

1 Trevor B. Rockstad (CA Bar No. 277274)
2 **DAVIS & CRUMP, P.C.**
3 2601 14TH Street
4 Gulfport, MS 39501
5 Telephone: (228) 863-6000
6 Facsimile: (228) 864-0907
7 trevor.rockstad@daviscrump.com

8 Attorneys for Plaintiff

Electronically FILED by
Superior Court of California,
County of Los Angeles
3/26/2024 1:13 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By J. Nunez, Deputy Clerk

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

HEATHER WYATT, individually and as
successor-in-interest to Aubreigh Wyatt,

Plaintiff,

v.

META PLATFORMS, INC., a Delaware
Corporation; FACEBOOK HOLDINGS, LLC a
Delaware Limited Liability Company;
FACEBOOK OPERATIONS, LLC, a Delaware
Limited Liability Company; INSTAGRAM,
LLC, a Delaware Limited Liability Company;
SNAP, INC., a Delaware Corporation;
TIKTOK, INC., a California Corporation;
BYTEDANCE, INC., a Delaware Corporation;
GOOGLE, LLC, a Delaware Limited Liability
Company; YOUTUBE, LLC, a Delaware
Limited Liability Company; and DOES 1
through 100, inclusive,

Defendants.

CASE NO. 24STCV07691

**COMPLAINT FOR DAMAGES
DEMAND FOR JURY TRIAL**

1 Plaintiff Heather Wyatt, individually and as successor-in-interest to Aubreigh Wyatt, alleges
2 upon personal knowledge and information and belief, based upon, *inter alia*, the investigation made
3 by and through her attorneys as to all other matters, as follows:

4 I. INTRODUCTION

5 1. This matter arises from an egregious breach of the public trust by Defendants Meta
6 Platforms, Inc. (hereinafter, “Meta Platforms”), Facebook Holdings, LLC (hereinafter, “Facebook
7 1”), Facebook Operations, LLC (hereinafter, “Facebook 2”), Instagram, LLC (hereinafter,
8 “Instagram,” and collectively with Meta Platforms, Facebook 1, and Facebook 2, “Meta”); Snap Inc.
9 (hereinafter, “Snap”); YouTube LLC and Google LLC, hereinafter, collectively, “YouTube”);
10 TikTok, Inc. (hereinafter, “TikTok”) and ByteDance, Inc. (hereinafter, “ByteDance,” and collectively
11 with TikTok, Snap, and YouTube, “Non-Meta”); and DOES 1-100 (collectively with “Non-Meta”
12 and “Meta,” “Defendants”).

13 2. Over the last two decades, more and more of our lives have moved onto social media
14 platforms and other digital public spaces. In this vast, still largely unregulated universe of digital
15 public spaces, which are privately owned and primarily run for profit, there exists a tension between
16 what is best for technology companies’ profit margins and what is best for the individual user
17 (especially the predictable adolescent user) and society. Business models are often built around
18 maximizing user engagement without regard to whether users engage with the platform and one
19 another in safe and healthy ways. Technology companies focus on maximizing time spent, not time
20 well spent. In recent years, there has been growing concern about the impact of digital technologies,
21 particularly social media, on the mental health and wellbeing of adolescents. Many researchers argue
22 that Defendants’ social media products facilitate cyberbullying, contribute to obesity and eating
23 disorders, instigate sleep deprivation to achieve around-the-clock platform engagement, encourage
24 children to negatively compare themselves to others, and develop a broad discontentment for life.
25 They have been connected to depression, anxiety, self-harm, and ultimately suicidal ideation, suicide
26 attempts, and completed suicide.

1 3. Defendants have intentionally designed their products to maximize users' screen time,
2 using complex algorithms designed to exploit human psychology and driven by advanced computer
3 algorithms and artificial intelligence available to two of the largest technology companies in the
4 world. Defendants have progressively modified their products to promote problematic and excessive
5 use that they know threatens the actuation of addictive and self-destructive behavioral patterns.

6 4. Excessive screen time is harmful to adolescents' mental health, sleep patterns,
7 emotional well-being. Defendants' products lack any warnings that foreseeable product use can
8 disrupt healthy sleep patterns, or specific warnings to parents when their child's product usage
9 exceeds healthy levels or occurs during sleep hours, rendering the platforms unreasonably dangerous.
10 Reasonable and responsible parents are not able to accurately monitor their child's screen time
11 because most adolescents own or can obtain access to mobile devices and engage in social media use
12 outside their parents' presence.

13 5. Defendants do not charge their users to use their platforms but instead, receive money
14 from advertisers who pay a premium to target advertisements to specific categories of people as
15 studied and sorted by Defendants' algorithms. Thus, Defendants generate revenue based upon the
16 total time spent on the application, which directly correlates with the number of advertisements that
17 can be shown to each user.

18 6. Rather than making meaningful changes to safeguard the health and safety of its users,
19 Defendants have consistently chosen to prioritize profit over safety by continuing to implement and
20 require its users to submit to product components that increase the frequency and duration of users'
21 engagement, resulting in the pernicious harms described in greater detail below.

22 7. Plaintiff Heather Wyatt, individually and as successor-in-interest to Aubreigh Wyatt,
23 brings claims of strict liability based upon Defendants' defective design of their social media products
24 that renders such products not reasonably safe for ordinary consumers in general and minors in
25 particular. It is technologically feasible to design social media products that substantially decrease
26 the incidence and magnitude of harm to ordinary consumers and minors arising from their foreseeable
27 use of Defendants' products with a negligible increase in production cost. It is also technologically
28

feasible to design and implement effective age and identity verification protocols to ensure that only children of an appropriate age may have access to these products.

8. Plaintiff Heather Wyatt, individually and as successor-in-interest to Aubreigh Wyatt, also brings claims for strict liability based on Defendants' failure to provide adequate warnings to minor users and their parents of the danger of the mental, physical, and emotional harms arising from the foreseeable use of their social media products.

9. Plaintiff Heather Wyatt, individually and as successor-in-interest to Aubreigh Wyatt, also brings claims for common law negligence arising from Defendants' unreasonably dangerous social media products and their failure to warn of such dangers. Defendants knew or, in the exercise of ordinary care, should have known that their social media products were harmful to a significant percentage of their minor users and failed to re-design their products to ameliorate these harms or warn minor users and their parents of dangers arising out of the foreseeable use of their products. Defendants intentionally created an attractive nuisance to children, but simultaneously failed to provide adequate safeguards from the harmful effects they knew were occurring.

10. As is now generally known, in Fall 2021, a former Facebook employee turned whistleblower, came forward with internal documents showing that Meta was aware that its platforms and products cause significant harm to its users, especially our children. Non-Meta Defendants’ products—their social media platforms—have similar designs and mechanisms of action resulting in similar addictive qualities and harmful outcomes to minor users. To this day, the addictive qualities of Defendants’ products and their harmful algorithms are not fully known or understood by minor users or their parents.

II. JURISDICTION AND VENUE

11. This Court has jurisdiction over this action pursuant to CAL. CODE CIV. PRO. §§ 395 and 410.10.

12. This Court has subject matter jurisdiction over all causes of action alleged in this complaint pursuant to CAL. CONST. art. VI, § 10, and this is a court of competent jurisdiction to grant the relief requested. Plaintiff's claims arise under the laws of the State of California, are not

1 preempted by federal law, do not challenge conduct within any federal agency's exclusive domain,
2 and are not statutorily assigned to any other trial court.

3 13. This Court has general personal jurisdiction over Defendants because each is
4 headquartered and has its principal place of business in the State of California and has continuous
5 and systematic operations within the State of California.

6 14. This Court also has specific personal jurisdiction over Defendants because they
7 actively do business in Los Angeles County and the State of California. Defendants have purposely
8 availed themselves of the benefits, protections, and privileges of the laws of the State of California
9 through the design, development, programming, manufacturing, promotion, marketing, and
10 distribution of the products at issue and have purposely directed their activities toward this state.
11 Defendants have sufficient minimum contacts with this state to render the exercise of jurisdiction by
12 this Court permissible.

13 15. Venue is proper in Los Angeles Superior Court pursuant to CAL. CODE CIV. PRO. §§
14 395 and 395.5 because Defendants regularly conduct business and certain of Defendants' liability
15 arose in Los Angeles County.

16 III. PARTIES

17 **Plaintiff**

18 16. Plaintiff Heather Wyatt, individually and as successor-in-interest to Aubreigh Wyatt,
19 is a resident of Ocean Springs, Mississippi. As stated in the Declaration of Heather Wyatt, Successor-
20 in-Interest Pursuant to CCP §377.32, attached hereto as Exhibit A, Heather Wyatt is the surviving
21 mother of Aubreigh Wyatt, who departed this life on September 4, 2023. She succeeds to Aubreigh
22 Wyatt's interest in all claims that survive her death, and is also individually entitled to bring claims
23 arising from the death of Aubreigh Wyatt pursuant to CCP §377.60.

24 **Defendant Meta Platforms, Inc.**

25 17. Meta Platforms is a multinational technology conglomerate, having its principal place
26 of business in Menlo Park, California. Meta develops and maintains social media platforms,
27
28

1 communication platforms, and electronic devices.¹ Meta Platforms was originally incorporated in
2 Delaware on July 29, 2004, as “TheFacebook, Inc.” On September 20, 2005, the company changed
3 its name to “Facebook, Inc.” On October 28, 2021, the company assumed its current designation.
4 While Plaintiff has attempted to identify the specific Meta Platforms subsidiary(ies) that committed
5 each of the acts alleged in this Complaint, Plaintiff was not always able to do so, in large part due to
6 ambiguities in Meta Platforms’ and its subsidiaries’ own documents, public representations, and lack
7 of public information. However, upon information and belief, Meta Platforms oversees the operations
8 of its various platforms and subsidiaries, some of which have been identified and are listed below.
9 For this reason, unless otherwise specified, the shorthand “Meta” contemplates the apparent control
10 that Meta Platforms wields over its subsidiaries’ overall operations and, therefore, further refers to
11 its various subsidiaries and predecessors. To the extent this assumption is incorrect, the knowledge
12 of which Meta Platforms’ subsidiary, current or former, is responsible for specific conduct is
13 knowledge solely within Meta’s possession, the details of which Plaintiff should be permitted to
14 elucidate during the discovery phase.

15 18. Meta Platforms’ subsidiaries include but may not be limited to: Facebook 1
16 (Delaware); Facebook 2 (Delaware); Facebook Payments, Inc. (Florida); Facebook Technologies,
17 LLC (Delaware); FCL Tech Limited (Ireland); Instagram (Delaware); Novi Financial, Inc.
18 (Delaware); Runways Information Services Limited (Ireland); Scout Development LLC (Delaware);
19 Siculus (Delaware); and a dozen other entities whose identity or relevance is presently unclear.

20 **Subsidiary Meta Defendants**

21 19. Facebook 1 was incorporated in Delaware on March 11, 2020, and is a wholly owned
22 subsidiary of Meta Platforms. Facebook 1 is primarily a holding company for entities involved in
23 Meta Platforms’ supporting and international endeavors, and its principal place of business is in
24 Menlo Park, California. Meta Platforms is the sole member of this LLC Defendant.

26 ¹ These platforms and products include Facebook (its self-titled app, Messenger, Messenger Kids,
27 Marketplace, Workplace, etc.), Instagram (and its self-titled app), and a line of electronic virtual reality
28 devices called Oculus Quest (soon to be renamed “Meta Quest”).

1 20. Facebook 2 was incorporated in Delaware on January 8, 2012, and is a wholly owned
2 subsidiary of Meta Platforms. Facebook 2 is likely a managing entity for Meta Platforms' other
3 subsidiaries, and its principal place of business is in Menlo Park, California. Meta Platforms is the
4 sole member of this LLC Defendant.

5 21. Instagram was founded by Kevin Systrom and Mike Krieger in October 2010. In April
6 2012, Meta Platforms purchased the company for \$1 billion (later statements from Meta Platforms
7 have indicated the purchase price was closer to \$2 billion). Meta Platforms reincorporated the
8 company on April 7, 2012, in Delaware. Currently, the company's principal place of business is in in
9 Menlo Park, CA. Instagram is a social media platform tailored for photo and video sharing. Meta
10 Platforms is the sole member of this LLC Defendant.

11 22. By admission, Facebook and Instagram are products (Meta's Vice President of
12 Messaging Products Loredana Crisan, *Celebrating 10 Years of Messenger With New Features*
13 (August 25, 2021, last visited July 29, 2022, at 1:10 PM CST) [https://about.fb.com/news/2021/08/m](https://about.fb.com/news/2021/08/messenger-10th-birthday/)
14 [essenger-10th-birthday/](https://about.fb.com/news/2021/08/messenger-10th-birthday/)), the safety of which of was not duly addressed prior to public distribution
15 (*Our Progress Addressing Challenges and Innovating Responsibly* (September 21, 2021, last visited
16 July 29, 2022, at 1:17 PM CST) [https://about.fb.com/news/2021/09/our-progress-addressing-](https://about.fb.com/news/2021/09/our-progress-addressing-challenges-and-innovating-responsibly/)
17 [challenges-and-innovating-responsibly/](https://about.fb.com/news/2021/09/our-progress-addressing-challenges-and-innovating-responsibly/)).

18 23. Meta knowingly exploited its most vulnerable users—children worldwide—to drive
19 corporate profit. Meta operates the world's largest family of social networks, enabling billions of
20 users worldwide to connect, view, and share content through mobile devices, personal computers,
21 and virtual reality headsets. A user does not have to pay to create an account. Instead of charging
22 account holders to access the platform, Meta became one of the world's most valuable companies
23 from the sale of advertisement placements to marketers across its various platforms and applications.
24 For example, upon information and belief, Meta generated \$69.7 billion from advertising in 2019,
25 more than 98% of its total revenue for the year. Meta can generate such revenues by marketing its
26 user base to advertisers. Meta collects and analyzes data to assemble virtual dossiers on its users,
27 covering hundreds if not thousands of user-specific data segments. This data collection and analysis
28

1 allows advertisers to micro-target advertising and advertising dollars to very specific categories of
2 users, who can be segregated into pools or lists using Meta’s data segments. Only a fraction of these
3 data segments come from content that is explicitly designated by users for publication or explicitly
4 provided by users in their account profiles. Many of these data segments are collected by Meta
5 through surveillance of each user’s activity on the platform and off the platform, including behavioral
6 surveillance that users are not even aware of, like navigation paths, watch time, and hover time. At
7 bottom, the larger Meta’s user database grows, the more time the users spend on the database, and
8 the more detailed information that Meta can extract from its users, the more money Meta makes.

9 24. As of October 2021, Facebook had roughly 2.91 billion monthly active users, thus
10 reaching 59% of the world’s social networking population, the only social media platform to reach
11 over half of all social media users. Instagram has become the most popular photo-sharing social media
12 platform amongst teenagers and young adults in the United States, with over 57 million users below
13 the age of eighteen, meaning that 72 percent of America’s youth use Instagram. 11 percent of parents
14 in the U.S. know their child between the ages of 9 and 11 uses Instagram.² Likewise, 6 percent of
15 parents in the U.S. know their child between the ages of 9 and 11 uses Facebook.³

16 25. Two Meta products, the www.Facebook.com (“Facebook”) and www.Instagram.com
17 (“Instagram”) websites and respective interrelated apps (collectively “Meta 2”), rank among the most
18 popular social networking products, with more than two billion combined users worldwide. It is
19 estimated that nine out of ten teens use social media platforms, with the average teen using the
20 platforms roughly three hours per day. Given the delicate, developing nature of the teenage brain and
21 Meta’s creation of social media platforms designed to be addictive, it comes as no surprise that we
22 are now grappling with the ramifications of Meta’s growth-at-any-cost approach, to wit, a generation
23 of children physiologically entrapped by products the effects of which collectively result in long-
24 lasting adverse impact on their rapidly evolving and notoriously precarious mental health.

25
26 ² Katherine Schaeffer, *7 facts about Americans and Instagram*, Pew Research Center (Oct. 7, 2021),
27 <https://www.pewresearch.org/fact-tank/2021/10/07/7-facts-about-americans-and-instagram/>.

28 ³ *Id.*

1 26. Meta, as originally conceived, ostensibly functioned like an enormous virtual bulletin
2 board, where content was published by authors. But Meta has evolved over time with the addition of
3 numerous features and products designed by Meta to engage users. The earliest of these—the search
4 function and the “like” button—were primarily user-controlled features. In more recent years,
5 however, Meta has taken a more active role in shaping the user-experience on the platform with more
6 complex features and products. The most visible of these are curated recommendations, which are
7 pushed to each user in a steady stream as the user navigates the website, and in notifications sent to
8 the user’s smartphone and email addresses when the user is disengaged with the platform. These
9 proprietary Meta products include News Feed (a newsfeed of stories and posts published on the
10 platform, some of which are posted by your connections, and others that are suggested for you by
11 Meta), People You May Know (introductions to persons with common connections or background),
12 Suggested for You, Groups You Should Join, and Discover (recommendations for Meta groups to
13 join). These curated and bundled recommendations are developed through sophisticated algorithms.
14 As distinguished from the earliest search functions that were used to navigate websites during the
15 Internet’s infancy, Meta’s algorithms are not based exclusively on user requests or even user inputs.
16 Meta’s algorithms combine the user’s profile (e.g., the information posted by the user on the platform)
17 and the user’s dossier (the data collected and synthesized by Meta to which Meta assigns categorical
18 designations), make assumptions about that user’s interests and preferences, make predictions about
19 what else might appeal to the user, and then make very specific recommendations of posts and pages
20 to view and groups to visit and join based on rankings that will optimize Meta’s key performance
21 indicators.

22 27. A user’s “feed” on both Facebook and Instagram is comprised of an endless series of
23 photos, videos, text captions, and comments posted by accounts that the user follows, along with
24 advertising and content specifically selected and promoted by Instagram and Facebook.

25 28. Instagram also features a “discover” page where a user is shown an endless feed of
26 content that is selected by an algorithm designed by Instagram based upon the users’ data profile:
27
28

1 demographics, prior activity in the platform, and other data points. Meta has added similar features
2 to Facebook on the apps “menu” and “watch” sections.

3 29. Engineered to meet the evolving demands of the “attention economy,”⁴ a term used to
4 describe the supply and demand of a person’s attention, which is a highly valuable commodity for
5 internet websites, in February 2009, Meta introduced perhaps its most conspicuous effort to addict
6 users—intermittent variable rewards (“IVR”): its “Like” button; Instagram launched that same year
7 and came ready-made with a like function shaped as a heart. Additional features of Meta’s IVR
8 include its delay-burst notification system, comments, posts, shares, and other dopamine-triggering
9 content. Instagram’s notification algorithm delays notifications to deliver them in spaced-out, larger
10 bursts. Facebook likely uses a similar feature. These designs take advantage of users’ dopamine-
11 driven desire for social validation and optimize the balance of negative and positive feedback signals
12 to addict users.

13 30. IVR is a method used to addict a user to an activity by spacing out dopamine triggering
14 stimuli with dopamine gaps—a method that allows for anticipation and craving to develop and
15 strengthens the addiction with each payout. The easiest way to understand this term is by imagining
16 a slot machine. You pull the lever (intermittent action) with the hope of winning a prize (variable
17 reward). In the same way, you refresh Defendants’ feeds, endure the brief delay, and then learn if
18 anyone has tagged you in a photo, mentioned you in a post, sent you a message, or liked, commented
19 on, or shared either of your posts. As explained below, Meta (and, upon information and belief, all
20 Defendants) space out notifications into multiple bursts (dopamine gaps) rather than notifying users
21 in real-time to maximize the platforms’ addictiveness.

22 31. Over the past decade or so, Meta has added features and promoted the use of auto-
23 playing short videos and temporary posts on Facebook and Instagram, with the former being referred
24 to as “Reels,” while the latter is referred to as Instagram “Stories.”

25 32. Facebook and Instagram notify users by text and email of activity that might be of
26

27 ⁴ The business model is simple: The more attention a platform can pull from its users, the more
28 effective its advertising space becomes, allowing it to charge advertisers more.

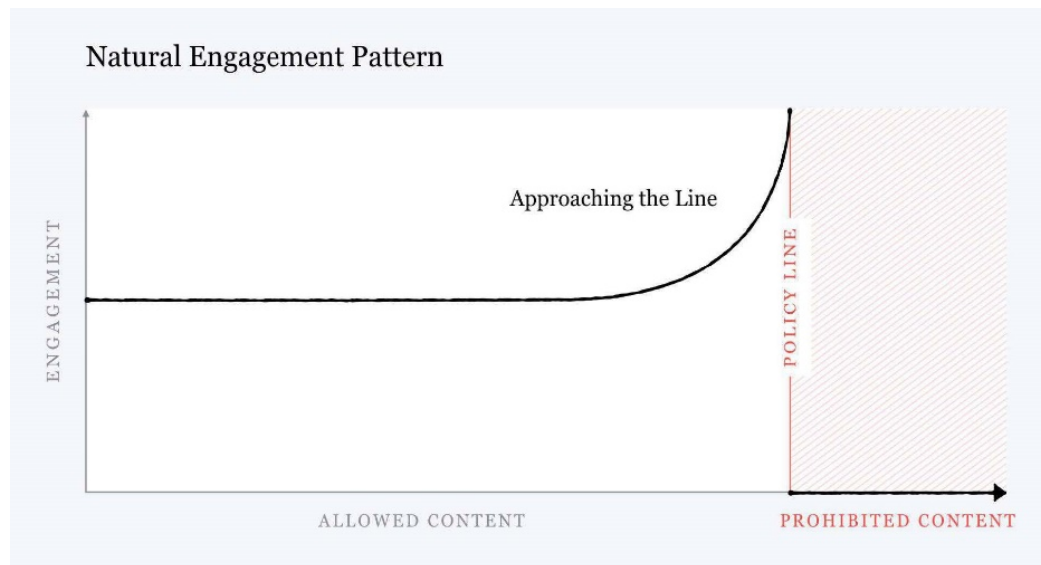
1 interest, which is designed to and does prompt users to open Facebook and Instagram and be exposed
2 to content selected by the platforms to maximize the length of time and amount of content viewed by
3 the user. Facebook and Instagram include many other harm-causing features, as discussed below.

4 33. Equipped with ample information about the risks of social media, the ineffectiveness
5 of its age-verification protocols, and the mental processes of teens, Meta has expended significant
6 effort to attract preteens to its products, including substantial investments in designing products that
7 would appeal to children ages 10-to-12. Meta views pre-teens as a valuable, unharnessed commodity,
8 so valuable that it has contemplated whether there is a way to engage children during play dates.⁵
9 Meta’s unabashed willingness to target children—in the face of its conscious, long-standing, plainly
10 deficient age-verification protocols—demonstrates the depths to which Meta is willing to reach to
11 maintain and increase its profit margin.

12 34. Faced with the potential for reduction in value due to its declining number of users, in
13 or around early 2018, Meta (and likely Meta 2) revamped its interface to transition away from
14 chronological ranking, which organized the interface according to when content was posted or sent,
15 to prioritize Meaningful Social Interactions, or “MSI,” which emphasizes users’ connections’
16 interactions (e.g., likes and comments) and gives greater significance to the interactions of
17 connections that appeared to be the closest to users. To effectuate this objective, Facebook developed
18 and employed an “amplification algorithm” to execute engagement-based ranking, which considers
19 a post’s likes, shares, and comments, as well as a respective user’s past interactions with similar
20 content, and exhibits the post in the user’s newsfeed if it otherwise meets certain benchmarks. The
21 algorithm covertly operates on the proposition that intense reactions invariably compel attention. As
22 it measures reactions and contemporaneously immerses users in the most reactive content, and
23 negative content routinely elicits passionate reactions, the algorithm effectively works to steer users
24 toward the most negative content.

25
26 _____
27 ⁵ Georgia Wells and Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram Kids,*
28 *Documents Show* (2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>.

1 35. Meta CEO Zuckerberg publicly recognized this in a 2018 post, in which he
2 demonstrated the correlation between engagement and sensational content that is so extreme that it
3 impinges upon Meta’s own ethical limits, with the following chart:⁶



13 36. The algorithm controls what appears in each user’s News Feed and promotes content
14 that is objectionable and harmful to many users. In one internal report, Meta concluded that “[o]ur
15 approach has had unhealthy side effects on important slices of public content, such as politics and
16 news,” with one data scientist noting that “[t]his is an increasing liability.” In other internal memos,
17 Meta concluded that because of the new algorithm, “[m]isinformation, toxicity, and violent content
18 are inordinately prevalent.” Other documents show that Meta employees also discussed Meta’s
19 motive for changing its algorithm—namely, that users began to interact less with the platform, which
20 became a worrisome trend for Meta’s bottom line. Meta found that the inflammatory content that the
21 new algorithm was feeding to users fueled their return to the platform and led to more engagement,
22 which, in turn, helped Meta sell more of the digital ads that generate most of its revenue. All told,
23 Meta’s algorithm optimizes for angry, divisive, and polarizing content because it’ll increase its
24 number of users and the time users stay on the platform per viewing session, which thereby increases
25 its appeal to advertisers, thereby increasing its overall value and profitability.

26 _____
27 ⁶ Mark Zuckerberg, *A Blueprint for Content Governance and Enforcement*, FACEBOOK,
28 <https://www.facebook.com/notes/751449002072082/> (last visited January 8, 2022).

1 37. Upon information in belief, at least as far back as 2019, Meta initiated, *inter alia*, a
2 Proactive Incident Response experiment, which began researching the effect of Meta on the mental
3 health of today's youth.⁷ Meta's own in-depth analyses show significant mental-health issues
4 stemming from the use of Instagram among teenage girls, many of whom linked suicidal thoughts
5 and eating disorders to their experiences on the app.⁸ Meta's researchers have repeatedly found that
6 Instagram is harmful for a sizable percentage of teens that use the platform. In an internal presentation
7 from 2019, Meta researchers concluded that "[w]e make body issues worse for one in three teen
8 girls," and "[t]eens blame Instagram for increases in the rate of anxiety and depression." Similarly,
9 in a March 2020 presentation posted to Meta's internal message board, researchers found that
10 "[t]hirty-two percent of teen girls said that when they feel bad about their bodies, Instagram made
11 them feel worse." Sixty-six percent of teen girls and forty-six percent of teen boys have experienced
12 negative social comparisons on Instagram. Thirteen-and-one-half percent of teen-girl Instagram users
13 say the platform makes thoughts of "suicide and self-injury" worse. Seventeen percent of teen-girl
14 Instagram users say the platform makes "[e]ating issues" worse. Instagram users are twice as likely
15 to develop an eating disorder as those who don't use social media.

16 38. Meta is aware that teens often lack the ability to self-regulate. Meta is further aware
17 that, despite the platforms' adverse impact on teenage users' well-being, the absence of impulse
18 control often renders teens powerless to oppose the platforms' allure. Meta is conscious of the fact
19 that the platform dramatically exacerbates bullying and other difficulties prevalent within the high
20 school experience, as the reach of the same now affects users within the ideally otherwise safe
21 confines of the home. The advent of social media largely occurred after today's parents became
22 adults, the consequence being a large swath of parents that lack the context needed to appreciate the
23 contemporary perils of Meta and Instagram, who are likewise ill-equipped to offer advice sufficient

24 _____
25 ⁷ See *Protecting Kids Online: Testimony from a Facebook Whistleblower*, United States Senate
26 Committee on Commerce, Science, & Transportation, Sub-Committee on Consumer Protection,
Product Safety, and Data Security, <https://www.c-span.org/video/?515042-1/whistleblower-frances-haugen-calls-congress-regulate-facebook>.

27 ⁸ See Wall Street Journal Staff, *The Facebook Files*, WSJ (2021), <https://www.wsj.com/articles/the-facebook-files-11631713039?mod=bigtop-breadcrumb>.
28

1 to effectively mitigate against it.

2 39. The shift from chronological ranking to the algorithm modified the social networking
3 environment in such a way that it created a new iteration of the Meta experience, one that is
4 profoundly more negative, one that exploits some of the known psychological vulnerabilities of
5 Facebook’s most susceptible patronage, to wit, juveniles, resulting in a markedly enlarged threat to
6 the cohort’s mental health and the related frequency of suicidal ideation.

7 40. Meta professes to have implemented protective measures to counteract the well-
8 established dangers of its sites’ customized, doggedly harmful content; however, its protocols apply
9 only to content conveyed in English and remove only three-to-five percent of harmful content. Meta
10 knows its quality-control and age-verification protocols are woefully ineffective but is either
11 unwilling or incapable of properly managing its platforms. This is consistent with its established
12 pattern of recognizing and subsequently ignoring the needs of its underage users and its obligation to
13 create a suitable environment accessible only by its age-appropriate users, all in the interest of reaping
14 obscene profit.

15 41. Instead of providing warnings at sign-up or during use, Meta provides no warning at
16 all. Rather, the most accessible and full information regarding the mental and physical health risks of
17 Meta’s platforms comes from third parties. Meta has a “Youth Portal” website that does not appear
18 to be widely promoted by Meta or even recommended to teen users on its platforms.⁹ Although the
19 website claims to be comprehensive in its coverage of safety information for the platforms, it fails to
20 directly address any of the features or health risks listed above. The website states, “Welcome to our
21 Youth Portal. Consider this your guide to all things Facebook: general tips, insider tricks, privacy and
22 safety information, and everything else you need to have a great experience on Facebook. It’s also a
23 space for you to hear from people your age, in their own voices, about the issues that matter to them
24 online. Take a look around — these resources were made specifically for you, your friends, and your
25 real-life experiences online and off.”¹⁰ The website merely provides instructional guides regarding

26 _____
⁹ *Safety Center*, Facebook, <https://www.facebook.com/safety/youth> (last visited Sept. 20, 2022).

27 ¹⁰ *Id.*

1 mental health in general—it does not identify, warn, or take responsibility for the impact of the
2 platform and its features on users’ mental health. By contrast, it shifts blame to other factors, such as
3 third parties posting “suicide challenges,” the general societal issue of substance abuse, and the
4 COVID-19 pandemic.

5 42. The only content on the website that has a semblance of a warning for the issues listed
6 above is a link to a “Family Digital Wellness Guide” created by the Boston Children’s Hospital
7 Digital Wellness Lab. Buried in this guide is a mention that screens should not be used an hour before
8 bed, because “[u]sing screens before bedtime or naptime can excite kids and keep them from falling
9 asleep. The ‘blue light’ that comes from TVs and other screen devices can disrupt your child’s natural
10 sleep cycle, making it harder for them to fall asleep and wake up naturally. . . . [Late screen use can]
11 result[] in your child getting less sleep and struggling to wake up on time. On average, school-age
12 children need 9-12 hrs of sleep each night.”

13 43. The “Family Digital Wellness Guide” only alludes to the platforms’ manipulation,
14 addictiveness, behavioral control, and data tracking of users: “Advertisers target children with lots of
15 commercials, everything from sneakers and toys to unhealthy foods and snacks high in fat, sugar, and
16 calories. Your children may also start becoming familiar with online influencers, who are also often
17 paid to advertise different products and services on social media. Helping your child think critically
18 about how advertising tries to change behaviors, helps your child understand the purpose of ads, and
19 empowers them to make informed decisions.” The guide also briefly discusses cyberbullying.

20 44. The guide mentions the body image harms social media inflicts but solely blames
21 influencers as the cause rather than the platforms’ algorithms and features and asserts that the burden
22 to remedy the issue is on parents rather than social media companies. “Science says: Tweens are often
23 exposed to a lot of information online and through other media, both true and false, about how bodies
24 ‘should’ look and what they can do to ‘improve’ their appearance. Certain body types are often
25 idolized, when in reality bodies are incredibly diverse. There are many online accounts, websites, and
26 influencers that make youth feel inadequate by encouraging them to lose weight or build up muscle,
27 harming both their mental and physical health. . . . Protip: Actively listen and show that you care
28

1 about how your child is feeling about puberty and how their body is changing. Talk with them about
2 images on social and other media as these often set unrealistic ideals, and help them understand that
3 these images are often digitally altered or filtered so that people look more ‘beautiful’ than they really
4 are.” No similar warning is offered to young users in Meta’s advertisements, at signup, or anywhere
5 on the platform. Instead, Meta unreasonably and defectively leaves it to individuals’ research ability
6 for a user to be informed about the key dangers of their platforms.

7 45. This informational report is from a third party, not Meta. Meta merely links to this
8 information on a “Youth Portal” website in a location that is difficult and time-consuming to find.
9 The guide does not mention the strong role that Facebook’s and Instagram’s individual or collective
10 algorithm(s) and features play in each of these harms. Furthermore, it is uncertain how long even this
11 limited information has been tethered by Meta.

12 46. On another Meta created website that proposes to “help young people become
13 empowered in a digital world,” its “Wellness” subpage lists five activities, “mindful breathing,”
14 “finding support,” “building resilience: finding silver linings,” “a moment for me,” and “taking a
15 break.”¹¹ Nowhere does the website mention the mental health risks posed by Facebook and
16 Instagram as a result of the product features listed above.

17 **Defendant Snap Inc.**

18 47. Snap is a Delaware corporation with its principal place of business in Santa Monica,
19 California. Snap owns and operates the Snapchat social media platform, an application that is widely
20 marketed by Snap and available to users throughout the United States. Snapchat is a platform for
21 engaging in text, picture, and video communication. The platform is also for editing and
22 dissemination of content. The app contains a discovery page and a TikTok-like short video feed that
23 algorithmically presents endless content to users. The primary objective of the platform is to
24 maximize the frequency and length of each user’s viewing sessions. Indeed, 59 percent of teenagers
25

26 ¹¹ *Wellness*, Meta, <https://www.facebook.com/fbgetdigital/youth/wellness> (last visited Sept. 20,
27 2022).

1 in the U.S. actively use Snapchat,¹² and 22 percent of parents in the U.S. know their children between
2 the ages of 9 and 11 use Snapchat.¹³

3 48. Snapchat was founded in 2011 by Reggie Brown, Evan Spiegel, and Bobby Murphy,
4 three Stanford college students. It began as a simple application designed to allow a user to send a
5 picture to a friend that would later disappear. Having gained only 127 users a few months after its
6 launch, Snapchat began to market to high school students. Within the following year, Snapchat grew
7 to more than 100,000 users.

8 49. Snapchat became well-known for the ephemeral nature of its content, which, in effect,
9 removes all accountability for sent content. Specifically, Snapchat allows users to form groups and
10 share posts or “Snaps” that disappear after being viewed by the recipients. However, Snapchat’s social
11 media product quickly evolved from there, as its leadership made design changes and rapidly
12 developed new product features intended to, and successfully did, increase Snapchat’s popularity
13 among minors.

14 50. In 2012, Snapchat added video capabilities to its product, pushing the number of Snaps
15 to 50 million per day. It then added the “Stories” and “Chat” features in 2013; live video chat
16 capabilities, text conversations, “Our Story,” Geofilters, and Snapcash in 2014; Discovery, QR code
17 incorporation, and facial recognition software in 2015; and Memories and Snapchat Groups in 2016.

18 51. Upon knowledge, information, and belief, formed after a reasonable inquiry under the
19 circumstances, by 2015, advertisements were pervasive on Snapchat, and by 2018, 99% of Snapchat’s
20 total revenue came from advertising. Like Meta and Defendants in general, Snapchat decided to
21 monetize its userbase and changed its product in ways that made it more harmful for users yet resulted
22 in increased engagement and profits for Snapchat. By 2015, Snapchat had over 75 million active users
23 and was the most popular social media application amongst American teenagers in terms of the
24 number of users and time spent using the product. To further expand its userbase, Snapchat
25 incorporates several product features that serve no purpose other than to create dependency on

26 _____
¹² Vogels, et al., *supra* note 13.

27 ¹³ Schaeffer, *supra* note 2.

1 Snapchat's social media product. These features, in turn, result in sleep deprivation, anxiety,
2 depression, shame, interpersonal conflicts, and other serious mental and physical harms. Snapchat
3 knows, or should know, that its product is harmful to adolescents, but, as with Defendants in general,
4 it consistently opts for increased profit at the expense of the well-being of its clientele. Defendants'
5 products are used by millions of children every day, children who have become addicted to these
6 products because of their design and product features, to the point that parents cannot remove all
7 access to the products without minor users adamantly protesting, often engaging in self-harm,
8 threatening hunger strikes and/or suicide, and other foreseeable consequences of withdrawal from
9 these products, where such cessation would require professional intervention.

10 52. In addition to the types of features discussed above, Snapchat's defective, addictive,
11 harm-causing features include (1) Snapchat streaks, (2) limited availability content, (3) Trophies, (4)
12 Snapscore, (5) Snapmap, (6) image filters, (7) Spotlight, (8) general user interface, and (9) many
13 other design features.

14 53. Snapchat streaks provide a reward to users based on how many consecutive days they
15 communicate with another user. In other words, the longer two users are able to maintain a streak by
16 exchanging a communication (a "snap") at least once a day, the more rewarded the users are. The
17 reward comes in the form of a cartoon emoji appearing next to the conversation within Snapchat's
18 interface. The longer the streak is maintained, the more exciting the emoji. Eventually, the emoji will
19 change to a flame, and the number of days the streak has lasted will be positioned next to the flame.
20 If the streak is about to end, the emoji changes to an hourglass to add pressure on users to maintain
21
22
23
24
25
26
27
28

1 the streak and reengage with the platform:¹⁴

2 54. This feature hijacks teens’ craving for social success and connectedness and causes
3 teen users to feel pressure to use Snapchat daily or suffer social consequences. As some academics
4 and mental health treatment providers have described, streaks “provide a validation for the
5 relationship. . . . Attention to your streaks each day is a way of saying ‘we’re OK.’ . . . The makers
6 built into the app a system so you have to check constantly or risk missing out,” said Nancy Colier, a

8 **What Snapchat’s Emojis Mean**

9  Best Friends. This means you’re each
10 other’s fave person to send Snaps.

11  You’ve been each other’s best friend
12 for 2 weeks+.

13  Gettin’ serious. You’ve been each
14 other’s best friend for 2 months+.

15  Jealous much? Your best friend is also
16 this person’s best friend.

17  You’re close. Not best-friends close, but
18 you dig each other enough to count.

19  It’s cool. You run in the same circles and
20 share a close friend.

21  You have the upper hand. They send you
22 more Snaps than anyone, but you send
23 more Snaps to others.

24  Snapstreak. This appears with a # of days you
25 and your friend have sent each other Snaps
26 within 24 hours. Keep it going and watch the
27 number (and pressure to continue) rise.

28  Warning! You both better send each other a
Snap, or you’ll kill your streak.

¹⁴ Lizette Chapman, *Inside the Mind of a Snapchat Streaker*, Bloomberg (Jan. 30, 2017 at 5:00 AM CST), <https://www.bloomberg.com/news/features/2017-01-30/inside-the-mind-of-a-snapchat-streaker?leadSource=uverify%20wall>.

1 psychotherapist and author of *The Power of Off*. “It taps into the primal fear of exclusion, of being
2 out of the tribe and not able to survive.”¹⁵ For teens, streaks can become a metric for self-worth and
3 popularity. By design, the user’s mental wellbeing becomes connected to their performance in Snap’s
4 product.¹⁶ Some teenagers even provide their log-in information to others to maintain their streaks
5 for them when they know they will not be able to do so for a time.

6 55. Time-limited content also creates pressure to use the platform daily. Users can post
7 stories that will only be available for 24 hours. Many teens feel an obligation to view all their contact’s
8 stories each day before the content disappears.

9 56. Trophies are awarded to users based on actions performed in the app, such as reaching
10 streaks of certain milestone lengths or using different portions of the app. Each trophy is a unique
11 badge to display on a user’s profile.

12 57. All users receive a “Snapscore” based on their total number of snaps sent and received.
13 Users can see the scores of friends, causing blows to the self-esteem of many young users and an
14 addictive drive to increase their score.

15 58. “Snap Map,” a feature of Snapchat that shows the location of other users on a map,
16 also causes self-esteem and mental health damage to teens. The human desire to belong to an
17 “ingroup” is powerfully connected to self-worth, especially among teens. In a recent study, young
18 respondents reported that they check Snap Map to see where their friends were to avoid exclusion,
19 followed by increased anxiety. Snap Map allows users to view content constantly with minimal effort
20 and check the application to see what they potentially are missing out on. Adolescent users reported
21 feeling “sad,” “inadequate,” and “isolated” after checking Snap Map, even if they were attempting to
22 avoid these feelings in the first place. Participants who were unsure of their friends’ whereabouts or
23 felt excluded (the uncertain situation) were compelled to check Snap Map and reported experiencing
24 higher levels of anxiety and low-self esteem after doing so. This evaluation of self-worth translates

25 ¹⁵ *Id.*

26 ¹⁶ Yael Klein, *How Snapchat Streaks Are Getting Teens Addicted to the App*, Evolve Treatment
27 Centers, <https://evolvvetreatment.com/blog/snapchat-streaks-addicted-teens/> (last visited Sept. 9, 2022)
(quoting one teen, “having more streaks makes you feel more popular.”).

1 to the participant checking Snap Map to confirm or deny their beliefs and then experiencing negative
2 emotional responses after making a comparison to their friends' location. Snap Map is associated
3 with increased feelings of jealousy and anger in users. Participants expressed how immediate access
4 to locational information directly impacted their mood, especially when they saw something that
5 confirmed their doubts. Something interesting to note is that even when participants were aware of
6 the negative feelings that could arise after checking Snap Map, their desire to confirm or deny self-
7 doubt exceeded concerns over these potential consequences.¹⁷ Moreover, this feature can be
8 dangerous for naïve users because predators can easily locate targeted victims at any given moment.

9 59. Snapchat also includes many appearance-changing and face-altering image filters that
10 have inflicted profound body image issues upon teenagers, especially females.

11 60. In November 2020, Snapchat launched "Spotlight." This portion of the platform
12 functions and appears nearly identical to TikTok, with similar addictive qualities and harm infliction.
13 Snapchat also has a "Discover" page that presents a mosaic of algorithmically recommended content.
14 Once a user subscribes to another user based on what they see on the Discover page, they can see the
15 other user's stories from that point forward. Unsurprisingly, one study of over 2,000 UK residents
16 found 68 percent of respondents who used Snapchat reported that "the platform prevented them from
17 sleeping."¹⁸

18 **Defendant TikTok, Inc.**

19 61. TikTok is a California corporation with its principal place of business in Culver City,
20 California. TikTok owns and operates the TikTok social media platform, an application widely
21 marketed by TikTok and available to users throughout the United States. The primary feature of
22 TikTok is its "For You" page, which presents users with an endless stream of algorithmically selected
23

24 _____
25 ¹⁷ Jenna Sachs, *Psychological Repercussions of Location-Based Social Networks in Today's Youth*, 9
26 Elon J. of Undergraduate Res. in Comm. 64, 73 (2018), [https://eloncdn.blob.core.windows.net/eu3/](https://eloncdn.blob.core.windows.net/eu3/sites/153/2018/12/06-Sachs.pdf)
27 [sites/153/2018/12/06-Sachs.pdf](https://eloncdn.blob.core.windows.net/eu3/sites/153/2018/12/06-Sachs.pdf).

28 ¹⁸ Frazer Deans, *Curb Your Snapchat Addiction*, [https://www.wholesome.design/advent-2018/2-curb-](https://www.wholesome.design/advent-2018/2-curb-your-snapchat-addiction/)
your-snapchat-addiction/ (last visited Sept. 20, 2022).

1 content. The primary objective of the platform is to maximize the frequency and length of each user's
2 viewing sessions. In the U.S., 67 percent of teenagers actively use TikTok,¹⁹ and 30 percent of parents
3 in the U.S. know their children between the ages of 9 and 11 use TikTok.²⁰

4 62. TikTok is known as a video-sharing application where users can create, share, and
5 view short video clips. It is highly integrated with its Chinese parent company ByteDance. TikTok
6 hosts a variety of short-form user videos from genres/themes like pranks, stunts, DIY ("Do It
7 Yourself") tutorials, satire, opinions, dances, and entertainment, with durations from 15 seconds to
8 ten minutes. TikTok has been downloaded more than 130 million times in the U.S. And, according
9 to some metrics, TikTok was regarded as the most-visited website in 2021.

10 63. TikTok's revenue heavily depends on the amount of time users spend on the product
11 and their level of engagement. The more time users spend on TikTok, the more advertising revenue
12 TikTok reaps. Upon knowledge, information, and belief formed after a reasonable inquiry under the
13 circumstances, TikTok has designed its algorithms to addict users through advanced analytics that
14 create a variable reward system, thereby causing users to spend increased amounts of time on the
15 product. Upon opening the TikTok application, users are automatically shown an endless stream of
16 videos selected by an algorithm or algorithms. Further, TikTok markets itself as an artificial
17 intelligence company:

18 The most obvious clue is right there when you open the app: the first
19 thing you see isn't a feed of your friends, but a page called 'For You.'
20 It's an algorithmic feed based on videos you've interacted with, or even
21 just watched. It never runs out of material. It is not, unless you train it
22 to be, full of people you know, or things you've explicitly told it you
23 want to see. It's full of things that you seem to have demonstrated you
24 want to watch, *no matter what you actually say you want to watch* . . .
Imagine a version of Facebook that was able to fill your feed before
you'd friended a single person. That's TikTok.²¹

25 ¹⁹ Vogels et al., *supra* note 13.

26 ²⁰ Schaeffer, *supra* note 2.

27 ²¹ John Herman, *How TikTok is Rewriting the World*, N.Y. Times (Mar. 10, 2019),
28 <https://www.nytimes.com/2019/03/10/style/what-is-tik-tok.html> (emphasis added).

1 64. TikTok’s algorithms often work in concert with other social media platforms, like,
2 Meta’s. A teen may learn about a harmful topic through Meta’s recommendation technologies on
3 Instagram, which is feasibly subsequently identified by TikTok’s algorithm(s), and TikTok will then
4 amplify and promote the same harm through a series of how-to videos. Like Meta, TikTok has tried
5 to boost engagement and keep young users hooked to its social media product by any means
6 necessary. Indeed, TikTok similarly sends push notifications and emails to encourage addictive
7 behavior, to increase use of their product. TikTok’s communications are triggered through
8 information its algorithms collect about users, communications that are then “pushed” to users
9 frequently throughout the day.

10 65. Other product features that work in combination to cause addiction and other harms
11 include:

- 12 a. A platform-imposed limit to the length of video content. Initially, the
13 maximum video time was 60 seconds. The limit was later increased to 3
14 minutes and is currently 10 minutes. This limit is imposed to keep users in a
15 flow-like focused state involving a variety of content and variable rewards. A
16 user is more likely to become bored and end their session during a long video
17 than during several varying videos. Video length limits in defendants’
18 platforms have conditioned users to have a shorter attention span across years
19 of use;
- 20 b. Notifications. Until a subsequent change, the TikTok app sent notifications to
21 the devices of children well after normal bedtime hours, disrupting sleep
22 patterns and causing psychological injury. Recently, TikTok reportedly
23 stopped the platform from sending notifications to users between the age of 13
24 and 15 after 9 p.m.;
- 25 c. Button positions. The interface of TikTok positions buttons on the bottom right
26 of the screen, to avoid the milliseconds of delay of discomfort that could
27
28

1 disrupt the flow-like state of right-handed users tapping the like or comment
2 buttons if placed elsewhere on the screen;

3 d. Continued play function. Unlike other platforms, TikTok continues to play a
4 video's audio and the top quarter of the video while users view comments on
5 the video. This design decision avoids disrupting a user's heightened focused
6 "flow-state" of consuming TikTok content;

7 e. Button and profile design. TikTok's interface places buttons and profiles
8 overlaid on top of the videos, rather than in a separate area. This design
9 prevents there from being any barrier between videos (such as a horizontal bar
10 across the screen on the bottom of one video and on top of the next) and
11 prevents users from having any pause time between videos to evaluate whether
12 they should continue using the app in that moment before more algorithmically
13 selected content is played on their screen;

14 f. Videos automatically start playing as a user scrolls. Videos automatically
15 restart once they conclude. In some circumstances, such as when a user sends
16 a link of a video on TikTok to another user that views it in a web browsing
17 app, the next video after that video will automatically play without the user
18 scrolling; and

19 g. Scrolling for unobstructed video. Upon opening the app, users' view of the
20 first video loaded is obstructed by a message saying "swipe for more" and a
21 graphic of a hand and figure swiping up. The user must scroll down to see an
22 unobstructed video. This design feature trains users to scroll to the next video
23 once one video ends reflexively. Thus, addiction is initiated by the app before
24 the user even sees the first piece of content.

25 66. As research conducted by the Brown University School of Public Health has
26 determined, these features work in concert to lull users into a hypnotic, hyper-focused "flow-like
27 state":
28

1
2
3
4 [T]he infinite scroll and variable reward pattern of TikTok likely
5 increase the addictive quality of the app as they may induce a flow-like
6 state for users that is characterized by a high degree of focus and
7 productivity at the task at hand[]. Once immersed in the flow-like state,
8 users may experience a distorted sense of time in which they do not
9 realize how much time has passed. Furthermore, the app interface itself
10 is straightforward and user-friendly, with only a limited number of
11 buttons and sections of the app for users to navigate, which further
12 enables entrance into “flow.” . . . When they play, they consume the
13 entire device screen, which creates an immersive experience for users. .
14 . . Although the similarity may not be immediately evident, analysis of
social media apps reveals that they are designed to function like slot
machines — the “swipe down” feature required to refresh one’s feed
mirrors pulling a slot machine lever, and the variable pattern of reward
in the form of entertaining videos on TikTok simulates the intermittent
reward pattern of winning or losing on a slot machine; this pattern keeps
individuals engaged under the impression that the next play might be
“the one.” . . . Provided that social media apps are functionally akin to
slot machines, it is likely that the use of these apps is just as addictive
as slot machines and fosters social media addiction, much like how slot
machines contribute to gambling addiction.²²

15 67. Other researchers have described the fine-tuned TikTok experience as hypnosis.
16 “You’ll just be in this pleasurable dopamine state, carried away. It’s almost hypnotic, you’ll keep
17 watching and watching. . . . You keep scrolling, she says, because sometimes you see something you
18 like, and sometimes you don’t. And that differentiation—very similar to a slot machine in Vegas—is
19 key.”²³ TikTok also provides its own set of beauty-enhancing filters, which cause insecurities and
20 psychological injury in teens leading to body dysmorphia, eating disorder, self-harm, and in more
21 severe cases, suicide.

22
23
24 _____
25 ²² *What Makes TikTok so Addictive?: An Analysis of the Mechanisms Underlying the World’s Latest*
Social Media Craze, Brown Undergraduate J. of Pub. Health (2021), <https://sites.brown.edu/public-healthjournal/2021/12/13/tiktok/>.

26 ²³ John Koetsier, *Digital Crack Cocaine: The Science Behind TikTok’s Success*, Forbes (Jan. 18, 2020
27 at 2:04 PM EST), <https://www.forbes.com/sites/johnkoetsier/2020/01/18/digital-crack-cocaine-the-science-behind-tiktoks-success/?sh=4bcc645f78be>.

1 **Defendant ByteDance, Inc.**

2 68. ByteDance is a Delaware corporation with its principal place of business in Mountain
3 View, California. ByteDance owns and/or operates TikTok, and owns and/or operates the TikTok
4 social medial platform, an application that is widely marketed by TikTok and available to users
5 throughout the United States.

6 **Defendant YouTube**

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

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

1 71. YouTube is the second most visited website, after Google Search, and has more than
2 2.5 billion users per month who collectively watch more than one billion hours of videos on YouTube
3 each day. Surveys by the Pew Research Center in 2022 found that 95% of American teenagers used
4 YouTube and that one in five American teenagers reported that they used YouTube almost
5 constantly.²⁴
6

7 72. Like Meta, YouTube earns the bulk of its YouTube revenue through advertisements.
8 Its design allows YouTube to embed targeted advertising directly into the video clips that its users
9 watch, as well as promote featured content.²⁵
10

11 73. YouTube partners with channel owners who, upon crossing a viewership threshold, can
12 elect to monetize the channel to deliver advertisements to viewers. YouTube then takes a 45% cut of
13 the advertising revenue and passes the rest to the channel.²⁶ YouTube also offers systems, policies,
14 and features to encourage creators to post more content and earn rewards that can be converted into
15 cash.
16

17 74. Moreover, advertising on YouTube’s channels can either be contextual (informed by
18 the particular channel or video) or behavioral (informed by the behavior of the device owner as tracked
19 across different websites, apps, and devices). YouTube has long allowed channel owners to turn off
20 default behavioral advertising and serve instead contextual advertising that does not track viewers, but
21 vanishingly few content creators would elect to do so, in no small part because they receive warnings
22 that disabling behavioral advertising can “significantly reduce your channel’s revenue.” In short, both
23 YouTube and the channels have a strong financial incentive to use behavioral advertising.
24
25

26 ²⁴ Vogels et al, *supra* note 49.

27 ²⁵ Andrew Beattie, *How YouTube Makes Money Off Videos*, Investopedia, Oct. 31, 2021,
<https://www.investopedia.com/articles/personal-finance/053015/how-youtube-makesmoney-videos.asp>.

28 ²⁶ See *In the Matter of Google LLC and YouTube, LLC*, (F.T.C. Sept. 4, 2019), at 2 (citation omitted).

1 75. In the fiscal years 2021 and 2022, YouTube generated total advertising revenues of
2 \$28.8 billion and \$29.2 billion respectively. In stark contrast, the advertising revenues for fiscal year
3 2017 was \$8.1 billion.

4 76. YouTube uses several features and techniques to serve its goal of fueling usage by
5 minors (and ad revenues to YouTube), and does so by fueling compulsive, addictive use of YouTube
6 by minors and push users into dangerous “rabbit hole” experiences.

7
8 77. YouTube has developed proprietary algorithms and uses those to push content to users
9 based on secret formulas YouTube refuses to disclose. In a 2021 post on YouTube’s official blog,
10 Cristos Goodrow, VP of Engineering at YouTube, described the algorithm in general terms as follows:

11 To provide such custom curation, our recommendation system doesn’t operate off of a
12 ‘recipe book’ of what to do. It’s constantly evolving, learning every day from over 80
13 billion pieces of information we call signals. That’s why providing more transparency
14 isn’t as simple as listing a formula for recommendations, but involves understanding
15 all the data that feeds into our system. A number of signals build on each other to help
inform our system about what you find satisfying: clicks, watchtime, survey responses,
sharing, likes, and dislikes.²⁷

16 78. At the same time, YouTube has actual knowledge that its algorithms are promoting and
17 amplifying violent and harmful content. According to YouTube and Google insiders, YouTube
18 employees have notified leadership of these defects in the YouTube algorithm and, each time such
19 notice is provided, they are told by YouTube leadership “Don’t rock the boat.”²⁸ In other words,
20 YouTube is prioritizing engagement over user safety, despite actual knowledge of the harms it is
21 causing.
22
23
24

25 ²⁷ Cristos Goodrow, *On YouTube’s recommendation system*, Inside YouTube, Sept. 15, 2021, <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

26 ²⁸ Mark Bergen, *YouTube Executives Ignored Warnings, Letting Toxic Videos Run Rampant*, Bloomberg, (Apr.
27 2, 2019), available at <https://www.bloomberg.com/news/features/2019-04-02/youtube-executives-ignored-warnings-letting-toxic-videos-run-rampant>.

1 79. According to YouTube insiders, “The company spent years chasing one business goal
2 above others: ‘Engagement,’ a measure of the views, time spent and interactions with online videos.
3 Conversations with over twenty people who work at, or recently left, YouTube reveal a corporate
4 leadership unable or unwilling to act on these internal alarms for fear of throttling engagement.”²⁹

5 80. In 2012, YouTube concluded that the more people watched, the more ads it could run—
6 and that recommending videos, alongside a clip or after one was finished, was the best way to keep
7 eyes on the site. So YouTube, then run by Google veteran Salar Kamangar, set a company-wide
8 objective to reach one billion hours of viewing a day, and rewrote its recommendation engine to
9 maximize for that goal.³⁰

11 81. YouTube doesn’t give an exact recipe for virality. But in its race to one billion hours,
12 a formula emerged: Outrage equals attention. That is, YouTube re-designed itself to maximize
13 addiction and stayed the course on programming its algorithm to prioritize engagement over user
14 safety, despite its knowledge that such programming was harming a significant number of its users—
15 including children and teens.

17 82. Nor is YouTube’s algorithm-driven experience a small part of its functionality. On the
18 contrary, “YouTube has described its recommendation system as artificial intelligence that is
19 constantly learning which suggestions will keep users watching. These recommendations, it says, drive
20 70 percent of views, but the company does not reveal details of how the system makes its choices.”³¹

22 83. YouTube’s automated recommendation system drives most of the experience users
23 have on the platform by telling users, like Plaintiff, what should be watched next. It pushes videos to
24 minor users and exposes them to content they otherwise would not see.

25
26 ²⁹ *Id.*

27 ³⁰ *Id.*

28 ³¹ Max Fisher & Amanda Taub, *On YouTube’s Digital Playground, an Open Gate for Pedophiles*, N.Y. Times, (June 3, 2019), available at <https://www.nytimes.com/2019/06/03/world/americas/youtube-pedophiles.html>.

1 84. As with Defendant Meta, Snap, and TikTok, YouTube’s algorithms determine the
2 content that gets directed and/or populates its user experience on the YouTube social media platform.
3 YouTube, not the creator, generates the URLs for the content and the resulting list of URLs pushed to
4 users. This includes content sent directly from YouTube to its users, for YouTube’s own purposes,
5 and outside of any specific user search or request for such content. As with Defendants Meta, Snap,
6 and TikTok, YouTube knows that its algorithms are promoting and amplifying harmful content to
7 children and teens and are operating with a degree of algorithmic discrimination that is particularly
8 harmful to YouTube’s most vulnerable users, like Plaintiff.
9

10 85. YouTube knows that underage users are on its YouTube platform and has deliberately
11 designed its platform in a manner intended to evade parental authority and consent.
12

13 86. YouTube is used by many millions of children every day who have become addicted
14 to it and suffered other severe mental harms as a result of its design, setup, operation, and features.
15

16 87. YouTube contains many if not all of the defects outlined above and the depth of
17 Google’s internal data regarding the harmful impact and ingenious manipulation of its users through
18 UX and algorithmic design will be uncovered further in the discovery phase of this litigation.

DOES 1-100

19 88. Defendant DOES 1 through 100 are persons or entities whose true names and identities
20 are currently unknown to Plaintiff. This Complaint will be amended to allege these fictitiously named
21 Defendants’ true names and capacities when they are ascertained. Each of the fictitiously named
22 Defendants is responsible for the conduct alleged in this Complaint. The fictitiously named
23 Defendants caused harm and damages to Plaintiff and the Class through their conduct. Plaintiff will
24 amend this Complaint to allege the true names and capacities of the fictitiously-named defendants
25 when they become known to Plaintiff.
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

A. Teenagers Are Particularly Vulnerable to the Perils of Excessive Social Media Use

89. Emerging research shows that the human brain is still developing during adolescence in ways consistent with adolescents' demonstrated psychosocial immaturity. Specifically, adolescents' brains are not yet fully developed in regions related to risk evaluation, emotion regulation, and impulse control. The frontal lobes—and, in particular, the prefrontal cortex—of the brain play an essential part in higher-order cognitive functions, impulse control, and executive decision-making. These regions of the brain are central to the process of planning and decision-making, including the evaluation of future consequences and the weighing of risk and reward. They are also essential to the ability to control emotions and inhibit impulses. MRI studies have shown that the prefrontal cortex is one of the last regions of the brain to mature. During childhood and adolescence, the brain is maturing in at least two major ways. First, the brain undergoes myelination, the process through which the neural pathways connecting different parts of the brain become insulated with white fatty tissue called myelin. Second, during childhood and adolescence, the brain is undergoing “pruning”—the paring away of unused synapses, leading to more efficient neural connections. Through myelination and pruning, the brain's frontal lobes change to help the brain work faster and more efficiently, improving the “executive” functions of the frontal lobes, including impulse control and risk evaluation. This brain composition shift continues throughout adolescence and into young adulthood. In late adolescence, important aspects of brain maturation remain incomplete, particularly those involving the brain's executive functions and the coordinated activity of regions involved in emotion and cognition. As such, the part of the brain that is critical for control of impulses and emotions and mature, considered decision-making is still developing during adolescence, consistent with the demonstrated behavioral and psychosocial immaturity of juveniles.

90. Because adolescence is the period when sophisticated, essential inhibitory control functions are being established, the onset of prolonged exposure to toxic content during adolescence is particularly concerning. The extended development of the prefrontal cortex results in an adolescent brain that is largely undeveloped, highly malleable, and overwhelmingly vulnerable to long-term,

1 irremediable effects of adverse influences, including addiction and fractured psychological well-
2 being.

3 91. The algorithms in Defendants’ social media products exploit minor users’ diminished
4 decision-making capacity, impulse control, emotional maturity, and psychological resiliency caused
5 by users’ incomplete brain development. Defendants know, or in the exercise of reasonable care
6 should know, that because their minor users’ frontal lobes are not fully developed, such users are
7 much more likely to sustain serious physical and psychological harm through their social media use
8 than adult users. Nevertheless, Defendants have failed to design their products with any protections
9 to account for and ameliorate the psychosocial immaturity of their minor users.

10 92. Adolescents see themselves as increasingly unique. Paradoxically, as part of their
11 individuation, they conform by faithfully mimicking the behavior of their peers. Indeed, in defining
12 their own emerging identity, adolescents aspire to be viewed as mature adults, and this leads them to
13 affiliate with and emulate the personalities, images, behaviors, and preferences of those that they
14 would like to become. During the teenage years, relationships with family members often take a back
15 seat to peer groups and appearance. Teens crave to identify with their peer group, achieve social
16 approval, and become “popular.” Many teens feel deep insecurity and are self-conscious. They feel
17 people are constantly focused on them, examining them, and judging them about everything they say
18 and do. They struggle with the inexorable desire to be accepted and admired by their teen peers, and
19 their biggest fear is to not fit in. This myopic desire to fit in predisposes teenagers to frequently engage
20 in upward social comparison processes, that is, identifying and observing others that appear to be
21 experiencing more positive outcomes and consequently feeling worse about themselves and their own
22 perceived shortcomings.

23 93. Today’s adolescents are part of Generation Z (which is loosely defined as people born
24 between 1997 and 2012)—they are the first generation of consumers to have grown up in an entirely
25 post-digital era and thus are “digitally native.” The oldest members of this demographic cohort are
26 just turning 25 this year; however, the substantial majority are believed to be still going through
27 adolescence. Members of Generation Z spend upwards of 3 hours per day on the internet and another
28

1 3 hours per day using social media. According to a 2018 survey by Pew Research Center, 45 percent
2 of high school students said they used a social-media platform daily, and 24 percent said that they
3 were online “almost constantly.”³²

4 94. One way that Defendants addict minors is when minors use design features such as
5 Meta’s “likes,” which cause their brains to release euphoria-causing dopamine. However, as soon as
6 dopamine is released, their euphoria is countered by dejection: minor users’ brains adapt by reducing
7 or “downregulating” the number of dopamine receptors that are stimulated. In normal stimulatory
8 environments, neutrality is restored after this dejection abates. However, Meta’s algorithms are
9 designed to exploit users’ natural tendency to counteract dejection by going back to the source of
10 pleasure for another dose of euphoria. Each of Defendants’ platforms has similar product features
11 that virtually have the same effect as Meta’s.

12 95. Eventually, as this pattern continues over a period of days, weeks, and months, the
13 neurological baseline to trigger minor users’ dopamine responses increases. Minors then continue to
14 use these platforms, not for enjoyment, but simply to feel normal. When minor users attempt to stop
15 using Defendants’ social media products, they experience the universal symptoms of withdrawal from
16 any addictive substance, including anxiety, irritability, insomnia, and craving.

17 96. Addictive use of social media by minors is psychologically and neurologically
18 analogous to addiction to internet gaming disorder. Gaming addiction is recognized in the American
19 Psychiatric Association’s 2013 Diagnostic and Statistical Manual of Mental Disorders (DSM-5) (used
20 by mental health professionals to diagnose mental disorders) and is a recognized mental health
21 disorder by the World Health Organization and International Classification of Diseases. The
22 diagnostic symptoms of social media addiction among minors are the same as the symptoms of
23 addictive gaming promulgated in DSM 5 and include:

24
25
26 ³² Monica Anderson & JingJing Jiang, *Teens, Social Media and Technology*, Pew Research Center
27 (February 3, 2022), <https://www.pewresearch.org/internet/2018/05/31/teens-social-media-technology-2018/>.
28

- a. Preoccupation with social media and withdrawal symptoms (sadness, anxiety, irritability) when a device is taken away or use is not possible;
- b. Tolerance, the need to spend more time using social media to satisfy the urge;
- c. Inability to reduce social media usage, unsuccessful attempts to quit;
- d. Giving up other activities, loss of interest in previously enjoyed activities due to social media usage;
- e. Continuing to use social media despite problems;
- f. Deceiving family members or others about the amount of time spent on social media;
- g. The use of social media to relieve negative moods, such as guilt or hopelessness; and
- h. Jeopardizing school or work performance or relationships due to social media usage.

97. Defendants' advertising profits are directly tied to the amount of time their users spend online. Thus, Defendants enhance advertising revenue by maximizing users' time online through a product design that addicts them to the platform, in part by directing them to progressively more stimulating content. However, reasonable minor users and their parents do not expect online social media platforms are psychologically and neurologically addictive.

98. Defendants' products could feasibly report the frequency and duration of their minor users' screen time to their parents at negligible cost. Such reporting would enable parents to track the frequency, time, and duration of their minor child's social media, identify and address problems arising from such use, and better exercise their rights and responsibilities as parents.

99. Social comparisons on social media are frequent and are especially likely to be upward, as social media provides a continuous stream of information about other people's accomplishments.³³ Past research suggests that social comparisons occur automatically; when

³³ Jin Kyun Lee, *The Effects of Social Comparison Orientation on Psychological Well-Being in Social*

1 individuals encounter information about another person, their own self-perceptions will be affected.
2 The sheer number of posts in a News Feed, each offering a thumbnail sketch of each person's
3 carefully curated and predominantly ostentatious content, yields numerous opportunities for social
4 comparison. Although people do not typically post false information about themselves online, they
5 do engage in selective self-presentation and are more likely to post eye-catching content. As a result,
6 individuals browsing their News Feeds are more likely to see posts about friends' exciting social
7 activities rather than dull days at the office, affording numerous opportunities for comparisons to
8 seemingly better-off others. Individuals with vacillating levels of self-esteem and certitude,
9 characteristics notoriously endemic to the teenage cohort, are particularly oriented to making frequent
10 and extreme upward social comparisons on social media, which in turn threatens their mental health.
11 Social-media-induced social comparison often results in a discrepancy between the ideal self and the
12 real self, thus evoking a sense of depression, deprivation, and distress, resulting in an overall
13 aggravation of one's mental state.³⁴ Since the early 2000s, studies have shown that frequent upward
14 social comparison results in lower self-esteem and reduced overall mental health.³⁵ It has also long
15 been known that individuals who are more likely to engage in self-comparison are likewise more
16 likely to have negative outcomes when using social media. To cope with wavering self-esteem,
17 digitally native adolescents often become envious of others and resort to cyberbullying to deconstruct

18 _____
19 *Networking Sites: Serial Mediation of Perceived Social Support and Self-Esteem*, Current Psychology
(2020), <https://link.springer.com/content/pdf/10.1007/s12144-020-01114-3.pdf>.

20 ³⁴ This schism between the ideal self and the real self, and the attendant dissatisfaction with reality, is
21 further exacerbated by Meta's use of physical-augmentation technology, which allows users to utilize
22 photo and video filters to make remove blemishes, make the face appear thinner, and lighten the skin-
23 tone, all to make themselves appear more "attractive." Appearance-altering filters are widely-used
24 across Defendants' platforms. Many filters are designed to make users appear more attractive,
25 according to criteria developed by Defendants—they remove blemishes, make the face appear thinner,
and lighten skin-tone. Especially in combination with the platforms' general-feed algorithm, these
filters can cause users to make false comparisons between their real-life appearances and the
appearances of the people they see in Facebook and Instagram content. These features can also cause
users to make negative comparison between their appearance with a filter and without one. As
discussed herein, Meta has long been aware of the harm these features can cause.

26 ³⁵ Claire Midgley, *When Every Day is a High School Reunion: Social Media Comparisons and Self-*
27 *Esteem* (2020), https://www.researchgate.net/publication/342490065_When_Every_Day_is_a_High_School_Reunion_Social_Media_Comparisons_and_Self-Esteem.

1 the point of comparison's perceived superiority and preserve an increasingly delicate ego. These
2 natural dynamics in youth are exacerbated to psychologically injurious levels by Defendants'
3 platforms' progressively toxic environment, which is discussed in further detail below.

4 100. Defendants' products contain image-altering filters that cause mental health harms in
5 multiple ways.³⁶ First, because of the popularity of these editing tools, many of the images teenagers
6 see have been edited by filters. It can be difficult for teenagers to remain cognizant of the use of filters
7 while viewing content, resulting in a false reality where all other users on the platforms appear better
8 looking than they are in fact, often in an artificial way. By comparing their real-life appearance to the
9 edited appearance of others online, a teen's perception of their physical features becomes negative.
10 Second, teenagers often prefer the way they look using filters, noticing an increase in interaction and
11 positive responses when their photos are edited with filters. Many young users believe they are only
12 attractive when their images are edited, not as they appear naturally. Third, the specific changes filters
13 make to individuals' appearance can cause negative obsession or self-hatred surrounding aspects of
14 their appearance. The filters alter specific facial features such as eyes, lips, jaw, face shape, face
15 slimness, etc., features that often require medical intervention to alter in real life.

16 101. In a 2016 study, 52 percent of girls said they use image filters every day, and 80
17 percent have used an app to change their appearance before the age of 13.³⁷ In fact, 77 percent of
18 girls reported trying to change or hide at least one part of their body before posting a photo of
19 themselves, and 50 percent believe they did not look good without editing.³⁸ Filters, especially in
20 combination with other product features, directly cause body image issues, eating disorders, body

21
22 ³⁶ Anna Haines, *From 'Instagram Face' To 'Snapchat Dysmorphia': How Beauty Filters Are*
23 *Changing The Way We See Ourselves*, Forbes (Apr. 27, 2021 at 1:19 PM EDT),
<https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=3c32eb144eff>.

24 ³⁷ *Id.* <https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=3c32eb144eff>

25 ³⁸ Haines, *supra* note 36 ("In October, Instagram announced that it would be removing "all effects
26 associated with plastic surgery" from its filter arsenal, but this appears to mean all effects explicitly
27 associated with plastic surgery, such as the ones called "Plastica" and "Fix Me." Filters that give you
28 Instagram Face will remain.").

dysmorphia, and related issues.³⁹ As one study of 481 university students found, spending more time viewing selfies can increase dissatisfaction with one's own face, spending more time looking at selfies (and reviewing their likes and comments) can cause users to draw more comparisons between themselves and others, prompting even more self-criticism.⁴⁰ Relatedly, a psychodermatologist stated, "these apps subconsciously implant the notion of imperfection and ugliness, generating a loss of confidence."⁴¹

102. In another recent study, even users that report a higher initial level of self-esteem, felt they looked 44 percent worse before their image was edited using a filter. When a filter increases a gap between how individuals want to look and how they feel they actually look, it "reduces their self-compassion and tolerance for their own physical flaws."⁴²

103. The dangers associated with teenager's proclivity to engage in protracted upward social comparison while on social media is compounded by Defendants' deft and discreet construction of an atmosphere capable of exploiting the impulse control issues of even the most mature adults, thereby unleashing upon the public a product that is predictably highly addictive. Meta's products, in particular, have key components that make the platforms highly addictive,

³⁹ See Sian McLean, Susan Paxton, Eleanor Wertheim, & Jennifer Masters, *Photoshopping the selfie: Self photo editing and photo investment are associated with body dissatisfaction in adolescent girls*, 48 Int'l J. of Eating Disorders 1132, 1133 (Aug. 27, 2015), <https://pubmed.ncbi.nlm.nih.gov/26311205/> (presenting a 2015 study involving 101 adolescent girls, more time spent editing and sharing selfies on social media raised their risk of experiencing body dissatisfaction and disordered eating habits.); Jing Yang, Jasmine Fardouly, Yuhui Wang, & Wen Shi, *Selfie-Viewing and Facial Dissatisfaction among Emerging Adults: A Moderated Mediation Model of Appearance Comparisons and Self-Objectification*, 17 Int'l J. of Env't Res. and Pub. Health 672, 672 (Jan. 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7013747/>; Scott Griffiths, Stuart Murray, Isabel Krug, & Sian McLean, *The Contribution of Social Media to Body Dissatisfaction, Eating Disorder Symptoms, and Anabolic Steroid Use Among Sexual Minority Men*, 21 Cyberpsychology Behavior, and Soc. Networking 149, 149 (Mar. 1, 2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5865626/>.

⁴⁰ Yang et al., *supra* note 39.

⁴¹ Genesis Rivas, *The Mental Health Impacts of Beauty Filters on Social Media Shouldn't Be Ignored – Here's Why*, InStyle (Sept. 14, 2022 at 2:05PM), <https://www.instyle.com/beauty/social-media-filters-mental-health>.

⁴² Ana Javornik, Ben Marder, Marta Pizzetti, & Luk Warlop, *Research: How AR Filters Impact People's Self-Image*, Harvard Business Review (December 22, 2021), <https://hbr.org/2021/12/research-how-ar-filters-impact-peoples-self-image>.

1 including IVR and its Facial Recognition System (“FRS”). Upon information and belief, Defendants’
2 products each utilize similar technology.

3 104. Other psychological manipulations used to intertwine social media users include, but
4 are not limited to: (1) the FRS system, which has already collected for distribution to various third-
5 parties a billion individual facial recognition templates and is otherwise used by Meta to identify and
6 tag people in photos; (2) how Meta, in particular, uses wavy dots to reflect that someone is currently
7 writing you a message, which is designed to keep you on the platform until you receive the message
8 or shorten the time for you to return and check for a message; and (3) the concept of social reciprocity,
9 a variance of quid pro quo, pursuant to which Meta alerts you when someone has read your message,
10 which encourages the receivers to respond—because the sender knows the message has been read—
11 and simultaneously prompts the sender to return to check for the seemingly inevitable response. In
12 sum, this perilous amalgamation of intense psychological vulnerability and targeted exploitation
13 foreseeably results in an increased risk of a variety of harms for today’s youth, including, but not
14 limited to, social media addiction, withdrawal—from friends, family, and social and academic
15 advancement, lack of focus, anxiety, body dysmorphia, eating disorders, death resulting from eating
16 disorders, depression, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain,
17 self-harm, and suicide among other harms.

18 **B. Unknown and Innumerable Product Defects**

19 105. Upon information and belief, Defendants’ platforms have been designed, maintained,
20 and constantly updated by some of the most wealthy, powerful, and sophisticated corporations in the
21 world. Large teams of expert data scientists, user experience (“UX”) researchers, and similar
22 professionals have spent years fine-tuning each platform to addict users. Every aspect of each
23 platforms’ interface, each layer of its subsurface algorithms and systems, and each line of underlying
24 code has been crafted by extraordinarily brilliant minds. Every detail – the color of app icons, the
25 placement of buttons within the interface, the timing of notifications, etc. – is designed with the goal
26 of increasing the frequency and length of a user’s sessions. Therefore, it is impossible to create a
27 comprehensive list of addictive, harm-causing defects in the platforms until in-depth discovery takes
28

1 place. Many product features, such as the inner workings of algorithms, are secret and unobservable
2 to users. Discovery throughout litigation will support further elaboration regarding the specifics of
3 product defects.

4 106. However, across all platforms, features that make the products addictive and likely to
5 cause the mental and physical health harms include, but are not limited to: (1) engagement-based
6 ranking (sorting content on a user’s feed based on engagement or “meaningful social interactions”
7 rather than chronology); (2) intermittent variable rewards (a system of “likes”, comments,
8 strategically-timed notifications, promoting the content of new users and users who have not posted
9 in a while, among other features); (3) face tracking and augmentation (i.e., photo and video filters
10 designed to make users appear more attractive); (4) endless scrollable content (especially auto-
11 playing video content such as the Instagram “Reels” content feed); (5) limits to content length; (6)
12 notifications; (7) interface design decisions (such as button placement); (8) autoplay; (9) hand-reflex
13 conditioning UX design; (10) content stockpiling (such as “saving” videos in TikTok, Snapchat
14 Memories, etc.); (11) the interaction of these features;⁴³ and (12) other features of the platforms which
15 are currently unknown and hidden from users and governments.

16 107. Many of these features take advantage of psychological principles such as “loss
17 aversion” (people prefer avoiding losses to acquiring equivalent gains), the “sunk cost fallacy” (the
18 more people invest in something, the more likely they are to continue that behavior), and gamification
19 (“The application of typical elements of game playing (e.g., point scoring, competition with others,
20 rules of play) to other areas of activity, typically as an online marketing technique to encourage
21 engagement with a product or service.”).⁴⁴ Gamification in these social media platforms is used to
22 maximize corporate profits through user engagement, to the detriment of user health. Interestingly,
23
24

25 ⁴³ The features have a distinct and harsher impact when they interact – for example, becoming
26 addicting to Instagram through variable rewards lengthens use time and increases the impact of
27 harmful beauty standards from “pretty” filters.

28 ⁴⁴ *Gamification*, Ascio, <https://ascio.ca/gamification> (last visited Sept. 20, 2022).

1 the same principles of gamification have been used with the sole objective of improving user mental
2 health in mental health treatment platforms such as Beanfee.⁴⁵

3 **C. Defendants Knowingly Exploit Teenage Vulnerabilities for Unjust Gain**

4 108. Enacted in 1998 and finalized by a U.S. Federal Trade Commission rulemaking in
5 2000, the Children’s Online Privacy Protection Act, or “COPPA,” regulates the conditions under
6 which commercial websites that either target children under age 13 or have actual knowledge of
7 children under age 13 using their site can collect and use information about them. As a result of
8 COPPA, website operators must obtain “verifiable parental consent” from parents prior to the
9 collection and use of information about children under age 13. Defendants have chosen to avoid these
10 obligations by purporting to ban all those younger than 13 through its terms of service.

11 109. Defendants state that children under the age of thirteen are prohibited from using their
12 products, but Defendants knowingly lack effective age-verification protocols. To date, this problem
13 has largely been unaddressed. For example, since at least 2011, Meta has known that its age-
14 verification protocols are largely inadequate, then estimating that it removes 20,000 children under
15 age 13 from Facebook every day. Meta claims to have removed at least six hundred thousand
16 underage users in 2021. However, Zuckerberg himself has stated that, notwithstanding the spirit of
17 COPPA, younger children should be allowed to get on Facebook.

18 **D. Defendants’ Business Models Encourage Problematic Use to Maximize Screen Time,**
19 **Thereby Increasing Revenue**

20 110. Defendants advertise their products as “free” because they do not charge their users
21 for downloading or using their products. What many users do not know is that, in fact, Defendants
22 make a profit by finding unique and increasingly dangerous ways to capture user attention, acquire
23 this data, and target advertisements to their users. Defendants receive revenue from advertisers who
24 pay a premium to target advertisements to specific demographic groups of users in the applications.

25
26 ⁴⁵ The Beanfee Team, *Why are Snapchat streaks so Addictive*, Beanfee (Aug. 28, 2021),
27 <https://beanfee.com/articles/why-are-snapchat-streaks-so-addictive/> (“Our prototype has now been in
28 testing with various schools and mental health institutions for over a year and is already yielding great
results.”).

1 The amount of revenue Defendants receive is based upon the amount of time and level of user
2 engagement on their platforms. This directly correlates with the number of advertisements that can
3 be shown to each user. Defendants design features are not necessary to maximize the communicative
4 utility of the applications but instead seek to exploit users' susceptibility to persuasive design and
5 unlimited accumulation of unpredictable and uncertain rewards (including things like "likes,"
6 "followers," "views," "streaks," trophies," "charms," etc.). Defendants use unknown and changing
7 incentives designed to prompt users to consume their social media products in excessive and
8 dangerous ways. Defendants know, or in the exercise of ordinary care should know, that their designs
9 have created extreme and addictive usage by their minor users, and Defendants knowingly or
10 purposefully designed their products to encourage such addictive behaviors. For example, all the
11 achievements on Snapchat are unknown to users. This design conforms to well-established principles
12 of operant conditioning wherein intermittent reinforcement provides the most reliable tool to maintain
13 the desired behavior over time. This design is akin to a slot machine but marketed toward minor users
14 who are even more susceptible than gambling addicts to Defendants' variable reward and notification
15 systems. Instagram's "pull to refresh" is also based on how slot machines operate. This Instagram
16 feature creates an endless feed designed to manipulate brain chemistry and prevent natural endpoints
17 that would otherwise encourage users to move on to other activities. According to industry insiders
18 and whistleblower(s), Defendants have employed many psychologists and engineers to help make
19 their products maximally addicting.

20 111. Defendants did not warn users of the addictive designs of their products. To the
21 contrary, Defendants actively conceal the dangerous and addictive nature of their platforms,
22 consistently minimizing in public statements and in advertising the negative effect that the products
23 have on users.

24 **E. Plaintiff Expressly Disclaims Any and All Claims Seeking to Hold Defendants Liable as**
25 **the Publisher or Speaker of Any Content Provided, Posted, or Created by Third Parties**
26
27
28

1 112. Plaintiff seeks to hold Defendants accountable for their own alleged acts and
2 omissions. Plaintiff's claims arise from Defendants' status as the designer and marketer of
3 dangerously defective social media products, not as the speaker or publisher of third-party content.

4 113. Plaintiff alleges that Defendants failed to warn minor users and their parents of known
5 dangers arising from anticipated use of their social media platforms. None of Plaintiff's claims rely
6 on treating Defendants as the publisher or speaker of any third-party's words. Plaintiff's claims seek
7 to hold Defendants accountable for their own allegedly wrongful acts and omissions, not for the
8 speech of others or for any attempts by Defendants to restrict access to objectionable content.

9 114. Plaintiff is not alleging that Defendants are liable for what third parties have said, but
10 for what Defendants did or did not do.

11 115. None of Plaintiff's claims for relief set forth herein require treating Defendants as the
12 speaker or publisher of content posted by third parties. Rather, Plaintiff seeks to hold Defendants
13 liable for their own speech, deliberate decisions, and silence in failing to warn of foreseeable dangers
14 arising from the anticipated use of their products. Defendants could manifestly fulfill their legal duty
15 to design reasonably safe products and furnish adequate warnings of foreseeable dangers arising out
16 of their products, without altering, deleting, or modifying the content of a single third-party post or
17 communication.

18 **V. PLAINTIFF-SPECIFIC ALLEGATIONS**

19 116. Aubreigh Wyatt was a thirteen year old girl who was a heavy user of Defendants'
20 platforms.

21 117. Shortly after registering to use Defendants' platforms, Aubreigh began engaging in
22 addictive and problematic use of the platform(s). Aubreigh's interest in any activity other than viewing
23 and posting on Defendants' platforms progressively declined.

24 118. Prompted by the addictive design of Defendants' platforms, and the constant
25 notifications that Defendants' platform(s) pushed to Aubreigh 24 hours a day, she developed a
26 compulsion to engage with Defendants' platforms.

1 119. As a proximate result of her compulsion to interact with Defendants' platforms, and
2 specifically due to recommendations and content Defendants selected and showed to Aubreigh Wyatt,
3 a minor user of Defendants' platforms, Aubreigh subsequently developed injuries including, but not
4 limited to, social media compulsion, lack of focus, self-harm, depression, anxiety, suicidal ideations,
5 body dysmorphia, a reduced inclination or ability to sleep, other harmful effects, and, ultimately, death
6 by suicide.

7 120. Defendants have designed their platforms, including through the use of disappearing or
8 time-sensitive messaging features, to frustrate parents like Heather Wyatt from exercising their rights
9 and duties as parents to monitor and limit their children's use of Defendants' platforms.

10 121. Defendants have designed their platforms to allow minors to use, become addicted to,
11 and abuse their products without the consent of the users' parents, like Heather Wyatt.

12 122. Defendants have specifically designed their platforms to be attractive nuisances to
13 underage users but failed to exercise the ordinary care owed to underage business invitees to prevent
14 the rampant, foreseeable, and deleterious impact on minor users that access Defendants' platforms.

15 123. Neither Heather Wyatt nor Aubreigh Wyatt were aware of the addictive and mentally
16 harmful effects of Defendants' platforms when Aubreigh began to use the products. Defendants not
17 only failed to warn Aubreigh and Heather Wyatt of the dangers of social media compulsion, sleep
18 deprivation, and problematic use of Defendants' platforms, but misrepresented the safety, utility, and
19 non-addictive properties of their products. For example, the head of Instagram testified under oath at
20 a December 8, 2021, Senate Committee hearing that Instagram does not addict its users. Indeed, Meta
21 intentionally designed Facebook and Instagram to elicit intermittent dopamine releases within users'
22 brains, a behavior modification scheme devised to surreptitiously ensnare users in an infinite loop of
23 platform use and dopamine withdrawal:

24 When Facebook was getting going, I had these people who would come
25 up to me and they would say, 'I'm not on social media.' And I would say,
26 'OK. You know, you will be.' And then they would say, 'No, no, no. I
27 value my real-life interactions. I value the moment. I value presence. I
28 value intimacy.' And I would say . . . 'We'll get you eventually.' I don't
 know if I really understood the consequences of what I was saying,
 because [of] the unintended consequences of a network when it grows
 to a billion or 2 billion people and . . . it literally changes your

1 relationship with society, with each other . . . It probably interferes with
2 productivity in weird ways. God only knows what it's doing to our
3 children's brains. The thought process that went into building these
4 applications, Facebook being the first of them . . . was all about: 'How
5 do we consume as much of your time and conscious attention as
6 possible? And that means that we need to sort of give you a little
7 dopamine hit every once in a while, because someone liked or
8 commented on a photo or a post or whatever. And that's going to get
9 you to contribute more content, and that's going to get you . . . more
10 likes and comments.' It's a social-validation feedback loop . . . exactly
11 the kind of thing that a hacker like myself would come up with, because
12 you're exploiting a vulnerability in human psychology. The inventors,
13 creators—it's me, it's Mark [Zuckerberg], it's Kevin Systrom on
14 Instagram, it's all of these people—understood this consciously. And we
15 did it anyway.

16 Ellie Silverman, *Facebook's First President, on Facebook: "God only knows what it's doing to our
17 children's brains"* (November 9, 2017, last visited July 29, 2022, at 1:54 PM CST)
18 [https://www.washingtonpost.com/news/the-switch/wp/2017/11/09/facebooks-first-president-on-
19 facebook-god-only-knows-what-its-doing-to-our-childrens-brains/](https://www.washingtonpost.com/news/the-switch/wp/2017/11/09/facebooks-first-president-on-facebook-god-only-knows-what-its-doing-to-our-childrens-brains/).

20 124. As a result of Abureigh's extensive and problematic use of Defendants' platforms,
21 she developed numerous health conditions that continued until her death by suicide.

22 VI. CAUSES OF ACTION

23 FIRST CAUSE OF ACTION—AGAINST ALL DEFENDANTS

24 STRICT LIABILITY—DESIGN DEFECT

25 125. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
26 set forth fully at length herein.

27 126. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
28 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
principles.

127. At all relevant times, Defendants designed, developed, managed, operated, inspected,
tested (or not), marketed, controlled, advertised, promoted, or benefited from the products and
platforms that Plaintiff used.

128. Defendants' products were designed and intended to be used as social media
platforms.

1 129. Defendants’ products as designed were unreasonably dangerous, posed a substantial
2 likelihood of harm, and were therefore defective because of reasons enumerated in this Complaint,
3 including, but not limited to, risks of social media addiction, depression, body dysmorphia, anxiety,
4 suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia nervosa,
5 bulimia nervosa, death by suicide, death by eating disorder, lack of focus, Attention Deficit
6 Hyperactivity Disorder (“ADHD”), difficulty sleeping, fatigue, headaches, migraines, loss of vision,
7 and eye strain, among other harmful effects.

8 130. Defendants defectively designed the platforms to specifically appeal to and addict
9 minors and young adults, who were particularly unable to appreciate the risks posed by the platforms,
10 and particularly susceptible to harms from those products.

11 131. Defendants effectively designed the platforms to be addictive and take advantage of
12 the chemical reward system of users’ brains (especially young users) to create addiction and
13 additional mental and physical health harms.

14 132. Defendants defectively designed their platforms, which are inherently dangerous
15 because they included features making the product addictive and likely to cause the mental and
16 physical health harms listed above. These features include, but are not limited to: (1) engagement-
17 based ranking (sorting content on a user’s feed based on engagement or “meaningful social
18 interactions” rather than chronology); (2) intermittent variable rewards (a system of “likes”,
19 comments, strategically-timed notifications, promoting the content of new users and users who have
20 not posted in a while, among other features); (3) face tracking and augmentation (i.e., photo and video
21 filters designed to make users appear more attractive); (4) endless scrollable content (especially auto-
22 playing video content such as the Instagram “Reels” content feed); (5) limits to content length; (6)
23 notifications; (7) interface design decisions (such as button placement); (8) autoplay; (9) hand-reflex
24 conditioning UX design; (10) content stockpiling (such as “saving” videos in TikTok, Snapchat
25
26
27
28

1 Memories, etc), (11) the interaction of these features⁴⁶; and (12) other features of the platform which
2 are currently unknown and hidden from users and governments.

3 133. Defendants defectively designed the platforms and failed to test the safety of features
4 they developed and implemented for use in the platforms. Once Defendants did perform some product
5 testing and had knowledge of ongoing harm to Aubreigh, they failed to adequately remedy the product
6 defects or warn Aubreigh or her mother.

7 134. Defendants' products do not perform as safely as a reasonable and ordinary consumer
8 would reasonably assume and reasonably expect. Defendants' products pose a risk of serious mental
9 and physical health injuries as listed above.

10 135. The risks inherent in the design of Defendants' products significantly outweigh any
11 benefits of such design.

12 136. Defendants could have utilized cost effective, reasonably feasible alternative designs
13 to minimize these harms, such as by designing products without the harm causing features listed
14 above, that were less addictive, less likely to cause mental health harms, while still providing an
15 optimal social media experience and facilitating social connection.

16 137. Defendants could have limited the duration of login sessions to prevent harmful,
17 extended use of the platforms and could have designed the platforms to logout for a period of time if
18 excessive use occurred. It is well established in research that to effectively stay connected socially, a
19 person only needs a limited amount of use time. Instead, Defendants designed a product that uses
20 behavioral engineering to maximize the number of use sessions and length of use per session,
21 resulting in serious harm to Aubreigh.

22 138. Defendants could have used technology to enable user-level access restrictions so that
23 use was tied to a user's age verification, restricting those underage from using the platforms, or other
24 youth protecting features.

26 ⁴⁶ The features have a distinct and harsher impact when they interact – for example, becoming addicted
27 to Instagram through variable rewards lengthens use time and increases the impact of harmful beauty
28 standards from “pretty” filters.

1 139. Defendants could have utilized cost effective, reasonably feasible alternative designs
2 to minimize these harms, including, but not limited to:

- 3 a. Designing platforms that did not include the features listed above while still
4 fulfilling the social interest and business networking purposes of a social media
5 platform;
- 6 b. Default protective limits to length of use, frequency of use, or content types;
- 7 c. Opt-in restrictions to length of use, frequency of use, or content types;
- 8 d. Session time limits;
- 9 e. Blocks to use during certain times of day (such as morning, during work or
10 school periods, or during evenings);
- 11 f. Session time notifications, warnings, or reports;
- 12 g. Warning of health effects of use and extended use upon sign-up;
- 13 h. Parental controls;
- 14 i. Notifications to parents regarding their child's extensive use, use during sleep
15 hours, or exposure to harmful content on the platform;
- 16 j. Self-limiting tools;
- 17 k. Implementing labels on images and videos that have been edited through the
18 platform;
- 19 l. Age-based content filtering;
- 20 m. General content filtering;
- 21 n. Algorithmic (whether default or opt-in) reductions or elimination in a user's
22 feed of potentially harmful content (e.g., content that causes negative social
23 comparison and misleading lack of realism) such as in the genres of lifestyle,
24 influencer, beauty, fitness, success flaunting, and/or heavily edited images
25 and videos;

- o. Algorithmic (whether default or opt-in) reductions or elimination in a user's feed of potentially harmful content, such as inappropriate or salacious content;
- p. Algorithmic (whether default or opt-in) reductions or elimination in a user's feed of potentially harmful content such as controversial, political, or emotionally weighted content;
- q. Algorithmic (whether default or opt-in) reductions or elimination in a user's feed of potentially harmful content such as content encouraging or promoting eating disorders, depressive thinking, self-harm, or suicide;
- r. Informational labelling about the misleading and unrealistic nature of the content on a user's feed and the resulting feed composite because of content editing and algorithmic recommendation, presentation, and sorting;
- s. Chronological presentation of content rather than algorithmic; and
- t. Many other less harmful alternatives.

140. Instead, Defendants designed platforms that aggressively addict users with algorithms and features that increase addictiveness, use time, frequency of use, attention stealing, engagement with the platform, mental health harms, and profit to Defendants, all to the detriment of users' wellbeing.

141. It is reasonable for parents to expect that social media products that actively promote their platforms to minors will undertake reasonable efforts to notify parents when their child's use becomes excessive, occurs during sleep time, or exposes the child to harmful content. Defendants could feasibly design the products to identify minor users who are using the product excessively, using it during sleeping hours, or being exposed to harmful content, and notify their parents, at negligible cost.

142. Engagement-based ranking and intermittent variable rewards are highly addictive, promote harmful social comparison, encourage bullying and conflict, can trap users in a cycle of viewing content that is innately harmful or in a manner that is harmful, and present a false reality.

1 Image and video filters inflict unrealistic and biased beauty standards upon users and cause harmful
2 social comparison based on a misleading curation of peers' appearances, especially among teenage
3 female users.

4 143. The collaboration of these features multiplies the platforms' power to inflict harm by
5 heightening the platform's addictive nature, increasing exposure to content that triggers negative
6 social comparison, exposing users to innately harmful content, increasing time of exposure to harm,
7 further encouraging bullying and promoting conflict, and multiplying harm in other ways.

8 144. The features combine to create a user interface of endless, auto-playing, image and
9 video content, that is algorithmically sorted to place the most attention-grabbing content at the top
10 and/or in a distilled feed that is very difficult to cease consuming, especially for young users. Content
11 that is promoted by the algorithm is often related to beauty, success/wealth flaunting, or lifestyles,
12 which causes negative physical or social comparison, especially among teens. Defendants' algorithms
13 also promote controversial, disturbing, negative, and/or emotionally-charged content, causing harm
14 to users.

15 145. The combined result of these features is to present to users a false reality—it presents
16 to users a world which is constantly controversial and negative; where most other people are
17 exceedingly more attractive than the user; where most other people are exceedingly more successful
18 and/or competent than the user; and which will facilitate and encourage harmful behaviors such as
19 self-harm and eating disorders.

20 146. These features take advantage of biological systems, human behavior, and psychology
21 to addict and condition users to engage in repetitive content-consuming actions such as scrolling,
22 "liking," and sharing content in search of repeated dopamine releases. All the while, the users' input
23 and behavior are tracked to allow the platform to automatically tune itself to each individual user to
24 become highly addictive and as difficult to stop engaging with as possible.

25 147. Defendants failed to design the product with adequate warnings about the likely and
26 foreseeable harms of use.

27
28

1 148. Aubreigh used Defendants’ products as intended or in reasonably foreseeable ways.
2 Defendants specifically intended for minors to use its products and were aware that minors were
3 doing so.

4 149. Aubreigh’s injuries—physical, emotional, and economic—were reasonably
5 foreseeable to Defendants at the time of their products’ design, marketing, and operation.

6 150. Defendants’ products were defective and unreasonably dangerous when they left
7 Defendants’ sole possession/control and were offered to users. The defects continued to exist through
8 use by consumers, including Aubreigh, who used the products without any substantial change in the
9 products’ condition.

10 151. Aubreigh was injured as a direct and proximate result of the platforms’ defective
11 design as described herein. The defective design of Defendants’ products was a proximate cause of
12 harm to Aubreigh, as well as her ultimate death by suicide.

13 152. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive
14 damages, together with interest, costs of suit, attorneys’ fees, and all such other relief as the Court
15 deems proper.

16 **SECOND CAUSE OF ACTION—AGAINST ALL DEFENDANTS**

17 **STRICT LIABILITY—FAILURE TO WARN**

18 153. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
19 set forth fully at length herein.

20 154. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
21 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
22 principles.

23 155. At all relevant times, Defendants designed, developed, managed, operated, inspected,
24 tested (or not), marketed, controlled, advertised, promoted, and or benefited from the products and
25 platforms that Plaintiff used.

26 156. Defendants’ products were and are in a defective condition that is unreasonably
27 dangerous and unsafe to the consumer by failing to adequately warn users about the risk that the
28

platforms pose of social media addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other harmful effects, as described herein.

157. Defendants were aware that their products posed, among other things, the above-stated risks considering scientific and medical knowledge that was generally accepted at the time of design, development, coding, dissemination, public release, and operation of platforms.

158. For example, Defendants failed to warn consumers, including Plaintiff, in the platforms' notices and through the marketing, promotion and advertising of the platforms that, according to Meta's own research:

- a. At least five-to-six percent of fourteen-year-olds admit to addiction to the platform;
- b. Sixty-six percent of teen girls and forty-six percent of teen boys have experienced negative social comparisons on Instagram;
- c. Facebook makes body-image issues worse for one-third of girls;
- d. Thirteen-and-one-half percent of teen-girl Instagram users say the platform makes thoughts of suicide and self-injury worse;
- e. Seventeen percent of teen-girl Instagram users say the platform makes eating issues worse; and
- f. Instagram users are twice as likely to develop an eating disorder as those who do not use social media.

159. Meta, in particular, is also defective for failing to warn users that:

- a. Engagement-based ranking and intermittent variable rewards are
 - i. highly addictive,
 - ii. promote harmful social comparison,
 - iii. promote negative, controversial, and/or emotionally activating content,

- iv. promote negative, harmful, and/or dangerous interest groups and/or content creators,
 - v. encourage bullying and conflict,
 - vi. can trap users in a cycle of viewing content that is innately harmful or in a manner that is harmful, such as content related to eating disorders, depression, or self-harm, and
 - vii. present a false reality (regarding one's comparative status to their peers, and/or the general state of world or political affairs);
- b. Face tracking and augmentation (image and video filters):
 - i. inflict unrealistic and biased beauty standards upon users, and
 - ii. cause harmful social comparison based on a misleading curation of peers' appearances and success, especially among teenage female users;
 - c. The platforms cause the mental and physical health harms as listed above;
 - d. The likelihood of these harms and likely severity for these harms are even greater for the developing brains of minors;
 - e. The likelihood and intensity of these harmful effects are exacerbated by the interaction of these features; and
 - f. The likelihood and intensity of these harmful effects are increased by other features and innerworkings of the platforms which are currently publicly unknown and hidden from users and governments.

160. Through their incredible power as the premier social media companies (and/or association with such companies), Defendants have silenced and suppressed information, research efforts, and public awareness efforts regarding the harmful health impact of their platforms.

161. Rather than warning users of likely harms, Defendants regularly fine-tune the platforms to aggressively psychologically engineer new and current users to increase addiction and exposure to the platforms, causing and increasing other mental and physical harms. The platforms encourage users to recruit more users across their personal contacts.

1 162. The failure of Defendants to adequately warn about their defective products and choice
2 to instead misleadingly advertise through conventional, online, and peer-to-peer avenues created a
3 danger of injuries described herein that were reasonably foreseeable at the time of design, distribution,
4 dissemination, and operation of the platforms.

5 163. Ordinary consumers would not have recognized the potential risks of Defendants'
6 products when used in a manner reasonably foreseeable to Defendants.

7 164. Defendants are strictly liable for creating, operating, and unleashing defective
8 platforms that contained inadequate warnings.

9 165. Aubreigh Wyatt could not have averted injury through the exercise of reasonable care
10 for reasons including Defendants' concealment of the true risks posed by Defendants' products.

11 166. The defects in Defendants' products, including the lack of adequate warnings and
12 instructions, existed at the time the products left Defendants' sole possession and continued to exist
13 through the products' dissemination to and use by consumers, including Aubreigh. Defendants'
14 products were used without substantial change in their condition, by anyone other than Defendants
15 and its employees, from the time of their development.

16 167. At all relevant times, Defendants could have provided adequate warnings and
17 instructions to prevent the harms and injuries set forth herein, such as providing full and accurate
18 information about the products in advertising, at point of sign-up, and at various intervals of the user
19 interface.

20 168. Aubreigh Wyatt was injured as a direct and proximate result of Defendants' failure to
21 warn and instruct because she would not have used or signed up on Defendants' products had she
22 received adequate warnings and instructions that she could be harmed by the platform's design that
23 hijacks a user's neural reward system, develop an addiction, be exposed to an algorithmic content
24 feed causing negative social and appearance comparison and a negative false presentation of reality,
25 and suffer injuries including the harms detailed hereinabove. Further, Heather Wyatt would not have
26 allowed Aubreigh to use the platforms if she had received adequate warnings.

27
28

1 169. The platforms' lack of adequate and sufficient warnings and instructions, and their
2 inadequate and misleading advertising, was the proximate cause and/or a substantial contributing
3 factor in causing the harm to Aubreigh Wyatt, including her ultimate death by suicide.

4 170. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive
5 damages, together with interest, costs of suit, fees, and all such other relief as the Court deems proper.

6 **THIRD CAUSE OF ACTION—AGAINST ALL DEFENDANTS**

7 **STRICT LIABILITY—MANUFACTURING DEFECT**

8 171. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
9 set forth fully at length herein.

10 172. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
11 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
12 principles.

13 173. At all relevant times, Defendants designed, developed, managed, operated, inspected,
14 tested (or not), marketed, controlled, advertised, promoted, and or benefited from the products and
15 platforms that Aubreigh Wyatt used.

16 174. Defendants actively controlled their platforms during the entire period Aubreigh used
17 them, as Defendants expected.

18 175. Aubreigh used Defendants' products while they were actively controlled by
19 Defendants and any changes or modifications to the conditions of those platforms were foreseeable
20 by these Defendants.

21 176. Aubreigh used Defendants' products in a manner intended and/or foreseeable to
22 Defendants.

23 177. Defendants' products contained manufacturing defects as developed by Defendants
24 and as placed in the stream of commerce in that the products deviated from component specifications
25 and design, posed a risk of serious injury or death, and failed to perform as safely as the intended
26 design would have performed.

1 178. Without limitation, examples of Defendants’ inadequate development, management,
2 operation, maintenance, testing, and inspecting include:

- 3 a. Failure to follow Good Manufacturing Practices (“GMPs”);
- 4 b. Failure to inspect and test the computer programming underlying the platforms
5 and features for errors, unintended output, or unintended executed results of a
6 nature that could cause users harm;
- 7 c. Failure to adequately inspect/test Defendants’ products during the
8 development process;
- 9 d. Failure to test the mental and physical health impacts of their platforms and
10 product features, especially in regards to minors;
- 11 e. Failure to implement procedures that would measure and confirm the
12 behavioral and mental health impact of the platforms;
- 13 f. Failure to timely establish procedures or practices to prevent Defendants’
14 products from having unintended mental and physical health consequences;
- 15 g. Failure to test and research the actual user health impact cause by the
16 interaction of the algorithm and other harm causing features listed above;
- 17 h. Failure to test the platforms’ output to users given various user inputs;
- 18 i. Failure to adequately test the user health result of specific computer coding
19 and programs that constitute the platforms and their features.

20 179. Aubreigh was injured as a direct and proximate result of the developmental,
21 inspection, coding, programming, testing, monitoring, and operational defects of Defendants’
22 products as described herein.

23 180. The defective development, inspection, coding, programming, testing, monitoring,
24 and operation of Defendants’ products was a proximate cause of Aubreigh’s harms, including her
25 death by suicide.

1 181. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive
2 damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court
3 deems proper.

4 **FOURTH CAUSE OF ACTION—AGAINST ALL DEFENDANTS**

5 **PRODUCTS LIABILITY—NEGLIGENT DESIGN**

6 182. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
7 set forth fully at length herein.

8 183. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
9 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
10 principles.

11 184. At all relevant times, Defendants designed, developed, managed, operated, inspected,
12 tested (or not), marketed, controlled, advertised, promoted, and or benefited from the products and
13 platforms that Aubreigh Wyatt used.

14 185. Defendants' products were designed and intended to be used as social media
15 platforms.

16 186. Defendants knew or, by the exercise of reasonable care, should have known use of
17 Defendants' products was dangerous, harmful, and injurious when used by Aubreigh in a reasonably
18 foreseeable manner, particularly so with minors and young adults.

19 187. Defendants knew or, by the exercise of reasonable care, should have known ordinary
20 consumers such as Aubreigh would not have realized the potential risks and dangers of Defendants'
21 products. Defendants' products are highly addictive and likely to cause mental and physical injuries
22 as listed above.

23 188. Defendants owed a duty to all reasonably foreseeable users to design a safe product.

24 189. Defendants breached their duty by failing to use reasonable care in the design of their
25 platforms because the products were addictive; had mental, cognitive, and physical health impacts;
26 and had a likelihood of causing social media addiction, depression, body dysmorphia, anxiety,
27 suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia nervosa,
28

1 bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD, difficulty sleeping,
2 fatigue, headaches, migraines, loss of vision, eye strain, among other harmful effects.

3 190. Defendants breached their duty by failing to use reasonable care in the design of their
4 products by negligently designing the platforms with physically and mentally harmful features
5 including, but not limited to: (1) engagement-based ranking (sorting content on a user's feed based
6 on engagement or "meaningful social interactions" rather than chronology); (2) intermittent variable
7 rewards (a system of "likes", comments, strategically-timed notifications, promoting the content of
8 new users and users who have not posted in a while, among other features); (3) face tracking and
9 augmentation (i.e., photo and video filters designed to make users appear more attractive); (4) endless
10 scrollable content (especially auto-playing video content such as the Instagram "Reels" content feed);
11 (5) the interaction of these features; and (6) other features of the platform which are currently
12 unknown and hidden from users and governments.

13 191. Engagement-based ranking and intermittent variable rewards are highly addictive,
14 promote harmful social comparison, encourage bullying and conflict, can trap users in a cycle of
15 viewing content that is innately harmful or in a manner that is harmful, and present a false reality.
16 Image and video filters inflict unrealistic and biased beauty standards upon users and cause harmful
17 social comparison based on a misleading curation of peers' appearances, especially among teenage
18 female users.

19 192. The collaboration of these features multiplies the platforms' power to inflict harm by
20 heightening the platform's addictive nature, increasing exposure to content that triggers negative
21 social comparison, exposing users to innately harmful content, increasing time of exposure to harm,
22 further encouraging bullying and promoting conflict, and multiplying harm in other ways.

23 193. The features combine to create a user interface of endless, auto-playing image and
24 video content that is algorithmically sorted to place the most attention-grabbing content at the top
25 and/or in a distilled feed that is very difficult to cease consuming, especially for young users. Content
26 that is promoted by the algorithm is often related to beauty, success/wealth flaunting, or lifestyles,
27 which causes negative physical or social comparison, especially among teens. Defendants' algorithms
28

1 also promote controversial, disturbing, negative, and/or emotionally charged content causing harm to
2 users.

3 194. The combined result of these features is to present to users a false reality—it presents
4 to users a world which is constantly controversial and negative; where most other people are
5 exceedingly more attractive than the user; where most other people are exceedingly more successful
6 and/or competent than the user; and which will facilitate and encourage harmful behaviors such as
7 self-harm and eating disorders.

8 195. These features take advantage of biological systems, human behavior, and psychology
9 to addict and condition users to engage in repetitive, content-consuming actions such as scrolling,
10 “liking,” and sharing content in search of repeated dopamine releases. All the while, the users’ input
11 and behavior are tracked to allow the platform to automatically tune itself to each individual user to
12 become as addictive and difficult to stop engaging with as possible.

13 196. Potential health harms from these features include, among other types of harm, social
14 media addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-
15 harm, insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by suicide, death by eating
16 disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye
17 strain, among other harmful effects.

18 197. Defendants breached their duty by failing to use reasonable care in the design of their
19 products by negligently designing the platforms to uniquely appeal to minors, who were particularly
20 unable to appreciate the risks posed by the platforms.

21 198. Defendants breached their duty by failing to use reasonable care by failing to use cost
22 effective, reasonably feasible alternative designs that would make the product less addictive and
23 harmful to minors.

24 199. Defendants breached their duty by failing to use reasonable care by failing to use cost
25 effective, reasonably feasible alternative designs to minimize these harms, including but not limited
26 to:

27 a. Designing platforms that did not include the features listed above while still
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- fulfilling the social, interest, and business networking purposes of a social media platform;
- b. Default protective limits to length of use, frequency of use, or content types;
 - c. Opt-in restrictions to length of use, frequency of use, or content types;
 - d. Session time limits;
 - e. Blocks to use during certain times of day (such as morning, during work or school periods, or during evenings);
 - f. Session time notifications, warnings, or reports;
 - g. Warning of health effects of use and extended use upon sign-up;
 - h. Parental controls;
 - i. Self-limiting tools;
 - j. Implementing labels on images and videos that have been edited through the platform;
 - k. Age-based content filtering;
 - l. General content filtering;
 - m. Algorithmic (whether default or opt-in) reductions or elimination in a user’s feed of potentially harmful content (by causing negative social comparison and misleading lack of realism) such as in the genres of lifestyle, influencer, beauty, fitness, success flaunting, and/or heavily edited images and videos;
 - n. Algorithmic (whether default or opt-in) reductions or elimination in a user’s feed of potentially harmful content such as inappropriate or salacious content;
 - o. Algorithmic (whether default or opt-in) reductions or elimination in a user’s feed of potentially harmful content such as controversial, political, or emotionally weighted content;

- 1 p. Algorithmic (whether default or opt-in) reductions or elimination in a user's
2 feed of potentially harmful content such as content encouraging or promoting
3 eating disorders, depressive thinking, self-harm, or suicide;
- 4 q. Informational labelling about the misleading and unrealistic nature of the
5 content on a user's feed and the resulting feed composite because of content
6 editing and algorithmic presentation/sorting;
- 7 r. Chronological presentation of content rather than algorithmic; and
- 8 s. Many other less harmful alternatives.

9 200. Defendants breached their duty by failing to use reasonable care by failing to use cost
10 effective, reasonably feasible alternative designs that could have reduced mental and physical harms
11 to users, especially youth. Instead, Defendants designed platforms that aggressively addict users with
12 algorithms and features that increase addictiveness, use time, frequency of use, attention stealing,
13 engagement with the platform, mental health harms, and profit to Defendants, all to the detriment of
14 users' wellbeing.

15 201. Defendants breached their duty by failing to use reasonable care by failing to use cost-
16 effective, reasonably feasible alternative designs utilizing technology to enable user-level access
17 restrictions so that use was tied to a user's age verification, restricting those underaged from using
18 the platforms, or other youth-protecting features.

19 202. Reasonable companies under the same or similar circumstances would have designed
20 a safer product.

21 203. Aubreigh Wyatt was harmed directly and proximately by Defendants' failure to use
22 reasonable care in the design of their products. Such harm includes the injuries detailed hereinabove.

23 204. The design of Defendants' products was a proximate cause of harm to Aubreigh
24 Wyatt, as well as her ultimate death by suicide.

25 205. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive
26 damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court
27 deems proper.

28

FIFTH CAUSE OF ACTION—AGAINST ALL DEFENDANTS
PRODUCTS LIABILITY—NEGLIGENT FAILURE TO WARN

206. Plaintiff incorporates by reference each preceding and succeeding paragraph as though set forth fully at length herein.

207. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant to all applicable product liability acts, statutes, and laws that may apply under choice-of-law principles.

208. At all relevant times, the Defendants designed, developed, managed, operated, inspected, tested (or not), marketed, controlled, advertised, promoted, and or benefited from the products and platforms that Aubreigh Wyatt used.

209. Defendants knew or, by the exercise of reasonable care, should have known use of their products was dangerous, harmful, and injurious when used by Aubreigh in a reasonably foreseeable manner, particularly with minors and young adults.

210. Defendants knew or, by the exercise of reasonable care, should have known ordinary consumers such as Aubreigh, and her mother, would not have realized the potential risks and dangers of Defendants' products. Defendants' platforms are highly addictive and likely to cause mental and physical injuries as listed above.

211. Defendants knew or, by the exercise of reasonable care, should have known that their products posed risks, including the risks of social media addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other harmful effects, as described herein, that were known and knowable in light of scientific and medical knowledge that was generally accepted in the scientific community at the time of development, dissemination, public release, and operation of the platforms.

212. Defendants owed a duty to all reasonably foreseeable users to disclose the risks associated with the use of Defendants' products.

1 213. Defendants breached their duty of care by failing to use reasonable care in providing
2 adequate warnings in the platforms' sign-up warnings, and through marketing, promoting and
3 advertising of the platforms. For example, according to Meta's own research:

- 4 a. At least five-to-six percent of fourteen-year-olds admit to addiction to Meta's
5 platforms;
- 6 b. Sixty-six percent of teen girls and forty-six percent of teen boys have
7 experienced negative social comparisons on Instagram;
- 8 c. Facebook makes body-image issues worse for one-third of girls;
- 9 d. Thirteen-and-one-half percent of teen-girl Instagram users say the platform
10 makes thoughts of suicide and self-injury worse;
- 11 e. Seventeen percent of teen-girl Instagram users say the platform makes eating
12 issues worse; and
- 13 f. Instagram users are twice as likely to develop an eating disorder as those who
14 don't use social media.

15 214. Defendants' products are also defective for failing to warn users that, among other
16 things:

- 17 a. Engagement-based ranking and intermittent variable rewards are:
 - 18 i. highly addictive,
 - 19 ii. promote harmful social comparison,
 - 20 iii. promote negative, controversial, and/or emotionally activating content,
 - 21 iv. promote negative, harmful, and/or dangerous interest groups and/or
22 content creators,
 - 23 v. encourage bullying and conflict,
 - 24 vi. can trap users in a cycle of viewing content that is innately harmful or in
25 a manner that is harmful, such as content related to eating disorders,
26 depression, or self-harm, and

- 1 vii. present a false reality (regarding one’s comparative status to their peers,
2 and/or the general state of world or political affairs);
- 3 b. Face tracking and augmentation (image and video filters):
- 4 i. inflict unrealistic and biased beauty standards upon users, and
- 5 ii. cause harmful social comparison based on a misleading curation of peers’
6 appearances and success, especially among teenage female users;
- 7 c. The platforms cause the mental and physical health harms as listed above;
- 8 d. The likelihood of these harms and likely severity for these harms are even
9 greater for the developing brains of minors;
- 10 e. The likelihood and intensity of these harmful effects are exacerbated by the
11 collaboration of these features; and
- 12 f. The likelihood and intensity of these harmful effects are increased by other
13 features and innerworkings of the platforms which are currently publicly
14 unknown and hidden from users and governments.

15 215. The failure of Defendants to adequately warn about its defective products, and its
16 efforts to misleadingly advertise through conventional and social media avenues, created a danger of
17 injuries described herein that were reasonably foreseeable at the time of design, development, coding,
18 operation, and dissemination of the platforms.

19 216. Through their incredible power as the premier social media companies (and/or
20 association with such companies), Defendants have silenced and suppressed information, research
21 efforts, and public awareness efforts regarding the harmful health impact of their platforms.

22 217. Rather than warning users of likely harms, Defendants regularly fine-tune the
23 platforms to aggressively socially and psychologically engineer new and ongoing users to increase
24 addiction and exposure to their platforms, causing and increasing physical and psychological harm.
25 The platforms encourage users to recruit more users across their personal electronic contacts.

26 218. The failure of Defendants to adequately warn about their defective products—and
27 their efforts to misleadingly advertise through conventional, online, and peer-to-peer avenues—
28

1 created a danger of injuries described herein that were reasonably foreseeable at the time of design,
2 distribution, and operation of the platforms.

3 219. At all relevant times, Defendants could have provided adequate warnings and
4 instructions to prevent the harms and injuries set forth herein, such as providing full and accurate
5 information about the products in advertising, at point of dissemination/account registration, and at
6 various intervals of the user interface.

7 220. A reasonable company under the same or similar circumstances would have warned
8 and instructed of the dangers.

9 221. Aubreigh Wyatt was injured as a direct and proximate result of Defendants' failure to
10 warn and instruct because she would not have used Defendants' platforms had she received adequate
11 warnings and instructions that the platforms could cause social media addiction, depression, body
12 dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder,
13 anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD,
14 difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other harmful
15 effects. Heather Wyatt, similarly, would not have allowed Aubreigh to use these platforms if she had
16 received adequate warnings and information.

17 222. Defendants' lack of adequate and sufficient warnings and instructions, and their
18 inadequate and misleading advertising, was a substantial contributing factor in causing the harm to
19 Aubreigh, including her death by suicide.

20 223. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive
21 damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court
22 deems proper.

23 **SIXTH CAUSE OF ACTION—AGAINST ALL DEFENDANTS**

24 **PRODUCTS LIABILITY—NEGLIGENT MANUFACTURING**

25 224. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
26 set forth fully at length herein.

1 225. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
2 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
3 principles.

4 226. At all relevant times, Defendants designed, developed, managed, operated, inspected,
5 tested (or not), marketed, controlled, advertised, promoted, and or benefited from the products and
6 platforms that Aubreigh Wyatt used.

7 227. Defendants had a duty to use exercise reasonable care, in the development, coding,
8 operation, maintained, inspecting, testing, and dissemination of their platforms.

9 228. Defendants knew or, by the exercise of reasonable care, should have known
10 Defendants' products were carelessly developed, coded, operated, maintained, inspected, tested, and
11 disseminated, and was dangerous, harmful, and injurious when used by Aubreigh in a reasonably
12 foreseeable manner.

13 229. Defendants knew or, by the exercise of reasonable care, should have known ordinary
14 consumers such as Aubreigh would not have realized Defendants' products were improperly
15 developed, coded, operated, maintained, inspected, tested, and disseminated.

16 230. Without limitation, examples of Defendants' breaching their duty to exercise
17 reasonable care in development, management, maintenance, testing, and inspecting include:

- 18 a. Failure to follow Good Manufacturing Practices ("GMPs");
- 19 b. Failure to inspect and test the computer programming underlying the platforms
20 and features for errors, unintended output, or unintended executed results of a
21 nature that could cause users harm;
- 22 c. Failure to adequately inspect/test their platforms during the development
23 process;
- 24 d. Failure to test the mental and physical health impacts of their platforms and
25 product features, especially in regards to minors;
- 26 e. Failure to implement procedures that would measure and confirm the
27 behavioral and mental health impact of the platforms;

- 1 f. Failure to timely establish procedures or practices to prevent Defendants’
2 products from having unintended mental and physical health consequences;
3 g. Failure to test and research the actual user health impact cause by the
4 *interaction* of the algorithm and other harm causing features listed above;
5 h. Failure to test the platforms’ output to users given various user inputs; and
6 i. Failure to adequately test the user health result of specific computer coding
7 and programs that constitute the platforms and their features.

8 231. A reasonable manufacturer under the same or similar circumstances would have
9 implemented appropriate manufacturing procedures to better ensure the quality of their product.

10 232. Aubreigh was injured as a direct and proximate result of Defendants’ failure to use
11 reasonable care in the development, coding, operation, maintenance, inspection, testing, and
12 dissemination.

13 233. Defendants negligent development, coding, operation, maintenance, inspection,
14 testing, and dissemination of their products was a substantial factor in causing Aubreigh’s harms,
15 including her death by suicide.

16 234. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive
17 damages, together with interest, costs of suit, attorneys’ fees, and all such other relief as the Court
18 deems proper.

19 **SEVENTH CAUSE OF ACTION—AGAINST ALL DEFENDANTS**

20 **NEGLIGENCE AND/OR GROSS NEGLIGENCE**

21 235. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
22 set forth fully at length herein.

23 236. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
24 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
25 principles.

26 237. At all relevant times, Defendants designed, developed, managed, operated, inspected,
27 tested (or not), marketed, advertised, promoted, disseminated, made publicly available, and/or
28

1 benefited from their platforms, and therefore owed a duty of reasonable care to avoid causing harm
2 to those that used it, such as Aubreigh Wyatt.

3 238. Defendants' platforms were the types of products that could endanger others if
4 negligently made or promoted.

5 239. Defendants had a duty of reasonable care in designing, manufacturing, coding,
6 inspecting, testing, marketing, advertising, promoting, supplying, disseminating and/or making
7 publicly available the platforms to avoid causing harm to those that used Defendants' products.

8 240. Defendants knew, or should have known by the exercise of reasonable care, the risks
9 to users of the platforms of mental and physical health harms.

10 241. Defendants knew, or should have known by the exercise of reasonable care, that
11 minors and young people would be attracted to these products.

12 242. Defendants knew or, by the exercise of reasonable care, should have known use of
13 Defendants' products was dangerous, harmful, and injurious when used by Aubreigh Wyatt in a
14 reasonably foreseeable manner, particularly with minors and young adults.

15 243. Defendants knew or, by the exercise of reasonable care, should have known ordinary
16 consumers such as Aubreigh would not have realized the potential risks and dangers of Defendants'
17 products. Defendants' platforms are highly addictive and likely to cause mental and physical injuries
18 as listed above.

19 244. Defendants knew or, by the exercise of reasonable care, should have known that
20 Defendants' products posed risks, including the risks of social media compulsion, depression, body
21 dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder,
22 anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD,
23 difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other harmful
24 effects, as described herein, that were known and knowable in light of scientific and medical
25 knowledge that was generally accepted in the scientific community at the time of development,
26 dissemination, public release, and operation of the platforms.

1 245. Defendants knew or should have known that Defendants’ products needed to be
2 researched, designed, manufactured, coded, programmed, assembled, inspected, tested, marketed,
3 advertised, promoted, operated, managed, maintained, supplied, disseminated, and/or made available
4 properly, without defects and with due care to avoid needlessly causing harm.

5 246. Defendants knew or should have known that Defendants’ products would cause harm
6 to users if the following features, among others, were included: (1) engagement-based ranking
7 (sorting content on a user’s feed based on engagement or “meaningful social interactions” rather than
8 chronology); (2) intermittent variable rewards (a system of “likes,” comments, strategically-timed
9 notifications, promoting the content of new users and users who have not posted in a while, among
10 other features); (3) face tracking and augmentation (i.e., photo and video filters designed to make
11 users appear more attractive); (4) endless scrollable content (especially auto-playing video content
12 such as the Instagram “Reels” content feed); (5) the interaction of these features; and (6) other features
13 of the platform which are currently unknown and hidden from users and governments.

14 247. Defendants knew or should have known that engagement-based ranking and
15 intermittent variable rewards are highly addictive, promote harmful social comparison, encourage
16 bullying and conflict, can trap users in a cycle of viewing content that is innately harmful or in a
17 manner that is harmful, and present a false reality. Image and video filters inflict unrealistic and biased
18 beauty standards upon users and cause harmful social comparison based on a misleading curation of
19 peers’ appearances, especially among teenage female users.

20 248. Defendants knew or should have known that the collaboration of these features
21 multiplies the platforms’ power to inflict harm by heightening the platform’s addictive nature,
22 increasing exposure to content that triggers negative social comparison, exposing users to innately
23 harmful content, increasing time of exposure to harm, further encouraging bullying and promoting
24 conflict, and multiplying harm in other ways.

25 249. Defendants knew or should have known that the features combine to create a user
26 interface of endless, auto-playing, image and video content, that is algorithmically sorted to place the
27 most attention-grabbing content at the top and/or in a distilled feed that is very difficult to cease
28

1 consuming, especially for young users. Content that is promoted by the algorithms is often related to
2 beauty, success/wealth flaunting, or lifestyles, which causes negative physical or social comparison,
3 especially among teens. Defendants algorithms also promote controversial, disturbing, negative,
4 and/or emotionally charged content causing harm to users.

5 250. Defendants knew or should have known that the combined result of these features is
6 to present to users a false reality—it presents to users a world which is constantly controversial and
7 negative; where most other people are exceedingly more attractive than the user; where most other
8 people are exceedingly more successful and/or competent than the user; and which will facilitate and
9 encourage harmful behaviors such as self-harm and eating disorders.

10 251. Defendants knew or should have known that these features take advantage of
11 biological systems, human behavior, and psychology, to addict and condition users to engage in
12 repetitive content-consuming actions such as scrolling, “liking,” and sharing content in search of
13 repeated dopamine releases. All the while, the users’ input and behavior are tracked to allow the
14 platform to automatically tune itself to each individual user to become as addictive and difficult to
15 stop engaging with as possible.

16 252. Defendants knew or should have known that Defendants’ products could cause serious
17 risk of harm, particularly to young persons and minors.

18 253. Defendants were negligent, reckless and careless and failed to take the care and duty
19 owed to Plaintiff, thereby causing Aubreigh Wyatt to suffer harm.

20 254. The negligence and extreme carelessness of Defendants includes, but is not limited to,
21 the following:

- 22 a. Failure to perform adequate testing of their platforms prior to marketing to
23 ensure safety, including long-term testing of the product, and testing for
24 physical and mental health injuries;
- 25 b. Failure to warn consumers that Defendants’ products had not been adequately
26 tested or researched prior to marketing to ensure safety;
- 27 c. Failure to take reasonable care in the design of Defendants’ products;

- 1 d. Failure to use reasonable care in the production/development of Defendants’
2 platforms;
- 3 e. Failure to use reasonable care in the operation of Defendants’ products;
- 4 f. Failure to use reasonable care in the coding/assembly of Defendants’ products;
- 5 g. Failure to use reasonable care in advertising, promoting, and marketing
6 Defendants’ products;
- 7 h. Failure to use reasonable care in the dissemination of Defendants’ products
8 without adequate warnings;
- 9 i. Use of a design that includes features that cause mental and physical harm,
10 including, but not limited to: (1) engagement-based ranking (sorting content
11 on a user’s feed based on engagement or “meaningful social interactions”
12 rather than chronology); (2) intermittent variable rewards (a system of “likes,”
13 comments, strategically-timed notifications, promoting the content of new
14 users and users who have not posted in a while, among other features); (3) face
15 tracking and augmentation (i.e., photo and video filters designed to make users
16 appear more attractive); (4) endless scrollable content (especially auto-playing
17 video content such as the Instagram “Reels” content feed); (5) the interaction
18 of these features; and (6) other features of the platform which are currently
19 unknown and hidden from users and governments;
- 20 j. Use of a design, engagement-based ranking and intermittent variable rewards
21 that Defendants knew or should have known that are highly addictive, promote
22 harmful social comparison, encourage bullying and conflict, can trap users in
23 a cycle of viewing content that is innately harmful or in a manner that is
24 harmful, and present a false reality. Image and video filters inflict unrealistic
25 and biased beauty standards upon users and cause harmful social comparison
26 based on a misleading curation of peers’ appearances, especially among
27 teenage female users;
- 28

- 1 k. Use of design features that Defendants knew or should have known would
2 interact to multiply the platforms' power to inflict harm by heightening the
3 platforms' addictive nature, increasing exposure to content that triggers
4 negative social comparison, exposing users to innately harmful content,
5 increasing time of exposure to harm, further encouraging bullying and
6 promoting conflict, and multiplying harm in other ways;
- 7 l. Use of design features that Defendants knew or should have known would
8 combine to create a user interface of endless, auto-playing, image and video
9 content, that is algorithmically sorted to place the most attention-grabbing
10 content at the top and/or in a distilled feed that is very difficult to cease
11 consuming, especially for young users. Content that is promoted by the
12 algorithm is often related to beauty, success/wealth flaunting, or lifestyles,
13 which causes negative physical or social comparison, especially among teens.
14 Defendants' algorithms also promote controversial, disturbing, negative,
15 and/or emotionally charged content causing harm to users;
- 16 m. Use of design features that Defendants knew or should have known would
17 result in presenting to users a false reality—it presents to users a world which
18 is constantly controversial and negative; most other people are exceedingly
19 more attractive than the user, and most other people are more successful and/or
20 competent than the user;
- 21 n. Failure to inspect Defendants' products for proper operation and to avoid
22 addiction, overuse, or mental health harms;
- 23 o. Failure to reasonably and properly test and properly analyze the testing of
24 Defendants' platforms under reasonably foreseeable circumstances;
- 25 p. Failure to warn consumers about the dangers associated with use of
26 Defendants' products, in that it was unsafe, causes social media addiction,
27 depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts
28

1 of self-harm, insomnia, eating disorder, anorexia nervosa, bulimia nervosa,
2 death by suicide, death by eating disorder, lack of focus, ADHD, difficulty
3 sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other
4 harmful effects;

5 q. Failure to subsequently remedy harm-causing features of the platforms after
6 Defendants had actual knowledge of harm to users;

7 r. Failure to provide any instructions regarding a safe manner, frequency, and
8 length of use of the platforms per day;

9 s. Failure of Defendants to verify the age of consumers creating accounts and
10 using Defendants' platforms;

11 t. Failure to recall Defendants' platforms; and

12 u. All other failures, acts and omissions set forth herein.

13 255. Defendants' acts and omissions constitute gross negligence because they constitute a
14 total lack of care and an extreme departure from what a reasonably careful company would do in the
15 same situation to prevent foreseeable harm to Aubreigh.

16 256. Defendants acted and/or failed to act willfully, and with conscious and reckless
17 disregard for the rights and interests of Plaintiff, and their acts and omissions had a great probability
18 of causing significant harm and in fact resulted in such harm to Aubreigh, including her ultimate
19 death by suicide.

20 257. Based on their strategic and intentional promotion, advertising, and marketing history,
21 Defendants reasonably should have foreseen that young people would try Defendants' products and
22 quickly become addicted to the platforms, resulting in teenagers and young adults developing lifelong
23 addictions. After fine-tuning the product to addict users using features that also result in serious
24 mental health and physical harms, Defendants reasonably should have foreseen the emotional distress
25 this would cause on the individuals who would get addicted, as well the stress this would place on
26 their loved ones around them.

1 258. Defendants intentionally created an attractive nuisance to children but simultaneously
2 failed to provide adequate warnings or safeguards from the harmful effects they knew were occurring.

3 259. Aubreigh Wyatt was injured as a direct and proximate result of negligence and/or
4 gross negligence as described herein. Such harm includes the injuries detailed hereinabove, including
5 her ultimate death by suicide.

6 260. Defendants' negligence and/or gross negligence were a substantial factor in causing
7 and or contributing to Aubreigh's harms.

8 261. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive
9 damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court
10 deems proper.

11 **EIGHTH CAUSE OF ACTION—AGAINST ALL DEFENDANTS**

12 **NEGLIGENT MISREPRESENTATION**

13 262. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
14 set forth fully at length herein.

15 263. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
16 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
17 principles.

18 264. At all relevant times, Defendants designed, developed, managed, operated, inspected,
19 tested (or not), marketed, advertised, promoted, disseminated, made publicly available, and/or
20 benefited from their platforms, and therefore owed a duty of reasonable care to avoid causing harm
21 to those that used it, such as Aubreigh Wyatt.

22 265. Defendants were negligent, reckless, and careless and owed a duty to Aubreigh to
23 make accurate and truthful representations regarding their platforms.

24 266. Defendants breached their duty, thereby causing Aubreigh to suffer harm.

25 267. Defendants represented to Aubreigh, and to her mother,—via the media, advertising,
26 website, social media, and promotions, among other misrepresentations described herein—that:

27 a. Defendants' products were safe and were not harmful;
28

- b. Long-term, frequent, prolonged use was harmless;
- c. Defendants' products increased social connectivity, rather than causing feelings of isolation; and
- d. An inaccurate and misleading portrayal of the platforms mental and physical health impact;

268. Defendants omitted/failed to ever inform Plaintiff or her mother, and other consumers, by any media, of the harms of their platforms. For example, according to Meta's own research:

- a. At least five-to-six percent of fourteen-year-olds admit to addiction to Meta's platforms;
- b. Sixty-six percent of teen girls and forty-six percent of teen boys have experienced negative social comparisons on Instagram;
- c. Facebook makes body-image issues worse for one-third of girls;
- d. Thirteen-and-one-half percent of teen-girl Instagram users say the platform makes thoughts of suicide and self-injury worse;
- e. Seventeen percent of teen-girl Instagram users say the platform makes eating issues worse; and
- f. Instagram users are twice as likely to develop an eating disorder as those who don't use social media.

269. Among other things, Defendants also failed to inform users that, as it knew or should have known:

- a. Engagement-based ranking and intermittent variable rewards are
 - i. highly addictive,
 - ii. promote harmful social comparison,
 - iii. promote negative, controversial, and/or emotionally activating content,
 - iv. promote negative, harmful, and/or dangerous interest groups and/or content creators,
 - v. encourage bullying and conflict,

- vi. can trap users in a cycle of viewing content that is innately harmful or in a manner that is harmful, such as content related to eating disorders, depression, or self-harm, and
- vii. present a false reality (regarding one's comparative status to their peers, and/or the general state of world or political affairs);
- b. Face tracking and augmentation (image and video filters):
 - i. inflict unrealistic and biased beauty standards upon users, and
 - ii. cause harmful social comparison based on a misleading curation of peers' appearances and success, especially among teenage female users;
- c. The platforms cause the mental and physical health harms as listed above;
- d. The likelihood of these harms and likely severity for these harms are even greater for the developing brains of minors;
- e. The likelihood and intensity of these harmful effects are exacerbated by the interaction of these features; and
- f. The likelihood and intensity of these harmful effects are increased by other features and innerworkings of the platforms which are currently publicly unknown and hidden from users and governments.

270. These representations were false and omissions were material. The platforms are unsafe and were known by Defendants to cause mental and physical health harms, especially in youth, such as social media addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other harmful effects.

271. Defendants knew or should have known these representations were false and negligently made them without regard for their truth.

1 272. Through Defendants’ incredible power as the premier social media companies (and/or
2 association with such companies), they have silenced and suppressed information, research efforts,
3 and public awareness efforts regarding the harmful health impact of their platforms.

4 273. Defendants had a duty to accurately provide this information to Heather and Aubreigh
5 Wyatt . In concealing this information from Heather and Aubreigh, Defendants breached their duty.
6 Defendants also gained financially from this concealment, and because of their breach.

7 274. Defendants intended for Heather and Aubreigh Wyatt to rely on these representations.

8 275. Each of these misrepresentations were material at the time they were made. Each of
9 the misrepresentations concerned material facts that were essential to the analysis undertaken by
10 Aubreigh as to whether to sign up for or use Defendants’ products.

11 276. Defendants have yet to disclose or correct these misrepresentations about their
12 products.

13 277. Heather and Aubreigh Wyatt reasonably relied on these representations and were
14 harmed as described herein. Heather and Aubreigh’s reliance on Defendants’ representations was a
15 substantial factor in causing Aubreigh’s harms. Had Defendants told Heather and Aubreigh the truth
16 about the safety and algorithmic framework of the platforms, Aubreigh would not have registered
17 with them or used them.

18 278. Defendants’ acts and omissions as described herein were committed in reckless
19 disregard of Heather and Aubreigh’s rights, interests, and well-being to enrich Defendants.

20 279. Aubreigh was injured as a direct and proximate result of Defendants’ negligent
21 misrepresentations regarding their platforms as described herein. Such harm includes the injuries
22 detailed hereinabove.

23 280. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive
24 damages, together with interest, costs of suit, attorneys’ fees, and all such other relief as the Court
25 deems proper.

26 **NINTH CAUSE OF ACTION—AGAINST META ONLY**

27 **FRAUD**

1 281. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
2 set forth fully at length herein.

3 282. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
4 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
5 principles.

6 283. At all relevant times, Meta designed, developed, managed, operated, inspected, tested
7 (or not), marketed, advertised, promoted, disseminated, made publicly available, and/or benefited
8 from their platforms, and therefore owed a duty of reasonable care to avoid causing harm to those
9 that used them, such as Aubreigh.

10 284. Meta’s marketing, promotions, and advertisements contained deceptive and/or
11 misleading statements, implications, images, and portrayals that the platforms were safe, improved
12 social connectivity, and improved the mental and physical health of its users. For example, Meta’s
13 investor relations page states that “Facebook’s mission is to give people the power to build
14 community and bring the world closer together. People use Facebook to stay connected with friends
15 and family, to discover what’s going on in the world, and to share and express what matters to
16 them.”⁴⁷ In actuality, Meta’s products pose a serious risk to users’ mental and physical health, which
17 Meta has long known.

18 285. Meta’s marketing, promotions and advertisements failed to disclose that the platforms,
19 by contrast, were likely to cause social media addiction, depression, body dysmorphia, anxiety,
20 suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia nervosa,
21 bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD, difficulty sleeping,
22 fatigue, headaches, migraines, loss of vision, eye strain, among other harms.

23
24
25
26 ⁴⁷ *Meta Investor Relations FAQs*, Meta, [https://investor.fb.com/resources/default.aspx#:~:text=Face
27 book%20Investor%20Relations%3F,What%20is%20Facebook’s%20mission%20statement%3F,expr
28 ess%20what%20matters%20to%20them](https://investor.fb.com/resources/default.aspx#:~:text=Facebook%20Investor%20Relations%3F,What%20is%20Facebook’s%20mission%20statement%3F,express%20what%20matters%20to%20them) (last visited Sept. 20, 2022).

1 286. The omissions were misleading and deceptive standing alone and were particularly
2 deceptive in light of Meta’s marketing, promotions and advertising of Facebook and Instagram as
3 positive for users mental and physical health.

4 287. Meta represented to Heather and Aubreigh Wyatt—via the media, internet,
5 advertising, its website, the platforms themselves, other social media, and promotions—that:

- 6 a. Facebook and Instagram were safe and were not harmful;
- 7 b. Facebook and Instagram were positive and beneficial to a users’ wellbeing,
8 improved social connectivity, and improved the mental and physical health of
9 its users;
- 10 c. Long-term, frequent, prolonged use was harmless;
- 11 d. Facebook and Instagram increased social connectivity, rather than causing
12 feelings of isolation;
- 13 e. An inaccurate and misleading portrayal of the platforms mental and physical
14 health impact; and
- 15 f. Other misrepresentations described herein.

16 288. Meta omitted/failed to ever inform Heather and Aubreigh Wyatt, and other consumers,
17 by any media, that, according to its own research:

- 18 a. At least five-to-six percent of fourteen-year-olds admit to addiction to Meta’s
19 platforms;
- 20 b. Sixty-six percent of teen girls and forty-six percent of teen boys have
21 experienced negative social comparisons on Instagram;
- 22 c. Facebook makes body-image issues worse for one-third of girls;
- 23 d. Thirteen-and-one-half percent of teen-girl Instagram users say the platform
24 makes thoughts of suicide and self-injury worse;
- 25 e. Seventeen percent of teen-girl Instagram users say the platform makes eating
26 issues worse; and

1 f. Instagram users are twice as likely to develop an eating disorder as those who
2 don't use social media.

3 289. Meta also omitted/failed to inform users that, as it knew or should have known:

4 a. Engagement-based ranking and intermittent variable rewards are:

5 i. highly addictive,

6 ii. promote harmful social comparison,

7 iii. promote negative, controversial, and/or emotionally activating content,

8 iv. promote negative, harmful, and/or dangerous interest groups and/or
9 content creators,

10 v. encourage bullying and conflict,

11 vi. can trap users in a cycle of viewing content that is innately harmful or in
12 a manner that is harmful, such as content related to eating disorders,
13 depression, or self-harm, and

14 vii. present a false reality (regarding one's comparative status to their peers,
15 and/or the general state of world or political affairs);

16 b. Face tracking and augmentation (image and video filters):

17 i. inflict unrealistic and biased beauty standards upon users, and

18 ii. cause harmful social comparison based on a misleading curation of peers'
19 appearances and success, especially among teenage female users;

20 c. The platforms cause the mental and physical health harms as listed above;

21 d. The likelihood of these harms and likely severity for these harms are even
22 greater for the developing brains of minors; and

23 e. The likelihood and intensity of these harmful effects are exacerbated by the
24 collaboration of these features.

25 290. These representations were false and material. These omissions also communicated
26 falsehoods and were material. The platforms are unsafe and were known by Meta to cause mental
27 and physical health harms, especially in youth, such as social media addiction, depression, body
28

1 dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder,
2 anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD,
3 difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other harmful
4 effects.

5 291. The above representations were communicated to Heather and Aubreigh Wyatt.

6 292. Through their incredible power as the premier social media companies (and/or
7 association with such companies), Meta has silenced and suppressed information, research efforts,
8 and public awareness efforts regarding the harmful health impact of their platforms.

9 293. Meta's conduct was fraudulent and deceptive because their misrepresentations and
10 omissions had the capacity to, were likely to, and, in fact, did deceive reasonable consumers including
11 Heather and Aubreigh. Reasonable consumers, including Heather and Aubreigh, would have found
12 it material to their purchasing decisions that the platforms' products posed unreasonable risks of
13 substantial mental and bodily injury, including addiction resulting from the use of the products.
14 Knowledge of these facts would have been a substantial factor in Plaintiff's decisions to purchase
15 and consume Facebook and Instagram.

16 294. Meta owed Heather and Aubreigh a duty to disclose these facts because they were
17 known and/or accessible exclusively to Meta, who have had exclusive and superior knowledge of the
18 facts; because the facts would be material to reasonable consumers; because the platforms pose an
19 unreasonable risk of substantial mental and bodily injury; and because the platforms made partial
20 representations concerning the same subject matter as the omitted facts.

21 295. Heather and Aubreigh reasonably and justifiably relied on the misrepresentations
22 and/or omissions. Reasonable consumers would have been expected to have relied on the platforms'
23 misrepresentations and omissions.

24 296. Meta knew or should have known that its misrepresentations and/or omissions were
25 false and misleading, and intended for consumers to rely on such misrepresentations and omissions.

1 297. Meta’s misrepresentations and/or omissions were a substantial factor in causing
2 Aubreigh’s harms, including her ultimate death by suicide. Aubreigh was injured as a direct and
3 proximate result of Meta’s fraudulent conduct as described herein.

4 298. Plaintiff demands judgment against Meta for compensatory, treble, and punitive
5 damages, together with interest, costs of suit, attorneys’ fees, and all such other relief as the Court
6 deems proper.

7 **TENTH CAUSE OF ACTION—AGAINST META ONLY**

8 **FRAUDULENT CONCEALMENT**

9 299. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
10 set forth fully at length herein.

11 300. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
12 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
13 principles.

14 301. At all relevant times, Meta designed, developed, managed, operated, inspected, tested
15 (or not), marketed, advertised, promoted, disseminated, made publicly available, and/or benefited
16 from Facebook and Instagram and therefore owed a duty of reasonable care to avoid causing harm to
17 those that used it, such as Aubreigh.

18 302. Meta had a duty to disclose material facts about Facebook and Instagram to Aubreigh
19 Wyatt.

20 303. Meta fraudulently and deceptively marketed Facebook and Instagram to Aubreigh as
21 safe, healthful, or not harmful, and beneficial to user mental health and social connectedness when
22 Meta knew that the truth is just the opposite.

23 304. Meta fraudulently and deceptively downplayed or minimized any risk associated with
24 its platforms and product features. Meta and others worked together to pitch news stories or other
25 media content designed to downplay the risks of its platforms, suggesting that any concern was
26 overblown, or a panic. These tactics mimic those used by the tobacco industry to sow seeds of doubt
27
28

1 and confusion among the public, to initiate new users, to keep customers using Facebook and
2 Instagram, and to avoid regulation or legislative efforts to control Meta.

3 305. Through their incredible power as the premier social media companies (and/or
4 association with such companies), Meta has silenced and suppressed information, research efforts,
5 and public awareness efforts regarding the harmful health impact of their platforms.

6 306. Meta fraudulently and deceptively concealed that Facebook and Instagram can cause
7 social media addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts
8 of self-harm, insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by suicide, death
9 by eating disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of
10 vision, eye strain, among other harms.

11 307. Meta fraudulently and deceptively concealed they had not adequately researched or
12 tested the platforms and its features to assess its safety before offering it on the market and promoting
13 it to young people and adults.

14 308. Meta fraudulently and deceptively concealed that the platforms were powerfully
15 addictive.

16 309. Meta further failed to disclose to Aubreigh, or her mother, that the platforms are
17 designed to create and sustain an addiction. Meta also manipulated the platforms algorithms and
18 features in ways that could and would impact their addictiveness and mental health impact, and Meta
19 did so without notifying Aubreigh. Meta actively concealed the innerworkings of its platforms and
20 their mental health impacts.

21 310. Meta concealed from Aubreigh, and her mother, that, according to its own research:

- 22 a. At least five-to-six percent of fourteen-year-olds admit to addiction to Meta's
23 platforms;
- 24 b. Sixty-six percent of teen girls and forty-six percent of teen boys have
25 experienced negative social comparisons on Instagram;
- 26 c. Facebook makes body-image issues worse for one-third of girls;

- 1 d. Thirteen-and-one-half percent of teen-girl Instagram users say the platform
2 makes thoughts of suicide and self-injury worse;
- 3 e. Seventeen percent of teen-girl Instagram users say the platform makes eating
4 issues worse; and
- 5 f. Instagram users are twice as likely to develop an eating disorder as those who
6 don't use social media.
- 7 311. Meta also concealed from Aubreigh, and her mother, that:
- 8 a. Engagement-based ranking and intermittent variable rewards are:
- 9 i. highly addictive,
- 10 ii. promote harmful social comparison,
- 11 iii. promote negative, controversial, and/or emotionally activating content,
- 12 iv. promote negative, harmful, and/or dangerous interest groups and/or
13 content creators,
- 14 v. encourage bullying and conflict,
- 15 vi. can trap users in a cycle of viewing content that is innately harmful or in
16 a manner that is harmful, such as content related to eating disorders,
17 depression, or self-harm, and
- 18 vii. present a false reality (regarding one's comparative status to their peers,
19 and/or the general state of world or political affairs);
- 20 b. Face tracking and augmentation (image and video filters):
- 21 i. inflict unrealistic and biased beauty standards upon users, and
- 22 ii. cause harmful social comparison based on a misleading curation of peers'
23 appearances and success, especially among teenage female users;
- 24 c. The platforms cause the mental and physical health harms as listed above;
- 25 d. The likelihood of these harms and likely severity for these harms are even
26 greater for the developing brains of minors;
- 27
28

- 1 e. The likelihood and intensity of these harmful effects are exacerbated by the
2 collaboration of these features; and
- 3 f. The likelihood and intensity of these harmful effects are increased by other
4 features and innerworkings of the platforms which are currently publicly
5 unknown and hidden from users and governments.

6 312. Each of these misrepresentations and omissions were material at the time they were
7 made. Each of the misrepresentations and omissions concerned material facts that were essential to
8 the analysis undertaken by Aubreigh as to whether to register or use the platforms.

9 313. Aubreigh did not know of the facts that Meta concealed.

10 314. Meta intended to deceive Aubreigh and the public by concealing these facts.

11 315. Meta had a duty to accurately provide this information to Aubreigh and her mother. In
12 concealing this information from Aubreigh, Meta breached their duty. Meta also gained financially
13 from this concealment, and because of their breach.

14 316. Meta had ample opportunities to disclose these facts to Aubreigh, through advertising,
15 on its websites, platforms, and on other social media. Meta concealed material information at all
16 relevant times, through today. Meta has yet to disclose the truth about Facebook and Instagram.

17 317. Plaintiff relied to her detriment on Meta's fraudulent omissions. Had Aubreigh been
18 adequately informed of the material facts concealed from her regarding the safety of the platforms,
19 and not intentionally deceived by Meta, she would not have signed up for or used Facebook and
20 Instagram.

21 318. Meta's fraudulent concealment was a substantial factor in Aubreigh's harms as
22 described herein, including the injuries detailed hereinabove and her ultimate death by suicide.

23 319. Aubreigh was injured as a direct and proximate result of Meta's fraudulent conduct as
24 described herein.

25 320. Plaintiff demands judgment against Meta for compensatory, treble, and punitive
26 damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court
27 deems proper.

1 **ELEVENTH CAUSE OF ACTION—AGAINST META ONLY**

2 **CONSPIRACY TO COMMIT FRAUD**

3 321. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
4 set forth fully at length herein.

5 322. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
6 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
7 principles.

8 323. Meta entered into an agreement to advance their financial interests by injuring
9 Aubreigh Wyatt. Specifically, Meta worked in concert to maintain and maximize the number of users
10 addicted to Facebook and Instagram to ensure a steady and growing customer base.

11 324. Meta sought to accomplish this objective by: (1) designing products that were intended
12 to addict users to dopamine-triggering stimuli on its electronic platforms (similar to electronic
13 gambling platforms); (2) marketing, advertising, promoting and misbranding that platform to
14 consumers, including the vulnerable youth market; and (3) defrauding regulators and the public to
15 advance their interests.

16 325. Aubreigh's addiction to the platforms was a primary object of the Conspiracy. Meta
17 orchestrated efforts with a unity of purpose to addict this generation of teenagers and young adults,
18 including Aubreigh, to its platforms by way of unlawful conduct in marketing, promoting,
19 manufacturing, designing, and disseminating Facebook and Instagram that substantially contributed
20 to Aubreigh's injuries as alleged herein.

21 326. Meta further conspired with one another by setting out to entice and lure new users of
22 the platforms as a wrongful, unlawful, and tortious means to make a profit.

23 327. Meta's conspiracy involved:

- 24 a. Developing social media platforms to be as addictive as possible, regardless
25 of mental and physical health impacts;
- 26 b. Suppressing internal and external efforts to research the harmful effects of
27 those platforms;

- 1 c. Suppressing internal and external efforts to inform consumers of the harmful
2 effects of those platforms;
- 3 d. Making knowingly false and misleading representations and omissions to
4 government organizations, personnel, legislators, and regulators, including at
5 congressional hearings; and
- 6 e. Engaging in lobbying efforts and political donations to discourage office
7 holders from performing oversight of its platforms.

8 328. Meta's conduct violated state law and constituted a conspiracy to harm Aubreigh.
9 Plaintiff brings a cause of action for conspiracy to commit fraud under applicable state statutory and
10 common law.

11 329. Meta's conspiracy to commit fraud was a substantial factor in causing Aubreigh's
12 harms, including her ultimate death by suicide. Aubreigh was injured, as described herein, as a direct
13 and proximate result of Meta's unlawful conspiracy as described herein.

14 330. Plaintiff demands judgment against Meta for compensatory, treble, and punitive
15 damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court
16 deems proper.

17 **TWELFTH CAUSE OF ACTION—AGAINST ALL DEFENDANTS**

18 **UNJUST ENRICHMENT**

19 331. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
20 set forth fully at length herein.

21 332. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
22 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
23 principles.

24 333. At all relevant times, Defendants designed, developed, managed, operated, inspected,
25 tested (or not), marketed, advertised, promoted, disseminated, made publicly available, and/or
26 benefited from their platforms, and therefore owed a duty of reasonable care to avoid causing harm
27 to those that used them, such as Aubreigh Wyatt.

1 334. Defendants concealed from Aubreigh, and her mother, the harms of using their
2 products. For example, Meta concealed that, according to its own research:

- 3 a. At least five-to-six percent of fourteen-year-olds admit to addiction to Meta's
4 platforms;
- 5 b. Sixty-six percent of teen girls and forty-six percent of teen boys have
6 experienced negative social comparisons on Instagram;
- 7 c. Facebook makes body-image issues worse for one-third of girls;
- 8 d. Thirteen-and-one-half percent of teen-girl Instagram users say the platform
9 makes thoughts of suicide and self-injury worse;
- 10 e. Seventeen percent of teen-girl Instagram users say the platform makes eating
11 issues worse; and
- 12 f. Instagram users are twice as likely to develop an eating disorder as those who
13 don't use social media.

14 335. Defendants also concealed from Aubreigh, and her mother, that:

- 15 a. Engagement-based ranking and intermittent variable rewards are:
 - 16 i. highly addictive,
 - 17 ii. promote harmful social comparison,
 - 18 iii. promote negative, controversial, and/or emotionally activating content,
 - 19 iv. promote negative, harmful, and/or dangerous interest groups and/or
20 content creators,
 - 21 v. encourage bullying and conflict,
 - 22 vi. can trap users in a cycle of viewing content that is innately harmful or in
23 a manner that is harmful, such as content related to eating disorders,
24 depression, or self-harm, and
 - 25 vii. present a false reality (regarding one's comparative status to their peers,
26 and/or the general state of world or political affairs);
- 27 b. Face tracking and augmentation (image and video filters):

- 1 i. inflict unrealistic and biased beauty standards upon users, and
2 ii. cause harmful social comparison based on a misleading curation of peers’
3 appearances and success, especially among teenage female users;
4 c. The platforms cause the mental and physical health harms as listed above;
5 d. The likelihood of these harms and likely severity for these harms are even
6 greater for the developing brains of minors;
7 e. The likelihood and intensity of these harmful effects are exacerbated by the
8 interaction of these features; and
9 f. The likelihood and intensity of these harmful effects are increased by other
10 features and innerworkings of the platforms which are currently publicly
11 unknown and hidden from users and governments.

12 336. Defendants received a measurable benefit at the expense of Aubreigh in the form of
13 ad revenue and other revenue derived from consumers’ use of Defendants’ platforms.

14 337. Defendants appreciated, recognized, and chose to accept the monetary benefits
15 Aubreigh’s registration and use of the platforms conferred onto Defendants at Aubreigh’s detriment.
16 These benefits were the expected result of Defendants acting in their pecuniary interests at the
17 expense of its users.

18 338. The harm causing features listed above were the same platform components that
19 increased Defendants’ revenue—addiction and overuse of the platforms directly creates increased ad
20 revenue for the company. The benefit to Defendants came directly at the expense of Aubreigh’s time,
21 mental wellness, physical health, and ultimately her life.

22 339. There is no justification for Defendants’ enrichment. It would be inequitable,
23 unconscionable, and unjust for Defendants to be permitted to retain these benefits because the benefits
24 were procured because of their wrongful conduct.

25 340. Defendants wrongfully obfuscated the harm caused by their conduct. Thus, Aubreigh,
26 who mistakenly enriched Defendants by relying on Defendants’ fraudulent representations, could not
27 and did not know the effect that using Defendants’ products would have on her health.

28

1 341. Plaintiff is entitled to restitution of the benefits Defendants unjustly retained and/or
2 any amounts necessary to return Plaintiff to the position she occupied prior to dealing with
3 Defendants. Due to the sprawling, decades-long concern about the impacts of technology and the
4 internet on mental and physical health, and litigation commonly following injuries afflicted using the
5 internet, and other notice they have received because of lawsuits filed against them, Defendants are
6 reasonably notified that Plaintiff would expect compensation from Defendants' unjust enrichment
7 stemming from their wrongful actions.

8 342. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive
9 damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court
10 deems proper.

11 **THIRTEENTH CAUSE OF ACTION—AGAINST ALL DEFENDANTS**

12 **VIOLATION OF UNFAIR TRADE**

13 **PRACTICES/CONSUMER PROTECTION LAWS**

14 343. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
15 set forth fully at length herein.

16 344. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
17 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
18 principles.

19 345. At all relevant times, Defendants designed, developed, managed, operated, inspected,
20 tested (or not), marketed, advertised, promoted, disseminated, made publicly available, and/or
21 benefited from Defendants' products and therefore owed a duty of reasonable care to avoid causing
22 harm to those that used it, such as Aubreigh Wyatt.

23 346. Plaintiff herein brings a cause of action for consumer fraud and/or unfair and deceptive
24 trade practices and/or unfair business practices under applicable state law.

25 347. Defendants are on notice that such claims may be asserted by Plaintiff.

26 348. Aubreigh registered for and used Defendants' products and suffered injuries because
27 of Defendants' actions in violation of these consumer protection laws.
28

1 349. Had Defendants not engaged in the deceptive conduct described herein, Aubreigh
2 would not have registered for or used Defendants' products resulting in the injuries as alleged herein.

3 350. Fraudulent, unfair, and/or deceptive practices that violate consumer protection laws
4 include, but are not limited to, the following:

- 5 a. Representing that goods or services have approval, characteristics, uses, or
6 benefits that they do not have;
- 7 b. Advertising goods or service with the intent not to sell them as advertised;
- 8 c. Engaging in fraudulent or deceptive conduct that creates a likelihood of
9 confusion;
- 10 d. Engaging in fraudulent or deceptive conduct that causes actual confusion or
11 misunderstanding as to the approval of certain goods; and
- 12 e. Many other fraudulent, unfair, and/or deceptive as stated elsewhere in this
13 complaint.

14 351. Aubreigh was injured by Defendants' unlawful conduct, which was furthered through
15 a pervasive pattern of false and misleading statements and omissions by targeting minors and
16 portraying Defendants' products as harmless and beneficial, while misrepresenting or omitting
17 concerns about their mental and physical health impact, addictiveness, and safety.

18 352. Defendants have a duty to refrain from fraudulent, unfair, and deceptive acts or trade
19 practices in the design, development, manufacture, promotion, and sale of their products. Defendants'
20 deceptive, unconscionable, unfair and/or fraudulent representations and material omissions to
21 Aubreigh constituted consumer fraud and/or unfair and deceptive acts and trade practices in violation
22 of consumer protection law.

23 353. Defendants are the suppliers, distributors, programmers, manufacturers (developers),
24 advertisers, marketers, promoters and sellers (disseminators) of their platforms, who are subject to
25 liability under such legislation for fraudulent, unfair, deceptive, and unconscionable consumer
26 practices. The actions and omissions of Defendants are uncured or incurable and Defendants were
27 aware of the same well in advance of this filing and failed to take any action to cure their actions or
28

1 omissions.

2 354. Aubreigh and her mother justifiably relied to their detriment on Defendants'
3 misrepresentations and omissions in deciding to use Defendants' platforms.

4 355. By reason of the fraudulent and unlawful acts engaged in by Defendants, and as a
5 direct and proximate result thereof, Plaintiff has sustained economic losses and other damages and is
6 entitled to statutory and compensatory damages in an amount to be proven at trial.

7 356. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive
8 damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court
9 deems proper.

10 **FOURTEENTH CAUSE OF ACTION—AGAINST ALL DEFENDANTS**

11 **BREACH OF EXPRESS WARRANTY**

12 357. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
13 set forth fully at length herein.

14 358. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
15 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
16 principles.

17 359. At all relevant times, Defendants designed, developed, managed, operated, inspected,
18 tested (or not), marketed, advertised, promoted, disseminated, made publicly available, and/or
19 benefited from Defendants' platforms, and therefore owed a duty of reasonable care to avoid causing
20 harm to those that used them, such as Aubreigh Wyatt.

21 360. Defendants violated state law for breach of express warranties, and Plaintiff herein
22 brings a cause of action for breach of express warranty under applicable State common law.

23 361. Upon information and belief, Defendants expressly warranted through public
24 statements, press releases, advertisements, marketing materials, sign-up notices, clickwrap (and/or
25 browsewrap or scrollwrap), and descriptions that the Defendants' platforms were safe for their
26 intended use and that they were safe for youth to use.

27 362. Upon information and belief, Defendants expressly warranted to consumers, like
28

1 Aubreigh, through written or electronic statements, descriptions, and affirmations of fact on its
2 websites, advertising, and marketing materials that Defendants' products would improve users'
3 mental health, sense of community, and emotional connectedness with others.

4 363. These affirmations of fact became the basis of the bargain between Defendants and
5 Aubreigh Wyatt, thereby creating express warranties that Defendants' products would conform to
6 Defendants' affirmations of fact, representations, promises, and descriptions.

7 364. As described herein, the platforms actually use features that cause social media
8 addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm,
9 insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by suicide, death by eating
10 disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye
11 strain, among other harms, which may cause or contribute to additional disease.

12 365. These express communications contained misrepresentations and failed to warn of the
13 serious and known risks of Defendants' products as alleged herein.

14 366. When Defendants made these express warranties, they knew the intended purposes of
15 their platforms and warranted the products to be, in all respects, safe and proper for such purposes.

16 367. Defendants authored the documents and/or made the statements upon which these
17 warranty claims were based and, in doing so, defined the terms of those warranties. Defendants'
18 platforms did not conform to Defendants' promises, descriptions, or affirmations and were not
19 adequately designed, developed, tested, promoted and/or fit for the ordinary purposes for which they
20 were intended.

21 368. All of the aforementioned written or electronic materials are known to Defendants and
22 in their possession, and it is Plaintiff's belief that these materials shall be produced by Defendants
23 and made part of the record once discovery is completed.

24 369. Defendants' breach of these express warranties were a substantial factor in causing
25 Aubreigh's harms.

26 370. As a direct and proximate result of Defendants' breach of these warranties, Aubreigh
27 suffered serious injuries and/or sequelae thereto as alleged herein.

28

1 371. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive
2 damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court
3 deems proper.

4 **FIFTEENTH CAUSE OF ACTION—AGAINST ALL DEFENDANTS**
5 **BREACH OF AN IMPLIED WARRANTY OF MERCHANTABILITY**

6 372. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
7 set forth fully at length herein.

8 373. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
9 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
10 principles.

11 374. At all relevant times, Defendants designed, developed, managed, operated, inspected,
12 tested (or not), marketed, advertised, promoted, disseminated, made publicly available, and/or
13 benefited from their platforms, and therefore owed a duty of reasonable care to avoid causing harm
14 to those that used them, such as Aubreigh Wyatt.

15 375. Defendants at all times were merchants with respect to the platforms provided to
16 Plaintiff and were in the business of programming, developing, disseminating, and operating such
17 products.

18 376. Each platform Defendants provided comes with an implied warranty that it will be
19 merchantable and fit for the ordinary purpose for which it would be used.

20 377. The ordinary intended purposes of the platforms—and the purpose for which they are
21 marketed, promoted, and made available—is to serve as safe social media platforms and allow users
22 to connect with friends, create new and palatable association with strangers, and groups online.

23 378. The platforms are not fit for that use—or any other use—because they pose significant
24 risks of substantial mental and physical injury resulting from the use of the products. When used as
25 intended or reasonably foreseeable, Defendants' products adversely impact, worsen, or aggravate
26 users' mental health.

27 379. Due to these and other features, the platforms are not fit for their ordinary, intended
28

1 use and Defendants' products are in fact defective and fail to conform to the platforms implied
2 warranties.

3 380. Defendants have unlawfully breached the platforms implied warranty of
4 merchantability because their platforms were not in merchantable condition when made available,
5 were defective when made available, and do not possess even the most basic degree of fitness for
6 ordinary use.

7 381. Despite having received notice of these defects, Defendants continue to misrepresent
8 the nature of its products and breach its implied warranties.

9 382. Aubreigh Wyatt had sufficient direct dealings with the platforms Defendants via their
10 websites, apps, platforms, or through retailers acting as agents authorized to distribute Defendants'
11 products (e.g., Apple/the "App Store") to establish privity between the platforms.

12 383. Further, Aubreigh was a third-party beneficiary of the platforms' agreements with
13 other entities for the distribution of Defendants' products to consumers. Specifically, Abureigh was
14 the intended beneficiary of the platforms' implied warranties. The platforms' products are
15 manufactured with the express purpose and intent of being made accessible to consumers.

16 384. Aubreigh would not have used Defendants' products, or would not have registered or
17 used on the same terms, had she known the facts these Defendants failed to disclose.

18 385. Defendants' breach of these warranties were a substantial factor in causing Aubreigh's
19 harms.

20 386. Aubreigh was injured as a direct and proximate result of Defendants' breach of
21 implied warranties of merchantability. Aubreigh was harmed by Defendants' failure to deliver
22 merchantable products in the form of addiction and other negative health consequences.

23 387. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive
24 damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court
25 deems proper.

26 **SIXTEENTH CAUSE OF ACTION—AGAINST ALL DEFENDANTS**

27 **FITNESS FOR A PARTICULAR PURPOSE**

1 388. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
2 set forth fully at length herein.

3 389. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
4 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
5 principles.

6 390. At all relevant times, Defendants designed, developed, managed, operated, inspected,
7 tested (or not), marketed, advertised, promoted, disseminated, made publicly available, and/or
8 benefited from their platforms, and therefore owed a duty of reasonable care to avoid causing harm
9 to those that used them, such as Aubreigh Wyatt.

10 391. Defendants violated state law for breach of implied warranties and Plaintiff herein will
11 bring a cause of action for breach of implied warranty of fitness for a particular purpose under
12 applicable State common law.

13 392. Aubreigh Wyatt intended to use Defendants' products as safe social media platforms
14 and to improve her mental health, sense of community, and emotional connectedness with others.

15 393. Defendants knew at that time of account registration, and/or had reason to know, the
16 particular purpose for which the products were required by Aubreigh—as evidenced by Defendants'
17 written and/or electronic statements, descriptions, and affirmations of fact on its websites, print or
18 electronic advertising, marketing materials, sign-up notices, and clickwrap (and/or browsewrap or
19 scrollwrap)—that Defendants' products would improve users' mental health, sense of community,
20 and emotional connectedness with others.

21 394. Defendants knew at that time of account registration, and/or had reason to know, that
22 Aubreigh was relying on Defendants' skill or judgment to select or furnish suitable social media
23 platforms.

24 395. Defendants did not effectively exclude or modify this implied warranty at any point
25 during users' registration and interface with the platforms.

26 396. As described herein, Defendants breached this implied warranty because the platforms
27 use features that cause social media addiction, depression, body dysmorphia, anxiety, suicidal
28

1 ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia nervosa, bulimia
2 nervosa, death by suicide, death by eating disorder, lack of focus, ADHD, difficulty sleeping, fatigue,
3 headaches, migraines, loss of vision, eye strain, among other harms, which may cause or contribute
4 to additional disease.

5 397. Defendants knew Aubreigh's intended purposes for their platforms and impliedly
6 warranted the products to be, in all respects, safe and proper for such purposes.

7 398. Defendants authored the documents and/or made the statements upon which these
8 warranty claims were based and, in doing so, defined the terms of those warranties. Defendants'
9 products did not conform to Defendants' promises, descriptions or affirmations and were not
10 adequately designed, developed, tested, promoted and/or fit for the particular purposes for which they
11 were intended.

12 399. All of the aforementioned written or electronic materials are known to Defendants and
13 in their possession, and it is Plaintiff's belief that these materials shall be produced by Defendants
14 and made part of the record once discovery is completed.

15 400. Defendants' breach of these implied warranties were a substantial factor in causing
16 Aubreigh's harms.

17 401. As a direct and proximate result of Defendants' breach of these warranties, Aubreigh
18 suffered serious injuries and/or sequelae thereto as alleged herein.

19 402. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive
20 damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court
21 deems proper.

22 **SEVENTEENTH CAUSE OF ACTION—AGAINST ALL DEFENDANTS**

23 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

24 403. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
25 set forth fully at length herein.

1 404. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
2 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
3 principles.

4 405. At all relevant times, Defendants designed, developed, managed, operated, inspected,
5 tested (or not), marketed, advertised, promoted, disseminated, made publicly available, and/or
6 benefited from their platforms, and therefore owed a duty of reasonable care to avoid causing harm
7 to those that used them, such as Aubreigh Wyatt.

8 406. Defendants knew, or should have known through the exercise of reasonable care, the
9 risks to consumers posed by the platforms and their features.

10 407. Defendants knew, or should have known through the exercise of reasonable care, that
11 minors and young people would be attracted to these products.

12 408. Defendants knew or, by the exercise of reasonable care, should have known use of
13 Defendants' products was harmful and had the potential to cause severe emotional distress when used
14 by Aubreigh in a reasonably foreseeable manner, particularly with minors and young adults.

15 409. Defendants knew or, by the exercise of reasonable care, should have known ordinary
16 consumers such as Aubreigh would not have realized the potential risks and dangers of Defendants'
17 products. Defendants' platforms are fine-tuned to addict users, and forcefully cause physical and
18 mental health harms.

19 410. Defendants knew or, by the exercise of reasonable care, should have known that their
20 platforms posed risks including the risks of social media addiction, depression, body dysmorphia,
21 anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia
22 nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD, difficulty
23 sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other harmful effects, as
24 described herein, that were known and knowable in light of scientific and medical knowledge that
25 was generally accepted in the scientific community at the time of development, dissemination, public
26 release, and operation of the platforms.

1 411. Defendants knew or should have known that their platforms needed to be researched,
2 designed, manufactured, coded, assembled, inspected, tested, marketed, advertised, promoted,
3 supplied, disseminated, and/or made available properly, without defects and with due care to avoid
4 needlessly causing harm.

5 412. Defendants knew or should have known that Defendants' products could cause serious
6 harm, including severe emotional distress, particularly to young persons and minors.

7 413. Defendants knew or should have known that many of the youth who were encouraged
8 to use the platforms had preexisting mental health issues and/or eating disorders who were at
9 enhanced risk of harm by utilizing the misleadingly described platforms, which misrepresented the
10 mental health effects of the platforms and failed to warn of the products' features' impacts and risks.

11 414. Defendants were negligent, reckless, and careless and failed to take the care and duty
12 owed to Aubreigh Wyatt, thereby causing Aubreigh to suffer harm, including severe emotional
13 distress.

14 415. Defendants' acts and omissions were extreme and outrageous because they constitute
15 a total lack of care, recklessness, and an extreme departure from what a reasonably careful company
16 would do in the same situation to prevent foreseeable harm and severe emotional distress to Aubreigh.

17 416. Defendants acted with conscious and reckless disregard for the rights and interests of
18 Aubreigh, and their acts and omissions were extreme and outrageous, had a great probability of
19 causing severe emotional distress, and in fact resulted in such harm to Aubreigh.

20 417. Based on their strategic and intentional promotion, advertising, and marketing history,
21 Defendants reasonably should have foreseen that young people would try Defendants' products and
22 quickly become addicted to their platforms, resulting in teenagers and young adults developing
23 lifelong addictions. Defendants were aware of the risks their platforms posed, as listed herein. After
24 fine-tuning the platforms to be addictive, attention-grabbing, and attention-holding, Defendants
25 reasonably should have foreseen the emotional distress, mental, and physical issues this would cause
26 on the individuals who would get addicted, as well the stress this would place on their loved ones
27
28

1 around them. Particularly, Defendants should have foreseen that young people would be particularly
2 susceptible to experiencing severe emotional distress.

3 418. Aubreigh was injured as a direct and proximate result of the reckless, extreme, and
4 outrageous conduct as described herein. Such harm includes the injuries detailed hereinabove.

5 419. Defendants' conduct, as described above, was intentional, reckless, wanton,
6 malicious, fraudulent, oppressive, extreme, and outrageous, and displayed an entire lack of care and
7 a conscious and depraved indifference to the consequences of their conduct—including to the health,
8 safety, and welfare of their consumers—and warrants an award of punitive damages.

9 420. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive
10 damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court
11 deems proper.

12 **EIGHTEENTH CAUSE OF ACTION—AGAINST ALL DEFENDANTS**

13 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

14 421. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
15 set forth fully at length herein.

16 422. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
17 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
18 principles.

19 423. At all relevant times, Defendants designed, developed, managed, operated, inspected,
20 tested (or not), marketed, advertised, promoted, disseminated, made publicly available, and/or
21 benefited from their platforms, and therefore owed a duty of reasonable care to avoid causing harm
22 to those that used them, such as Aubreigh Wyatt.

23 424. Defendants knew, or should have known through the exercise of reasonable care, the
24 risks to consumers posed by the platforms and their features.

25 425. Defendants knew, or should have known through the exercise of reasonable care, that
26 minors and young people would be attracted to these products.

1 426. Defendants knew or, by the exercise of reasonable care, should have known use of
2 Defendants' products was harmful and had the potential to cause severe emotional distress when used
3 by Plaintiff in a reasonably foreseeable manner, particularly with minors and young adults.

4 427. Defendants knew or, by the exercise of reasonable care, should have known ordinary
5 consumers such as Plaintiff would not have realized the potential risks and dangers of Defendants'
6 products. Defendants' products are fine-tuned to addict users, and forcefully cause physical and
7 mental health harms.

8 428. Defendants knew or, by the exercise of reasonable care, should have known that
9 Defendants' products posed risks including the risks of social media addiction, depression, body
10 dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder,
11 anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD,
12 difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other harmful
13 effects, as described herein, that were known and knowable in light of scientific and medical
14 knowledge that was generally accepted in the scientific community at the time of development,
15 dissemination, public release, and operation of the platforms.

16 429. Defendants knew or should have known that Defendants' products needed to be
17 researched, designed, manufactured, coded, assembled, inspected, tested, marketed, advertised,
18 promoted, supplied, disseminated, and/or made available properly, without defects and with due care
19 to avoid needlessly causing harm.

20 430. Defendants knew or should have known that Defendants' products could cause serious
21 risk of harm, including severe emotional distress, particularly to young persons and minors.

22 431. Defendants knew or should have known that many of the youth who were encouraged
23 to use the platforms had preexisting mental health issues and/or eating disorders who were at
24 enhanced risk of harm by utilizing the misleadingly described platforms, which misrepresented the
25 mental health effects of the platforms and failed to warn of the products' features' impacts and risks.

26 432. Defendants were negligent, reckless, and careless and failed to take the care and duty
27 owed to Aubreigh, thereby causing her to suffer harm, including severe emotional distress.

28

1 433. Defendants' acts and omissions were extreme and outrageous because they constitute
2 a total lack of care, recklessness, and an extreme departure from what a reasonably careful company
3 would do in the same situation to prevent foreseeable harm and severe emotional distress to Aubreigh.

4 434. Defendants acted with conscious and reckless disregard for the rights and interests of
5 Aubreigh, and their acts and omissions were extreme and outrageous had a great probability of
6 causing severe emotional distress and in fact resulted in such harm to Aubreigh.

7 435. Based on their strategic and intentional promotion, advertising, and marketing history,
8 Defendants reasonably should have foreseen that young people would try Defendants' products and
9 quickly become addicted to their platforms, resulting in teenagers and young adults developing
10 lifelong addictions. Defendants were aware of the risks their platforms posed, as listed herein. After
11 fine-tuning the platforms to be addictive, attention-grabbing, and attention-holding, Defendants
12 reasonably should have foreseen the emotional distress, mental, and physical issues this would cause
13 on the individuals who would get addicted, as well the stress this would place on their loved ones
14 around them. Particularly, Defendants should have foreseen that young people would be particularly
15 susceptible to experiencing severe emotional distress.

16 436. Aubreigh was injured as a direct and proximate result of the negligent, reckless,
17 extreme, and outrageous conduct as described herein. Such harm includes the injuries detailed
18 hereinabove.

19 437. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive
20 damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court
21 deems proper.

22 **NINETEENTH CAUSE OF ACTION—AGAINST ALL DEFENDANTS**

23 **NEGLIGENT FAILURE TO RECALL/RETROFIT**

24 438. Plaintiff incorporates by reference each preceding and succeeding paragraph as though
25 set forth fully at length herein.

1 439. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant
2 to all applicable product liability acts, statutes, and laws that may apply under choice-of-law
3 principles.

4 440. At all relevant times, Defendants designed, developed, managed, operated, inspected,
5 tested (or not), marketed, advertised, promoted, disseminated, made publicly available, and/or
6 benefited from their platforms, and therefore owed a duty of reasonable care to avoid causing harm
7 to those that used them, such as Aubreigh Wyatt.

8 441. Defendants knew, or should have known through the exercise of reasonable care, the
9 risks to consumers posed by the platforms and their features.

10 442. Defendants knew, or should have known through the exercise of reasonable care, that
11 minors and young people would be attracted to these products.

12 443. Defendants knew or, by the exercise of reasonable care, should have known use of
13 Defendants' products was harmful and had the potential to cause social media addiction, depression,
14 body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating
15 disorder, anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus,
16 ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other
17 harmful effects, which may cause or contribute to additional disease.

18 444. Defendants owed a duty to the users of their products, including Aubreigh, to exercise
19 reasonable care in conducting their business to properly and reasonably design, research, develop,
20 manufacture, produce, process, assemble, inspect, supply, distribute, deliver, broker, market, warn,
21 maintain, repair, modify, recall, retrofit, engineer, test, recommend, advertise, and/or make available
22 their platforms.

23 445. Defendants also owed a continuing duty to Aubreigh to remove, recall, or retrofit the
24 unsafe and/or defective platforms across the United States, including California and Mississippi).

25 446. As discussed, Defendants knew or reasonably should have known that the platforms
26 were dangerous and not safe for use (without added protective measures and/or removal of harm
27 causing features, if at all).

28

1 447. Defendants knew or, in the exercise of reasonable and ordinary care, should have
2 known that the platforms were defective and unsafe for Aubreigh Wyatt, who was a person likely to
3 use the platforms for the purpose and in the manner for which the platforms were intended to be used
4 and for purposes reasonably foreseeable to Defendants.

5 448. However, at all times, Defendants negligently breached said duties and unreasonably
6 and negligently allowed the platforms to be used by Aubreigh without proper recall or retrofit or
7 warning.

8 449. Defendants have also not made any reasonable effort to remove and/or retrofit the
9 serious safety risk posed by the platforms to consumers.

10 450. In failing to properly recall and/or retrofit Defendants' products, or even warn of the
11 serious safety risks the platforms pose to consumers and the public, Defendants have failed to act as
12 a reasonable manufacturer, designer, or distributor would under the same or similar circumstances
13 and failed to exercise reasonable care.

14 451. Aubreigh was injured as a direct and proximate result of the negligent conduct as
15 described herein. Such harm includes the injuries detailed hereinabove.

16 452. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive
17 damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court
18 deems proper.

19 **VII. TIMELINESS AND TOLLING OF STATUTES OF LIMITATIONS**

20 453. Through the exercise of reasonable diligence, Plaintiff and Decedent Aubreigh Wyatt
21 did not and could not have discovered that Defendants caused Decedent's injuries and/or sequelae
22 thereto because, at the time of these injuries and/or sequelae thereto, the cause was unknown to
23 Plaintiff or Decedent.

24 454. Plaintiff and Decedent did not suspect and had no reason to suspect Defendants'
25 platforms caused her injuries and/or sequelae thereto until less than the applicable limitations period
26 prior to the filing of this action.

1 455. In addition, Defendants’ fraudulent concealment has tolled the running of any statute
2 of limitations. Through their affirmative misrepresentations and omissions, Defendants actively
3 concealed from Plaintiff and Decedent the risks associated with the defects of Defendants’ platforms
4 and that these products caused her injuries and/or sequelae thereto. Through their ongoing affirmative
5 misrepresentations and omissions, Defendants committed tortious, and fraudulent acts that continue
6 to this day.

7 456. As a result of Defendants’ fraudulent concealment, Plaintiff and Decedent were
8 unaware and could not have reasonably known or learned through reasonable diligence that Decedent
9 had been exposed to the defects and risks alleged herein and that those defects and risks were the
10 direct and proximate result of Defendants’ acts and omissions.

11 **TWENTIETH CAUSE OF ACTION – AGAINST ALL DEFENDANTS**

12 **WRONGFUL DEATH**

13 457. Plaintiff incorporates by reference each preceding and succeeding paragraph as
14 though set forth fully at length herein.

15 458. This Cause of Action is asserted by Heather Wyatt individually and on behalf of the
16 heirs and wrongful death beneficiaries of Decedent, Aubreigh Wyatt.

17 459. As a direct and proximate cause of the conduct of each of the Defendants as outlined
18 above, Decedent suffered wrongful death, and Plaintiff seeks damages therefor, including loss of
19 financial support, loss of society and companionship, funeral expenses, estate administration
20 expenses, and any other damage arising from the wrongful death of Decedent that is available under
21 applicable law.
22

23 460. Plaintiff demands judgment against Defendants for compensatory, treble, and
24 punitive damages, together with interest, costs of suit, attorneys’ fees, and all such other relief as the
25 Court deems proper.
26

27 **TWENTY-FIRST CAUSE OF ACTION – AGAINST ALL DEFENDANTS**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

461. Plaintiff incorporates by reference each preceding and succeeding paragraph as

462. This Cause of Action is asserted by Plaintiff as successor-in-interest to Aubreigh

463. As a direct and proximate result of the conduct of each of the Defendants as outlined

464. Plaintiff demands judgment against Defendants for compensatory, treble, and

15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiff prays for judgment against Defendants to the full extent of the law, including but not

1. Entering judgment for Plaintiff and against Defendants;
2. Entering an Order that Defendants are jointly and severally liable;
3. Damages to compensate for injuries sustained by Decedent Aubreigh Wyatt as a result of use of the platforms, including, but not limited to, physical pain and suffering, mental anguish, enjoyment of life, emotional distress, expenses for hospitalizations and medical treatments, economic harm that includes, but is not limited to, lost earnings and loss of earning capacity;
4. All damages available for wrongful death;
5. Awarding actual and compensatory damages;
6. Awarding statutory damages in the maximum amount permitted by law;
7. Awarding exemplary, treble, and/or punitive damages in an amount in excess of the

1 jurisdictional limits;

2 8. Awarding reasonable attorneys' fees;

3 9. Awarding experts' fees;

4 10. Awarding costs of litigation;

5 11. Awarding pre-judgment and post-judgment interest at the lawful rate;

6 12. A trial by jury on all issues of the case;

7 13. Awarding medical monitoring costs or programs; and

8 14. Any other relief as this court may deem equitable and just, or that may be available.

9
10 DATED: March 26, 2024

11
12
13 **DAVIS & CRUMP, P.C.**

14
15 By: 

16 TREVOR B. ROCKSTAD (State Bar No. 277274)

17 **DAVIS & CRUMP, P.C.**

18 2601 14th Street

19 Gulfport, MS 39501

20 Telephone: (228) 863-6000

21 Facsimile: (228) 864-0907

22 trevor.rockstad@daviscrump.com

23 Attorneys for Plaintiff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all causes of action to the full extent permitted by law.

DATED: March 26, 2024

DAVIS & CRUMP, P.C.

By: 

TREVOR B. ROCKSTAD (State Bar No. 277274)

DAVIS & CRUMP, P.C.

2601 14th Street

Gulfport, MS 39501

Telephone: (228) 863-6000

Facsimile: (228) 864-0907

trevor.rockstad@daviscrump.com

Attorneys for Plaintiff

EXHIBIT A

STATE OF MISSISSIPPI
COUNTY OF HARRISON

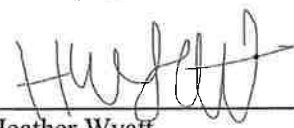
Declaration of Heather Wyatt, Successor-In-Interest Pursuant to CCP §377.32

I, Heather Wyatt, declare:

1. I am over the age of 18 years and I am the surviving mother of the decedent, Aubreigh Wyatt.
2. I make this declaration pursuant to the Code of Civil Procedure Section §377.32 to allow me to commence any and all actions related to the decedent's use of Defendants' social media apps which survive her death.
3. The name of the decedent is Aubreigh Wyatt.
4. The decedent died in Ocean Springs, Mississippi, on September 4, 2023.
5. No proceeding is now pending in California or anywhere else for the administration of the decedent's estate.
6. Decedent died intestate, leaving no will or trust at the time of her death.
7. I am the decedent's successor-in-interest (as defined in §377.32 of the California Code of Civil Procedure) and succeed to the decedent's interest in this action.
8. No other person has a superior right to commence or maintain this action.
9. A copy of the decedent's death certificate is attached.

I declare under penalty of perjury under the laws of the States of California and Mississippi, that the foregoing is true and correct.

Executed on 3/26/24 in Gulfport, Mississippi.



Heather Wyatt

Sworn to and subscribed before me this 26TH day of MARCH, 2024.



NOTARY PUBLIC

My Commission Expires:

★ STATE OF MISSISSIPPI ★
JULIE CULLUM, NOTARY PUBLIC
HARRISON COUNTY
MY COMMISSION EXPIRES APRIL 10, 2027
COMMISSION NUMBER 98775