup> On  
17 information and belief, Co-conspirators were and continue to be fully aware of the negative  
18 consequences of their platforms and their effects on minors’ health. Co-conspirators intentionally  
19 designed their platforms to exploit children and leave them riddled with mental and emotional health  
20 issues. Co-conspirators have endeavored to shift blame and shirk responsibility through a concerted  
21 effort to withhold and distort the facts, saying one thing publicly while admitting privately that the  
22 mental health issues detailed herein are caused by their platforms. Co-conspirators have conducted  
23 research and analysis, and have compiled data and documentation further substantiating the harms they  
24 cause to minors, and have falsely represented that they would disclose this research. Co-conspirators  
25 have intentionally withheld this information from the American people in a coordinated campaign to  
26 protect their profits from public scrutiny.

27 \_\_\_\_\_  
28 <sup>19</sup> Online Protection for Children, C-SPAN (Oct. 21, 2021), <https://www.c-span.org/video/?515533-1/snapchat-tiktok-youtube-executives-testify-kids-online-safety>.

<sup>20</sup> For purposes of this Complaint, Meta is a co-conspirator and not a defendant in this case. Meta and Defendants are referred herein as “Co-conspirators.”

1           63. Senator Blumenthal, intimately familiar with the matter having himself brought suit  
2 against Big Tobacco in groundbreaking fashion as Attorney General of Connecticut,<sup>21</sup> drew a parallel  
3 between the conspiracy to mislead the public and government officials about the dangers of social  
4 media and Big Tobacco's:

5           After testimony from brave whistleblowers like Francis Haugen who presented  
6 documents, not just personal anecdotes, but *smoking gun proof* that Facebook  
7 calculatedly drove toxic content to draw more eyeballs, more clicks, more dollars, more  
8 profits. After Facebook hid this evidence from parents, even mislead us, in Congress. It's  
9 Big Tobacco's playbook all over again.<sup>22</sup>

10           64. Because adolescents are navigating Defendants' social media platforms at a critical stage  
11 in the brain's development, they are especially susceptible to the negative potentialities of Defendants'  
12 social media products.

### 13           **C. There is a Mental Health Crisis Among the Youth**

14           65. Defendants' social media platforms have become constants in the everyday lives of  
15 today's youth, and the effects are pervasive. The compulsion to use social media has negative mental  
16 health consequences for today's youth. Defendants have driven this compulsion, and thus contributed  
17 to the wide array of detrimental mental health disorders facing today's youth, including anxiety,  
18 depression, eating disorders, and suicide.

19           66. There was a 117% increase in emergency room visits for anxiety disorders for children  
20 ages 5–17, from 2007 to 2016.<sup>23</sup>

21           67. A 2021 United States Surgeon General advisory report states that mental, emotional,  
22 developmental, and or behavioral disorders are common among American children, with one in five  
23 children between the ages of 3–17, suffering from one or more of these disorders.<sup>24</sup>

24           <sup>21</sup> Katy Daigle, *Sate Files \$1 Billion Lawsuit Against 10 Tobacco Companies*, Hartford Courant (July  
25 19, 1996), <https://www.courant.com/1996/07/19/state-files-1-billion-lawsuit-against-10-tobacco-companies/>.

26           <sup>22</sup> Sen. Richard Blumenthal, *Hearing on Child Internet Safety*, C-SPAN (Feb. 14, 2013), *available at*  
27 <https://www.c-span.org/video/?526011-1/hearing-child-internet-safety>.

28           <sup>23</sup> Matt Richtel, *A Teen's Journey Into the Internet's Darkness and Back Again*, The New York Times  
(Aug. 22, 2022), <https://www.nytimes.com/2022/08/22/health/adolescents-mental-health-technology.html>.

<sup>24</sup> U.S. Department of Health & Human Services, *U.S. Surgeon General Issues Advisory on Youth  
Mental Health Crisis Further Exposed by COVID-19 Pandemic* (Dec. 7, 2021),  
<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>.

1           68.     The Surgeon General advisory addressed the youth mental health crisis in the wake of  
2 the Covid-19 pandemic.<sup>25</sup> In issuing the advisory, the Surgeon General noted that, “in early 2021,  
3 emergency department visits in the United States for suspected suicide attempts were 51% higher for  
4 adolescent girls and 4% higher for adolescent boys compared to the same time period in early 2019.”<sup>26</sup>

5           69.     The Surgeon General further noted that, “in recent years, national surveys of youth have  
6 shown major increases in certain mental health symptoms, including depressive symptoms and suicidal  
7 ideation. From 2009 to 2019, the proportion of high school students reporting persistent feelings of  
8 sadness or hopelessness increased by 40%; the share seriously considering attempting suicide increased  
9 by 36%; and the share creating a suicide plan increased by 44%.”<sup>27</sup> The Surgeon General further noted  
10 that the mental health of the youth was in crisis even before the pandemic. As stated above, mental,  
11 emotional, developmental, and or behavioral disorders are common among American children, with  
12 one in five children ages 3–17, suffering from one or more of these disorders.<sup>28</sup> The Surgeon General’s  
13 advisory also stated that “mental health challenges in children, adolescents, and young adults are real,  
14 and they are widespread,” and that “even before the COVID-19 pandemic, mental health challenges  
15 were the leading cause of disability and poor life outcomes in young people.”<sup>29</sup>

16           70.     A 2021 joint declaration by the American Academy of Pediatrics, the American  
17 Academy of Child and Adolescent Psychiatry, and the Children’s Hospital Association states that “rates  
18 of childhood mental health concerns and suicide rose steadily between 2010 and 2020 and by 2018  
19 suicide was the second leading cause of death for youth ages 10–24,” and “the pandemic has intensified  
20 this crisis.” As a result, the organizations have declared a national state of emergency in children’s  
21 mental health.<sup>30</sup>

22           71.     In his 2022 State of the Union address, President Biden noted that children were

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23 <sup>25</sup> U.S. Department of Health & Human Services, *Protecting Youth Mental Health: The U.S. Surgeon*  
24 *General’s Advisory* (Dec. 7, 2021), [https://www.hhs.gov/sites/default/files/surgeon-general-youth-](https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf)  
25 [mental-health-advisory.pdf](https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf).

26 <sup>26</sup> *Id.*

27 <sup>27</sup> *Id.*

28 <sup>28</sup> *Id.*

29 <sup>29</sup> *Id.*

30 American Academy of Pediatrics et al., *AAP-AACAP-CHA Declaration of a National Emergency in*  
31 *Child and Adolescent Mental Health* (Oct. 19, 2021), [https://www.aap.org/en/advocacy/child-and-](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/)  
32 [adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-in-child-](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/)  
33 [and-adolescent-mental-health/](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/).

1 struggling even before the pandemic from the harms of social media. He further stated that “we must  
2 hold social media platforms accountable for the national experiment they’re conducting on our children  
3 for profit.”<sup>31</sup>

4 **D. Defendants Intentionally Target Youth Because They Are Central to**  
5 **Defendants’ Business Models**

6 72. The youth mental health crisis described herein is not a coincidence. Defendants’ willful  
7 and intentional conduct has caused this crisis. Defendants designed and marketed their social media  
8 platforms towards youth for profit. The profits Defendants seek is a byproduct of a mental health crisis  
9 of their own creation. For them, this crisis is nothing more than profitable consumer behavior.

10 73. Defendants are social media companies, who run and operate various platforms. The  
11 core features of these platforms are somewhat uniform among the Defendants. For example, YouTube  
12 and Snapchat each use algorithms to deliver a feed of information to their users. These feeds are  
13 curated through collecting data from the users and how the users interact with content on the platform.  
14 If a user “likes” a piece of content, the algorithm will adjust the feed to deliver more of that content.  
15 The same is true for users who comment, share, repost, or otherwise interact with a piece of content. It  
16 is well-known that Defendants copy each other’s designs and features.

17 74. Defendants are in the business of advertising—they make their money by selling ad  
18 space to advertisers and by directing users to those ads. Specifically, Defendants collect data from their  
19 users’ habits and activities and use that data to inform their advertising activities. Youth are a  
20 particularly profitable target audience, and Defendants focus much of their advertising energies towards  
21 youth.

22 75. It is reported that 95% of children ages 13 to 17 have cellphones. An overwhelming  
23 portion (90%) of these same children use social media, and almost a third of them buy products and  
24 services through social media. Defendants recognize that youths, including even very young pre-  
25 adolescents, are their most lucrative advertising audience. Defendants view youth as a commodity, as  
26 they are central to their business model as a key demographic of users.

27 76. Defendants intentionally target young users with their platforms. Defendants’ efforts to  
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<sup>31</sup> President Joe Biden, *State of the Union Address* (Mar. 1, 2022), available at <https://www.whitehouse.gov/state-of-the-union-2022/>.

1 monitor, collect, and use information from young users is regulated by the Children’s Online Privacy  
2 Protection Act (“COPPA”)<sup>32</sup> for users under 13 years of age.

3 77. Even with COPPA regulations, Defendants have targeted pre-adolescent users with “kid  
4 version” of their products in order to spur children’s interest in the less regulated, adult versions.<sup>33</sup>  
5 COPPA requires that Defendants obtain parental consent before targeting children under 13 or if they  
6 have actual knowledge that their users are of such age. Before Defendants obtain this consent, the law  
7 forbids their collection or usage of information about these children. After having targeted younger  
8 users, Defendants have a common practice of simply ignoring the presence of younger users on their  
9 platforms or left those users to self-report their age, in total disregard for COPPA.

10 78. Defendants willfully and intentionally designed their social media platforms to exploit  
11 human psychology in order to extend and expand their users’ engagement with their products. Because  
12 their primary targets are youth and children, Defendants exploit the still-developing brains of children.  
13 Defendants use artificial intelligence, machine learning, and complicated algorithms to promote users’  
14 extreme utilization. Defendants calibrate and optimize these methods on a continual basis. The goal is  
15 to maximize revenues.

16 79. Defendants use information “feeds” to promote maximum engagement by their users.  
17 These feeds deliver personalized content, including photos, videos, and other promoted subject matter  
18 to each user. The algorithms that personalize “feeds” for each user are designed to promote maximum  
19 engagement on an endless cycle. The endless cycle has been described by psychologists as a “flow  
20 state” that distorts a user’s ability to perceive time.<sup>34</sup> Former Google design ethicist Tristan Harris has  
21 described this endless cycle as being intentionally designed to eliminate any reason for a consumer to  
22 pause or discontinue using the platform by replacing the traditional close-ended experience of  
23 consuming media with an infinite one.<sup>35</sup>

24 \_\_\_\_\_  
<sup>32</sup> See 15 U.S.C. §§ 6501–06.

25 <sup>33</sup> Leonard Sax, *Is TikTok Dangerous for Teens?*, Inst. for Family Studies (Mar. 29, 2022),  
26 <https://ifstudies.org/blog/is-tiktok-dangerous-for-teens->.

27 <sup>34</sup> Gino Gugushvili et al., *Facebook use intensity and depressive symptoms: a moderated mediation*  
28 *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>.

<sup>35</sup> Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel International (July 27, 2016),  
<https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237.html>.

1           80. Defendants manipulate human psychology through activating a powerful social  
2 phenomenon called “reciprocity.” Reciprocity dictates that humans respond in kind to friendly or  
3 hostile actions, even when those actions are from unknown or anonymous persons. Defendants tap into  
4 the “reciprocity” effect to keep their users psychologically compelled to stay on and engage with their  
5 platforms as long and as frequently as possible. Defendants such as Snap automatically tell other users  
6 when you look at their messages or content, activating a sense through the reciprocity effect that you  
7 are obliged to immediately respond or engage. Defendants use send and receive receipts that prevent  
8 users from discretely engaging with other users’ content, forcing the reciprocity effect to activate as  
9 much as possible.

10           81. Defendants manipulate human psychology using the same techniques deployed by  
11 casinos and slot machines. Intermittent variable rewards (“IVR”) works by tapping into the human  
12 reward pathway that regulates dopamine production. Through IVR, Defendants space out dopamine  
13 triggering stimuli vis-à-vis staggering user rewards on their platforms. Users anticipate the next hit of  
14 dopamine, creating the same craving effect experienced by gambling addicts. IVR causes users to  
15 engage with the platform again and again, not disengaging because there is an anticipatory hit of  
16 dopamine right around the corner. Like a gambler at the blackjack table or at the slot machine waiting  
17 for the next pull of a lever or the next card to be dealt, users on Defendants’ platforms scroll and refresh  
18 content to see what photo or video might come next, or whether they received a “like” on their own  
19 content. Defendants intentionally delay the loading time of content with each scroll or refresh to mimic  
20 the same anticipatory dopamine reward that casinos use in IVR. Defendants knowingly manipulate the  
21 reward pathways of users by giving a carefully engineered moment to build anticipation. This is the  
22 same strategy of the spinning of the reels or the shuffling of the cards in a casino. Whether user content  
23 receives a “like” or a “heart” or see provocative content, the platform provides a reward.

24           82. Defendants deliberately and intentionally employ these schemes against teens and even  
25 younger children because they are especially vulnerable due to their developing brains.<sup>36</sup> Science tells  
26 us that children undergo fundamental changes in their neurological reward pathways between ages 10  
27 and 12 that promote extra dopamine and oxytocin rewards for socially advantageous behavior such as

28 \_\_\_\_\_  
<sup>36</sup> 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>.

1 admiration, attention, and approval from others. Unlike adults with a more developed prefrontal cortex  
 2 to regulate emotions and who have a more developed sense of self, developing adolescents have a  
 3 limited capacity to resist emotional and social pressures where they have yet to form a solid personal  
 4 identity or develop the emotional fortitude to regulate impulses. As a result, they seek admiration,  
 5 attention, and approval from others with much more persistence than adults. Not only are adolescents  
 6 particularly vulnerable to Defendants' psychological manipulations, but they are at much greater risk of  
 7 developing mental disorders as a result.

8 83. Before Defendants began targeting children, these neurological changes that occur  
 9 naturally in childhood development could incentivize constructive social activity. Young people could  
 10 respond to the increased reward pathway activity by developing meaningful connections, healthy social  
 11 skills, and self-betterment. But Defendants' platforms changed everything. This is in part because the  
 12 stakes are much higher. These platforms act as a public ledger of identity formation and socialization  
 13 because they count and display permanently the amount of admiration, attention, approval, or rejection  
 14 that adolescents receive. Whereas adolescents could engage in traditional conversation without anyone  
 15 keeping score, Defendants' platforms publicly deliver rewards in the form of likes, comments, views,  
 16 follows, and mentions.

17 84. Defendants have knowingly, deliberately, and intentionally designed and managed their  
 18 platforms in a way that endangers youths who use them. Defendants know that their platforms and  
 19 social media harm youths, and yet they continue to develop increasingly sophisticated technologies and  
 20 methods to ensure youths are engaged with their platforms more intensively and for longer periods.  
 21 This is Defendants' business.

22 85. Defendants have been immensely successful in their strategies, and it has paid off. Most  
 23 teenagers use Defendants' platforms.<sup>37</sup>

24 **1) YouTube Has Substantially Contributed to the Youth Mental Health**  
 25 **Crisis by Intentionally Designing its Social Media Platform to be**  
 26 **Manipulative and Addictive**

27 **a. The YouTube Platform**

28 86. YouTube became available publicly in December 2005. YouTube was acquired by

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<sup>37</sup> *Id.*

1 Google in 2006. YouTube is a platform that allows users to post, share, view, and comment on video  
2 content.

3 87. Anyone can view YouTube content (regardless of age) because no registration is  
4 required. YouTube reports over 2 billion monthly users who have registered. YouTube users watch  
5 billions of hours of content each day.

6 88. Registered users on YouTube can publish their own content, comment on others'  
7 content, and express approval or disapproval on others' content through "likes" and "dislikes."

8 89. Since 2008, YouTube has delivered content to its users through a feed of recommended  
9 videos. At first, YouTube simply recommended videos to its users that it believed were widely popular  
10 among other users, but YouTube found that that strategy did not induce enough user engagement.  
11 YouTube later deployed a sophisticated, machine-learning-driven recommendation feature that  
12 considered user behaviors, such as their engagement with content and the time they spent watching  
13 videos.

14 90. YouTube delivers its recommended videos to users on a continuous, automatic  
15 "autoplay" feature whereby a user is shown a new video after each video is completed by default.

16 91. YouTube relies on self-reporting of a user's age through account registration. But  
17 because no account is required to view YouTube content and because its recommendation algorithm is  
18 turned on by default, teenage users are exposed to YouTube's autoplay feature.

19 **b. YouTube Aggressively Markets its Platform to Youth**

20 92. In 2021, YouTube recorded \$19 billion in advertising revenues, which is its primary  
21 money-making enterprise. YouTube's business model is predicated on more viewers watching more  
22 content resulting in more advertising. YouTube's autoplay feature and accompanying algorithm-based  
23 recommended videos are key to this strategy.

24 93. YouTube has also long targeted young people as opposed to older populations. And  
25 young users can consume YouTube content without reporting their age because YouTube relies on  
26 registered accounts to self-report but does not require such accounts to view its content.

27 94. Despite its ineffectual and rudimentary system of verifying users' ages, YouTube sought  
28 advertising revenues from brands popular with children in recognition of the platform's extensive use

1 by that demographic. YouTube made advertising pitches to companies such as Mattel and Hasbro,  
2 claiming that YouTube had become the most popular website of tweens. YouTube made a deliberate  
3 effort to attract children and teens to its platform, and the results are staggering—95% of teenagers of  
4 ages 13 to 17 use YouTube.

5 **c. YouTube Intentionally Designs its Platform to Maximize the Time**  
6 **Youth Spend on its Platform**

7 95. Google and YouTube created YouTube’s features with the goal of maximizing user  
8 engagement and time spent on the platform (and therefore optimizing advertising revenues) by  
9 exploiting human psychology. Like the other Defendants, Google and YouTube willfully and  
10 intentionally use IVR to capitalize on the neurochemical rewards that come from approval and  
11 affirmation in the human brain. Google promotes its content creators and viewers to habitually engage  
12 with YouTube to make more and more content, likes, comments, and shared videos. When viewers  
13 engage with content, this acts as a reward system for creators, and these rewards have a heightened  
14 value because they are put on a public ledger for all to see.

15 96. Like YouTube, Google uses IVR to encourage viewers to view more content. YouTube  
16 has a feature where viewers can follow/subscribe to certain content creators or channels, and whenever  
17 new content is added, the viewer is notified and prompted to immediately go to YouTube to watch the  
18 content.

19 97. Google also deploys a feed-type feature on YouTube to trap users in an endless flow of  
20 content. Both on its homepage and on each video’s “Up Next” panel, a list of recommended content  
21 automatically populates without any prompt or affirmative engagement from the user. YouTube’s  
22 algorithm, like that deployed on the other Defendants’ feed-features, is intended to keep a user  
23 consuming content on the platform.

24 **d. YouTube Knows its Algorithms are Manipulative**

25 98. Google’s and YouTube’s algorithms on YouTube that recommend content to a user are  
26 intended by design to manipulate the user. These algorithms are responsible for selecting what content  
27 a user sees in the feed of recommended videos, on the homepage, and in search results. According to  
28 reporting, YouTube’s stated goal is to “optimize” the amount of time a user consumes its content,

1 attempting to keep them on the platform as long as possible. Former YouTube engineers have  
2 confirmed that this is the highest priority.

3 99. The early iterations of YouTube's algorithm focused on the number of clicks on content,  
4 but a decision was made in 2012 to switch to watch time. YouTube collects data about how long a user  
5 watches videos in order to focus its efforts on delivering content through its algorithm that encourage  
6 users to spend more time watching videos and accompanying ads.

7 100. YouTube's recommendation algorithm uses a neural network that constantly collects  
8 and analyzes new data to learn about users and evolves its content based on the data it processes. The  
9 algorithm first filters a list of possible recommendation matches based ostensibly on the content and  
10 context of the video the user is actively engaged in consuming. The algorithm then applies what it has  
11 learned about the user's purported preferences and habits to rank the list it compiles based on a user's  
12 pattern of engaging with other content, likes, comments, follows, location, time of day, etc. YouTube's  
13 algorithm is believed to process 80 billion data points or more each day to learn about each user. The  
14 recommendation and ranking algorithm uses a weight system on the data factors it collects on users.  
15 This weight system teaches YouTube which data factors to ascribe more weight to in optimizing how to  
16 deliver content in a way that maximizing how long a user spends on the platform. This weight system is  
17 how YouTube can highly personalize its hyper specific recommendations and rankings.

18 101. YouTube's dynamically developing algorithm is constantly working to narrow down  
19 and more precisely find content that will keep a user watching videos as long as possible. Google's  
20 engineers make updates to optimize the recommendation and ranking algorithms' inner machinery on  
21 an ongoing basis.

22 102. As a result of Google's and YouTube's manipulative tactics, YouTube's algorithms  
23 have been incredibly successful. According to YouTube executives, in 2018, 70% of all YouTube  
24 content consumed by users was recommended to users by YouTube. The same algorithms are  
25 responsible for keeping mobile device users on YouTube watching videos for an average of 60 minutes  
26 at a time. Thus, of the more than a billion hours of YouTube content that people watch daily, hundreds  
27 of millions of hours are attributable to YouTube's algorithms.

28 ///

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

103. YouTube’s focus on maximizing the amount of time users spend watching videos through its manipulative algorithm has caused harm to youths’ mental health.

104. YouTube’s algorithm is likely to push its young users towards dangerous and harmful content, because just like other Defendants, YouTube understands that this destructive content is most likely to trigger a user response, user engagement, and more time spent on the platform. This harmful content will tend to contain violent, sexual, or self-harm encouraging subject matter. The term “YouTube Rabbit Hole” is a well-known idiom for when YouTube’s recommendation algorithm sends a user far from the original video they sought to watch and into a tangent of broodingly negative, violent, and destructive content.

105. Researchers have found that YouTube Kids, an iteration of the platform specifically designed for young children, contains content involving drugs, guns, and anorexia-inducing subject matter. For example, researchers found guides for children on how to conceal a gun, how to bleach one’s skin, and workout videos encouraging weight loss. The researchers concluded that this content was being actively pushed on children by YouTube’s algorithms.

106. Other content dangerous to children was found by child safety advocates who went undercover on YouTube Kids. After just an hour on a child’s YouTube profile, the adult was exposed to videos instructing children how to have “sexier” clothes, a video bullying a young girl for her weight, and a cartoon of an animated dog pulling objects out of an unconscious animal’s anus. Similar content found by other adults on a child’s account showed recommended videos encouraging the child to commit suicide. According to the Pew Research Center, 46% of parents say their child has encountered inappropriate videos on YouTube. Again, because 70% of content is delivered to users by YouTube’s recommendations and not of the user’s volition, YouTube is the one feeding this inappropriate content to children.

107. The PBS Newshour reported about a tragic case where a child was admitted to rehab due to her compulsive YouTube watching, which ultimately resulted in a suicide attempt. In that story, a seemingly normal middle-school girl watched YouTube videos each day after school and, over time,

1 became seriously depressed. She then used YouTube to search for videos instructing her on how to  
2 commit suicide and got the idea to swallow a bottle of Tylenol to trigger an overdose.

3 108. The disturbing content pushed onto children by YouTube’s algorithms have been a  
4 source of concern among mental health experts, who warn of growing anxiety and inappropriate sexual  
5 behavior linked to YouTube content among children under the age of 13. Researchers have warned that  
6 repeated trauma caused by exposure to extreme content from YouTube can cause underdevelopment of  
7 a child’s prefrontal cortex, which governs executive function.

8 109. Reporting has shown that YouTube’s algorithms feed users videos with misinformation,  
9 hate speech, violence, and content violative of YouTube’s own policies. In a survey of 37,000  
10 YouTube users in 2021, the data showed that 71% of negative experiences from YouTube content came  
11 from videos recommended to users by YouTube and its algorithm.

12 110. Like its co-Defendants, YouTube’s harmful content that its algorithms prefer to force on  
13 children is the most reactive because violent or disturbing videos release dopamine in the user,  
14 triggering a reward system response through IVR, and therefore increased user engagement.

15 111. Across the country, mental health professionals have reported increase in childhood  
16 mental health issues stemming from YouTube content. These include cases of anxiety, loss of appetite,  
17 sleeplessness, crying fits, and general fear because of videos that a child saw on YouTube. YouTube is  
18 also consistently associated with sleep disorders among children and teens, which aggravates other  
19 mental health issues and social disorders.

20 112. Google continues to manipulate its users through YouTube’s designs to maximize user  
21 engagement despite overwhelming evidence that children are being disproportionately harmed by its  
22 tactics. Google has harmed millions of youths in ways that are simply unprecedented.

23 **f. Schools Have Been Detrimentially Affected by the Youth Mental**  
24 **Health Issues Created and Exacerbated by YouTube**

25 113. During the Covid-19 pandemic, due to lockdowns, remote schooling, and physical  
26 isolation from friends, young people drastically increased their use of social media. One study  
27 explained its findings: “adolescents augmented their social media use, including general screen time.  
28 Also[,] higher levels of digital media addiction were reported during the pandemic. In general, higher

1 social media use and media addiction were related to higher ill-being. Hence, adolescents are  
2 particularly at risk of experiencing mental health problems due to the augmented exposure to screen  
3 time and social media during the pandemic.”

4 114. This use of social media is accompanied by detrimental mental health effects. According  
5 to a systematic review, summarizing evidence from thirty studies, “most studies have reported an  
6 association between ill-being and social media use.”

7 115. Youth mental health services are provided through most public schools. As one of the  
8 primary providers of these services, public schools have been inundated by the increase in youth mental  
9 health issues, many associated with increased social media use. In the 2021–22 school year, nearly all  
10 public schools (96%) reported providing mental health services to their students. Fifty-six percent  
11 (56%) reported that they moderately agree or strongly agree that they can effectively provide mental  
12 health serviced to all students in need. Unfortunately, only a small percentage (8–10%) of schools were  
13 confident enough to say that they could effectively provide sufficient mental health services to all  
14 students in need, with a whopping eighty-eight (88%) of schools saying they do not strongly agree it is  
15 possible to meet the demand for such services. These schools sounded an alert, reporting that there is an  
16 insufficient number of mental health professionals to manage the school’s caseload, inadequate access  
17 to licensed health professionals, and inadequate funding.

18 116. Since the start of the Covid-19 pandemic, public schools have seen an increase in mental  
19 health issues among their students. Seventy percent (70%) of public schools reported an increase in the  
20 percentage of their students seeking help for mental health issues, 76% reported an increase in staff  
21 voicing concerns about students exhibiting symptoms of depression, anxiety, and trauma, and 67% of  
22 public schools reported having increased the amount of mental health services they provide.

23 117. The combination of the pandemic and the proliferation of social media use created a  
24 perfect storm, exacerbating the youth mental health crisis. In the 2021–22 school year, 64% of public  
25 schools reported that the pandemic played a major role in students performing below grade level. In  
26 2022–23, public schools reported that 36% of their students on average were performing below grade  
27 level prior to the pandemic, while at the beginning of both the 2021–22 and 2022–23 school years,  
28 public schools reported that on average half of their students were performing below grade level.

1 118. Absenteeism also became a problem during the Covid-19 pandemic. Public schools  
2 reported both student and teacher chronic absenteeism increased compared to prior school years.  
3 Seventy-two percent (72%) of schools reported an increase in chronic student absenteeism compared to  
4 pre-pandemic school years.

5 119. More than 8 in 10 public school reported that, due to the pandemic, students exhibited  
6 stunted behavioral and socioeconomical development. Sixty-one percent (61%) of schools perceived  
7 that general misconduct had increased. Schools reported substantial increases in the frequency of  
8 tardiness, skipping class, rowdiness, bullying, fighting, threats of fighting, use of electronic devices  
9 during class, and other classroom disruptions. Thirty-six percent (36%) of schools recorded an increase  
10 in vandalism.

11 120. One study surveyed nearly 300,000 students, from 845 schools, across 20 states, to  
12 provide insight into their perceptions of happiness, suicide, bullying, counseling programs, and the  
13 availability of access to help with mental health issues at school. The study found that “depression,  
14 stress, and anxiety is the most prevalent obstacle to learning” for students in grades six through twelve.  
15 Shockingly, 13% of middle school students and 14% of high school students had dealt with thoughts of  
16 suicide or reported that they had considered suicide in the last year. Over 50% of students at every  
17 grade level cited depression, stress, and anxiety as an obstacle to learning.

18 121. A survey of adolescents who received mental health services in an educational setting  
19 found that, when asked why they received mental health treatment, 44.3% reported receiving services  
20 because they felt depressed and 15.8% reported thinking about or attempting suicide. The Anxiety and  
21 Depression Association of America reports that anxiety disorders affect 31.9% of adolescents ages 13  
22 to 18, and that research shows that untreated anxiety disorders in teenagers presents a higher risk that  
23 they will perform poorly in school, miss out on important social experiences, and engage in substance  
24 abuse.

25 122. As discussed in sections above, researchers and mental health professionals are  
26 identifying a link between social media use and sleep deprivation. Two-thirds of U.S. high school  
27 students say they sleep less than eight hours per night on school nights. Insufficient sleep among both  
28 adolescents and younger children is linked to a variety of maladies, including obesity, diabetes, poor

1 mental health, ADHD, or attention deficit/hyperactivity disorder, behavioral issues, and poor academic  
2 performance.

3 123. Like other school districts, Plaintiffs bear the cost of the increased need for youth mental  
4 health services. Operating under pre-crisis budgets, Plaintiffs have scrambled to reallocate resources to  
5 address the mental health crisis. Plaintiffs have diverted time and funds to hire additional health care  
6 professionals, to train teachers and staff on how to educate students on their mental health, to develop  
7 mental health curriculum and materials, and to keep students and parents notified and informed about  
8 mental health issues that arise.

9 124. Plaintiffs incur not only increased expenses to provide more mental health services, but  
10 also increased expenses to deal with a variety of collateral issues caused by the mental health crisis.  
11 Plaintiffs have diverted time and funds to deal with increased incidence of vandalism, property damage,  
12 investigation of crime, increased need for student discipline, and increased school security.

13 **2) Snapchat has Substantially Contributed to the Youth Mental Health Crisis**  
14 **by Intentionally Designing its Social Media Platform to be Manipulative and**  
15 **Addictive**

16 **a. The Snapchat Platform**

17 125. Evan Spiegel, Reggie Brown, and Bobby Murphy created Snapchat in 2011, while they  
18 were students at Stanford University. The company changed its name from Snapchat to Snap in 2016,  
19 while keeping the name “Snapchat” for its social media app. Evan Spiegel currently serves as Snap’s  
20 CEO, and Bobby Murphy serves as Snap’s CTO.<sup>38</sup> Reggie Brown was ousted from the company  
21 shortly after its 2011 launch.

22 126. At its inception, Snapchat was a camera and photo-sharing app that allowed users to  
23 send photos that would disappear after a certain amount of time. The concept of self-destructing  
24 ephemeral photos was unique in that it created a sense of urgency, which encouraged users to react and  
25 interact quickly. The app was minimalist and easy to use; the app opened directly to the device’s  
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<sup>38</sup> Katie Benner, *How Snapchat is Shaping Social Media*, The New York Times (Nov. 30, 2016),  
<https://www.nytimes.com/2016/11/30/technology/how-snapchat-works.html>.

1 camera with most of the functionality hidden until the user sought to discover it.<sup>39</sup> The Snapchat app  
2 quickly gained popularity and momentum online and transitioned from a photo-sharing app to a social  
3 media powerhouse. Snapchat evolved continuously by adding new social media features along the way,  
4 including the Stories, Video-Sharing, Geofilters, Lenses, Discover, and Spotlight features. Snapchat  
5 later offered physical products, such as Spectacles in 2016, which are smartglasses that record video.

6 127. Snap added the Video-Sharing feature in 2012.<sup>40</sup> The Video-Sharing features works  
7 similar to the photo-sharing features, but allows users to send “video-snaps,” which were originally  
8 limited to 10 seconds but later increased to 60 seconds.

9 128. Snap also added the “Stories” feature in 2012.<sup>41</sup> The Stories feature is a collection of  
10 photos or “snaps” collected within the last 24 hours, which creates a “story” of the user’s day, which is  
11 visible to the user’s friends and can be shared with others. About a year later, Snap created an instant  
12 text and video messaging feature.

13 129. The following year, Snap added the “Our Story” feature, which is different than the  
14 Stories feature, in that it is not limited to a 24-hour period and can have varying timeframes. The Our  
15 Story feature can be used to create a broad view of an event or place. And Snapchat has been creative in  
16 its efforts to market the Our Stories feature to young people. For example, “Snapchat went a step  
17 further to make Our Story more appealing to college students by creating Campus Stories for select  
18 campuses.”<sup>42</sup>

19 130. All of these features can be adorned with “Geofilters,” which are location-specific visual  
20 effects that users can add to enhance photos or videos that they take through the app. Geofilters are also  
21 location-restricted, which means they are only available to people within a certain radius of a given  
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23 <sup>39</sup> Nick Routley, *Timelines: Looking Back at 10 Years of Snapchat*, Technology (July 18, 2021),  
24 [https://www.visualcapitalist.com/timeline-looking-back-at-10-years-of-snapchat/#:~:text=Snapchat  
%20originally%20began%20its%20life,a%20certain%20amount%20of%20time](https://www.visualcapitalist.com/timeline-looking-back-at-10-years-of-snapchat/#:~:text=Snapchat%20originally%20began%20its%20life,a%20certain%20amount%20of%20time).

25 <sup>40</sup> J.J. Colao, *Snapchat Adds Video, Now Seeing 50 Million Photos A Day*, Forbes (Dec. 14, 2012),  
26 [https://www.forbes.com/sites/jjcolao/2012/12/14/snapchat-adds-video-now-seeing-50-million-photos-  
a-day/?sh=55425197631b](https://www.forbes.com/sites/jjcolao/2012/12/14/snapchat-adds-video-now-seeing-50-million-photos-a-day/?sh=55425197631b).

27 <sup>41</sup> Nick Routley, *Timelines: Looking Back at 10 Years of Snapchat*, Technology (July 18, 2021),  
28 [https://www.visualcapitalist.com/timeline-looking-back-at-10-years-of-snapchat/#:~:text=Snapchat  
%20originally%20began%20its%20life,a%20certain%20amount%20of%20time](https://www.visualcapitalist.com/timeline-looking-back-at-10-years-of-snapchat/#:~:text=Snapchat%20originally%20began%20its%20life,a%20certain%20amount%20of%20time).

<sup>42</sup> Basego Segatsho, *Snapchat: What is “Our Story” Explained & How to Add Your Own Snaps*,  
*Screenrant* (Aug. 23, 2020), <https://screenrant.com/snapchat-our-story-add-snaps-explained/>.

1 location.<sup>43</sup>

2 131. Snap added the “Discover” feature in 2015. This feature allows a user to select videos  
3 presented in curated feed, based on the user’s app history. The Discover feature presents scrolling  
4 content from News outlets, TV shows, and other professional content created by brands and  
5 influencers.<sup>44</sup>

6 132. Previously, Snapchat users only saw feeds from their friends or content posted by  
7 publishers from the Discovery feature. The 2020 introduction of the “Spotlight” feature changed this by  
8 providing an endless stream of content from “the top snaps that have been submitted for consideration  
9 by the app’s more than 249 million daily users in a feed that they can swipe or tap through.” The  
10 Spotlight feature “presents an opportunity for Snap to exponentially expand the amount of entertaining  
11 content available” on the platform.<sup>45</sup>

12 133. In a January 2023 Investor Presentation, Snap estimates that the Snapchat platform has  
13 an average of 375 million daily active users, with about 100 million users in America.<sup>46</sup>

14 **b. Snapchat is Aggressively Marketed to Youth**

15 134. Snap’s January 2023 Investor Presentation touts Snapchat’s reach of 90% of people ages  
16 13–24 in over twenty countries. The Investor Presentation also states Snap’s view that the 13–34 age  
17 range “is critical” because “between the ages of 13 and 34, people experience many common  
18 milestones in life.”<sup>47</sup>

19 135. A massive amount of Snap’s marketing is geared towards teenagers. This includes  
20 marketing by Snap itself to promote its platform and the ad space on its platform that it sells to  
21 advertisers. DataReportal.com states that “data published in Snapchat’s self-service advertising tools in  
22 July 2022 indicated that marketers could reach the following worldwide audience using ads on  
23

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24 <sup>43</sup> Max Freedman, *How to Make a Snapchat Geofilter*, Business News Daily (Jan. 23, 2023),  
<https://www.businessnewsdaily.com/10477-make-snapchat-geofilter-for-business.html>.

25 <sup>44</sup> Steven Tweedie, *How to Use Snapchat’s New ‘Discover’ Feature*, Business Insider (Jan. 27, 2015),  
<https://www.businessinsider.com/how-to-use-snapchat-discover-feature-2015-1>.

26 <sup>45</sup> Salvador Rodriguez, *Snap is launching a competitor to TikTok and Instagram Reels*, CNBC (Nov.  
27 23, 2020), [https://www.cnbc.com/2020/11/23/snap-launching-a-competitor-to-tiktok-and-instagram-](https://www.cnbc.com/2020/11/23/snap-launching-a-competitor-to-tiktok-and-instagram-reels.html)  
[reels.html](https://www.cnbc.com/2020/11/23/snap-launching-a-competitor-to-tiktok-and-instagram-reels.html).

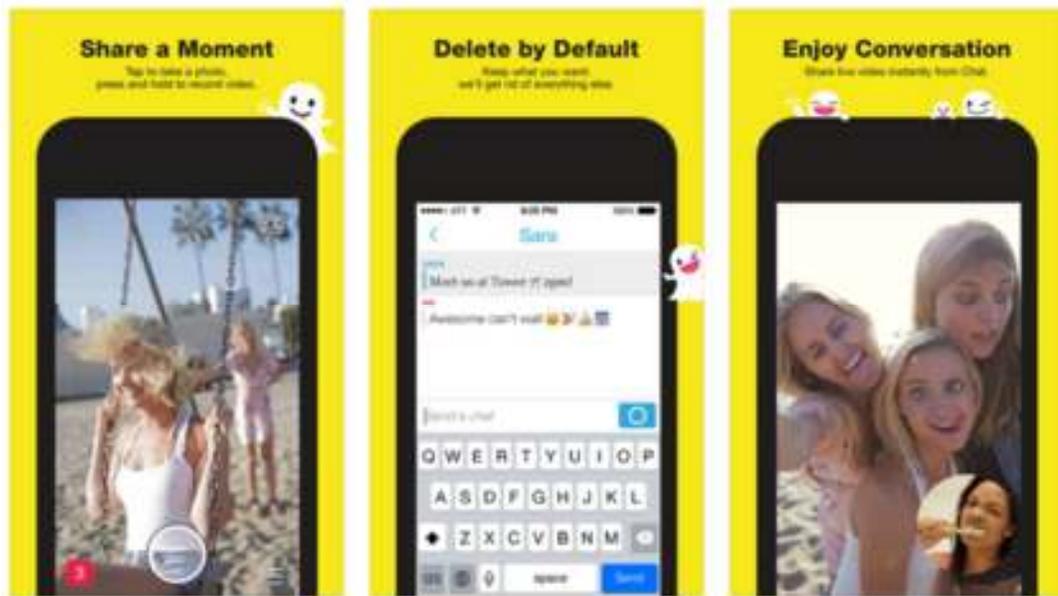
28 <sup>46</sup> Snap Inc., *January 2023 Investor Presentation* at 5 (Jan. 31, 2023), [https://s25.q4cdn.com](https://s25.q4cdn.com/442043304/files/doc_presentations/2023/01/Snap-Inc.-Q4-2022-Investor-Deck.pdf)  
[/442043304/files/doc\\_presentations/2023/01/Snap-Inc.-Q4-2022-Investor-Deck.pdf](https://s25.q4cdn.com/442043304/files/doc_presentations/2023/01/Snap-Inc.-Q4-2022-Investor-Deck.pdf).

<sup>47</sup> *Id.*

1 Snapchat: 121.9 million users aged 13–17 (20.5% of Snapchat’s total Ad audience).”<sup>48</sup>

2 136. Snapchat began selling ads on its platform in 2014. Snapchat’s advertising revenue has  
3 continually increased since it first implemented the advertising business model. In 2015, Snap made  
4 about \$59.2 million in ad revenue.<sup>49</sup> By 2021, Snapchat’s advertising revenue was \$3.1 billion, and this  
5 figure is expected to grow to \$5.9 billion by 2026.<sup>50</sup> In April 2022, Reuters reported that Snap expected  
6 to generate \$4.86 billion in Snapchat advertising revenue in 2022.<sup>51</sup>

7 137. Some of Snap’s marketing material appears to be geared towards a younger audience:



18  
19 138. A 2017 article in the Financial Times sheds light on Snapchat’s youth-centric position in  
20 the social media market, stating that “for teens and increasingly for young adults, Snapchat is a very,  
21 very sticky platform” and that “they also like that Snapchat is a bit hard for older folks to figure out.”<sup>52</sup>

22  
23 <sup>48</sup> *Snapchat Statistics and Trends*, DataReportal.com (updated Aug. 15, 2022), <https://datareportal.com/essential-snapchat-stats#:~:text=121.9%20million%20users%20aged%2013,of%20Snapchat's%20total%20ad%20audience.>

24 <sup>49</sup> 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>.

25 <sup>50</sup> *Advertising Revenue Generated by Snapchat Worldwide from 2017 to 2026*, Statista.com (Jan. 6, 2023), <https://www.statista.com/statistics/603550/snapchat-worldwide-advertising-revenue/>.

26 <sup>51</sup> 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/>.

27 <sup>52</sup> Hannah Kuchler & Tim Bradshaw, *Snapchat’s Youth Appeal Puts Pressure on Facebook*, Financial Times (Aug. 21, 2017), <https://www.ft.com/content/07e4dc9e-86c4-11e7-bf50-e1c239b45787>.

1 Snapchat's minimalist interface is esoteric by design. Snap kept most of the functionality hidden until  
2 users discovered it or were shown by more savvy peers.<sup>53</sup> The esoteric design is meant to act as an  
3 incorporeal barrier to less tech-savvy older people. Whether or not the cliché' that older people tend to  
4 be tech-illiterate is true or not, older people were dissuaded from navigating the minimalist, almost  
5 non-existent, interface of the Snapchat app.



16 139. Snap's CEO, Evan Spiegel's statement that "we've made it very hard for parents to  
17 embarrass their children," is an implicit admission that Snapchat targets the youth. This statement  
18 epitomizes Snapchat's strategy to create a parent-free zone that appeals to the youth.<sup>54</sup>

19 140. Like a recorded mission briefing from the show Mission Impossible, Snapchat photos  
20 and videos are scheduled for self-destruction. Permanent erasure of a digital paper trail appeals to  
21 teenagers who may not want their parents to discover evidence of what they have been doing or saying  
22 online. Kids used to build forts to have their own space or to hide from their parents, and perhaps they  
23 still do. The ability to hide content on Snapchat creates a digital fortress where children can hide and be  
24 secluded from their parents' watchful eyes.

25 141. In 2016, Snap acquired Bitstrips, makers of the comic-style illustrations called Bitmojis,

26  
27 <sup>53</sup> Nick Routley, *Timelines: Looking Back at 10 Years of Snapchat*, Technology (July 18, 2021),  
28 [https://www.visualcapitalist.com/timeline-looking-back-at-10-years-of-snapchat/#:~:text=Snapchat  
%20originally%20began%20its%20life,a%20certain%20amount%20of%20time.](https://www.visualcapitalist.com/timeline-looking-back-at-10-years-of-snapchat/#:~:text=Snapchat%20originally%20began%20its%20life,a%20certain%20amount%20of%20time.)

<sup>54</sup> Max Chafkin & Sarah Frier, *How Snapchat Built a Business by Confusing Olds*, Bloomberg (Mar. 3,  
2016), <https://www.bloomberg.com/features/2016-how-snapchat-built-a-business/>.

1 which are cartoon avatars that can be designed to resemble the user.<sup>55</sup> Cartoons are a form of  
2 entertainment that have traditionally been targeted towards young people and Snap employs Bitmojis  
3 for precisely that reason, in order to attract teens and tweens onto its platform.

4 142. Snap has a history of marketing to tweens, specifically. The SnapKidz feature of  
5 Snapchat, or the kids' version of the app, was actually part of the Snapchat app and not a separate app  
6 itself. It was purported to be a sandbox, a safe environment isolated from the rest of the app, that  
7 children under 13 could sign up for, presumably to groom them to later be full-fledged users of the app.  
8 Upon turning 13, they would gain full access to all features of the Snapchat app. Kids could not use  
9 Snapchat to share images or video with anyone, however, the SnapKidz feature allowed kids to take  
10 snaps, draw on them and save them locally on the device.<sup>56</sup> The SnapKidz feature was discontinued,  
11 and Snap does not allow users under the age of thirteen (13) to use the Snapchat app.

12 143. Although Snap purports to not allow users under the age of thirteen (13) on Snapchat,  
13 Snap admits that they have no way to enforce age-verification on its app. If a child under the age of  
14 thirteen enters a false birthdate and signs up for a Snapchat account, Snap will not have an effective  
15 way of detecting or policing this and will not likely be aware that a child under the age of thirteen has  
16 created an account.<sup>57</sup>

17 144. Snap has successfully marketed the Snapchat app to young people, and not just  
18 teenagers, but also tweens. As set forth in Section IV.A above, recent studies have shown that 13% of  
19 children ages 8–12 used Snapchat in 2021,<sup>58</sup> and that 59% of children ages 13–17 used Snapchat in  
20 2021. This is an 18% increase from 2014–2015, when 41% of children ages 13–17 reported using  
21

22  
23 <sup>55</sup> Kif Leswing, *Snapchat just introduced a feature it paid more than \$100 million for*, Business Insider  
24 (July 19, 2016), <https://www.businessinsider.com/snapchat-just-introduced-a-feature-it-paid-more-than-100-million-for-2016-7>.

25 <sup>56</sup> Larry Magid, *Snapchat Creates SnapKidz – A Sandbox for Kids Under 13*, Forbes (June 23, 2013),  
26 <https://www.forbes.com/sites/larrymagid/2013/06/23/snapchat-creates-snapkidz-a-sandbox-for-kids-under-13/?sh=7c682a555e5a>.

27 <sup>57</sup> Isobel Asher Hamilton, *Snapchat admits its age verification safeguards are effectively useless*,  
28 Business Insider (Mar. 19, 2019), <https://www.businessinsider.com/snapchat-says-its-age-verification-safeguards-are-effectively-useless-2019-3>.

<sup>58</sup> 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://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf).

1 Snapchat.<sup>59</sup>

2 **c. Snap Employs Manipulative Algorithms to Intentionally Keep**  
 3 **Youth Hooked on its Platform**

4 145. Snap seeks to keep young users hooked on its platform by employing manipulative  
 5 algorithms that draw the young user in. These algorithms collect data about the user and determines  
 6 how to keep the user engaged. Snap’s goal is to maximize the time the user spends on the platform.

7 146. Snap exploits phenomena such as FOMO, or the fear of missing out, to keep users  
 8 perpetually interacting on the platform. Snapchat’s quickly disappearing messages or videos create a  
 9 sense of urgency that prompt a user to respond immediately because if they don’t, the user may not  
 10 remember what the snap said and may lose the opportunity to respond. Snap also employs  
 11 “SnapStreak,” which keeps count of how many consecutive days a user and a friend have sent a snap.  
 12 If a user doesn’t send a snap within 24 hours, the “streak” ends. The ephemeral nature of snaps  
 13 compels a user to respond and to keep the “streak” going. The “SnapStreak” feature is extremely  
 14 effective at preying upon teenagers’ susceptibility to peer pressure and strong desire to fit in. For many  
 15 teens, “streaks are a vital part of using the app, and of their social lives as a whole.”<sup>60</sup> According to  
 16 one source, some teens become obsessed with maintaining a SnapStreak.<sup>61</sup>



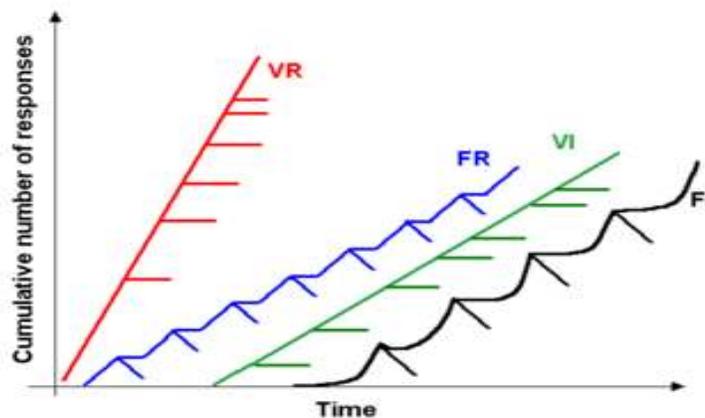
23  
24 <sup>59</sup> Emily Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10, 2022),  
 25 <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

26 <sup>60</sup> Avery Hartmans, *These are the sneaky ways apps like Instagram, Facebook, Tinder lure you in and*  
 27 *get you ‘addicted’*, Business Insider (Feb. 17 2018), [https://www.businessinsider.com/how-app-](https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13)  
 28 *hook-teens-streaks/story?id=48778296*; *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-](https://abcnews.go.com/Lifestyle/experts-warn-parents-snapchat-hook-teens-streaks/story?id=48778296)

<sup>61</sup> 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>.

1 147. When users receive a Snap they feel obligated to respond. This is because humans have  
 2 a need to respond to a positive action with another positive action.<sup>62</sup> Snaps are designed to act upon this  
 3 basic human tendency to reciprocate in kind, known as the rule of reciprocation.<sup>63</sup> The impetus to  
 4 respond is further reenforced by push notifications sent by Snap that alert or remind a user that there is  
 5 a message waiting for a response. Also, the ephemeral nature of the Snap message creates a sense of  
 6 urgency which strongly encourages an immediate response.

7 148. Snap employs “rewards” as positive reinforcement for engaging with the platform.  
 8 These rewards are divvied out intermittently in just the right amount, calculated by Snap’s algorithms,  
 9 in order to maximize the amount of screen time the user spends on the platform. This method of reward  
 10 incentive and distribution is known as an “intermittent variable reward” (“IVR”). Partially randomizing  
 11 the rewards gets a user more likely to repeat a behavior. In the graph below, we observe the highest  
 12 number of responses with the red line, which distributes “variable rewards” at a random frequency over  
 13 time.<sup>64</sup>



22 149. Snapstreaks, which keep count of how many consecutive days a user has sent a snap to  
 23 another user, and SnapScores, which keep count of how many snaps a user has sent or received, are two  
 24 methods of IVR that incentivize a user, and especially a young user, to stay monomaniacally fixed on  
 25 the Snapchat platform.

26 \_\_\_\_\_  
 27 <sup>62</sup> *Id.*

28 <sup>63</sup> Nir Eyal, *The Secret Psychology of Snapchat*, Nir & Far (Apr. 14, 2015), <https://www.nirandfar.com/psychology-of-snapchat/>.

<sup>64</sup> Mike Brooks, Ph.D., *The “Vegas Effect” of Our Screens*, Psychology Today (Jan. 4, 2019), <https://www.psychologytoday.com/us/blog/tech-happy-life/201901/the-vegas-effect-our-screens>.

1           150. Snap employs features, such as lenses and filters, in order to keep users engaged with its  
2 platform. Lenses are augmented reality (“AR”) effects that alter a photo or video that is taken with the  
3 Snapchat camera. It can add effects, transform the appearance of a user’s eyes, face, mouth, or  
4 surrounding environment. Filters are creative effects that a user can add after taking the photo or video,  
5 which can highlight the user’s location (Geofilters) or what the user is doing at the time (Moment  
6 Filters). Snap allows users to personalize filters. To further ensnare users, Snap collects data about  
7 these personalized filters, as well as about the most popular filters, in order to develop new filters  
8 tailored to a user’s tastes, based on the collected data.<sup>65</sup> In 2016, Snap began embedding games in many  
9 of its filters, “creating an addicting new Snapchat feature that also inspires competition between friends  
10 and could become a powerful ad revenue driver.”<sup>66</sup>

11           151. Snapchat employs a variety of algorithms, which collect data about a user and then make  
12 recommendations to the user, based on that collected data. Snapchat’s “Quick Add,” “Discover,” and  
13 “Spotlight” features all employ manipulative algorithms to keep users interacting with the platform.  
14 The Quick Add feature uses an algorithm to suggest new friends to a Snapchat user. The Discover  
15 feature purports to curate content for the user. The Discover feature is basically an algorithm, which  
16 calculates a user’s preferences from extracted data, collected from the user’s history of activity within  
17 the platform.<sup>67</sup> The Spotlight feature, which is also based on an algorithm, presents an endless stream  
18 of the most entertaining snaps. Again, based on the user’s prior activity, the algorithm determines what  
19 content to present the user.<sup>68</sup> The purpose of these algorithms is to determine what content will keep a  
20 particular user engaged, to tailor that content to each specific user, and to dupe the user into spending  
21 entirely too much time on the platform.

22 ///

23 ///

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25 <sup>65</sup> Snap Inc., *How We Use Your Information*, <https://snap.com/en-US/privacy/your-information>.

26 <sup>66</sup> Josh Constance, *Now Snapchat Has ‘Filter Games’*, TechCrunch (Dec. 23, 2016), <https://techcrunch.com/2016/12/23/snapchat-games/>.

27 <sup>67</sup> Steven Tweedie, *How to Use Snapchat’s New ‘Discover’ Feature*, Business Insider (Jan. 27, 2015), <https://www.businessinsider.com/how-to-use-snapchat-discover-feature-2015-1>.

28 <sup>68</sup> Sara Fischer, *Snapchat launches Spotlight, a TikTok competitor*, Axios (Nov. 23, 2020), <https://www.axios.com/2020/11/23/snapchat-launches-spotlight-tiktok-competitor>; Snap Inc., *How We Use Your Information*, <https://snap.com/en-US/privacy/your-information>.

1 **d. Snap’s Conduct in Designing the Snapchat Platform has Caused**  
2 **Significant Harm to Youth Mental Health**

3 152. A large part of Snap’s business model preys upon the impressionability of youth.  
4 Because young minds are not fully developed, young people do not possess a fully developed sense of  
5 self and may find it more difficult to resist influence. Young people are susceptible to a variety of  
6 psychological challenges, including peer pressure, fear-of-missing-out, the fear of not fitting in with  
7 peers, lack of self-restraint, and shorter attention spans, to name several. Snap has capitalized on the  
8 challenges that young people face by designing a platform that exploits these challenges.

9 153. By designing Snapchat’s algorithms to keep youth perpetually engaged with its  
10 platform, Snapchat has caused harm to young people. Snapchat’s immersive and addictive social media  
11 platform has caused youth to suffer a variety of ills, including anxiety, depression, disordered eating,  
12 sleep deprivation, cyberbullying, and increased risk of suicide.

13 154. Snap intentionally designed Snapchat to keep young people engaged in the platform via  
14 various exploitive mechanisms targeting their potential vulnerabilities, and therefore, Snapchat is aware  
15 of the harm that its platform inflicts on young people. Snap employs algorithm-based features, such as  
16 Quick Adds, and IVR-based features, such as SnapScores and SnapStreaks, to keep young users’ eyes  
17 monomaniacally fixed to the Snapchat app.

18 155. The Journal of the American Medical Association has identified a new disorder it calls  
19 “Snapchat Dysmorphia,” which describes young people who seek plastic surgery because they consider  
20 their real-life appearance to be inferior in comparison to how they appear through Snapchat filters.<sup>69</sup>  
21 These beauty enhancement filters can make teeth whiter, skin clearer, make a person look thinner, or  
22 make a person appear to have larger eyes or lips.<sup>70</sup>

23 156. In October 2021, **the United States Senate held a Congressional hearing** to question  
24 Snapchat, YouTube, and TikTok about whether they were doing enough to keep children safe online.

26 <sup>69</sup> ‘Snapchat Dysmorphia’: *When People Get Plastic Surgery To Look Like A Social Media Filter*,  
27 WBUR (Aug. 29, 2018), <https://www.wbur.org/hereandnow/2018/08/29/snapchat-dysmorphia-plastic-surgery>.

28 <sup>70</sup> 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>.

1 During a four-hour hearing, lawmakers pressed officials from these three social media companies about  
 2 their role in facilitating, cyberbullying, eating disorders, and other reckless behavior online. An article  
 3 covering the hearing states that “lawmakers expressed deep worry about the platforms having the  
 4 ability to hurt users' self-image and contribute to other mental health issues.”<sup>71</sup> One Senator introduced  
 5 a bill that would ban the “SnapStreak” feature.<sup>72</sup> In light of these Congressional hearing and the calls  
 6 for Congressional oversight, Snap cannot claim to be unaware of the harm that it is causing the youth.  
 7 And yet, after all the Congressional testimony under oath, Snap has failed to modify its conduct and  
 8 continues to employ addictive algorithms and features that keep young people psychologically chained  
 9 to its platform.

10 157. Although Snap is aware that its Snapchat platform is having a widespread detrimental  
 11 effect on the mental health of the youth, Snap continues to push its business model because it is  
 12 financially successful. Snap’s business model is to employ manipulative algorithms and features to  
 13 keep users engaged in the platform, preferably to the point of addiction, so that users are exposed to  
 14 more ads, which increased Snap’s ad revenue.

15 **3) TikTok has Substantially Contributed to the Youth Mental Health Crisis by**  
 16 **Intentionally Designing its Social Media Platform to be Manipulative and**  
 17 **Addictive**

18 **a. The TikTok Platform**

19 158. TikTok is a social media platform where users can create and watch short-form mobile  
 20 videos.

21 159. TikTok evolved from the merger of two apps, the Musical.ly app, launched in 2014, and  
 22 the international TikTok app launched in 2017, by the Chinese company, ByteDance, TikTok’s parent  
 23 company.<sup>73</sup> The apps were similar in that they both allowed users to create short videos (Musical.ly’s

24 <sup>71</sup> Bobby Allyn, *4 Takeaways from the Senate child safety hearing with YouTube, Snapchat and TikTok*,  
 25 Nat’l Pub. Radio (Oct. 26, 2021), <https://www.npr.org/2021/10/26/1049267501/snapchat-tiktok-youtube-congress-child-safety-hearing>.

26 <sup>72</sup> See Abigail Clukey, *Lawmaker Aims To Curb Social Media Addiction With New Bill*, Nat’l Pub.  
 27 Radio (Aug. 3, 2019), <https://www.npr.org/2019/08/03/747086462/lawmaker-aims-to-curb-social-media-addiction-with-new-bill>; *Social Media Addiction Reduction Technology Act*, S. 2314, 116th  
 28 Cong. (2019); *Kids Internet Design and Safety Act*, S. 2918, 117th Cong. (2021).

<sup>73</sup> 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>.

1 videos were limited to 15 seconds) of themselves, usually dancing and or lip-syncing to music.  
 2 Although Musical.ly’s original business model was education-based, Musical.ly’s co-founder and CEO,  
 3 Alex Zhu, pivoted to an entertainment-based model when he realized the education model did not  
 4 appeal to kids and was thus, “doomed to be a failure.”<sup>74</sup>

5 160. ByteDance acquired Musical.ly to access the United States youth market, of  
 6 approximately 60 million monthly active users (“MAUs”), at the time. In 2017, ByteDance acquired  
 7 Musical.ly and merged the two apps under the name TikTok.<sup>75</sup>

8 161. TikTok has since evolved into a multi-faceted social media platform. TikTok curates  
 9 videos through its “For You” feed.<sup>76</sup> The feed employs algorithms that learn from a user’s activity and  
 10 are designed to push content that keeps users scrolling and viewing videos. Like most social media  
 11 sites, TikTok employs the endless scroll feature, encouraging users to scroll the video content ad  
 12 infinitum. TikTok states that the “For You” feature is where most users spend their time on the  
 13 platform.<sup>77</sup>

14 162. In addition, TikTok has increased the limit on videos from 15 seconds to 10 minutes.

15 163. These tweaks and additions to the original launch of TikTok have been very successful  
 16 and TikTok has grown to about 1.53 Billion users across 154 countries, with over 1 Billion videos  
 17 watched per day, as of January 2023. One source, Wallaroo Media, estimates that there are about 80  
 18 million monthly active users in the United States, as of January 2023.<sup>78</sup>

19 **b. TikTok Aggressively Markets its Platform to Youth**

20 164. TikTok’s efforts to market to a youth demographic are clandestine, but obvious.  
 21 TikTok’s intent is revealed by numerous examples, set forth in this section.

22 <sup>74</sup> Biz Carson, *How a failed education startup turned into Musical.ly, the most popular app you’ve*  
 23 *probably never heard of*, Business Insider (May 28, 2016), [https://www.businessinsider.com/what-is-](https://www.businessinsider.com/what-is-musically-2016-5)  
 24 [musically-2016-5](https://www.businessinsider.com/what-is-musically-2016-5).

25 <sup>75</sup> Liza Lin & Rolfe Winkler, *Social-Media App Musical.ly Is Acquired for as Much as \$1 Billion; With*  
 26 *60 million monthly users, startup sells to Chinese maker of news app Toutiao*, The Wall Street Journal  
 27 (Nov. 10, 2017), [https://www.wsj.com/articles/lip-syncing-app-musical-ly-is-acquired-for-as-much-as-](https://www.wsj.com/articles/lip-syncing-app-musical-ly-is-acquired-for-as-much-as-1-billion-1510278123)  
 28 [1-billion-1510278123](https://www.wsj.com/articles/lip-syncing-app-musical-ly-is-acquired-for-as-much-as-1-billion-1510278123).

<sup>76</sup> *How TikTok recommends videos #ForYou*, TikTok (June 18, 2020), [https://newsroom.tiktok.com/en-](https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you)  
 27 [us/how-tiktok-recommends-videos-for-you](https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you).

<sup>77</sup> *Id.*

<sup>78</sup> Brandon Doyle, *TikTok Statistics: Updated Jan 2023*, Wallaroo Media (Jan. 20, 2023),  
 28 <https://wallaroomedia.com/blog/socialmedia/tiktokstatistics/#:~:text=U.S.%20Audience%20%E2%80%93%20As%20we%20mentioned,users%20in%20the%20United%20States.>

1           165. TikTok’s target audience is revealed by the default year entered in the birthdate field  
2 upon account sign up. In 2016, the default year was 2000, making the default age 16 years old upon  
3 sign-up, unless another birthdate was entered.<sup>79</sup>

4           166. Since Musical.ly CEO, Alex Zhu, pivoted from an education-based to an entertainment-  
5 based business model, TikTok has been designed and marketed towards a youth demographic,  
6 including tweens and teenagers.

7           167. Musical.ly’s CEO, Alex Zhu, intended that TikTok’s predecessor, Musical.ly, cater to a  
8 youth demographic. Zhu realized immediately after launching Musical.ly in 2014 that it would not be  
9 successful because it was educated-based, not entertaining, and didn’t attract teens. But shortly  
10 thereafter, sometime in 2014–2015, Zhu had an epiphany while observing teens interact with each other  
11 on a train. He realized that the app would be a success if he combined music, videos, and social  
12 networking, and presented content in a short, 15-second format, that was long enough to convey an  
13 anecdote or draw a laugh, but not so long that teens got bored and diverted their attention to something  
14 else. Zhu felt like Musical.ly “could be like the next MTV.”<sup>80</sup>

15           168. In 2019, TikTok agreed to pay \$5.7 million to settle Federal Trade Commission (“FTC”)  
16 allegations that TikTok illegally collected information on children younger than 13 years of age, in  
17 violation of the Children’s Online Privacy Protection Act (“COPPA”).<sup>81</sup> This was the largest ever civil  
18 penalty under COPPA. The FTC further alleged that the app was geared towards child-oriented  
19 activities and featured celebrities that would mainly appeal to teenagers and tweens. The complaint also  
20 alleged that TikTok was aware that a significant percentage of its users were under the age of 13,<sup>82</sup>  
21 which Zhou had actually acknowledged to a “TechCrunch Disrupt London” audience in December  
22  
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25 <sup>79</sup> Melia Robinson, *How to use Musical.ly, the app with 150 million users that teens are obsessed with*,  
Business Insider (Dec. 7, 2016), <https://www.businessinsider.com/how-to-use-musically-app-2016-12>.

26 <sup>80</sup> Biz Carson, *How a failed education startup turned into Musical.ly, the most popular app you’ve*  
*probably never heard of*, Business Insider (May 28, 2016), [https://www.businessinsider.com/what-is-](https://www.businessinsider.com/what-is-musically-2016-5)  
27 [musically-2016-5](https://www.businessinsider.com/what-is-musically-2016-5).

28 <sup>81</sup> *United States v. Musical.ly*, No. 2:19-cv- 01439-ODW-RAO, Dkt. No. 1, Complaint for Civil  
Penalties, Permanent Injunction, and Other Equitable Relief ¶¶ 26–27 (C.D. Cal. Feb. 27, 2019)  
 (“*Musical.ly* Complaint”).

<sup>82</sup> *Id.*

1 2016.<sup>83</sup> And yet, TikTok allegedly collected data on users under the age of 13, in violation of COPPA.

2 169. There is other evidence that strongly suggests that TikTok focuses its marketing on a  
 3 youth demographic. After the settlement with the FTC, TikTok introduced a child-under-13 version of  
 4 TikTok, a purported attempt to come into compliance with COPPA.<sup>84</sup> The child-under-13 version had  
 5 limited functionality, in that the child user could not post a video. However, the child user could still  
 6 record videos onto their device and watch videos from curated feed. At least one source states that the  
 7 child-under-13 version of TikTok is a training-wheels version, meant to fuel interest and groom  
 8 children for the over-13 or “grown-up” version.<sup>85</sup>

9 170. Zhu’s comments on the Chinese versus the United States markets, is another example of  
 10 TikTok obviously being intended for a youth demographic. Zhu stated that kids in China don’t have  
 11 time to engage with social media app like TikTok because they are too busy studying. Zhu further  
 12 stated that youth culture does not exist in China to the extreme that it does in the United States and that  
 13 the United States is an ideal market for TikTok.<sup>86</sup> Obviously, Zhu considers the United States an ideal  
 14 market because of his perception that the youth in the United States study less and have more idle time  
 15 to engage in social media, such as TikTok.

16 171. TikTok’s clandestine but obvious campaign to market to a youth demographic has been  
 17 successful. TikTok is now the second most popular social media platform with 67% of children ages  
 18 13–17 having used the app.<sup>87</sup>

19 **c. TikTok Employs Manipulative Algorithms to Intentionally Keep**  
 20 **Youth Hooked on its Platform**

21 172. TikTok seeks to keep users, especially young users, hooked on its platform by

22 <sup>83</sup> Jon Russell, *Muscal.ly defends its handling of young users, as it races past 40M MAUs* at 8:58–  
 23 11:12, TechCrunch (Dec. 6, 2016), <https://techcrunch.com/2016/12/06/musically-techcrunch-disrupt-london/>.

24 <sup>84</sup> Dami Lee, *TikTok stops young users from uploading videos after FTC settlement*, Verge (Feb. 27,  
 25 2019), <https://www.theverge.com/2019/2/27/18243510/tiktok-age-young-user-videos-ftc-settlement-13-childrens-privacy-law>.

26 <sup>85</sup> Leonard Sax, *Is TikTok Dangerous for Teens?*, Inst. for Family Studies (Mar. 29, 2022),  
<https://ifstudies.org/blog/is-tiktok-dangerous-for-teens->.

27 <sup>86</sup> Paul Mozur, *Chinese Tech Firms Forced to Choose Market: Home or Everywhere Else*,  
 28 The New York Times (Aug. 9, 2016), <https://www.nytimes.com/2016/08/10/technology/china-homegrown-internet-companies-rest-of-the-world.html>.

<sup>87</sup> 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/>.

1 employing manipulative algorithms that draw the user in. These algorithms are designed to collect data  
2 about users in order to determine how to keep users engaged. TikTok’s goal is to condition users to  
3 maximize the time they spend on the platform. Such unrestrained conditioning can and has led to social  
4 media addiction in vulnerable youths.

5 173. TikTok engineers design TikTok’s algorithms, which are based on machine-learning  
6 principles, with human psychology in mind. TikTok exploits elements of human psychology, partially  
7 based on the basic conditioning and randomized reward theory described by B.F. Skinner, and partially  
8 based on the rule of reciprocity theory, described by psychologist Robert Cialdini, to manipulate users.

9 174. Randomized or intermittent variable reward (“IVR”) theory describes the psychological  
10 phenomenon observed in humans, wherein a subject is more likely to repeat a behavior when the  
11 behavior is reinforced by rewards that are randomized. “Partially randomizing the rewards get them  
12 even more likely to repeat this behavior. The uncertainty of the reward schedule makes it more  
13 attractive and is even the base of addiction.”<sup>88</sup> The reward is the brain’s release of the neurotransmitter,  
14 dopamine.

15 175. The intermittent spacing of rewards creates “dopamine gaps,” which reinforces the  
16 behavior through anticipation. It was observed by psychologist B.F. Skinner, that when engaging in an  
17 already established behavior, as opposed to when learning a behavior, “uncertainty boosts dopamine”,  
18 and subjects actually get a bigger dopamine hit through anticipation.<sup>89</sup>

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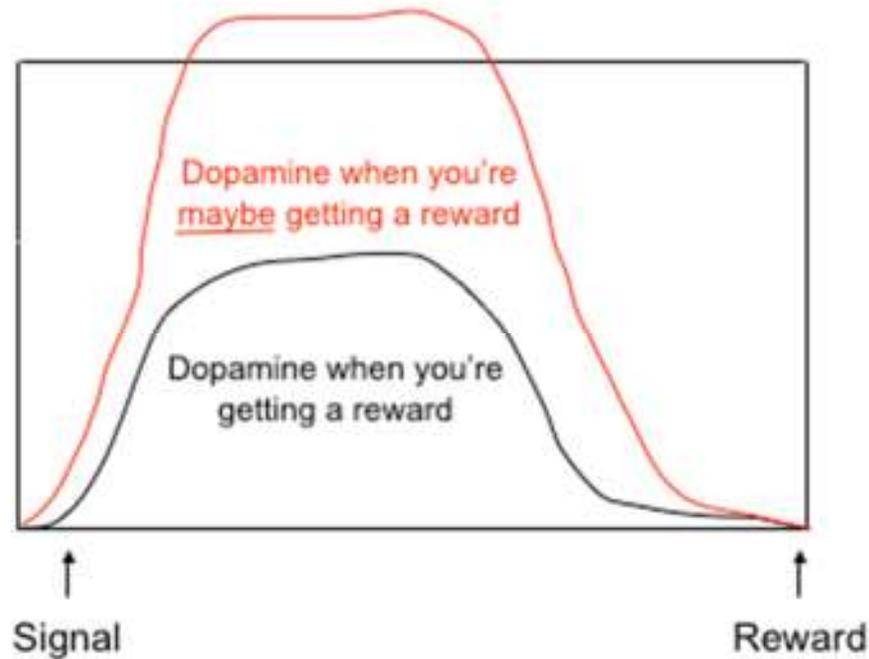
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27 <sup>88</sup> Julien le Nestour, *Positive Reinforcer: Partially Randomized Rewards (aka Intermittent Variable*  
28 *Rewards)*, <https://julienlenestour.com/behavioral/positive-reinforcer-partially-randomized-rewards-aka-intermittent-variable-rewards/>.

<sup>89</sup> Patrik Edblad, *Intermittent Reinforcement: How to Get Addicted to Good Habits*,  
<https://patrikedblad.com/habits/intermittent-reinforcement/>.



176. Studies have shown that the brain releases dopamine when a young person receives the approval of their peers.<sup>90</sup> Studies have also shown that release of dopamine through the use of social media can cause addiction by creating a feedback loop mechanism acting on the dopamine reward system. In this scenario, dopamine is released repeatedly, presumably until depleted, in parallel with a user's continuous engagement with social media.<sup>91</sup>

177. Reciprocation theory simply describes the human tendency to respond in kind to a friendly act, and vice versa, meaning that a user feels compelled to reciprocate a gesture from another user. Thus, when one user shares a Tiktok video with another, the receiving user will have the tendency to feel compelled to share a video in response. This tendency for a user to reciprocate is exploited by TikTok features, such as the "Duet" feature, where one user is prompted to post a video next to the video of another user to create a tandem or side-by-side video.

178. In general, TikTok algorithms collect data about a user, learn the preferences and habits of a user, and the adjust output in a manner that encourages the user to continue engaging with the

<sup>90</sup> 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/>.

<sup>91</sup> 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>.

1 platform. The algorithms will incrementally nudge a user toward ever-increasing engagement with the  
2 platform. Unconstrained, TikTok algorithms will persist, perpetually encouraging a user to engage  
3 more and more, with no regard to what is excessive.

4 179. TikTok algorithms recognize patterns in user behavior and continually adjust to this  
5 behavioral data. TikTok begins feeding the user content as soon as the user opens it and immediately  
6 begins to track and analyze scrolling behavior, as well as location and the time of day.<sup>92</sup> According to a  
7 2021 Wall Street Journal investigation, “the app takes note of subtle cues, such as how long you linger  
8 on a video, to zero in on what users really want to watch. Over time, the video choices become less  
9 mainstream, less vetted by moderators and sometimes more disturbing.”<sup>93</sup>

10 180. TikTok recommends videos to users via its “For You” feed, which is a curated feed of  
11 videos that streams in perpetuity. TikTok’s algorithms analyze a variety of criteria to rank and assemble  
12 a user’s personalized “For You” feed. Criteria includes user interactions, such as the videos a user likes  
13 or shares, accounts a user follows, comments, content a user has created, preferences expressed through  
14 interaction with the app or at account set-up, how long a user lingers on a video, and other video  
15 information, such as captions, sounds, and hashtags.<sup>94</sup> TikTok employs machine-learning algorithms to  
16 tailor the “For You” feed to each user, optimizing their screen time. The TikTok algorithms are  
17 extremely complex. Below is one researcher’s interpretation, ascertained through reverse engineering,  
18 of the internal machinations of TikTok’s recommendation workflow<sup>95</sup>:

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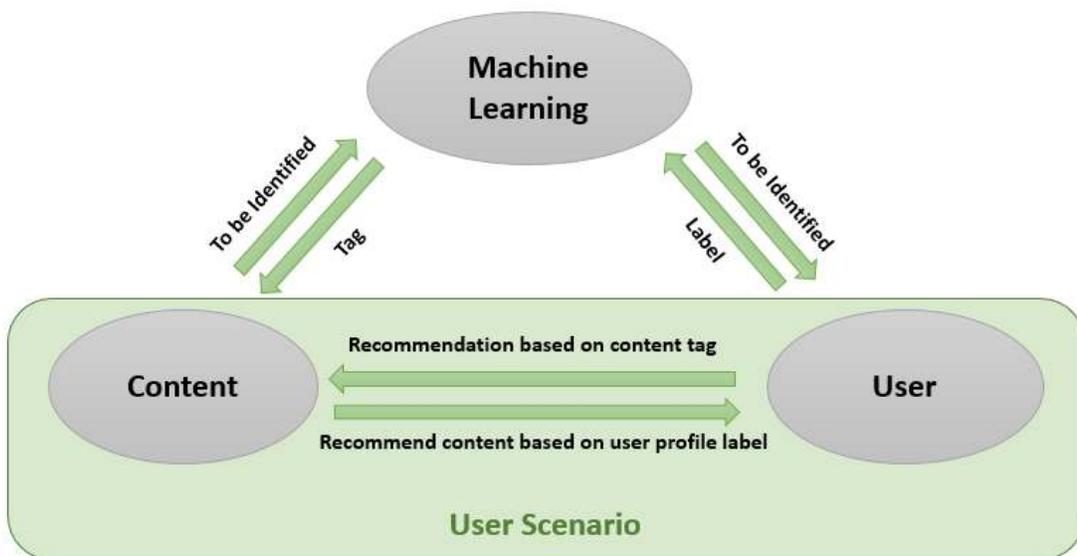
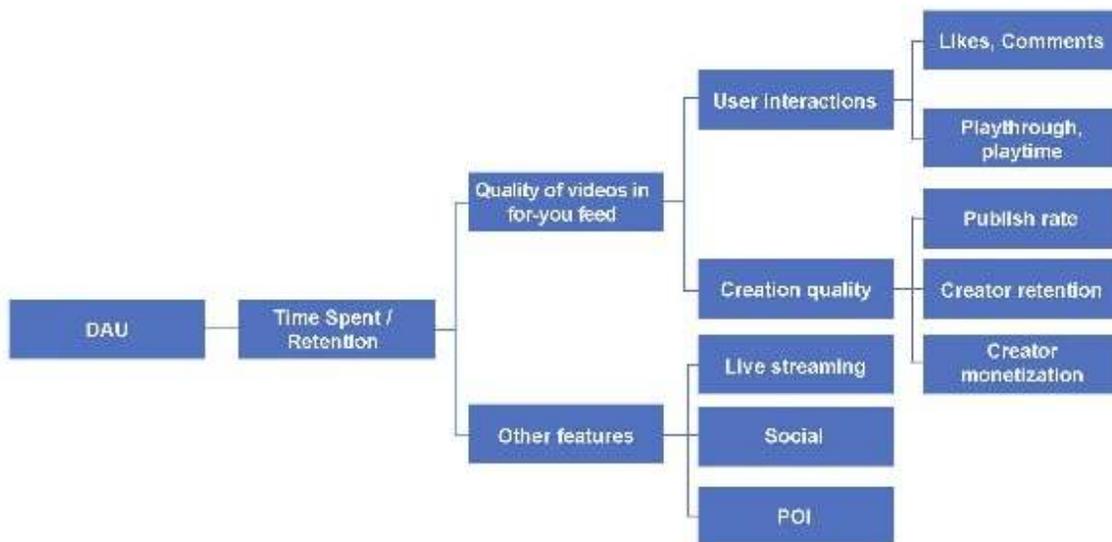
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24 <sup>92</sup> Jia Tolentino, *How TikTok Holds Our Attention*, *The New Yorker* (Sept. 30, 2019),  
25 <https://www.newyorker.com/magazine/2019/09/30/how-tiktok-holds-our-attention>.

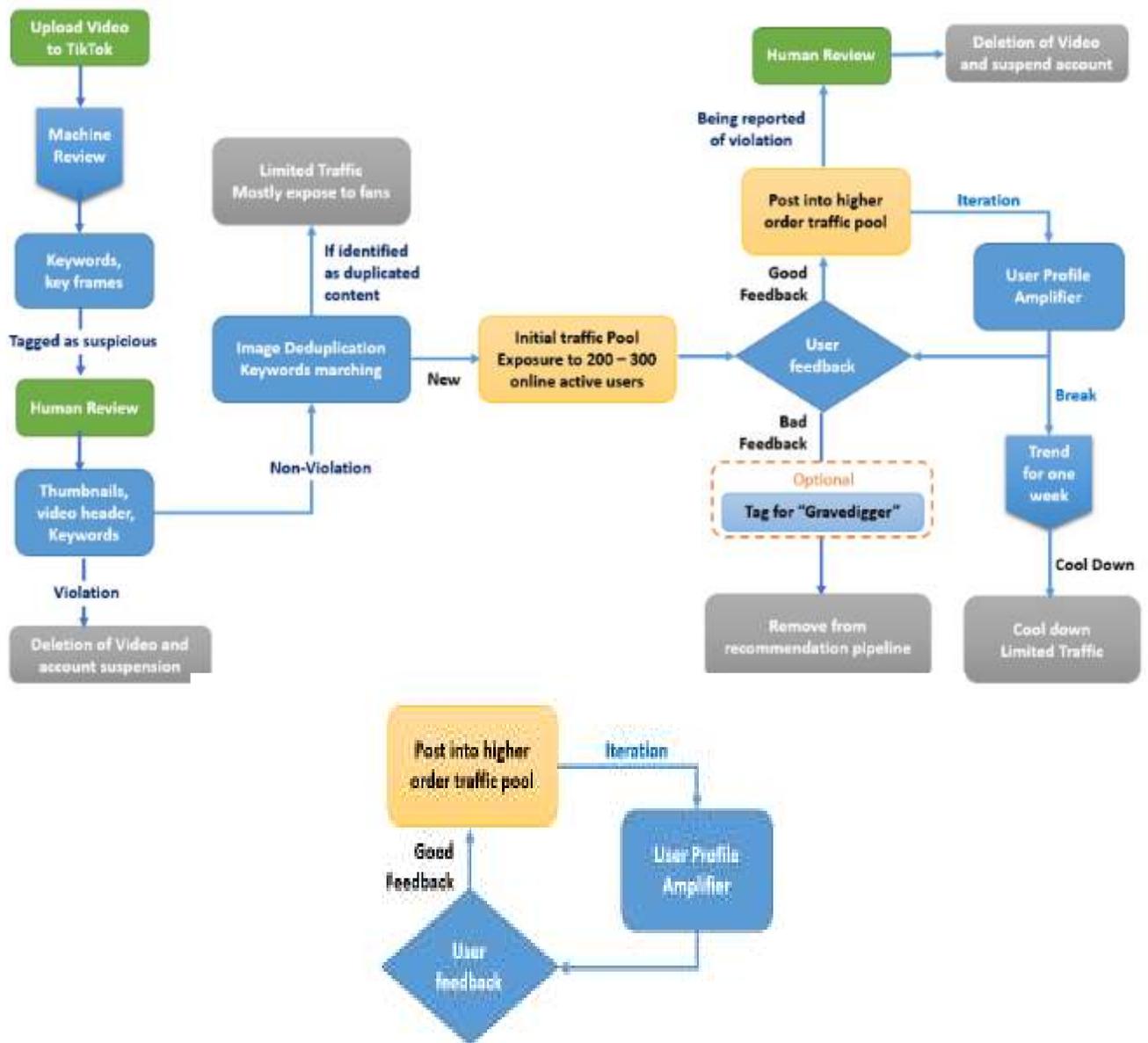
26 <sup>93</sup> WSJ Staff, *Inside TikTok’s Algorithm: A WSJ Video Investigation*, *The Wall Street Journal* (July 21,  
2021), <https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477>.

27 <sup>94</sup> TikTok, *How TikTok recommends videos #ForYou* (June 18, 2020), <https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>.

28 <sup>95</sup> Catherine Wang, *Why TikTok Made its User So Obsessive? The AI Algorithm that got You Hooked*  
(June 7, 2020), <https://towardsdatascience.com/why-tiktok-made-its-user-so-obsessive-the-ai-algorithm-that-got-you-hooked-7895bb1ab423>.



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181. Surely, TikTok seeks to increase its user base, but TikTok is laser focused on increasing the screen time of its current user base. Alex Zhu has stated of TikTok’s predecessor, Musical.ly, “while many social platform teams focus on growing the number of users or downloads of their app, musical.ly has been focused primarily on increasing the engagement of existing users.”<sup>96</sup>

182. A TikTok internal document, leaked to the New York Times, provides “a revealing

<sup>96</sup> Joseph Steinberg, *Meet Musical.ly, the Video Social Network Quickly Capturing the Tween and Teen Markets*, Inc. Magazine (June 2, 2016), <https://www.inc.com/joseph-steinberg/meet-musically-the-video-social-network-quickly-capturing-the-tween-and-teen-m.html>.

1 glimpse both of the app’s mathematical core and insight into the company’s understanding of human  
 2 nature.”<sup>97</sup> The article describes that, “the document 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 related  
 4 metrics in the stream of videos it serves: ‘retention’ — that is, whether a user comes back — and ‘time  
 5 spent.’ The app wants to keep you there as long as possible.”<sup>98</sup> The article quotes Guillaume Chaslot, a  
 6 former YouTube engineer who worked on YouTube’s algorithm and later founded an algorithm  
 7 transparency group, who stated, ““This system means that watch time is key. The algorithm tries to get  
 8 people addicted[.]”<sup>99</sup>

9 183. Additionally, as with other social media sites, TikTok employs the infinite scroll feature,  
 10 which encourages users to continue scrolling the “For You” feed ad infinitum. The infinite scroll  
 11 feature encourages users to scroll excessively, beyond the point of satiation. Endless scrolling is a  
 12 technique used to prolong usage time, wherein the user gets in a zone or a “flow” and loses track of  
 13 time.<sup>100</sup> The endless scroll feature exploits IVR principles: “By endlessly scrolling down, the user is  
 14 getting more and more immersed (perhaps also on a motor level as perceiving the scrolling as a playful  
 15 activity) while not coming to a natural stop, where he/she might easily reconsider to quit or change the  
 16 platform. The behavior of endless scrolling is enhanced, because the user finds from time to time  
 17 something rewarding (e.g., a funny or interesting video), hence intermittent conditioning principles are  
 18 observed here.”<sup>101</sup>

19 184. Like Snapchat, TikTok employs playful, youth-oriented features, such as games, filters,  
 20 lenses, and youth culture music, to keep young people engaged in the platform. TikTok algorithms keep  
 21 track of user interaction with these features to further personalize, tailor, and hone user experience, to  
 22 manufacture, given enough time, a perfect consumer of TikTok.

23 185. TikTok uses algorithms based on machine-learning that have the ability to track and  
 24

25 <sup>97</sup> Ben Smith, *How TikTok Reads Your Mind*, The New York Times (Dec. 5, 2021),  
 26 <https://www.nytimes.com/2021/12/05/business/media/tiktok-algorithm.html>.

27 <sup>98</sup> *Id.*

<sup>99</sup> *Id.*

28 <sup>100</sup> 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>.

<sup>101</sup> *Id.*

1 analyze user behavior and then present back a torrent of videos that is both refined and regurgitated,  
2 personalized and yet overwhelmingly impersonal, in order to optimize user engagement in the platform.  
3 The platform “collect[s] data that the company aggregates and uses to refine its algorithms, which the  
4 company then uses to refine its platforms; rinse, repeat. This feedback loop, called the ‘virtuous cycle  
5 of A.I.,’ is what each TikTok user experiences in miniature.”<sup>102</sup>

6 186. Despite the compromising leaks about the harms of creating unrealistic beauty  
7 standards and its public shaming and promises made before Congress, TikTok continues to advance  
8 its campaign to manipulate and exploit teens and adolescents using unparalleled technology. As  
9 widely reported, TikTok has deployed a new filter feature called “Bold Glamour” that appears to  
10 use a machine learning technology previously believed to be only available in laboratories.  
11 ([https://www.washingtonpost.com/technology/2023/03/08/tiktok-bold-glamour-filter-effect-](https://www.washingtonpost.com/technology/2023/03/08/tiktok-bold-glamour-filter-effect-generative-ai/)  
12 [generative-ai/](https://www.washingtonpost.com/technology/2023/03/08/tiktok-bold-glamour-filter-effect-generative-ai/)). According to AI researchers, unlike previous filter iterations, this new technology  
13 provides an unprecedented capacity to augment the user’s facial features in a hyper-realistic way  
14 that leaves practically zero trace of its presence. (*Id.*). Whereas users viewing older such technology  
15 could see when beauty standards were being manipulated in some cases, this new technology makes  
16 that all but impossible. This does not just augment reality but seemingly replaces it entirely. “Bold  
17 Glamour” has been downloaded 16 million times as of the date of filing of this complaint. (*Id.*).  
18 TikTok also has filters to allow users (often youth) to see how they would look if they were skinnier  
19 or fatter.



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<sup>102</sup> Jia Tolentino, *How TikTok Holds Our Attention*, *The New Yorker* (Sept. 30, 2019),  
<https://www.newyorker.com/magazine/2019/09/30/how-tiktok-holds-our-attention>.

**d. TikTok’s Design is Addictive, Feeds Harmful Content to Minors, and Significantly Harms Youth Mental Health**

187. Studies have shown that social media use, including TikTok use, can cause sleep deprivation<sup>103</sup> and can be addictive.<sup>104</sup> Perhaps sleep deprivation is an unintended malady, or collateral side-effect of TikTok use, but not so for addiction. TikTok intentionally designed its platform to be addictive.

188. Not only is TikTok designed to be addictive, the algorithmic mechanisms by which users are fed videos trend toward harmful content. TikTok’s algorithms direct the “For You” feature to focus on expressed interests of the user, which in and of itself can be good, bad, or neutral. However, for reasons discussed below, harmful content tends to be magnified, sending young users down a rabbit-hole of harmful content, sometimes to the point where a user’s video stream becomes composed entirely of one harmful subject.

189. For young users of TikTok, algorithm directed curation of content tends to focus content to the lowest-common denominator—harmful and exploitive content, such as gambling, drugs, porn, extreme diets, misinformation, hate-speech, violence, self-harm and or depression. Although it is not entirely clear why this trend exists, it is observably true, as Facebook CEO, Mark Zuckerberg has noted in Facebook’s research into this phenomenon. Zuckerberg coined the term “natural engagement pattern,” which refers to the tendency for people to gravitate towards more provocative content when left to their own devices.

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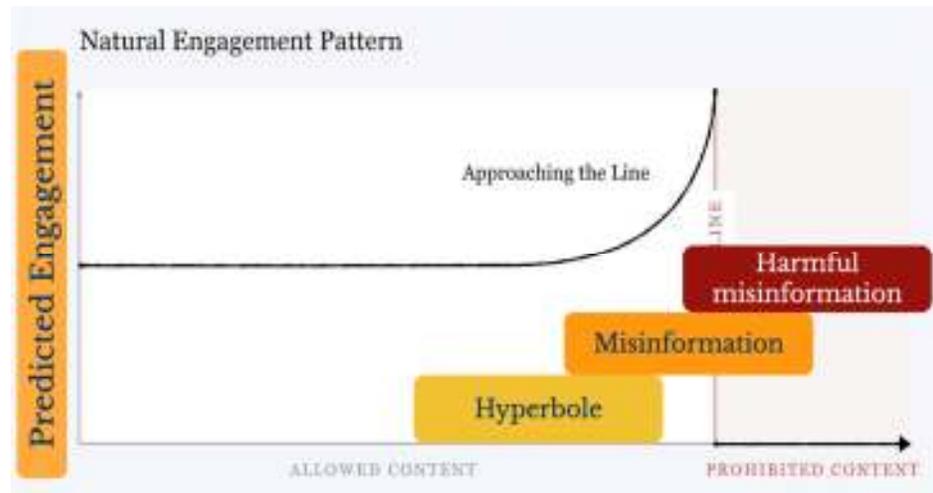
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<sup>103</sup> Jessica C. Levenson et al., *The Association Between Social Media Use and Sleep Disturbance Among Young Adults*, 85 Preventive Med. 36–41 (Apr. 2016), <https://www.sciencedirect.com/science/article/abs/pii/S0091743516000025>.

<sup>104</sup> Rob Barry et al., *How TikTok Serves up Sex and Drug Videos to Minors*, The Wall Street Journal (Sept. 8, 2021), <https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944>.



190. The company’s response is to blame the victim. Zuckerberg stated that “when left unchecked, people will engage disproportionately with more sensationalist and provocative content. Our research suggests that 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—even when they tell us afterwards they don’t like the content.”<sup>105</sup> In short, content that is more likely to violate Meta’s standards is more likely to attract traffic, because the algorithms that maximize engagement reward inflammatory content.

191. The problem with algorithm directed curation is that looking at harmful content, even just a limited number of times, will tell the algorithm to push more content in that direction, creating a snowball effect. By this mechanism, a relatively innocent inquiry, given time, can be directed toward an all-encompassing preoccupation, fueled by an overwhelming bombardment of TikTok videos that are all focused on one specific harmful form of content.

192. In an internal TikTok document leaked to the New York Times, that author states that “a recent Wall Street Journal report demonstrated how TikTok relies heavily on how much time you spend watching each video to steer you toward more videos that will keep you scrolling, and that process can sometimes lead young viewers down dangerous rabbit holes, in particular toward content that promotes suicide or self-harm.”<sup>106</sup> The person who provided the document stated that he/she “was disturbed by

<sup>105</sup> Mark Zuckerberg, *A Blueprint for Content Governance and Enforcement*, Facebook (May 5, 2021), <https://www.facebook.com/notes/751449002072082/>.

<sup>106</sup> Ben Smith, *How TikTok Reads Your Mind*, The New York Times (Dec. 5, 2021), <https://www.nytimes.com/2021/12/05/business/media/tiktok-algorithm.html>.

1 the app’s push toward ‘sad’ content that could induce self-harm.”<sup>107</sup>

2 193. A 2021 Wall Street Journal (WSJ) investigative report created over 100 automated “bot”  
3 TikTok accounts, each with its own specific “interest” to simulate an individual’s interest, but did not  
4 tell TikTok. The bots registered as users aged 13 to 15. The bots watched hundreds of thousands of  
5 videos to see how TikTok’s algorithms responded. The report found that “some of the accounts ended  
6 up lost in rabbit holes of similar content, including one that just watched videos about depression.  
7 Others were served videos that encouraged eating disorders, sexualized minors and discussed  
8 suicide.”<sup>108</sup> The report observed that even bots that did initially linger on provocative content,  
9 eventually gravitated to more fringe content, stating that “[bots] with general mainstream interests got  
10 pushed to the margin as recommendations got more personalized and narrow.”<sup>109</sup>

11 194. The WSJ followed up on its investigation a couple of months later with an analysis of  
12 the videos served to the “bot” accounts. The analysis found that “through its powerful algorithms,  
13 TikTok can quickly drive minors—among the biggest user of the app—into endless spools of content  
14 about sex and drugs.”<sup>110</sup> One account served 569 videos about drug use to an account that the bot had  
15 registered as a 13-year-old. TikTok showed more than 100 videos from accounts recommending  
16 pornography sites and sex shops, while other videos encouraged eating disorders and glorified alcohol  
17 use.<sup>111</sup> The WSJ showed TikTok 974 videos containing illicit subject matter, including drugs,  
18 pornography, allusions to pedophilia, and other adult content, which was served to accounts that the  
19 bots had registered as users aged 13 to 15. Hundreds of these videos were served consecutively and in  
20 rapid succession.<sup>112</sup>

21 195. In a subsection entitled, “the Addiction Machine,” the September 2021 WSJ report  
22 referenced the earlier July 2021 investigative report, in which the WSJ observed “that TikTok only  
23 needs one important piece of information to figure out what a user wants: the amount of time you linger  
24

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25 <sup>107</sup> *Id.*

26 <sup>108</sup> WSJ Staff, *Inside TikTok’s Algorithm: A WSJ Video Investigation*, The Wall Street Journal (July 21,  
2021), <https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477>.

27 <sup>109</sup> *Id.*

28 <sup>110</sup> Rob Barry et al., *How TikTok Serves up Sex and Drug Videos to Minors*, The Wall Street Journal  
(Sept. 8, 2021), <https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944>.

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

1 over piece of content. Every second you hesitate or rewatch, the app tracks you.”<sup>113</sup> According to  
 2 Guillaume Chaslot, the former YouTube engineer who worked on YouTube’s algorithm, stated that the  
 3 problems seen on YouTube are “due to engagement-based algorithms, and on TikTok it’s exactly the  
 4 same—but it’s worse,” because, “TikTok’s algorithms can learn much faster.”<sup>114</sup>

5 196. The linger-time metric is a powerful tool for TikTok, but it is dangerous for young users.  
 6 Through analysis of the amount of time a user lingers on or watches a video, TikTok’s algorithms have  
 7 the power to learn about users’ emotions, which may be hidden or possibly unarticulated emotions.  
 8 TikTok’s force-feeding of a never-ending stream of videos can “drive users of any age deep into rabbit  
 9 holes of content—in which feeds are heavily dominated by videos about a specific topic or theme.”<sup>115</sup>  
 10 As articulated by Zuckerberg’s “natural engagement pattern,” discussed above, this type of algorithm  
 11 directed curation rewards and gravitates toward more sensationalist, provocative, or inflammatory  
 12 content.

13 197. Although TikTok is aware that its platform is amplifying and directing harmful content  
 14 toward youth, TikTok continues with its business model because it maximizes the amount of screen  
 15 time youth spend on the platform, which allows TikTok to sell more ads and increase its revenues.

## 16 **VI. PLAINTIFFS HAVE BEEN NEGATIVELY IMPACTED BY DEFENDANTS’ CONDUCT**

### 17 **A. Exacerbated by Social Media Use, Youth Mental Health Issues Detrimentially** 18 **Affect Schools**

19 198. During the Covid-19 pandemic, due to lockdowns, remote schooling, and physical  
 20 isolation from friends, young people drastically increased their use of social media. One study  
 21 explained its findings: “adolescents augmented their social media use, including general screen time.  
 22 Also[,] higher levels of digital media addiction were reported during the pandemic. In general, higher  
 23 social media use and media addiction were related to higher ill-being. Hence, adolescents are  
 24 particularly at risk of experiencing mental health problems due to the augmented exposure to screen  
 25 time and social media during the pandemic.”

26 199. This use of social media is accompanied by detrimental mental health effects. According  
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28 <sup>113</sup> *Id.*

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

1 to a systematic review, summarizing evidence from thirty studies, “most studies have reported an  
2 association between ill-being and social media use.

3 200. Youth mental health services are provided through most public schools. As one of the  
4 primary providers of these services, public schools have been inundated by the increase in youth mental  
5 health issues, many associated with increased social media use. In the 2021–22 school year, nearly all  
6 public schools (96%) reported providing mental health services to their students. Fifty-six percent  
7 (56%) reported that they moderately agree or strongly agree that they can effectively provide mental  
8 health serviced to all students in need. Unfortunately, only a small percentage (8–10%) of schools were  
9 confident enough to say that they could effectively provide sufficient mental health services to all  
10 students in need, with a whopping 88% of schools saying they do not strongly agree it is possible to  
11 meet the demand for such services. These schools sounded an alert, reporting that there is “an  
12 insufficient number of mental health professionals to manage the school’s caseload, inadequate access  
13 to licensed health professionals, and inadequate funding.”

14 201. Since the start of the Covid-19 pandemic, public schools have seen an increase in mental  
15 health issues among their students. Seventy percent (70%) of public schools reported an increase in the  
16 percentage of their students seeking help for mental health issues, 76% reported an increase in staff  
17 voicing concerns about students exhibiting symptoms of depression, anxiety, and trauma, and 67% of  
18 public schools reported having increased the amount of mental health services they provide.

19 202. The combination of the pandemic and the proliferation of social media use created a  
20 perfect storm, exacerbating the youth mental health crisis. In the 2021–22 school year, 64% of public  
21 schools reported that the pandemic played a major role in students performing below grade level. In  
22 2022–23, public schools reported that 36% of their students on average were performing below grade  
23 level prior to the pandemic, while at the beginning of both the 2021–22 and 2022–23 school years,  
24 public schools reported on average half of their students were performing below grade level.

25 203. Absenteeism also became a problem during the Covid-19 pandemic. Public schools  
26 reported both student and teacher chronic absenteeism increased compared to prior school years.  
27 Seventy-two percent (72%) of schools reported an increase in chronic student absenteeism compared to  
28 pre-pandemic school years.

1           204. More than 8 in 10 public school reported that, due to the pandemic, students exhibited  
2 stunted behavioral and socioeconomical development. Sixty-one percent (61%) of schools perceived  
3 that general misconduct had increased. Schools reported substantial increases in the frequency of  
4 tardiness, skipping class, rowdiness, bullying, fighting, threats of fighting, use of electronic devices  
5 during class, and other classroom disruptions. Thirty-six percent (36%) of schools recorded an increase  
6 in vandalism.

7           205. One study surveyed nearly 300,000 students, from 845 schools, across 20 states, to  
8 provide insight into their perceptions of happiness, suicide, bullying, counseling programs, and the  
9 availability of access to help with mental health issues at school. The study found that “depression,  
10 stress, and anxiety is the most prevalent obstacle to learning” for students in grades six through twelve.  
11 Shockingly, 13% of middle school students and 14% of high school students had dealt with thoughts of  
12 suicide or reported that they had considered it in the last year. Over 50% of students at every grade  
13 level cited depression, stress, and anxiety as an obstacle to learning.

14           206. A survey of adolescents who received mental health services in an educational setting  
15 found that, when asked why they received mental health treatment, 44.3% reported receiving services  
16 because they felt depressed and 15.8% reported thinking about or attempting suicide. The Anxiety and  
17 Depression Association of America reports that anxiety disorders affect 31.9% of adolescents between  
18 the ages of 13 and 18 years old and that research shows that untreated anxiety disorders in teenagers  
19 presents a higher risk that they will perform poorly in school, miss out on important social experiences,  
20 and engage in substance abuse.

21           207. As discussed in sections above, researchers and mental health professionals suspect  
22 there is a link between social media use and sleep deprivation, given the common symptoms they share.  
23 Two-thirds of U.S. high school students say the sleep less than eight hours per night on school nights.  
24 Insufficient sleep among both adolescents and younger children is linked to a variety of maladies,  
25 including obesity, diabetes, poor mental health, ADHD or attention deficit/hyperactivity disorder,  
26 behavioral issues, and poor academic performance.

27           208. Plaintiffs school districts bear the cost of the increased need for youth mental health  
28 services. Operating under pre-crisis budgets, Plaintiffs have scrambled to reallocate resources to

1 address the mental health crisis. Plaintiffs have diverted time and funds to hire additional health care  
2 professionals, to train teachers and staff on how to educate students on their mental health, to develop  
3 mental health curriculum and materials, and to keep students and parents notified and informed about  
4 any mental health issues that arise.

5 209. Plaintiffs not only incur increased expenses to provide more mental health services,  
6 Plaintiffs also incur expenses to deal with a variety of collateral issues that have occurred as a result of  
7 the mental health crisis. Plaintiffs have diverted time and funds to deal with increased incidence of  
8 vandalism, property damage, investigation of crime, increased need for student disciplinary action, and  
9 increased security at the school site.

10 **B. Plaintiffs Have Been Negatively Affected by Social Media**

11 210. Plaintiff SMCBE is comprised of seven members who are elected to a four-year term.  
12 Among other essential tasks, the SMCBE approves policies, regulations, and curriculum for schools  
13 and education programs operated by the County Superintendent of Schools. County boards of education  
14 are established by the California Constitution. The SMCBE meets at the offices of the San Mateo  
15 County Office of Education (“SMCOE”), which are located on Twin Dolphin Drive in Redwood City,  
16 San Mateo County, California.

17 211. Plaintiff SMC Superintendent oversees the SMCOE. Plaintiff SMC Superintendent  
18 provides support to 23 school districts in San Mateo County and serves as an advocate and champion  
19 for public education. County superintendents of schools are established under the California  
20 Constitution and are considered county officers. Gov. Code § 24000.

21 212. Education Code Section 48645.2 states that the “county board shall provide for the  
22 administration and operation of juvenile court schools” either “by the county superintendent” or “by  
23 contract with the respective governing boards of the school districts in which the juvenile court school  
24 is located.” Court schools are to be conducted in a manner prescribed by the county board of education  
25 to best accomplish the statutory purpose. The board adopts the curriculum and evaluates the  
26 educational program. Educ. Code § 48645.3.

27 213. County community schools generally serve those students who have been removed from  
28 school districts, whether by expulsion or referral. The county board has the discretionary authority to

1 establish these community schools (Educ. Code § 1980). Once established, the county superintendent  
2 administers the schools, and the county board adopts the curriculum (Educ. Code §§ 1983, 1984).

3 214. Thus, both the Plaintiffs are responsible for the Court and Community Schools.

4 215. The Court Schools Program operates two programs (Hillcrest School and Margaret J.  
5 Kemp Girls Camp) in partnership with the San Mateo County Probation Department. Court Schools  
6 serve students who have been ordered by the Court to Probation Department programs. The  
7 Community Schools program operates Gateway Community School and Canyon Oaks Youth Center,  
8 serving at-risk students from across the county. The Community Schools Program is designed for  
9 students who can benefit from an alternative school setting.

10 216. Plaintiffs' schools have been directly impacted by the mental health crisis among youth  
11 in its community.

12 217. Plaintiffs' communities are experiencing an unprecedented flood of cases of cases where  
13 youth report serious mental and emotional issues. These include but are not limited to uncontrollable  
14 anxiety, feelings of extreme sadness and hopelessness, depression, lack of interest in activities that used  
15 to give joy, suicidal ideation, and plans/attempts at suicide.

16 218. Suicide among young people is the second leading cause of death in California. 116  
17 California is following a national trend where suicide is replacing homicide as the second leading cause  
18 of death nationally after decades of holding that grim distinction unchallenged. 117

19 219. Behavioral problems in Plaintiffs' schools have increased because of growing anxiety  
20 and depression caused by Defendants' platforms.

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27 <sup>116</sup> United Health Foundation, *America's Health Rankings: Health of Women and Children* (2022),  
[https://www.americashealthrankings.org/explore/health-of-women-and-children/measure/teen\\_suicide/state/CA](https://www.americashealthrankings.org/explore/health-of-women-and-children/measure/teen_suicide/state/CA).

28 <sup>117</sup> Alicia VanOrman & Beth Jarosz, *Suicide Replaces Homicide as Second-Leading Cause of Death  
Among U.S. Teenagers*, Public Reference Bur. (June 9, 2016), <https://www.prb.org/resources/suicide-replaces-homicide-as-second-leading-cause-of-death-among-u-s-teenagers/>

1           220. For this reason, Plaintiffs' schools have had to commit additional resources than they  
 2 otherwise would have, including more counselors and mental health resources, to address the surge in  
 3 mental, emotional, and social issues among students. In response to the struggles of San Mateo's  
 4 student population the San Mateo County Office of Education launched training and support as the  
 5 2022–23 school year started:

6

7 **Welcoming Students Back**

8 "We all may have been in the same storm but we have have different  
 boats by which we experienced that storm."

9

- 10 • **National Education Association**
  - 214,000 children lost a parent (grieving and missing guidance)
  - 17 million children struggling with food, up 6 million from before pandemic
- 11 • **Mental Health America (Youth Data Ranking 2022) CA Data:**
  - One major depressive episode 15.2%, 459,000
  - Severe depressive episode 9.8%, 284,000

12 **Preparing to Support through Trainings**

- 13 • **Big 5 Protocols** - 15 districts, 26 private/charters, and 12 community partners
- 14 • **Student Threat Assessment and Suicide Prevention Trainings-** 12 districts, 3  
 public/charters, 2 community partners
- 15 • **504's, Investigations, Creating Safe Schools, Respect 24/7, Restorative Practices**
- 16 • **We have trained more districts/agencies than the number of school days this  
 year**

17

18 *Portion of Start of School Year Presentation*

19           221. In addition to the aforementioned resources, Plaintiffs' schools increased the number  
 20 of onsite providers, universal screeners, and wellness counselors, a step funded with resources  
 21 allocated in the Mental Health Student Service Act. This action aims to address student stress and  
 22 trauma through social-emotional learning, resiliency building programs, and specialized school-site  
 23 behavioral health services.

24           222. Upon seeking assistance from the Bay Area Urban Areas Security Initiative ("BAUASI"),  
 25 Plaintiffs' schools were further granted a sum of nearly \$707,000 to facilitate threat assessment case  
 26 management tool development and enhance the functioning of their anonymous reporting system.

27           223. Plaintiffs' schools have also had an all-time increase in absenteeism, which they have  
 28 had to address by expending additional resources than they otherwise would have. The chronic

1 absenteeism rates across Plaintiffs' schools are as follows: Redwood City Elementary School (27.4%);  
 2 Cabrillo Elementary School (15.7%); and Pescadero Elementary School (33.1%). Schools in San  
 3 Mateo-Foster City recorded 20.8% absenteeism and those in South San Francisco recorded a shocking  
 4 24.7% of all students showing chronic absenteeism.

5 224. The magnitude of youth mental health issues has reached crisis levels in the United  
 6 States and California public schools have felt the effects. Plaintiffs' students confront mental health  
 7 issues now more than ever before.

8 225. According to the Public Policy Institute of California, a self-described independent,  
 9 objective and non-partisan research group, about one-third of California adolescents ages 12–17  
 10 experienced serious psychological distress between 2019 and 2021, and adolescent suicide among  
 11 Californians ages 12–17 increased in the first year of the pandemic.<sup>118</sup> Suicide was the second leading  
 12 cause of death of children and young people ages 10–24 in California in 2020.<sup>119</sup>

13 226. Plaintiffs do not have sufficient resources to effectively deal with the increased  
 14 occurrence of mental health issues among the youth, but is attempting to make do by reallocating  
 15 resources, developing additional resources, and raising additional funds. To address students' mental  
 16 health issues, resources that were intended to deliver education services have been diverted by  
 17 Plaintiffs, in order to: increase training for teachers and staff to identify symptoms and warning signs of  
 18 students exhibiting mental health issues; train teachers, staff, parents, and the community about the  
 19 potential and inherent dangers of social media use; educate students about the dangers of using  
 20 Defendants' social media products; update school policies and materials to address use of Defendants'  
 21 social media products; and in order to hire additional personnel, including counselors and medical  
 22 professionals to address students' mental health issues.

23 227. Due to Defendants' conduct, the number of Plaintiffs' students facing behavioral,  
 24 emotional, social, and mental health disorders, has proliferated markedly. This increase in mental health  
 25 issues is associated with additional collateral effects, such as misconduct, vandalism, bullying, fighting,

26 \_\_\_\_\_  
 27 <sup>118</sup> Shalini Mustala & Paulette Cha, *Investing in Schools to Address Covid-19's Toll on Youth Mental*  
 28 *Health*, Public Policy Inst. of California (Dec. 5, 2022), <https://www.ppic.org/blog/investing-in-schools-to-address-covid-19s-toll-on-youth-mental-health/>.

<sup>119</sup> United Health Foundation, *America's Health Rankings: Health of Women and Children* (2022),  
[https://www.americashealthrankings.org/explore/health-of-women-and-children/measure/teen\\_suicide/state/CA](https://www.americashealthrankings.org/explore/health-of-women-and-children/measure/teen_suicide/state/CA).

1 harassment, absenteeism, both among staff and students, and students' diversion of attention from the  
2 classroom to Defendants' social media products. There is an increased incidence of students paying  
3 attention to Defendants' social media products, while in class, in lieu of being mentally present in the  
4 classroom.

5 228. Aside from the expenses associated with managing youth mental health issues, Plaintiffs  
6 must also expend resources to deal with the increased frequency of these collateral effects.

7 Consequently, Plaintiff schools have had and or will have to reallocate resources in order to: pay staff  
8 to devote more time addressing bullying and fighting; increase security on school grounds; respond to  
9 and or investigate vandalism, threats, or other crimes; increase disciplinary services, such as detention;  
10 divert time that teachers and staff devote to providing education to time spent policing the classroom;  
11 make sure students are not engaging in social media during class; confiscating mobile devices on which  
12 students engage in Defendants social media products; divert time to meet with students and parents to  
13 keep parents informed of students' misconduct; and repair property damage that may result from  
14 students acting out.

15 229. Plaintiffs do not have enough mental health professionals to keep up with the mental  
16 health needs of their students. As previously detailed, there is a nationwide shortage of child and  
17 adolescent psychiatrists according to the American Academy of Child and Adolescent Psychiatry.  
18 The school counselors at our local schools are struggling to address the harms brought by social  
19 media.

20 230. Plaintiffs have been pushed to the brink of its capacity to effectively manage the youth  
21 mental health crisis in its district. Plaintiffs' staff makes a valiant effort to cope with increased demand  
22 for mental health services. If Plaintiffs have not already reached the limit of its capacity to handle the  
23 crisis, it is soon approaching a breaking point.

24 231. Most egregiously, since 2020, Plaintiffs' schools have had 72 Student Threat  
25 Assessment Training ("STAT") Level 2 cases, 12 of which (16.7%) were a direct result of negative  
26 social media use.

27 232. Lawmakers in California are aware of the effect social media platforms have on youth  
28 mental health and are beginning to take action. On August 30, 2022, the California state legislature

1 passed Assembly Bill 2273, the Age-Appropriate Design Code Act (“AADCA”).<sup>120</sup> Governor Newsom  
2 signed the bill into law on September 22, 2022. This bill is aimed at protecting the privacy of children  
3 under 18 years of age and applies to any website or online service that is likely to be accessed by a  
4 child under 18 years of age. It is important to note that the California AADCA defines children as  
5 consumers who are under 18 years of age, and protects broader age range than the Federal Children’s  
6 Online Privacy Protection Act (“COPPA”), which defines children as individuals under the age of 13.

7 233. The AADCA very likely applies to all Defendants’ social media platforms because the  
8 law applies to all online sites “likely to be accessed by children.”<sup>121</sup>

9 234. The AADCA requires online businesses with annual revenues of over \$25 million to  
10 complete a Data Protection Impact Assessment (“DPIA”) to identify the material risk of new online  
11 products, services, or features. These assessments are meant to determine whether the design of an  
12 online product, services, or feature could expose children to harm, including “whether algorithms used  
13 by the online product, service, or feature could harm children.”<sup>122</sup>

14 235. Certain clauses of the assembly bill provide clear evidence that lawmakers are aware of  
15 the dangers that online media pose to the mental health and well-being of young people. The bill states,  
16 “as children spend more of their time interacting with the online world, the impact of the design of  
17 online products and services on children’s well-being has become a focus of significant concern.”<sup>123</sup>

18 236. Furthermore, lawmakers recognize that the “design” of online products, including their  
19 secretive algorithms, are of great concern. This is evidenced by the reference to “dark patterns” in the  
20 following clause: “A business that provides an online service, product, or feature likely to be accessed  
21 by children shall not ... [u]se dark patterns to lead or encourage children to provide personal  
22 information beyond what is reasonably expected to provide that online service, product, or feature to  
23 forego privacy protections, or to take any action that the business knows, or has reason to know, is  
24 materially detrimental to the child’s physical health, mental health, or well-being.”<sup>124</sup>

25 237. President Biden’s State of the Union addresses, both in 2022 and 2023, acknowledged

26 <sup>120</sup> The California Age-Appropriate Design Code Act, A.B. 2237, 117th Cong. (2022),  
27 [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB2273](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2273).

28 <sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

<sup>124</sup> *Id.*

1 that there is a mental health crisis in America. In his 2022 State of the Union address, President Biden  
 2 emphasized the need to “get all Americans the mental health services they need.”<sup>125</sup> He reemphasized  
 3 this in his 2023 State of the Union address, repeating a line nearly identical to what he said a year  
 4 earlier: “[w]e must finally hold social media companies accountable for the experiment they are  
 5 running on our children for profit.”<sup>126</sup> Further mirroring statements from his 2022 address, President  
 6 Biden acknowledged that young people are struggling with mental health issues, including “bullying,  
 7 violence, trauma, and the harms of social media,” adding that “we owe them greater access to mental  
 8 health care at their schools.”<sup>127</sup> President Biden reiterated his 2022 statement, that it’s time to  
 9 strengthen privacy protections, ban targeted advertising to children, and stop tech companies from  
 10 collecting person data on children.<sup>128</sup>

11 238. That American lawmakers have acknowledged social media’s link to the mental health  
 12 crisis gives credence to and substantiates Plaintiffs claims. Legislation regarding social media’s effect  
 13 on youth mental health has been enacted. But today, as it stands, Plaintiffs are presently suffering from  
 14 insufficient resources to deal with the youth mental health crisis that Defendants’ have greatly  
 15 contributed to. Rather than the public bearing the burden, Defendants must compensate Plaintiffs for  
 16 the harm that they have caused.

### 17 1) Social Media Caused Vandalism in San Mateo Schools

18 239. As noted, the harm caused by social media companies to schools and students is not  
 19 confined to student social media addiction. Plaintiffs’ schools, like other schools across America have  
 20 become plagued with never-before-seen levels of mental and emotional health incidents, disciplinary  
 21 and attendance issues, and a pervasive social breakdown. As one example of specific harm to San  
 22 Mateo County schools, San Mateo Schools were vandalized as a result of the TikTok “Devious Lick”  
 23 Challenge that went viral on TikTok in early September. The so-called “Devious Lick” Challenge  
 24 encouraged students to damage and steal school property. The “Challenge” started with a video of

25 \_\_\_\_\_  
 26 <sup>125</sup> President Joe Biden, *State of the Union Address* (Mar. 1, 2022), <https://www.whitehouse.gov/state-of-the-union-2022/>.

27 <sup>126</sup> President Joe Biden, *State of the Union Address* (Feb. 7, 2023), <https://www.whitehouse.gov/state-of-the-union-2023/>.

28 <sup>127</sup> *Id.*

<sup>128</sup> President Joe Biden, *State of the Union Address* (Mar. 1, 2022), <https://www.whitehouse.gov/state-of-the-union-2022/>.

1 children stealing masks, which escalated to stealing mirrors, bathroom equipment and much more.  
2 Aragon High School, which is part of San Mateo Union High School District was vandalized at the  
3 start of the 2022–23 school year and the boys’ bathrooms were closed to be cleaned of the vandalism  
4 (and to prevent more damage) between the weeks of September 23 and October 18. The school paper  
5 ran a report and illustration:<sup>129</sup>



16 *New York Post: The 24 craziest TikTok challenges so far – and the ordeals they’ve caused*

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<sup>129</sup> TikTok “Devious Lick” challenge and vandalism around campus,  
<https://aragonoutlook.org/2021/10/tiktok-devious-lick-challenge-and-vandalism-around-campus/>.

# The ARAGON OUTLOOK

## TikTok “Devious Lick” challenge and vandalism around campus

Marlee Cherkas October 28, 2021 3 min read



Kyle Delmo / Aragon Outlook

### 2) School Lock Downs Tied to Social Media in San Mateo Schools

240. In addition to vandalism, social media has been tied to active shooter hoaxes. In October 2022, two San Mateo County high schools—Woodside High School and South San Francisco High School—had to go into lockdown when hoax phone calls to police departments reported possible active shooters on the campuses.

### Hoax calls send schools into lockdown, 2 in San Mateo County

Bay Area law enforcement responds to multiple false emergency reports

Staff and wire report Oct 13, 2022 0

1           241. Several school officials made statements highlighting the trauma caused to the students  
2 and faculty. John Baker, President of the South San Francisco Unified School District Board of  
3 Trustees, stated:

4           **Now that I am done processing my relief, I need time to process my anger. We have**  
5 **students, families and staff that have suffered real hurt today in terms of their mental**  
6 **health.... We had first responders on campus, under stress as well. What if there'd**  
7 **been a friendly fire incident? This incident, while a hoax, could've been the cause of**  
8 **actual physical harm.**<sup>130</sup>

9           242. Unfortunately, false reports of school shootings were called into numerous Bay Area  
10 schools and schools through the area were placed on heightened alert.

11           **VII. DEFENDANTS' CONDUCT IS NOT SHIELDED BY THE COMMUNICATIONS**  
12 **DECENCY ACT**

13           243. Defendants may raise as a defense section 230 of the Communications Decency Act  
14 (“CDA”), which provides: “No provider or user of an interactive computer service shall be treated as  
15 the publisher or speaker of any information provided by another information content provider.” 47  
16 U.S.C. § 230(c)(1). Section 230 is not a defense here.

17           244. The activities of a “publisher,” within the meaning of Section 230, generally involve  
18 traditional editorial functions. Plaintiffs expressly disavows any claims or allegations that attempt to  
19 hold Defendants liable as the publisher or speaker of any information provided by third parties.

20           245. Section 230 does not bar Defendants from being held liable for their conduct alleged in  
21 this Complaint. Plaintiffs are not alleging Defendants are liable for publishing third-party content on  
22 their platforms but, rather, for Defendants’ own actions. Defendants have knowingly designed their  
23 platforms to recommend, promote, and otherwise aggressively push harmful third-party content to  
24 youth, and also to manipulate youth into remaining on Defendants’ platforms (and thereby exposing  
25 youth to the harmful content recommended and promoted by Defendants) for as long as possible.  
26 Plaintiffs’ claims do not seek to hold Defendants liable as “publisher[s]” of third-party content because  
27 recommending and promoting third-party content is not a traditional editorial function.

28           246. Plaintiffs’ claims arise from Defendants’ roles as designers and marketers of harmful

<sup>130</sup> [https://www.smdailyjournal.com/news/local/hoax-calls-send-schools-into-lockdown-2-in-san-mateo-county/article\\_515c34aa-4aad-11ed-827f-cbf46d757796.html](https://www.smdailyjournal.com/news/local/hoax-calls-send-schools-into-lockdown-2-in-san-mateo-county/article_515c34aa-4aad-11ed-827f-cbf46d757796.html).

1 social media platforms that have injured the health of its community. The nature of Defendants’  
2 platforms at issue in this case centers around Defendants’ use of algorithms and other design features  
3 that promotes users to become addicted to their platforms. The algorithms Defendants employ adapt to  
4 the social media activity of individual users to promote whatever content will trigger a particular user’s  
5 attention in order to maximize their time on Defendants’ platforms. For the purposes of Section 230,  
6 Defendants’ algorithms are procedural rather than substantive based-content and are content-neutral.

7 247. Defendants are liable for the content they create. Defendants’ recommendations of third-  
8 party content are Defendants’ own content, not the content of third parties. Defendants also create other  
9 content, such as Snapchat filters (which alter body features) and Defendants’ emails and notifications to  
10 youth including material they create which often promotes certain harmful content. Plaintiffs do not  
11 seek to hold Defendants liable as publishers of information provided by third party content providers,  
12 but rather Plaintiffs seek to hold Defendants liable for distributing material they know or should know  
13 that the material is harmful and/or unlawful.

#### 14 **VIII. CAUSES OF ACTION**

##### 15 **COUNT ONE**

##### 16 **PUBLIC NUISANCE**

17 248. Plaintiffs incorporate by reference all preceding paragraphs as though set forth fully  
18 herein.

19 249. Plaintiffs bring this claim under California public nuisance law as to all Defendants

20 250. Under California law, “anything which is injurious to health ... or is indecent or  
21 offensive to the senses, or an obstruction to the free use of property, so as to interfere with the  
22 comfortable enjoyment of life or property ... is a nuisance.” Cal. Civ. Code § 3479. “A public nuisance  
23 is one which affects at the same time an entire community or neighborhood, or any considerable  
24 number of persons, although the extent of the annoyance or damage inflicted upon individuals may be  
25 unequal.” *Id.* § 3480.

26 251. Plaintiffs, in the operation of their schools, have a right to be free from conduct that  
27 endangers their health and safety, and the health and safety of their employees and students.

28 252. Defendants have caused a mental health crisis in Plaintiffs’ schools.

1           253. Because of the mental health crisis caused by Defendants, Plaintiffs' schools can no  
2 longer operate, use, or enjoy their property free from injury or interference. This injury and interference  
3 is both substantial and unreasonable.

4           254. Defendants have engaged in conduct, acts, and omissions which unreasonably and  
5 injuriously interfere with the public health and safety of Plaintiffs schools and community. This  
6 conduct created substantial and unreasonable annoyance, inconvenience, and injury to the public,  
7 endangered or injured the health and safety of Plaintiffs' employees and students. This conduct resulted  
8 from Defendants' continued operation, management, and promotion of their respective platforms,  
9 which have been directed at Plaintiffs' students and in a manner that substantially interferes with the  
10 functions and operations of Plaintiffs' schools, students, employees, and the communities Plaintiffs  
11 serve.

12           255. Plaintiffs did not consent to Defendants' conduct.

13           256. Each Defendant has created or assisted in the creation of a condition, or permitted a  
14 condition to exist that is injurious to the health and safety of Plaintiffs' schools and their students and  
15 employees, interfering with the comfortable enjoyment of Plaintiffs' property, as well as the life and  
16 property of the Plaintiffs' employees, students, and the communities Plaintiffs serve.

17           257. The health and safety of the Plaintiffs' students and employees, including those who use,  
18 have used, or will use Defendants' platforms, as well as those affected by others' use of their platforms,  
19 are matters of substantial public interest and of legitimate concern to Plaintiff.

20           258. Defendants' conduct has affected and continues to affect a substantial number of people  
21 within Plaintiffs' schools and is likely to continue causing significant harm.

22           259. Defendants' conduct has directly caused a significant interference and disruption of  
23 public health, safety, and order. Defendants' conduct is ongoing and continues to produce permanent  
24 and long-lasting damage.

25           260. The harm to youth mental health and the corresponding impacts to public health, safety,  
26 and the welfare of the Plaintiffs' schools, students, employees, and the communities Plaintiffs serve  
27 outweighs any social utility of Defendants' wrongful conduct.

28           261. The rights, interests, and inconvenience to Plaintiffs' schools, students, employees, and

1 the communities Plaintiffs serve far outweighs the rights, interests, and inconvenience to Defendants.  
2 Indeed, Defendants have profited tremendously from their wrongful conduct.

3 262. But for Defendants' actions, Plaintiffs' students would not use social media platforms as  
4 regularly or for such periods of time, would not be overwhelmed with manipulative features and  
5 harmful content to the same degree, and the public health crisis that exists currently as a result of  
6 Defendants' conduct would have been avoided.

7 263. Defendants knew or reasonably should have known that their acts and omissions  
8 involved in the development, maintenance and promotion of their platforms would cause students to  
9 use their platforms excessively. Defendants knew or reasonably should have known that their tactics to  
10 encourage user engagement with their platforms were designed to appeal to youth, and that their acts  
11 and omissions intended to increase youth use of their platforms were causing harm to youth and to  
12 schools, including to Plaintiffs and Plaintiffs' students.

13 264. Defendants' conduct described herein violated the following state laws:

- 14 (a) the California Consumer Legal Remedies Act, Cal. Civ. Code § 1750 et seq.  
15 (“CLRA”), which prohibits “methods of competition and unfair or deceptive acts  
16 or practices undertaken by any person in a transaction intended to result or which  
17 results in the sale or lease of goods or services to any consumer”;
- 18 (b) the California Unfair Competition Law, Cal. Bus. & Prof. Code § 17200 et seq.  
19 (“UCL”), which prohibits unlawful or unfair acts or practices, which constitute  
20 unfair competition; and
- 21 (c) the California False Advertising Law, Cal. Bus. & Prof. Code § 17500 et seq.  
22 (“FAL”), which prohibits the making or dissemination of information which is  
23 untrue or misleading with the intent to induce reliance in connection the  
24 disposition of property or services.

25 265. The public nuisance caused by Defendants was reasonably foreseeable, including the  
26 injuries to Plaintiffs. Among those reasonably foreseeable injuries are financial and economic losses  
27 incurred by Plaintiffs. Defendants knew or reasonably should have known that their acts and omissions  
28 would create a public nuisance.

1           266. Alternatively, each Defendant’s conduct was a substantial factor in bringing about the  
2 public nuisance described herein. By knowingly developing and operating their platforms in a manner  
3 intended to maximize the time youth spend on their respective platforms, Defendants directly enabled  
4 the widespread, excessive, and habitual use of their platforms and the resulting public nuisance  
5 affecting Plaintiffs and Plaintiffs’ schools and communities. By profiting from and further facilitating  
6 these conditions and the public nuisance that it caused, Defendants each made direct contributions to  
7 the public health crisis and injury to Plaintiffs.

8           267. Defendants each permitted the conditions to exist that caused the allegations described  
9 herein.

10           268. Defendants directly facilitated the spread of the youth suicide crisis.

11           269. Defendants’ conduct is especially injurious to Plaintiffs because, as a direct and  
12 proximate cause of Defendants’ conduct creating or substantially contributing to a public nuisance,  
13 Plaintiff and their students and employees have sustained and will continue to sustain substantial  
14 injuries.

15           270. Plaintiffs have taken numerous steps to mitigate the harm and disruption caused by  
16 Defendants’ conduct:

- 17           (a) Providing additional staff training to recognize and build awareness of  
18                 Defendants’ harmful platforms and their harmful consequences;
- 19           (b) Hiring additional staff and personal to alleviate the youth mental health crisis,  
20                 including mental, emotional, and social harm caused to students and members of  
21                 the community;
- 22           (c) Building new lesson plans and additional efforts to build awareness and educate  
23                 students and members of the community about Defendants’ harmful platforms  
24                 and related negative consequences;
- 25           (d) Remediating damaged to property proximately caused by Defendants’ platforms;
- 26           (e) Providing additional staff training to identify and address students in crisis or  
27                 otherwise negatively harmed by Defendants’ platforms;
- 28           (f) Mitigating negative effects to traditional pedagogical goals and academics

1 proximately caused by Defendants' platforms;

2 (g) Identifying and confiscating devices containing Defendants' platforms where  
3 banned from school, including meeting with parents to address said issues;

4 (h) Addressing the growing personal safety risks caused by bullying, threats, and  
5 other antisocial behaviors proximately caused by Defendants' platforms;

6 (i) Deploying and repurposes supplementary resources to alleviate and address  
7 mental, emotional, and social health issues;

8 (j) Diverting or obtaining more resources to address growing disciplinary issues and  
9 anti-bullying campaigns;

10 (k) Performing administrative tasks, amending policy, etc., to address the hazards  
11 and disruptions caused by Defendants' platforms in school; and

12 (l) Addressing the increased incidence of vandalism, property damage, investigation  
13 of crime, increased need for student discipline including detention, and increased  
14 school security.

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

16 271. Plaintiffs respectfully requests an order providing for abatement of the public nuisance  
17 that Defendants have created or assisted in the creation of, and enjoining Defendants from future  
18 conduct contributing to the public nuisance described above.

19 272. Plaintiffs also seek actual, compensatory, and all other available damages, as well as the  
20 maximum statutory and civil penalties permitted by law.

21 273. Defendants are jointly and severally liable because they have acted in concert with each  
22 other and because Plaintiffs are not at fault.

23 274. Defendants' conduct, as described above, was intended to serve their own interests  
24 despite knowing or having reason to know and consciously disregarding a substantial risk that their  
25 conduct was likely to significantly injure the rights of others, including Plaintiffs.

26 275. Defendants had full knowledge that their platforms endangered youth. Indeed,  
27 Defendants quantified their successful business strategy based on the level of excessive engagement by  
28 youth on their platforms with a conscious understanding of the resulting substantial risk and danger that

1 would be imposed on youths. Defendants made a deliberate choice not to take any action, to warn, or to  
2 inform the unsuspecting public, including Plaintiffs and Plaintiffs' students, about this known risk and  
3 danger. Defendants' willful, knowing, and reckless conduct therefore warrants, and Plaintiffs seek, an  
4 award of aggravated or punitive damages.

5 **COUNT TWO**

6 **NEGLIGENCE**

7 276. Plaintiffs incorporate by reference all preceding paragraphs as though fully set forth  
8 herein.

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

12 278. At all times relevant to this Complaint, Defendants owed a duty to consumers and the  
13 general public, including Plaintiffs, to exercise reasonable care in the creation, production,  
14 maintenance, distribution, management, marketing, promotion, and delivery of Defendants' social  
15 media platforms, including the duty to take all reasonable steps necessary to design, research, market,  
16 advertise, promote, operate, and distribute their platforms in a way that is not unreasonably dangerous  
17 to consumers users, including children.

18 279. At all times relevant to this Complaint, Defendants owed a duty to consumers and the  
19 general public, including Plaintiffs, to exercise reasonable care in the creation, production,  
20 maintenance, distribution, management, marketing, promotion, and delivery of their social media  
21 platforms. This duty included a duty to provide accurate, true, and correct information about the harms  
22 and risks of using Defendants' platforms. This duty also included a duty to give accurate and complete  
23 warnings about the potential adverse effects of users including youth engaging in extended use of  
24 Defendants' platforms, and the dangers and risks from their algorithm-driven content recommendations  
25 and other harmful features.

26 280. At all times relevant to this Complaint, Defendants knew or, in the exercise of  
27 reasonable care, should have known of the hazards and dangers of their respective social media  
28 platforms and specifically, the health hazards their platforms posed to youth in particular, especially

1 prolonged use of such platforms where exposure to harmful content was foreseeably likely.

2 281. Accordingly, at all times relevant to this Complaint, Defendants knew or, in the exercise  
3 of reasonable care, should have known that use of Defendants' social media platforms by youth would  
4 create a dangerous and unreasonable risk of injury to Plaintiffs.

5 282. Defendants also knew or, in the exercise of reasonable care, should have known that  
6 users and consumers of Defendants' social media platforms were unaware of the risks associated with  
7 the use of Defendants' platforms, or the magnitudes of such risks. These risks include, but are not  
8 limited to, the risks of excessive social media use and the risks stemming from the likelihood that  
9 algorithm-based recommendations would expose teen and adolescent users to content that is violent,  
10 sexual, or encourages self-harm, among other types of harmful content, or that mental and emotional  
11 illness could result.

12 283. As such, Defendants, by actions and inactions, representations and omissions, breached  
13 their duty of reasonable care, failed to exercise ordinary care, and failed to act as a reasonably careful  
14 person and/or company would act under the circumstances in the creation, production, maintenance,  
15 distribution, management, marketing, promotion, and delivery of their social media platforms, in that  
16 Defendants' creation, production, maintenance, distribution, management, marketing, promotion, and  
17 delivery social media platforms that Defendants knew or had reason to know would negatively impact  
18 the mental health of consumers, particularly youth, and the schools they attend, and failed to prevent or  
19 adequately warn of these risks and injuries.

20 284. Despite their opportunity, ability, and means to investigate, study, and test their social  
21 media platforms and to provide adequate warnings, Defendants failed to take these actions. Defendants  
22 have wrongfully concealed information and have made false and/or misleading statements concerning  
23 the safety and use of Defendants' social media platforms.

24 285. Defendants' negligence includes, but is not limited to:

- 25 (a) Creating, producing, maintaining, distributing, managing, marketing, promoting,  
26 and delivering their platforms to the general public and Plaintiffs' students  
27 without thorough and adequate pre- and post-market testing;  
28 (b) Failing to sufficiently study and conduct necessary tests to determine whether or

1 not their platforms were safe for youth users;

2 (c) Failing to use reasonable and prudent care in the creation, production,  
3 maintenance, distribution, management, marketing, promotion, and delivery of  
4 their platforms to avoid exposure to risk and danger, such as excessive usage by  
5 youth and exposure to harmful content;

6 (d) Failing to act on data, reports, analysis, opinions, or information known, or that  
7 which should have been known in the exercise of reasonable diligence,  
8 pertaining to Defendants' platform and the risks and hazards posed to youth.

9 (e) Designing their social media platforms to encourage excessive amounts of time  
10 that users spend on their platforms and causing mental and emotional harm,  
11 particularly among youth, by way of algorithm-based feeds, social reciprocity,  
12 and IVR;

13 (f) Failing to employ adequate safeguards in the creation, maintenance, and  
14 operation of their platforms to ensure they would not encourage excessive and  
15 harmful use;

16 (g) Failing to take reasonably adequate steps to prevent their platforms from being  
17 promoted, distributed, and used by minors under the age of 13;

18 (h) Designing, engineering, developing, and maintaining their platforms to appeal to  
19 children, adolescents and teens, where such minors lack the same cognitive  
20 development as adults and are particularly vulnerable to social reward-based  
21 manipulative tactics like IVR and social reciprocity.

22 (i) Failing to disclose to or warn Plaintiffs, users, consumers, and the general public  
23 of the negative mental and emotional health consequences associated with their  
24 platforms and social media generally, especially for children and adolescents;

25 (j) Failing to provide reasonably adequate warnings to child and adolescent users or  
26 the parents of such minors, where Defendants could reasonably foresee such  
27 minors would use their platforms;

28 (k) Failing to disclose to Plaintiffs, users, consumers, and the general public that

1 Defendants' platforms are designed to maximize the time users, particularly  
2 youth, spend on Defendants' platforms and that such platforms cause negative  
3 mental, emotional, and social health consequences;

4 (l) Failing to warn users and the general public, including Plaintiffs and students at  
5 Plaintiffs' schools, of the true risks of using Defendants' platforms;

6 (m) Advertising, marketing; and recommending Defendants' platforms while  
7 concealing and failing to disclose or warn of the dangers known by Defendants  
8 to be associated with, or caused by, youth use of Defendants' platforms;

9 (n) Continuing the creation, production, maintenance, distribution, management,  
10 marketing, promotion, and delivery of Defendants' platforms with knowledge  
11 that Defendants' platforms are unreasonably unsafe, addictive, and dangerous to  
12 youth mental and emotional health;

13 (o) Failing to change Defendants' algorithms, which are used to recommend content  
14 to users, in a manner that would no longer concentrate on maximizing the  
15 amount of time users spend on Defendants' platforms notwithstanding the  
16 reasonably foreseeable mental and emotional safety risks this posed to  
17 Defendants' youth users;

18 (p) Failing to adequately limit Defendants' algorithm-based recommendations to  
19 filter out content that expose child and adolescent users to content that is violent,  
20 sexual, or encourages self-harm, among other types of harmful content;

21 (q) Representing that Defendants' platforms were safe for children, adolescent, and  
22 teen users when, in fact, Defendants knew or should have known that the  
23 platforms presented a clear and present danger for youth's mental and emotional  
24 health; and

25 (r) Committing other failures, acts, and omissions set forth herein.

26 286. Defendants knew or should have known that it was foreseeable that Plaintiffs would  
27 suffer injuries as a result of Defendants' failure to exercise reasonable care in creating, producing,  
28 maintaining, distributing, managing, marketing, promoting, and delivering Defendants' platforms,

1 particularly when Defendants' platforms were intentionally and deliberately designed, maintained, and  
2 marketed to maximize the time youth spend on Defendants' platforms.

3 287. The scale and magnitude of injuries caused by the intended usage of Defendants'  
4 platforms could not be known by Plaintiffs.

5 288. Defendants' negligence helped to and did produce, and was the proximate cause of, the  
6 injuries, harm, and economic losses that Plaintiffs suffered and will continue to suffer. Such injuries,  
7 harm, and economic losses would not have happened but for Defendants' negligence as described  
8 herein.

9 289. The mental health crisis caused and/or significantly contributed to by Defendants has  
10 caused a major disruptive behavioral situation in Plaintiffs' schools, and Plaintiffs have had to take  
11 steps to mitigate the harm and disruption caused by Defendants' conduct, including the following:

- 12 (a) Providing additional staff training to recognize and build awareness of  
13 Defendants' harmful platforms and their harmful consequences;
- 14 (b) Hiring additional staff and personal to alleviate the youth mental health crisis,  
15 including mental, emotional, and social harm caused to students and members of  
16 the community;
- 17 (c) Building new lesson plans and additional efforts to build awareness and educate  
18 students and members of the community about Defendants' harmful platforms  
19 and related negative consequences;
- 20 (d) Remediating damaged to property proximately caused by Defendants' platforms;
- 21 (e) Providing additional staff training to identify and address students in crisis or  
22 otherwise negatively harmed by Defendants' platforms;
- 23 (f) Mitigating negative effects to traditional pedagogical goals and academics  
24 proximately caused by Defendants' platforms;
- 25 (g) Identifying and confiscating devices containing Defendants' platforms where  
26 banned from school, including meeting with parents to address said issues;
- 27 (h) Addressing the growing personal safety risks caused by bullying, threats, and  
28 other antisocial behaviors proximately caused by Defendants' platforms;

- 1 (i) Deploying and repurposes supplementary resources to alleviate and address  
2 mental, emotional, and social health issues;
- 3 (j) Diverting or obtaining more resources to address growing disciplinary issues and  
4 anti-bullying campaigns;
- 5 (k) Performing administrative tasks, amending policy, etc., to address the hazards  
6 and disruptions caused by Defendants’ platforms in school; and
- 7 (l) Addressing the increased incidence of vandalism, property damage, investigation  
8 of crime, increased need for student discipline including detention, and increased  
9 school security.

10 290. Defendants’ conduct, as described above, was intended to serve their own interests  
11 despite having reason to know and consciously disregarding a substantial risk that their conduct was  
12 likely to significantly injure the rights of others, including Plaintiffs, Defendants have consciously  
13 pursued a course of conduct knowing that it created a substantial risk of significant harm to others,  
14 including Plaintiffs. Defendants regularly risk the health of consumers and users of their platforms,  
15 including youth, with full knowledge of the dangers of their platforms. Defendants consciously decided  
16 not to redesign, warn, or inform the unsuspecting public, including Plaintiffs and Plaintiffs’ students.  
17 Defendants’ willful, knowing, and reckless conduct therefore warrants, and Plaintiffs seek, an award of  
18 aggravated or punitive damages.

19 **COUNT THREE**

20 **VIOLATIONS OF THE RACKETEER INFLUENCED**  
21 **AND CORRUPT ORGANIZATIONS ACT (“RICO”)**

22 **18 U.S.C. § 1961, et seq.**

23 291. Plaintiffs incorporate by reference all preceding paragraphs as though if fully set forth  
24 herein.

25 292. This claim is brought by Plaintiffs against all Defendants (the “RICO Defendants” for  
26 purposes of this Count III and Count IV) for actual damages, treble damages, and equitable relief under  
27 18 U.S.C. § 1964, for violations of RICO, 18 U.S.C. § 1961 et seq.

28 293. RICO makes it “unlawful for any person employed by or associated with any enterprise

1 engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate,  
2 directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering  
3 activity." 18 U.S.C. § 1962(c).

4 294. At all relevant times, each RICO Defendant is and has been a "person" within the  
5 meaning of 18 U.S.C. § 1961(3), because they are capable of holding, and do hold, "a legal or  
6 beneficial interest in property."

7 295. Each RICO Defendant conducted the affairs of an enterprise through a pattern of  
8 racketeering activity, in violation of 18 U.S.C. § 1962(c), as described herein.

9 296. Each Plaintiff is a "person" within the meaning of 18 U.S.C. § 1961(3), and has standing  
10 to sue under 18 U.S.C. § 1964(c) because they were and are injured in their business and/or property  
11 "by reason of" the RICO violations described herein.

12 297. Plaintiffs demand all applicable relief set forth below in the Prayer for Relief.

13 298. **The Enterprise.** Section 1961(4) defines an enterprise as "any individual, partnership,  
14 corporation, association, or other legal entity, and any union or group of individuals associated in fact  
15 although not a legal entity." 18 U.S.C. § 1961(4).

16 299. RICO Defendants form an association-in-fact for the common and continuing purpose  
17 described herein and constitute an enterprise within the meaning of 18 U.S.C. § 1961(4) engaged in the  
18 conduct of their affairs through a continuing pattern of racketeering activity. The members of the  
19 enterprise functioned as a continuing unit with an ascertainable structure separate and distinct from that  
20 of the conduct of the pattern of racketeering activity. There may also be other members of the  
21 enterprise who are unknown to Plaintiffs at this time.

22 300. Alternatively, each of the RICO Defendants is a corporation, company, or other legal  
23 entity, and therefore an enterprise within the meaning of 18 U.S.C § 1961(4).

24 301. The enterprise functioned as a continuing unit to achieve shared goals through unlawful  
25 means, including the following: (1) to preserve and enhance the market for its social media platforms  
26 and RICO Defendants' own profits, regardless of the truth, the law, or the health consequences to the  
27 American people, including Plaintiffs' students and the communities Plaintiffs serve; (2) to deceive  
28 consumers, especially children, adolescents, and teenagers and their parents, into using their platforms

1 by falsely maintaining that there is doubt as to whether their platforms are responsible for the apparent  
2 mental or emotional health consequences to children, adolescents, and teenagers, despite that RICO  
3 Defendants knew otherwise; (3) to deceive consumers, especially children, adolescents, and teenagers  
4 and their parents, into using their platforms by falsely maintaining that RICO Defendants could  
5 mitigate the mental or emotional health consequences to children, adolescents, and teenagers, despite  
6 that RICO Defendants knew that these negative consequences were inherent to its platforms' features  
7 and technology; (4) to deceive consumers, especially c children, adolescents, and teenagers, into  
8 becoming or staying addicted to their platforms by maintaining that their platforms were not addictive  
9 or that any addictive consequences could be mitigated, despite the fact that RICO defendants knew that  
10 their platforms were inherently addictive by design; (5) to deceive consumers, particularly parents and  
11 children, adolescents, and teenagers, by claiming that they did not market to children, adolescents, and  
12 teenagers, while engaging in marketing and manipulation of their platform algorithms with the intent of  
13 causing children, adolescents, and teenagers to engage in excessive use of their platforms, regardless of  
14 the health or safety concerns; and (6) to deceive consumers about the mental and emotional health risks  
15 to children, adolescents, and teenagers associated with RICO Defendants' platforms, including that  
16 their platforms were intentionally and deliberately designed to target children, adolescents, and  
17 teenagers and to encourage excessive and harmful behavior, and that RICO Defendants had the ability  
18 to manipulate and did manipulate their platforms to be highly addictive, and that RICO Defendants  
19 targeted children, adolescents, and teenagers specifically.

20 302. The enterprise has pursued a course of conduct of deceit and misrepresentation and  
21 conspiracy to make misrepresentations to the public, to withhold from the public facts material to the  
22 decision to use or permit children, adolescents, and teenagers to use RICO Defendants' platforms, to  
23 promote and maintain sales from RICO Defendants' platforms, and the profits derived therefrom, as  
24 well as to shield themselves from public, judicial, and governmental scrutiny.

25 303. Each enterprise has engaged in, and their activities have affected, foreign and interstate  
26 commerce.

27 304. **Pattern of Racketeering Activity.** RICO Defendants, each of whom are persons  
28 associated with, or employed by, the enterprise, did knowingly, willfully and unlawfully conduct or

1 participate, directly or indirectly in the affairs of the enterprise through a pattern of racketeering activity  
2 within the meaning of 18 U.S.C. § 1961(1), 1961(5), and 1962(c). The racketeering activity was made  
3 possible by each RICO Defendant's regular and repeated use of the facilities and services of the  
4 enterprise. Each RICO Defendant had the specific intent to engage in the substantive RICO violations  
5 alleged herein.

6 305. RICO Defendants controlled the resources and instrumentalities of the enterprise and  
7 used that control to perpetrate numerous misleading schemes involving the use of mail and wires.  
8 Foremost, separate and apart from their regular business dealings, RICO Defendants misled and  
9 continue to mislead the public on the mental health dangers for youth on their platforms.

10 306. RICO Defendants had the common purpose of preserving and enhancing the market for  
11 their platforms and for youth as consumers for RICO Defendants' own profits, regardless of the truth,  
12 the law, or the health consequences to the American people, including Plaintiffs' students and the  
13 communities Plaintiffs serve.

14 307. RICO Defendants deceived consumers to use RICO Defendants' platforms while  
15 concealing and/or suppressing the relevant findings and research. RICO Defendants deceived  
16 consumers, particularly parents and children, adolescents, and teenagers, by claiming that they did not  
17 market to children, adolescents, and teenagers, while engaging in marketing and manipulation of their  
18 platform algorithms with the intent of causing children, adolescents, and teenagers to engage in  
19 excessive use of their platforms, regardless of the health or safety concerns.

20 308. RICO Defendants achieved their common purpose through co-conspirators' actions in  
21 deceiving consumers, regulators, and the general public about the dangerous nature of their platforms.  
22 Through the enterprise, RICO Defendants engaged in a pattern of racketeering activity consisting of  
23 numerous acts of racketeering in the Northern District of California and elsewhere, including mail fraud  
24 and wire fraud, indictable offenses under 18 U.S.C. §§ 1341, 1343.

25 309. RICO Defendants are each an enterprise that is engaged in and affects interstate  
26 commerce because the companies sold and continue to sell products across the United States, as alleged  
27 herein.

28 310. **Predicate Acts: Use of Mails and Wires to Mislead the Public in Violation of 18**

1 **U.S.C. §§ 1341, 1343.** From a time unknown and continuing until the time of filing of this complaint,  
2 in the Northern District of California and elsewhere, RICO Defendants and others known and unknown  
3 did knowingly and intentionally devise and intend to devise a scheme and artifice to mislead, and  
4 obtain money and property from, members of the public by means of material false and misleading  
5 pretenses, representations, and promises, and omissions of material facts, knowing that the pretenses,  
6 representations, and promises, were false when made.

7 311. It was part of said scheme and artifice that the RICO Defendants would represent that  
8 their platforms pose no substantial risk of mental or emotional health concern to children, adolescents,  
9 and teenagers, and were not addictive, when in fact, their platforms did pose such risks, and that their  
10 platforms were intentionally and deliberately designed to target children, adolescents, and teenagers  
11 and encourage excessive and harmful behavior.

12 312. It was further part of said scheme and artifice that RICO Defendants and their co-  
13 conspirators would and did maintain sales and profits of their platforms, by concealing, and suppressing  
14 material information regarding the mental and emotional health risks to children, adolescents, and  
15 teenagers associated with their usage, including that their platforms were intentionally and deliberately  
16 designed to target children, adolescents, and teenagers and to encourage excessive and harmful  
17 behavior, and that they had the ability to manipulate and did manipulate their platforms to be highly  
18 addictive, and that RICO Defendants targeted children, adolescents, and teenagers specifically.

19 313. It was further part of said scheme and artifice that, in order to conceal the health risks of  
20 their platforms, RICO Defendants and their co-conspirators would and did make false representations  
21 and misleading statements to the public, and would and did falsely represent that Defendants would  
22 fund and conduct objective, scientific research, and disclose the results of such research, to resolve  
23 concerns about mental and emotional health related issues to youth, and would and did falsely represent  
24 that Defendants did not target children, adolescents, and teenagers, and would and did suppress and  
25 hide adverse research results, would and did misrepresent and fail to disclose their ability to manipulate  
26 and the manipulation of their platforms and their addictive qualities, and would and did misrepresent  
27 their actions to government personnel and others.

28 314. It was a further part of said scheme and artifice that RICO Defendants and their co-

1 conspirators would and did misrepresent, conceal, and hide and cause to be misrepresented, concealed,  
2 and hidden, the purpose of, and acts done in furtherance of, the scheme.

3 315. It was a further part of said scheme and artifice, and in furtherance thereof, that RICO  
4 Defendants would and did communicate with each other and with their co-conspirators and others, in  
5 person, by mail, and by telephone and other interstate and foreign wire facilities, regarding the true  
6 nature of their platforms and the mental and emotional health risks to children, adolescents, and  
7 teenagers.

8 316. It was further part of said scheme and artifice that RICO Defendants' made  
9 communications directed toward government officials and to the public in furtherance of their  
10 conspiracy to deceive the public by means of telephone, mail, internet, wire transmissions, and other  
11 forms of interstate commerce and communications.

12 317. For purposes of executing and attempting to execute that scheme and artifice, RICO  
13 Defendants and their co-conspirators would and did knowingly transmit and cause to be transmitted in  
14 interstate and foreign commerce by means of wire, radio and television communication writings, signs,  
15 signals, pictures and sounds (collectively "transmissions") in violation of 18 U.S.C. §§ 1343.

16 318. For the purpose of executing and attempting to execute the scheme and artifice  
17 described herein, RICO Defendants and their co-conspirators would and did: knowingly place and  
18 cause to be placed in any post office or authorized depository for mail matter, matters and things to be  
19 sent and delivered by the United States Postal Service (and its predecessor, the United States Post  
20 Office Department); took and received therefrom such matters and things; and knowingly caused to be  
21 delivered by mail according to the direction thereon, and at the place at which it is directed to be  
22 delivered by the person to whom it is addressed, any such matter and thing, in violation of 18 U.S.C.  
23 § 1341.

24 **COUNT FOUR**

25 **CONSPIRACY TO CONDUCT THE AFFAIRS OF THE ENTERPRISE THROUGH A**  
26 **PATTERN OF RACKETEERING ACTIVITY**

27 **18 U.S.C. § 1962**

28 319. Plaintiffs incorporate the allegations set forth above as if fully set forth herein.

1           320. From a time unknown and continuing until the time of filing of this Complaint, in the  
2 Northern District of California and elsewhere, RICO Defendants and others known and unknown did  
3 unlawfully, knowingly and intentionally combine, conspire, confederate, and agree together with each  
4 other, and others whose names are both known and unknown, to conduct and participate, directly and  
5 indirectly, in the conduct of the affairs of the aforementioned enterprise, which was engaged in the  
6 activities of which affected, interstate and foreign commerce, through a pattern of activity consisting of  
7 multiple acts indictable under 18 U.S.C. §§ 1341 and 1343, in violation of 18 U.S.C. § 1962(d).

8           321. Each of the RICO Defendants agreed that at least two acts of racketeering activity would  
9 be committed by a member of the conspiracy in furtherance of the conduct of the enterprise. It was part  
10 of the conspiracy that RICO Defendants and their co-conspirators would commit numerous acts of  
11 racketeering activity in the conduct of the affairs of the enterprise, including but not limited to, acts of  
12 racketeering set forth below.

13           322. From a time unknown and continuing until the time of filing of this complaint, in the  
14 Northern District of California and elsewhere, RICO Defendants and others known and unknown did  
15 knowingly and intentionally devise and intend to devise a scheme and artifice to mislead, and obtain  
16 money and property from, members of the public by means of material false and mislead pretenses,  
17 representations, and promises, and omissions of material facts, knowing that the pretenses,  
18 representations, and promises, were false when made.

19           323. It was part of said scheme and artifice that the RICO Defendants would represent that  
20 their platforms pose no substantial risk of mental or emotional health concern to children, adolescents,  
21 and teenagers, and were not addictive, when in fact, their platforms did pose such risks, and that their  
22 platforms were intentionally and deliberately designed to target children, adolescents, and teenagers  
23 and encourage excessive and harmful behavior.

24           324. It was further part of said scheme and artifice that RICO Defendants and their co-  
25 conspirators would and did maintain sales and profits of their platforms, by concealing, and suppressing  
26 material information regarding the mental and emotional health risks to children, adolescents, and  
27 teenagers associated with their usage, including that their platforms were intentionally and deliberately  
28 designed to target children, adolescents, and teenagers and to encourage excessive and harmful

1 behavior, and that they had the ability to manipulate and did manipulate their platforms to be highly  
2 addictive, and that RICO Defendants targeted children, adolescents, and teenagers specifically.

3 325. It was further part of said scheme and artifice that, in order to conceal the health risks of  
4 their platforms, RICO Defendants and their co-conspirators would and did make false representations  
5 and misleading statements to the public, and would and did falsely represent that Defendants would  
6 fund and conduct objective, scientific research, and disclose the results of such research, to resolve  
7 concerns about mental and emotional health related issues to youth, and would and did falsely represent  
8 that Defendants did not target children, adolescents, and teenagers, and would and did suppress and  
9 hide adverse research results, would and did misrepresent and fail to disclose their ability to manipulate  
10 and the manipulation of their platforms and their addictive qualities, and would and did misrepresent  
11 their actions to government personnel and others.

12 326. It was a further part of said scheme and artifice that RICO Defendants and their co-  
13 conspirators would and did misrepresent, conceal, and hide and cause to be misrepresented, concealed,  
14 and hidden, the purpose of, and acts done in furtherance of, the scheme.

15 327. It was a further part of said scheme and artifice, and in furtherance thereof, that RICO  
16 Defendants would and did communicate with each other and with their co-conspirators and others, in  
17 person, by mail, and by telephone and other interstate and foreign wire facilities, regarding the true  
18 nature of their platforms and the mental and emotional health risks to children, adolescents, and  
19 teenagers.

20 328. It was further part of said scheme and artifice that RICO Defendants' made  
21 communications directed toward government officials and to the public in furtherance of their  
22 conspiracy to deceive the public by means of telephone, mail, internet, wire transmissions, and other  
23 forms of interstate commerce and communications.

24 329. For purposes of executing and attempting to execute that scheme and artifice, RICO  
25 Defendants and their co-conspirators would and did knowingly transmit and cause to be transmitted in  
26 interstate and foreign commerce by means of wire, radio and television communication writings, signs,  
27 signals, pictures and sounds (collectively "transmissions") in violation of 18 U.S.C. §§ 1343.

28 330. For the purpose of executing and attempting to execute the scheme and artifice

1 described herein, RICO Defendants and their co-conspirators would and did: knowingly place and  
2 cause to be placed in any post office or authorized depository for mail matter, matters and things to be  
3 sent and delivered by the United States Postal Service (and its predecessor, the United States Post  
4 Office Department); took and received therefrom such matters and things; and knowingly caused to be  
5 delivered by mail according to the direction thereon, and at the place at which it is directed to be  
6 delivered by the person to whom it is addressed, any such matter and thing, in violation of 18 U.S.C.  
7 § 1341.

8 **COUNT FIVE**

9 **GROSS NEGLIGENCE**

10 331. Plaintiffs incorporate by reference all preceding paragraphs as though fully set forth  
11 herein.

12 332. Defendants were grossly negligent in designing, manufacturing, supplying, distributing,  
13 inspecting (or not inspecting), testing (or not testing), marketing, promoting, advertising, packaging,  
14 and/or labeling Defendants' platforms.

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

18 334. At all times relevant to this Complaint, Defendants owed a duty to consumers and the  
19 general public, including Plaintiffs, to exercise reasonable care in the creation, production,  
20 maintenance, distribution, management, marketing, promotion, and delivery of Defendants' social  
21 media platforms, including the duty to take all reasonable steps necessary to design, research, market,  
22 advertise, promote, operate, and distribute their platforms in a way that is not unreasonably dangerous  
23 to consumers and users, including youth.

24 335. At all times relevant to this Complaint, Defendants owed a duty to consumers and the  
25 general public, including Plaintiffs, to exercise reasonable care in the creation, production,  
26 maintenance, distribution, management, marketing, promotion, and delivery of their social media  
27 platforms. This included a duty to provide accurate, true, and correct information about the harms and  
28 risks of using Defendants' platforms, including the harms and risks to youth. This also included a duty

1 to give accurate and complete warnings about the potential adverse effects of extended use of  
2 Defendants' platforms by youth, and the dangers and risks from their platform's features, such as  
3 algorithm-driven harmful content recommendations.

4 336. At all times relevant to this Complaint, Defendants knew or, in the exercise of  
5 reasonable care, should have known of the hazards and dangers of their respective social media  
6 platforms and specifically, the health hazards their platforms posed to youth in particular, especially  
7 prolonged use of such platforms where exposure to harmful content was likely.

8 337. Accordingly, at all times relevant to this Complaint, Defendants knew or, in the exercise  
9 of reasonable care, should have known that use of Defendants' social media platforms by youth would  
10 create a dangerous and unreasonable risk of injury to Plaintiffs.

11 338. Defendants also knew or, in the exercise of reasonable care, should have known that  
12 youth and other users and consumers of Defendants' social media platforms were unaware of the risks  
13 associated with the use of Defendants' platforms, or the magnitudes of such risks. These risks include,  
14 but are not limited to, the risks of excessive social media use and the risks stemming from the  
15 likelihood that algorithm-based recommendations would expose youth users to content that is violent,  
16 sexual, or encourages self-harm, among other types of harmful content, or that mental and emotional  
17 illness could result.

18 339. As such, Defendants, by action and inaction, representation and omission, breached their  
19 duty of reasonable care, failed to exercise ordinary care, and failed to act as a reasonably careful person  
20 and/or company would act under the circumstances in the creation, production, maintenance,  
21 distribution, management, marketing, promotion, and delivery of their social media platforms, in that  
22 Defendants' creation, production, maintenance, distribution, management, marketing, promotion, and  
23 delivery social media platforms that Defendants knew or had reason to know would negatively impact  
24 the mental health of consumers, particularly youth, and failed to prevent or adequately warn of these  
25 risks and injuries.

26 340. Despite their opportunity, ability and means to investigate, study, and test their social  
27 media platforms and to provide adequate warnings, Defendants failed to take these actions. Defendants  
28 have wrongfully concealed information and have made false and/or misleading statements concerning

1 the safety and use of Defendants' social media platforms.

2 341. Defendants engaged in willful and/or wanton conduct that lacked any care and amounted  
3 to an extreme departure from what a reasonably careful person would do in the same situation to  
4 prevent harm to others. Defendants' willful and wanton conduct caused Plaintiffs to suffer harm.

5 342. Defendants' willful and wanton conduct includes, but is not limited to:

- 6 (a) Creating, producing, maintaining, distributing, managing, marketing, promoting,  
7 and delivering their platforms to the general public and Plaintiffs' students  
8 without thorough and adequate pre- and post-market testing;
- 9 (b) Failing to sufficiently study and conduct necessary tests to determine whether or  
10 not their platforms were safe for youth users;
- 11 (c) Failing to use reasonable and prudent care in the creation, production,  
12 maintenance, distribution, management, marketing, promotion, and delivery of  
13 their platforms to avoid exposure to risk and danger, such as excessive usage by  
14 youth and exposure to harmful content;
- 15 (d) Failing to act on data, reports, analysis, opinions, or information known, or that  
16 should have been known in the exercise of reasonable diligence, pertaining to  
17 Defendants' platform and the risks and hazards posed to youth.
- 18 (e) Designing their social media platforms to encourage excessive amounts of time  
19 that users spend on their platforms and causing mental and emotional harm,  
20 particularly to youth, by way of algorithm-based feeds, social reciprocity, and  
21 IVR;
- 22 (f) Failing to employ adequate safeguards in the creation, maintenance, and  
23 operation of their platforms to ensure they would not encourage excessive and  
24 harmful use;
- 25 (g) Failing to take reasonably adequate steps to prevent their platforms from being  
26 promoted, distributed, and used by minors under the age of 13;
- 27 (h) Designing, engineering, developing, and maintaining their platforms to appeal to  
28 children, adolescents and teens, where such minors lack the same cognitive

1 development as adults and are particularly vulnerable to social reward-based  
2 manipulative tactics like IVR and social reciprocity.

- 3 (i) Failing to disclose to or warn Plaintiffs, users, consumers, and the general public  
4 of the negative mental and emotional health consequences associated with their  
5 platforms and social media generally, especially for youth;
- 6 (j) Failing to provide reasonably adequate warnings to youth users or the parents or  
7 guardians of such minors, where Defendants could reasonably foresee such  
8 minors would use their platforms;
- 9 (k) Failing to disclose to Plaintiffs, users, consumers, and the general public that  
10 Defendants' platforms are designed to maximize the time youth and other users  
11 spend on Defendants' platforms and that such platforms cause negative mental,  
12 emotional, and social health consequences, particularly among youth;
- 13 (l) Failing to warn users and the general public, including Plaintiffs and Plaintiffs'  
14 students, of the true risks of using Defendants' platforms;
- 15 (m) Advertising, marketing, and recommending Defendants' platforms while  
16 concealing and failing to disclose or warn of the dangers known by Defendants  
17 to be associated with, or caused by, youth use of Defendants' platforms;
- 18 (n) Continuing the creation, production, maintenance, distribution, management,  
19 marketing, promotion, and delivery of Defendants' platforms with knowledge  
20 that Defendants' platforms are unreasonably unsafe, addictive, and dangerous to  
21 youth, and otherwise harmful to youth mental and emotional health;
- 22 (o) Failing to change Defendants' algorithms, which are used to recommend content  
23 to users, in a manner that would no longer concentrate on maximizing the  
24 amount of time users spend on Defendants' platforms notwithstanding the  
25 reasonably foreseeable mental and emotional safety risks this posed to  
26 Defendants' youth users;
- 27 (p) Failing to adequately limit Defendants' algorithm-based recommendations to  
28 filter out content that exposes youth users to content that is violent, sexual, or

1 encourages self-harm, among other types of harmful content; and

- 2 (q) Representing that Defendants' platforms were safe for child, adolescent, and teen  
3 users when, in fact, Defendants knew or should have known that the platforms  
4 presented a clear and present danger for youth's mental and emotional health.

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

10 344. Plaintiffs did not know the nature and extent of the injuries that could result from the  
11 intended use of Defendants' social media platforms by Plaintiffs' students.

12 345. Defendants' negligence helped to and did produce, and was the proximate cause of, the  
13 injuries, harm, and economic losses that Plaintiffs suffered and will continue to suffer. Such injuries,  
14 harm, and economic losses would not have happened without Defendants' negligence as described  
15 herein.

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

- 19 (a) Providing additional staff training to recognize and build awareness of  
20 Defendants' harmful platforms and their harmful consequences;
- 21 (b) Hiring additional staff and personal to alleviate the youth mental health crisis,  
22 including mental, emotional, and social harm caused to students and members of  
23 the community;
- 24 (c) Building new lesson plans and additional efforts to build awareness and educate  
25 students and members of the community about Defendants' harmful platforms  
26 and related negative consequences;
- 27 (d) Remediating damaged to property proximately caused by Defendants' platforms;
- 28 (e) Providing additional staff training to identify and address students in crisis or

1 otherwise negatively harmed by Defendants' platforms;

- 2 (f) Mitigating negative effects to traditional pedagogical goals and academics  
3 proximately caused by Defendants' platforms;
- 4 (g) Identifying and confiscating devices containing Defendants' platforms where  
5 banned from school, including meeting with parents to address said issues;
- 6 (h) Addressing the growing personal safety risks caused by bullying, threats, and  
7 other antisocial behaviors proximately caused by Defendants' platforms;
- 8 (i) Deploying and repurposing supplementary resources to alleviate and address  
9 mental, emotional, and social health issues;
- 10 (j) Diverting or obtaining more resources to address growing disciplinary issues and  
11 anti-bullying campaigns;
- 12 (k) Performing administrative tasks, amending policy, etc., to address the hazards  
13 and disruptions caused by Defendants' platforms in school; and
- 14 (l) Addressing the increased incidence of vandalism, property damage, investigation  
15 of crime, increased need for student discipline including detention, and increased  
16 school security.

17 347. Defendants breached the duties they owed to Plaintiffs and in doing so, were wholly  
18 unreasonable. Defendants' conduct, as described above, was intended to serve their own interests  
19 despite having reason to know and consciously disregarding a substantial risk that their conduct was  
20 likely to significantly injure the rights of others, including Plaintiffs. Defendants consciously pursued a  
21 course of conduct knowing that it created a substantial risk of significant harm to others, including  
22 Plaintiffs and Plaintiffs' students.

23 348. As a foreseeable consequence of Defendants' breaches of their duties, Plaintiffs have  
24 suffered and will continue to suffer direct and consequential economic and other injuries as a result of  
25 dealing with the youth mental health crisis in Plaintiffs' schools, as described herein, including but not  
26 limited to expending, diverting, and increasing resources to address this crisis.

27 349. Defendants engaged in conduct, as described above, that constitutes malice, and  
28 oppression, , with intent to cause injury and/or with willful and knowing disregard of the rights or

1 safety of another, being fully aware of the probable dangerous consequences of the conduct and  
2 deliberately failing to avoid those consequences.

3 350. Defendants’ conduct constituting malice, and oppression, was committed by one or  
4 more officers, directors, or managing agents of Defendants, who acted on behalf of Defendants; was  
5 authorized by one or more officers, directors, or managing agents of Defendants, and adopted or  
6 approved that conduct by one or more of such officers, directors, or managing agents after the conduct  
7 occurred.

8 351. Defendants regularly risk the lives and health of youth and other consumers and users of  
9 their platforms with full knowledge of the dangers of their platforms. Defendants made conscious  
10 decisions not to redesign, re-label, warn, or inform the unsuspecting public, including Plaintiffs and  
11 Plaintiffs’ students. Defendants’ willful, knowing and reckless conduct therefore warrants, and  
12 Plaintiffs seek, an award of aggravated or punitive damages.

13 **COUNT SIX**

14 **VIOLATIONS OF THE CALIFORNIA UNFAIR COMPETITION LAW**

15 **Cal. Bus. & Prof. Code § 17200, et seq.**

16 ***(Injunctive Relief Only)***

17 344. Plaintiffs incorporate the allegations set forth above as if fully set forth herein.

18 345. Plaintiffs bring claims against all Defendants under California’s Unfair Competition  
19 Law (“UCL”), which prohibits Defendants from engaging in “any unlawful [or] unfair ... business  
20 act or practice.” Cal. Bus. & Prof. Code § 17200.

21 346. Each Plaintiff and each Defendant is a “person” within the meaning of the UCL.

22 347. Plaintiffs have suffered injury in fact and have lost money or property as a direct and  
23 proximate result of Defendants’ violations of the UCL, including but not limited to additional time,  
24 costs, and expenses that Plaintiffs have incurred—and will continue for the foreseeable future to  
25 incur—for the following:

- 26 (a) Providing additional staff training to recognize and build awareness of  
27 Defendants’ harmful platforms and its consequences;

- 1 (b) Hiring additional staff and personal to alleviate the youth mental health crisis,  
2 including mental, emotional, and social harm caused to students and members  
3 of the community;
- 4 (c) Building new lesson plans and additional efforts to build awareness and  
5 educate students and members of the community about Defendants' harmful  
6 platforms and related negative consequences;
- 7 (d) Remediating damaged to property proximately caused by Defendants'  
8 platforms;
- 9 (e) Providing additional staff training to identify and address students in crisis or  
10 otherwise negatively harmed by Defendants' platforms;
- 11 (f) Mitigating negative effects to traditional pedagogical goals and academics  
12 proximately caused by Defendants' platforms;
- 13 (g) Identifying and confiscating devices containing Defendants' platforms where  
14 banned from school, including meeting with parents to address said issues;
- 15 (h) Addressing the growing personal safety risks caused by bullying, threats, and  
16 other antisocial behaviors proximately caused by Defendants' platforms;
- 17 (i) Deploying and repurposes supplementary resources to alleviate and address  
18 mental, emotional, and social health issues;
- 19 (j) Diverting or obtaining more resources to address growing disciplinary issues  
20 and anti-bullying campaigns;
- 21 (k) Performing administrative tasks, amending policy, etc., to address the hazards  
22 and disruptions caused by Defendants' platforms in school; and
- 23 (l) Addressing the increased incidence of vandalism, property damage,  
24 investigation of crime, increased need for student discipline including  
25 detention, and increased school security.

26 348. Each Defendant's conduct alleged in this Complaint was and is "unlawful" under the  
27 UCL because Defendants' conduct: (a) was and is unlawful under each of the laws, and for each of  
28 the reasons, set forth above in Plaintiffs' prior causes of action; (b) violates the CLRA, Cal. Civ.

1 Code § 1750 et seq., because it constitutes “methods of competition and unfair or deceptive acts or  
2 practices undertaken by any person in a transaction intended to result or which results in the sale ...  
3 of goods or services to any consumer,” including because Defendants’ conduct violates the CLRA’s  
4 specific prohibitions on misrepresentations of goods and services set forth in Cal. Civ. Code  
5 § 1770(a), including but not limited those set forth in § 1770(a)(2), (3), (5), (7), and (17); (c) violates  
6 the FAL, Cal. Bus. & Prof. Code § 17500 et seq., because it constitutes the making or dissemination  
7 of information which is untrue or misleading with the intent to induce reliance in connection with the  
8 disposition of property or services; and (d) violates COPPA, 15 U.S.C. §§ 6501–06, and regulations  
9 promulgated thereunder.

10 349. Each Defendant’s conduct alleged in this Complaint also was and is “unfair” under the  
11 UCL, including but not limited to each Defendant’s conduct of (a) designing its social media  
12 platforms to be manipulative and addictive, (b) intentionally targeting youth even though Defendants  
13 know that doing so causes youth to become addicted to social media and otherwise significantly  
14 harms youth mental health, (c) aggressively marketing their social media platforms to youth, (d)  
15 continuing to use and strengthen their algorithms even though Defendants know their algorithms are  
16 manipulative and have myriad serious negative effects on youth mental health, and (e) otherwise  
17 designing and marketing their social media platforms in a way that foreseeably causes significant  
18 harm to the mental health of individual youth that use their platforms and to the nation’s youth  
19 collectively, including the youth residing in San Mateo County that are among Plaintiffs’ more than  
20 90,000 students. Defendants’ conduct was and is unfair under the UCL because it violated and  
21 continues to violate established public policy of the State of California, including but not limited to  
22 public policy set forth in the California AADCA that passed into law in 2022 and set to take effect in  
23 2024, and because such conduct was and is immoral, unethical, oppressive, or unscrupulous and  
24 causes injury to Plaintiffs, Plaintiffs’ students, and other consumers, in a manner that significantly  
25 outweighs the benefits of such conduct.

26 350. Defendants’ unlawful and unfair business acts and practices under the UCL are  
27 continuing in nature and are the result of a systematic, coordinated, and ongoing policy and practice  
28 engaged in by Defendants to target youth, addict youth to their social media platforms and otherwise

1 maximize the time youth spend on their social media platforms at the expense of youth mental health,  
2 and otherwise generate revenue and profit in a manner that significantly harms youth mental health  
3 and causes foreseeable monetary and other harms to school districts including Plaintiffs.

4 351. Plaintiffs have no adequate remedy at law and thus seek preliminary and permanent  
5 injunction relief to enjoin Defendants' harmful conduct alleged herein, and as set forth below in the  
6 Prayer for Relief.

7 352. Plaintiffs further seek an award of their litigation costs, expert fees, and attorneys' fees  
8 under Cal. Code Civ. Proc. § 1021.5 and any other applicable law.

9 **IX. PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

11 A. Ordering that Defendants' conduct alleged herein constitutes a public nuisance under  
12 California law;

13 B. Ordering that Defendants are jointly and severally liable for the harm caused by their  
14 conduct alleged herein;

15 C. Ordering Defendants to abate the public nuisance described herein and to deter and/or  
16 prevent the resumption of such nuisance;

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

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

21 F. Awarding all applicable injunctive relief;

22 G. Awarding actual, compensatory, punitive, and all other available damages, in an amount  
23 to be determined at trial;

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

25 I. Awarding Plaintiffs their reasonable attorneys' fees and costs of suit;

26 J. Awarding pre-judgment and post-judgment interest; and

27 K. Such other and further relief as the Court deems just and proper.  
28

1 **X. JURY TRIAL DEMAND**

2 Plaintiffs hereby demand a trial by jury on all issues so triable.

3  
4 Respectfully submitted,

5 Dated: March 13, 2023

**COTCHETT, PITRE & McCARTHY LLP**

6  
7 By: /s/ Joseph W. Cotchett

8 JOSEPH W. COTCHETT  
9 ANNE MARIE MURPHY  
10 BRIAN DANITZ  
11 KARIN B. SWOPE  
12 ANDREW F. KIRTLEY  
13 GALEN K. CHENEY  
14 GAYATRI S. RAGHUNANDAN

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*Attorneys for Plaintiffs*