

Laura Marquez-Garrett, SBN 221542  
[laura@socialmediavictims.org](mailto:laura@socialmediavictims.org)  
SOCIAL MEDIA VICTIMS LAW CENTER  
1390 Market St, Suite 200  
San Francisco, CA 94102  
Ph: 206-294-1348

Attorney For Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

BRANDY ROBERTS and TONEY  
ROBERTS, individually, and BRANDY  
ROBERTS, as the Personal  
Representative of the Estate of Englyn  
Roberts,

Plaintiff,

v.

META PLATFORMS, INC., formerly  
known as FACEBOOK, INC.; SNAP,  
INC.; TIKTOK, INC.; and  
BYTEDANCE, INC.,

Defendants.

CIVIL ACTION NO.

COMPLAINT FOR WRONGFUL  
DEATH AND SURVIVORSHIP

JURY DEMAND

“In these digital public spaces, which are privately owned and tend to be run for profit, there can be tension between what’s best for the technology company and what’s best for the individual user or for society. Business models are often built around maximizing user engagement as opposed to safeguarding users’ health and ensuring that users engage with one another in safe and healthy ways. . . .”

*Protecting Youth Mental Health*, The U.S. Surgeon General’s Advisory (December 7, 2021)

1 Plaintiffs Brandy Roberts and Toney Roberts, individually, and Brandy Roberts, as  
2 the Personal Representative of the Estate of Englyn Roberts, brings this action against Meta  
3 Platforms, Inc., formerly known as Facebook, Inc. (“Meta”), doing business as Instagram  
4 (“Instagram”), Snap, Inc., doing business as Snapchat (“Snapchat”), TikTok, Inc. and  
5 ByteDance, Inc. (collectively, “TikTok”) and alleges as follows:

## 6 I. INTRODUCTION

### 7 A. Plaintiffs’ Claims

8 1. This product liability action seeks to hold Defendants’ products responsible  
9 for causing and contributing to burgeoning mental health crisis perpetrated upon the children  
10 and teenagers of the United States by Defendants and, specifically, for injuries they caused  
11 Englyn Roberts beginning in 2017, when Englyn was only 11-years-old, and her resulting  
12 wrongful death.

13 2. Injuries Englyn suffered, proximately caused by Defendants’ unreasonably  
14 dangerous and defective social media products, include but are not limited to, addiction,  
15 anxiety, depression, self-harm, suicidal ideation, and ultimately death. On August 29, 2020,  
16 after struggling with the harmful effects of Defendants’ social media products, 14-year-old  
17 Englyn tried to take her own life. On September 9, 2020, Englyn died with her parents and  
18 family beside her.

19 3. Defendants’ social media products likewise caused foreseeable harms to  
20 Plaintiffs Brandy and Toney Roberts. Brandy and Toney Roberts did not consent to  
21 Defendants distributing or otherwise providing their child with access to harmful social  
22 media products and were emotionally and financially harmed by Defendants’ addictive  
23 design and distribution and provision of harmful social media products to their minor child.

24 4. Each of Defendants’ products contains unique product features which are  
25 intended to and do encourage addiction, and unlawful content and use of said products, to  
26 the detriment of Defendants’ minor users.

27 5. These social media products create a “perfect storm” of addiction, social  
28

1 comparison, and/or exposure to incredibly harmful content and harmful product features.  
 2 Defendants program and operate their algorithms and social media products more generally  
 3 in a manner that prioritizes engagement and profits over user safety. This includes designing  
 4 and distributing inherently dangerous products that appeal to kids, and operating algorithms  
 5 and other technologies in a manner that promotes and amplifies harmful content.

6 6. Defendants also advertise their products in misleading ways, assuring parents  
 7 and the public that their products are safe and fun and that they utilize their technologies to  
 8 ensure a safe and age-appropriate experience. Nothing could be further from the truth.

9 7. Plaintiffs suffered several emotional, physical, and financial harms as a  
 10 result—all of which are a symptom of the current health crisis among American youth and,  
 11 by natural and foreseeable extension, American families, caused by certain, harmful social  
 12 media products such as the ones at issue in this case.

13 **B. Defendants Know or Should Know of the Harm Their Products Cause**

14 8. In late 2021, a Facebook whistleblower disclosed thousands of internal Meta  
 15 documents to the United States Securities Exchange Commission (the “SEC”) and Congress.  
 16 The Facebook Papers prove known dangerous designs and design defects as well as  
 17 operational decisions and calculations, and a causal relationship between use of Defendants’  
 18 various social media products in their current form and resulting addiction, anxiety,  
 19 depression, eating disorders, exploitation and grooming, and what Meta internally refers to  
 20 as “SSI” (Suicide and Self Injury). While the Facebook Papers originate from Meta, they  
 21 prove dangerous designs and design defects as well as other dangers caused by the social  
 22 media products of all Defendants. Examples of the Facebook papers include and can be  
 23 found at the following locations, to name only some examples:

24 9. The Wall Street Journal and Digital Wellbeing published several of the  
 25 Facebook Papers in November 2021,<sup>1</sup> including but not limited to,

26 a. Social Comparison: Topics, celebrities, Like counts, selfies [Jan 2021 internal  
 27

28 <sup>1</sup> <https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page/>

document reporting findings from a 9-country user survey (n=100,000) in Australia, Brazil, France, Germany, Great Britain, India, Japan, Korea, USA].

- b. Appearance-based Social Comparison on Instagram [Feb 2021 internal document reporting finding from a 10-country user survey (n=50,590) across Australia, Brazil, France, Germany, Great Britain, India, Japan, Korea, Mexico, USA].
- c. Mental Health Findings: Deep dive into the reach, intensity, Instagram impact, self-reported usage and support of mental health issues [2019 internal document reporting findings from a 6-country user survey (n=22,410) across Brazil, India, Indonesia, Japan, Turkey, USA].
- d. Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study in the US [2020 internal document reporting findings from a one-country (US) qualitative research study (n = 15 for focus groups) with young Instagram users (aged 13-21, supplemented by online diaries (n = 10) and video interviews (n = 7)].
- e. Teen Mental Health Deep Dive [2019 internal document reporting findings from a 2-country (UK and US) qualitative research study (n = 40 in-person interviews, with follow-up video calls (n = 8) with young Instagram users (aged 13-17), supplemented by online survey (n = 2,503)].
- f. Teens and Young Adults on Instagram and Facebook [2021 internal document reporting findings from a five-country study (Australia, France, Great Britain, Japan, USA) with user data].

10. Gizmodo has been publishing the Facebook Papers, several at a time, also starting in November 2021,<sup>2</sup> including but not limited to,

- a. Why We Build Feeds
- b. Is Ranking Good
- c. Big Levers Ranking Experiment
- d. [LAUNCH] Civic Ranking: Engagement-Based Worth Your Time
- e. MSI Metric Note Series
- f. The Meaningful Social Interactions Metric Revisited: Part 2
- g. The Meaningful Social Interactions Metric Revisited: Part 4
- h. The Meaningful Social Interactions Metric Revisited: Part 5
- i. Meaningful Social Interactions Useful Links
- j. MSI Documentation

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<sup>2</sup> <https://gizmodo.com/facebook-papers-how-to-read-1848702919>

- k. Evaluating MSI Metric Changes with a Comment-Level Survey
- l. Surveying The 2018 Relevance Ranking Holdout
- m. Overview of MSI + Pages and Survey Research
- n. Is Multi-Group Picker “Spammy?”
- o. Filtering Out Engagement-Bait, Bullying, and Excessive Comments From MSI Deltoid Metric
- p. [LAUNCH] Using p(anger) to Reduce the Impact Angry Reactions Have on Ranking Levers
- q. Planned MSI Metric Changes in 2020
- r. MSI Metric Changes for 2020 H1
- s. Should We Reduce the MSI Weight of Sticker Comments?
- t. Max Reshare Depth Experiment
- u. “Understand This Post’s Ranking” —How I Miss Thee!
- v. Facebook and Responsibility
- w. The Surprising Consequences to Sessions and MSI Caused by Turning Off Video Autoplay on News Feed
- x. One-Go Summary Post for Recent Goaling and Goal Metric Changes for News Feed
- y. News Feed UXR Quarterly Insights Roundup
- z. What Happens If We Delete Ranked Feed?
- aa. News Feed Research: Looking Back on H2 2020
- bb. Content from “Political” Pages in In-Feed Recommendations
- cc. Political Content in In-Feed Recommendations (IFR)
- dd. In-Feed Recommendations HPM —April 15 2021

11. These documents are all incorporated by reference into this Complaint and the sole reason they are not attached is length and file size. However, the contents of these documents and other Facebook Papers are material to Plaintiffs’ claims.

1           12. On information and belief, all Defendants have some degree of knowledge  
 2 about the harms their products cause users, particularly teen, child, and other vulnerable user  
 3 populations, and all Defendants continue to design, market, sell and operate those products  
 4 in a harmful and dangerous manner anyway and in the interest of competing with one another  
 5 and increasing already astronomical profits. Meta is simply the only one whose documents  
 6 have been disclosed; even then, only a small fraction of relevant Meta documents has been  
 7 disclosed. Plaintiffs anticipate literal truckloads of additional evidence that will support these  
 8 claims and show precisely what these social media designers and distributors have done in  
 9 the name of corporate greed.

10           13. All Defendants have actual knowledge that children under the age of 13 are  
 11 using their social media products; that Defendants' social media products are highly  
 12 addictive and harmful to a significant population of all users, but especially teens, children,  
 13 and certain protected classes (women, people of color, and low socioeconomic status  
 14 ("SES")); that certain design features that serve no functional, informational, societal, or  
 15 educational purpose (for example, "likes" and "streaks") are causing harm to users; and that  
 16 algorithms and algorithm-driven product features are dangerous and harmful by design and  
 17 as designed. Defendants knew about these harms, could have made their products safer at  
 18 minimal cost and expense, and opted to stay the course instead and to increase user  
 19 engagement and already astronomical revenue.

20           14. Despite knowledge of the dangerous and harmful characteristics of their  
 21 products, Defendants have made and continue to make calculated cost-benefit business  
 22 decisions and are consistently prioritizing their already astronomical profits over human life.

### 23       **C. The Social Media Epidemic Among Children**

24           15. On December 7, 2021, the United States Surgeon General issued an advisory  
 25 cataloging a dramatic increase in teen mental health crises including suicides, attempted  
 26 suicides, eating disorders, anxiety, depression, self-harm, and inpatient admissions. Between  
 27 2007 and 2018, for example, suicide rates among youth ages 12 to 16 in the U.S. increased  
 28

1 a staggering 146 percent. Several cities across the United States have been experiencing teen  
2 suicide rates in the range of 1 every year or other year, which is an absolute crisis for our  
3 country—the death by suicide of a child is something that should be an exception and not a  
4 rule. The incidence of serious depression and dissatisfaction with life in this age group has  
5 likewise increased dramatically, and there is no question that these harms relate in no small  
6 part to companies like Defendants.

7 16. The most significant and far-reaching change to the lives of young people in  
8 the last ten years has been the widespread adoption of social media platforms and  
9 prominently, for purposes of this lawsuit,

10 a. The Instagram product which launched in 2010 and was acquired by  
11 Facebook (now Meta) in 2012, and which is designed and distributed by  
12 Meta.

13 b. The Snapchat product which launched in 2011, and which is designed and  
14 distributed by Snap, Inc.

15 c. The TikTok product which launched in 2016, and which is designed and  
16 distributed by TikTok.

17 17. By 2014, 80 percent of high-school students said they used social media daily,  
18 and 24 percent said that they were online “almost constantly.” Moreover, there are an  
19 estimated 24.5 million teen internet users in the U.S. alone. What this means for each of these  
20 defendants is more than 15 million U.S. teens (aged 13 to 17) using their social media product  
21 on a regular basis.

22 18. Teens make up a significant percentage of all social media users and, in the  
23 United States, they also represent Defendants’ only significant opportunity for growth due  
24 to saturation of the adult market. Defendants see them as a gateway for other potential users,  
25 that is, they use U.S. teens to recruit parents and adult relatives as well as younger siblings –  
26 including pre-teen siblings Defendants are not permitted provide accounts to but to whom  
27 Defendants do provide accounts, by simply refusing to verify age and identification on the  
28

1 front end and by turning a blind eye to public comments, posted videos, and other instances  
2 where these underage users openly announce that they are underage. On information and  
3 belief, U.S. teens also are the most lucrative for Defendants when it comes to advertising  
4 revenue as well. While all reasons for this are not yet known, it is known that teens spend  
5 more time on average than other users and, further, Defendants report exponentially higher  
6 revenue per user in connection with United States users on an annual basis.

7 **D. Disparities Between Public Statements and Harm to Children**

8 19. Peer reviewed studies and available medical science have also identified a  
9 particular type of social media and electronic device use associated with major mental health  
10 injuries, including depression, self-harm, eating disorders, suicide attempts and ideation,  
11 dissatisfaction with life, depression, and sleep deprivation. Large observational studies and  
12 experimental results also point to heavy use of certain social media products as cause of  
13 increased depression, suicidal ideation, and sleep deprivation among teenagers, particularly  
14 teenage girls. Defendants have spent years publicly denying these findings—while internally  
15 confirming them.

16 20. Defendants have denied for years that their products are harmful or addictive  
17 while, in fact, Defendants' products *are* harmful and addictive, facts that the social media  
18 industry has been aware of for years. Defendants knew the truth and chose to conceal it and  
19 not disclose to the public or parents of young users, as Defendants knew that such disclosure  
20 would prevent them from further growth and development of these products and product  
21 features.

22 21. In Meta's case, for example only, the Facebook Papers include years' worth  
23 of studies and reports discussing the fact that Meta's social media products are addictive and  
24 harmful, and that use of those products can and does lead to serious mental health issues in  
25 a significant number of users, including things like anxiety, depression, eating disorders, and  
26 SSI. This includes research confirming that higher engagement (*i.e.* more sessions and/or  
27 time spent over a certain threshold) causes higher negative effect for users, and other  
28



1 hallmarks of addiction (referred to by Meta as “problematic use”). In late 2019, Meta  
2 conducted an “exploratory study” in the United States, aimed at examining “Teen Girls Body  
3 Image and Social Comparison on Instagram.”<sup>3</sup> The resulting Power Point found that use of  
4 Defendants’ social media products made certain social comparison-based harms worse for a  
5 significant percentage of teen girls. *See id.* at p. 29 (referring to its own product mechanics  
6 as “addicting” and noting that TikTok users often spend more than four hours on TikTok  
7 every day).<sup>4</sup>

8 22. Moreover, the type of harms described in the Facebook Papers relate to  
9 specific product mechanisms and product features. Defendants have designed each of their  
10 products to contain unique product features which are intended to and do encourage  
11 addiction, and unlawful content and use of said products, to the detriment of Defendants’  
12 minor users and their families.

13 23. Defendants know exactly the harms that their products are causing yet remain  
14 focused on maintaining and increasing user engagement which translates into greater profits  
15 for Defendants. On information and belief, there have been studies dating back almost a  
16 decade on related topics, which studies are not known or, in some cases, even made available  
17 to the general public; but Defendants knew or should have known about these studies as,  
18 often times, they related to the products being designed and developed by Defendants and  
19 Defendants’ scientists and/or engineers.<sup>5</sup>

20 24. Defendants also know that their recommendations and other product features,  
21 that is, features whereby Defendants promote and/or send content to users and otherwise try  
22 to connect users who, in fact, are often complete strangers, result in disproportionate harms  
23 to vulnerable users including children, teens, teen girls, and women. Yet Defendants continue  
24 to reap astronomical profits at the expense of these users.

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25  
26 <sup>3</sup> See <https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf>

27 <sup>4</sup> *Id.*

28 <sup>5</sup> See, e.g., Sept. 30, 2021, Senate Hearing Transcript, at 1:07:47 (reference to study published in National Academy of Sciences “way back in 2014.”).

25. For example, each of these Defendants has a “friend” and/or “follow” recommendation feature in their social media product. This refers to a feature whereby Defendants recommend to users other users they may “want” to friend or follow, with the intent that these users will then connect via a friend request mechanism, direct messaging, and similar product features meant to increase engagement among users. These recommendation systems serve the singular purpose of making more money for Defendants in that they are meant to keep users engaged through connections, which connections are suggested, prompted, and encouraged by Defendants. But also, which connections involve complete strangers and where Defendants’ own recommendation systems frequently make and perpetuate harmful recommendations.

26. In terms of harms to young girls,

- a. 3.5% of teen girls on Instagram say the platform makes thoughts of “Suicide and Self Injury” worse.
- b. 17% of teen girl Instagram users say the platform makes “Eating Issues” (e.g. anorexia and bulimia) worse;
- c. “We make body image issues worse for 1 in 3 teen girls.”

*See* “Mental Health Findings,” *supra*.

27. Plaintiffs do not yet have access to internal documents for all defendants, but those are not needed to infer that these defendants employ similar—equally harmful—social media features. Meta research concludes that Meta is not the only one causing harm to teens and children. *See, supra*, “Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study in the US” (March 2020) (“Instagram is seen as having the highest impact, although TikTok and Snapchat aren’t far behind”).

28. On information and belief, all Defendants are aware of algorithmic bias and know or should know that each of their products are defective in this regard.

29. Specifically, Defendants’ algorithm products also suffer from algorithmic bias, including as it relates to race. Algorithmic bias in these social media products is a a

1 dangerous, even deadly, issue for protected classes – and one that warranted immediate  
 2 disclosure once identified. Upon information and belief, Meta, Snap, and TikTok’s social  
 3 media products also are directing and promoting harmful and violent content in greater  
 4 numbers to African American users and did direct and promote harmful and violent content  
 5 in greater numbers to Englyn Roberts than what they promoted and amplified to other,  
 6 Caucasian users of similar age, gender, and state of residence – which harmful and violent  
 7 content directly contributed to Englyn Roberts’ addiction to Defendants’ social media  
 8 products and resulting death.

9 30. On information and belief, all Defendants are aware of algorithmic  
 10 discrimination and know or should know that their products are defective in this regard.

11 31. Defendants also know that their products are contributing to teen depression,  
 12 anxiety, suicidal ideation, self-harm, and even suicide. Why don’t they change these harmful  
 13 product features and stop utilizing algorithms in connection, at least, with teen accounts?  
 14 Because Defendants’ top priority is growth and competition concerns, and Defendants see  
 15 “acquiring and retaining” teens as essential to their survival. As Defendants know, teenagers  
 16 spend significantly more time on social media than adults (both total time and user  
 17 sessions—which are usage patterns linked to addiction), represent Defendants’ greatest (if  
 18 not only) growth opportunity in the US, and can be used by Defendants to recruit older and  
 19 younger family members and friends.

20 32. In TikTok’s case, TikTok internal documents show that children 14 and under  
 21 comprise half—if not more—of TikTok’s entire U.S. user base.<sup>6</sup>

22 33. Meta, Snap, and TikTok also know that they cannot expect significant growth  
 23 in the U.S. beyond the estimated four million teens that begin using the internet each year.

24 34. Meta, Snap, and TikTok also believe that teens are the best way to capture  
 25 household adults and children. Pre-teens look to their older siblings in terms of which social  
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27 <sup>6</sup> Raymond Zhong & Sheera Frenkel, *A Third of TikTok’s U.S. Users May Be 14 or Under, Raising Safety*  
 28 *Questions*, N.Y. Times, Aug. 14, 2020, available at <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ffc.html>

1 media products to use and how to use them, and often obtain guidance from them to open  
 2 their first account, while parents and grandparents are influenced by teen household members  
 3 and open accounts to participate in their child's life.

4 35. Meta, Snap, and TikTok likewise know that children under 13 are using their  
 5 products, and see these children as a tappable and valuable market, which they must capture  
 6 and use to increase revenue and ensure competitive positioning in the long-term; *see also*  
 7 <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html> (insiders  
 8 report knowledge of underage users posting and TikTok's failure to act).

9 36. Defendants go so far as to study brain and identify vulnerabilities and other  
 10 areas where they can adjust their products and approach to appeal more to the teen  
 11 demographic. For example, in December of 2021, Insider reported on an internal Meta  
 12 document titled "The Power of Identities: Why Teens and Young Adults Choose Instagram."  
 13 It is clear from this document that Meta, and its competitors, are marketing to children and  
 14 teens – including in ways meant to exploit the differences between teens and adults.

15 37. Identified among Meta's internal documents are other product features that  
 16 cause harm to teen users, which product features are relatively standard among Defendants'  
 17 products. For example, product features that enable users to like or love other user's content  
 18 results in increased addiction and social comparison harms, which Meta considered hiding  
 19 for the benefit of its users (referred to as "Project Daisy") but ultimately did not.<sup>7</sup>

20 38. Another example is Direct Message feature possessed by Defendants' social  
 21 media products, and lack of restrictions when it comes to teens and children. Defendants'  
 22 products do something no other product does: they encourage children and teens to use their  
 23 product, then they make those children and teens accessible to strangers (for example, by  
 24 permitting public profiles and/or viewing of content posted by these children and teens), then  
 25 they provide predators with a direct means of communication (Direct Messaging features)  
 26 that is both unfettered and, according to Defendants, unmonitored. In fact, Defendants  
 27

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28 <sup>7</sup> See <https://www.nytimes.com/2020/01/17/business/instagram-likes.html>

1 monitor and/or have the technology needed to detect critical harm areas, such as sexual  
2 exploitation, bullying, and even underage use.

3 39. On information and belief, Defendants are incredibly guarded when it comes  
4 to the types of data they collect, to the point where they will not even disclose certain, critical  
5 information to parents and/or police and other law enforcement upon request.

6 40. In the case of Defendant Snap, its product is even more harmful in this regard  
7 *because* of its disappearing design. The Snap product is designed in a manner that encourages  
8 and enables such abuse, which dangerous and defective design serves Snap's economic  
9 interests by increasing its user base. For example, one common pattern among predators—  
10 which Defendants know or should know about—is to find children and teens on Instagram  
11 and encourage them to open or move the discussion to Snapchat, as it is generally understood  
12 that it is easier to get away with child exploitation and abuse through Snap's disappearing  
13 message feature.

14 41. At the same time, Defendant Snap's disappearing design and marketing of  
15 that feature is particularly harmful to teens who rely on Snap's representations when taking  
16 and sending photos, only learning after the fact that recipients have means to save photos.

17 42. Defendants are aware of the harms resulting from certain of their product  
18 designs and features and are aware of product changes that would make their social media  
19 products safer for young users, and that would have made them safer for Englyn Roberts.  
20 Defendants' routinely refuse and/or disregard such safety measures, however, in the name of  
21 corporate profit and engagement. Defendants are unwilling to risk losing popularity and  
22 engagement among teen users, even if it means causing affirmative (sometimes fatal) harm  
23 to other teens and children as a result.

24 43. One example includes access features each defendant has and makes available  
25 even in the case of minors. For example, instant messaging where defendants not only  
26 proactively recommend connecting with certain users, but then knowingly provide adult  
27 users and other strangers with unfettered access to children and teens.

1           44. Defendants know that teens are more vulnerable and suffer harms from use  
2 of their social media products at higher rates than adult users. Defendants also know that  
3 teens access social media longer and more often than adults.

4           45. Advertisers are willing to pay a premium for unfettered access to child and  
5 teens users so Meta, Snap, and Tiktok, in turn, work hard to make their social media products  
6 as appealing and addictive to children and teens as possible, even though it knows that they  
7 are harmful to children and teens.

8       **E. Defendants' Focus on Profits Over Safety**

9           46. Defendants know the harmful impact their social media products have.  
10 Instead of warning users and/or re-designing their products to make them safer, however,  
11 Defendants choose enhancing profits over protecting human life.

12           47. Indeed, the problematic use identified in medical literature is precisely the  
13 type of use Defendants have designed their products to encourage through psychological  
14 manipulation techniques—sometimes referred to as persuasive design—that is well-  
15 recognized to cause all the hallmarks of clinical addiction.

16           48. Defendant Meta slowly switched its News Feed (in its Facebook and  
17 Instagram products) from maximizing time-spent to maximizing sessions, even though it  
18 knew that maximizing sessions is harmful to its users. Defendant Meta also knows that its  
19 “like” button causes harmful social comparison, and results in anxiety and depression in  
20 teens, and Meta leadership ultimately rejected recommendations to launch Project Daisy due  
21 to the risk of engagement decrease, advertising revenue loss, and similar economic reasons.  
22 Meta has repeatedly refused to protect its users from harm for fear of offending other users,  
23 decreasing teen engagement, and/or losing revenue from its advertisers as a result.

24           49. Defendant Snap has designed product features that serve no utility but that  
25 help children and predators hide harmful content from parents and authorities, and that  
26 promote illegal and dangerous behavior. It’s failure to enforce its one account rule further  
27 promotes and amplifies bullying and other unwanted interactions, making it impossible for  
28

1 victims to escape the ill effects of the Snap product. Defendant Snap also has implemented  
2 inherently addictive and dangerous product features, such as Snap Streaks and various  
3 trophies and unknown rewards systems, meant to hook teens at any cost. Likewise, it has  
4 implemented various inherently dangerous features, non-communication features over the  
5 years, such as Snap Cash and Snap Maps.

6 50. Defendant TikTok has designed and implemented inherently addictive  
7 product features, as well as technologies that go above and beyond standard algorithms  
8 utilized by many of its competitors. It knows or has reason to know (a) when underage  
9 children are utilizing its social media product, (b) that its product exposes children to  
10 unwanted interactions through direct messaging features, and (c) that features of its product  
11 addict children to its product

12 51. Ultimately, Defendants all have control over their technology and product  
13 design and how it is used and implemented. In all cases, Defendants can monitor and protect  
14 children, but in every case, Defendants have chosen instead to make their products more  
15 popular and more accessible – at the cost of the health and wellbeing of their young users.  
16 In other words, Defendants know that their products are harmful and dangerous, could make  
17 them less harmful and less dangerous, but opt instead for attracting and retaining new users  
18 (valuing profits ahead of safety).

19 52. Meta, Snap, and TikTok all represent to users and parents that they utilize  
20 technologies to keep users safe and Meta Snap, and TikTok have all developed and  
21 implemented such technologies to a limited degree. These technologies do not require  
22 content moderation, but rather, function automatically and as part of the product itself.  
23 Moreover, such identification is only made necessary because of the content Defendants'  
24 themselves are recommending. For example, if Defendants utilized their technologies – as  
25 they have told users they do and will – they would be able to stop themselves from identifying  
26 and directing young users to some of the most violent, harmful, and disturbing content.

27 53. Defendants are perfectly capable of enforcing their own Terms of Service,  
28

1 Community Standards, and other guidelines, with minimal cost. They can adjust controls in  
2 a manner that would better protect their users, especially children and teens, from certain,  
3 significant harms caused by Defendants' product features, user setting options,  
4 recommendations, and algorithmic-driven product features. Yet, Defendants repeatedly  
5 ignore these issues, choosing profits over human life. That is not a choice Defendants have  
6 the right to make.

7 54. On information and belief, Defendants Meta, Snap, and TikTok do not  
8 employ adequate safety controls in the development of their social media products and  
9 product features and, once invested in and/or launched, do not address safety issues as those  
10 become known.

11 55. This is the business model utilized by all Defendants – engagement and  
12 growth over user safety – as evidenced by the inherently dangerous design and operation of  
13 their social media products. At any point any of these Defendants could have come forward  
14 and shared this information with the public, but they knew that doing so would have given  
15 their competitors an advantage and/or would have meant wholesale changes to their products  
16 and trajectory. Defendants chose to continue causing harm and concealed the truth instead.

#### 17 **F. Overview of Claims**

18 56. Plaintiffs bring claims of strict liability based upon Defendants' defective  
19 design of their social media products that render such products not reasonably safe for  
20 ordinary consumers or minor users. It is technologically feasible to design social media  
21 products that substantially decrease both the incidence and magnitude of harm to ordinary  
22 consumers and minors arising from their foreseeable use of such products with a negligible  
23 increase in production cost.

24 57. What's the world has learned from the Facebook Papers is that Meta and its  
25 competitors in the social media space *could* provide social media products that do not  
26 promote or amplify harmful content to teens and children – these companies simply choose  
27 to not do so as that would mean not relying on harmful algorithms and fewer billions of  
28



1 dollars in revenue.

2 58. Plaintiffs also bring claims for strict liability based on Defendants' failure to  
3 provide adequate warnings to minor users and their parents of danger of mental, physical,  
4 and emotional harms and sexual abuse arising from foreseeable use of their social media  
5 products. The addictive quality of these products and their harmful algorithms are unknown  
6 to minor users and their parents.

7 59. Finally, Plaintiffs also bring claims for common law negligence arising from  
8 Defendants' unreasonably dangerous Instagram social media products and their failure to  
9 warn of such dangers. Defendants knew, or in the exercise of ordinary care should have  
10 known, that their social media products were harmful to a significant percentage of their  
11 minor users and failed to re-design their products to ameliorate these harms. Defendants also  
12 failed to warn minor users and their parents of foreseeable dangers arising out of use of their  
13 social media products.

14 60. Defendants' own former and/or current developers often do not allow their  
15 own children and teenagers to use these social media products.<sup>8</sup> For many years, Defendants  
16 have had actual knowledge that their social media products are dangerous and harmful to  
17 children but have actively concealed these facts from the public and government regulators  
18 and failed to warn parents about these known harms for continued economic gain.

19 61. Plaintiffs' claims do not arise from third party content, but rather, Defendants'  
20 product features and designs, including but not limited to algorithms and other product  
21 features that addict minor users, amplify and promote harmful social comparison,  
22 affirmatively select and promote harmful content to vulnerable users based on their  
23 individualized demographic data and social media activity, direct harmful content in great  
24 concentrations to vulnerable user groups, put minor users in contact with dangerous adult  
25 predators, enable and encourage minors to hide harmful content from their family and  
26

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27 <sup>8</sup> See, e.g., <https://www.foxnews.com/tech/former-facebook-exec-wont-let-own-kids-use-social-media-says-its-destroying-how-society-works>  
28

1 friends, encourage and facilitate exploitation and abuse of minors through marketing,  
2 recommendation and messaging features, and data policies involving the concealment and/or  
3 destruction of information necessary to the protection of minors, and otherwise prioritize  
4 engagement (and Defendants' profits) over user safety.

## 5 II. PARTIES

6 62. Plaintiffs Brandy and Toney Roberts are individuals residing in New Iberia,  
7 Louisiana, and Plaintiff Brandy Roberts is in the process of being appointed the administrator  
8 of the Estate of their daughter, Englyn Roberts, who died on September 9, 2020. Plaintiffs  
9 have not entered into any User Agreements or other contractual relationship with any of the  
10 Defendants herein in connection with Englyn Roberts' use of their social media products. As  
11 such, in prosecuting this action Plaintiffs are not bound by any arbitration, forum selection,  
12 choice of law, or class action waiver set forth in said User Agreements. Additionally,  
13 Plaintiffs expressly disaffirm all User Agreements with Defendants into which their daughter  
14 may have entered.

15 63. Defendant Meta Platforms, Inc., formerly known as Facebook, Inc., is a  
16 Delaware corporation with its principal place of business in Menlo Park, CA. Defendant  
17 Meta Platforms owns and operates the Facebook and Instagram social media platforms,  
18 application that are widely available to users throughout the United States.

19 64. Defendant Snap, Inc. is a Delaware corporation with its principal place of  
20 business in Santa Monica, CA. Defendant Snap owns and operates the Snapchat social media  
21 platform, an application that is widely marketed by Snap and available to users throughout  
22 the United States.

23 65. Defendant TikTok, Inc. is a California corporation with its principal place of  
24 business in Culver City, CA. Defendant TikTok owns and operates the TikTok social media  
25 platform, an application that is widely marketed by TikTok and available to users throughout  
26 the United States.

27 66. Defendant ByteDance Inc. is a Delaware corporation with its principal place  
28

1 of business in Mountain View, CA. Defendant ByteDance owns and/or operates TikTok,  
2 Inc., and owns and/or operates the TikTok social media platform, an application that is  
3 widely marketed by TikTok and available to users throughout the United States.

### 4 **III. JURISDICTION AND VENUE**

5 67. This Court has subject-matter jurisdiction over this case under 28 U.S.C. §  
6 1332(a) because the amount in controversy exceeds \$75,000, and Plaintiffs and Defendants  
7 are residents and citizens of different states.

8 68. This Court has personal jurisdiction over Defendants because they are  
9 each headquartered and have their principal place of business in the State of California. Venue  
10 is proper in this District under 28 U.S.C. § 1391(b)(1) because Defendants Meta and  
11 Bytedance's principal places of business are in the Northern District of California and  
12 Defendants Snap, Inc. and TikTok Inc are residents of the State of California.

### 13 **IV. DIVISIONAL ASSIGNMENT**

14 69. The case is properly assigned to the San Francisco Division pursuant to Civ.  
15 L. R. 3-2(c)–(d) because a substantial part of the events or omissions giving rise to  
16 Plaintiff's claims occurred in San Mateo County, where Defendant Meta Platforms, Inc.  
17 maintain its primary place of business.

### 18 **V. FACTUAL ALLEGATIONS**

#### 19 **A. Facebook and Instagram Background and Products**

20 70. Facebook is an American online social network service that is part of the Meta  
21 Platforms. Facebook was founded in 2004, at which time, Facebook was nothing like the  
22 product it is today. In fact, when Facebook was first founded, only students at certain colleges  
23 and universities could use the social media product – which changed by 2006, such that  
24 anyone with an email address could now use it. Facebook became the largest social network  
25 in the world, with nearly three billion users as of 2021, and about half that number were  
26 using Facebook every day. The company's headquarters is in Menlo Park, California.  
27 Facebook recently changed its name to, and is referred to herein and collectively with  
28

1 Instagram, as Meta.

2 71. Instagram is a photo sharing social media application. Its original focus was  
3 to facilitate communication through images by featuring photos taken on mobile devices.  
4 Instagram launched in October 2010 and Facebook acquired it for \$1 billion in April 2012.  
5 Once acquired, Instagram experienced exponential growth, design, and development  
6 changes. It went from 10 million monthly active users in September of 2012 to 50 million  
7 weeks after the acquisition, to more than 600 million by December of 2016, and it continues  
8 to grow. Meta instituted dozens of product changes (also known as “growth hacks”) that  
9 drove this increased engagement, but at the expense of the health and well-being of  
10 Instagram’s users—especially teens and children.

11 72. Meta’s recommendation-based feeds and product features promote harmful  
12 content. Meta’s algorithms are programmed to prioritize number of interactions and not  
13 quality of interactions. Worded otherwise, Defendants promote and amplify content based  
14 on engagement objectives and not the health and well-being of their users, which renders  
15 their social media products inherently dangerous and defective, particularly when used by  
16 teens and children.

17 73. Both the Facebook and Instagram products show users a “feed.” A user’s  
18 “feed” is comprised of a series of photos and videos posted by accounts that the user  
19 follows, along with advertising and content specifically selected and promoted by Instagram.

20 74. Meta exerts control over a user’s Instagram “feed,” including through certain  
21 ranking mechanisms, escalation loops, and/or promotion of advertising and content  
22 specifically selected and promoted by Meta based on, among other things, its ongoing  
23 planning, assessment, and prioritization of the types of information most likely to increase  
24 engagement. In the case of certain user groups, like teens, this control translates to deliberate  
25 and repeated promotion of harmful and unhealthy content, which Meta knows is causing  
26 harm to its young users.

27 75. In 2021, Senators Richard Blumenthal, Marsha Blackburn and Mike Lee  
28

1 tested and confirmed the fact that Meta's recommendation-based feeds and product features  
2 promote harmful content by having several accounts opened while providing information  
3 indicating that the users were teenage girls,

4 "Within an hour all of our recommendations promoted pro-anorexia and eating  
5 disorder content," Blumenthal said. "Nothing has changed. It's all still happening."

6 Sen. Mike Lee, R-Utah, said his office created an account for a 13 year old girl. Shortly  
7 afterward, the algorithm recommended a famous female celebrity to follow and when  
8 they did, Lee said, "It went dark fast."

9 The fake account was flooded with content about diets, plastic surgery and other  
10 damaging material for an adolescent girl, he said.

11 In another example this week, Blackburn's staff exposed a flaw in Instagram's setting  
12 for teens under 16.

13 According to Instagram's policies, new teenage accounts should automatically default  
14 to a private setting. But when Blackburn's team set up a phony account for a 15 year  
15 old girl, it automatically defaulted to public.

16 Mosseri acknowledged the error, explaining the mistaken default setting was triggered  
17 because the account was created on a web browser, as opposed to a mobile app.

18 "We will correct that," he said.

19  
20 See [https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-](https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-senators-brush-aside-his-promises-to-self-poli)  
21 [senators-brush-aside-his-promises-to-self-poli](https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-senators-brush-aside-his-promises-to-self-poli). Meta has had almost a decade to fix these  
22 product defects but has not – instead, its products have severely harmed millions of teens in  
23 the U.S. alone.

24 76. The Instagram product also has a search feature called "Explore," where a  
25 user is shown an endless feed of content that is selected by an algorithm designed by Meta  
26 based upon the users' demographics and prior activity in the application. This is not content  
27 the user has searched for or requested. Instead, it is content Meta selects via its algorithms  
28

1 (which Meta in turn programs to increase engagement and in other ways Meta knows to be  
2 harmful to users, but more profitable to Meta, as well as paid advertisements created with  
3 Meta's assistance or approval, and the like.

4 77. Meta designs and operates its Explore product in a manner that promotes  
5 harmful and/or unhealthy content. Meta is aware of these inherently dangerous product  
6 features and has repeatedly decided against changing them and/or implementing readily  
7 available and relatively inexpensive safety measures, for the purpose of ensuring continued  
8 growth, engagement, and revenue increase.

9 78. The Instagram product also has features known as "Reels" and "Stories,  
10 which promote the use of short videos and temporary posts, respectively. These products  
11 were developed to appeal to teens and Meta knows that these products are addictive, as well  
12 as defective.

13 79. Meta prioritizes and promotes harmful content through these product features.

14 80. The promotion of harmful content has become so central to Defendants'  
15 business models that Defendants regularly opt to conceal the truth and continue harming  
16 users instead of making their products safer and less harmful.

17 81. Worded otherwise, it is not any single or even multiple pieces of body-  
18 focused or celebrity content harming young Instagram users, but rather, the formatting and  
19 presentation utilized by Meta in its effort to increase engagement and growth at any cost. For  
20 example, no single celebrity post is problematic, but instead, the harm arises from seeing  
21 countless pieces of content and Meta's amplifying effect. For example, Meta uses artistic  
22 content from celebrities like Cardi B, an artist young girls look up to and admire, and uses  
23 that content as bait in a manner it has internally identified as harmful to a significant  
24 percentage of its young, female users. It is not the content itself which is harmful. In fact, the  
25 content in its originally intended form is not harmful at all. Instead, it is a combination of  
26 Meta's product design, algorithmic identification and promotion system, targeting tools, and  
27 the sheer volume of body-focused imagery Meta pushes on its youngest users without their  
28

1 knowledge or consent (much less the knowledge of consent of their parents or the artists  
2 providing this material) that is harming these young users. And Meta knows it.

3 82. Meta also pushes these content types or themes to young girls in exponentially  
4 higher numbers despite knowledge of the resulting harm to a significant percentage of those  
5 same young, female users.

6 83. Instagram profile and privacy settings also cause harm. Users' profiles on  
7 Instagram may be public or private, which is a product feature over which Meta exercises  
8 complete control. On public profiles, any user can view the photos, videos, and other content  
9 posted by the user. On private profiles, the user's content may only be viewed by the user's  
10 followers, which the user must approve. At all times relevant, Instagram profiles were public  
11 by default and Instagram allowed all users to message and send follow requests to underage  
12 users. But even now, when Instagram claims that it is defaulting certain categories of users  
13 into private profiles, all a user need do is change the profile setting and, once again, Instagram  
14 will allow all users to message and send follow requests to underage users. Meta can protect  
15 users from this specific harm, can do so immediately, and chooses to not do so as a matter  
16 of engagement and growth.

17 84. Permitting public profiles for underage users serves no critical purpose in  
18 terms of product functionality but, instead, it increases user engagement during onboarding  
19 (when a user first starts using a social media product) by increasing user connections and  
20 generally by providing all users with greater access to other users, in this case, irrespective  
21 of their age. Unfortunately for young children and teens, a numerically significant percentage  
22 of those would-be connections are harmful. Defendants are aware of these harms and have  
23 opted to not make necessary and cost-effective changes to prevent it.

24 85. Defendant Meta's Direct Message settings also permit and encourage harm  
25 to vulnerable users. Harmful and dangerous interactions occur because of the Instagram  
26 direct message feature and current user settings, that is, Meta's chosen settings provide  
27 strangers (good or bad) with direct and unsupervised access to children and teens. Again,  
28



1 however, Meta opts for engagement over safety.

2 86. Meta's allowance of multiple accounts, refusal to verify age, identity, even  
3 authenticity of email addresses further exacerbates the harms by making it impossible to  
4 avoid unwanted interactions. Other users can literally open accounts as fast as those accounts  
5 can be blocked and, when coupled with the excessive and addictive usage habits Meta  
6 promotes among teens, these features create a perfect storm for depression, anxiety, and  
7 Suicide and Self-Harm.

8 87. Meta's push notifications and emails encourage addictive behavior and are  
9 designed specifically to increase use of its social media products. In the case of Instagram,  
10 Defendant Meta collects individualized data – not just about the user, but also about the  
11 user's friends and contacts – and then selects content and notification frequency for its users  
12 and notifies them via text and email. Meta's notifications to individual users are specifically  
13 designed to, and do, prompt them to open Instagram and view the content Instagram selected,  
14 increasing sessions, and resulting in greater profits to Instagram. More to the point, even the  
15 format of these notifications has been designed and re-designed with the specific purpose of  
16 pulling users back onto the social media platform—irrespective of a user's health or  
17 wellbeing.

18 88. Instagram also incorporates several product features that serve no  
19 functionality purpose, but that do make Meta's product more appealing to children and teens  
20 (*i.e.*, "likes" and filters, as well as avatars, emojis, and games) while simultaneously  
21 increasing social comparison pressure and resulting harm (*i.e.*, "likes" and filters). The harm  
22 from these product features does not relate to a single "like" or filter, or any specific series  
23 of content or potential content. Rather, it is the product itself. Meta knows that these product  
24 features disproportionally harm teen girls and young women.<sup>9</sup>

25 89. Instagram also creates images and GIFs for users to post on their videos and  
26

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27 <sup>9</sup> See, *e.g.*, the documents disclosed at [https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-](https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Appearance-based-Social-Comparison-on-Instagram-.pdf)  
28 [Files-Appearance-based-Social-Comparison-on-Instagram-.pdf](https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Appearance-based-Social-Comparison-on-Instagram-.pdf), *supra*.



1 pictures. Meta has also acquired publishing rights to thousands of hours of music, which it  
 2 provides to its users to attach to the videos and pictures that they post on Instagram. The  
 3 GIFs, images, and music are integral to the user's Instagram post and are, in fact, designed  
 4 to encourage posting. Indeed, in many cases, the only content in a user's Instagram post is  
 5 the image, GIF or music supplied by Meta. When users incorporate images, GIFs, and music  
 6 supplied by Meta into their postings, Meta is functioning as a co-publisher of such content.  
 7 An Instagram user who incorporates images, GIFs or music supplied by Meta into their post  
 8 is functionally equivalent to a novelist who incorporates illustrations into their story.  
 9 Instagram can no longer characterize the images, GIFs, and music it supplies to its users as  
 10 third-party content, just as the novelist cannot disclaim responsibility for illustrations  
 11 contained in their book. Meta has made the deliberate decision to collaborate with its users  
 12 in this regard and, as evidenced by Meta's internal documents, Meta's decision is motivated  
 13 by the fact that such collaboration results in increased engagement and more profits for Meta  
 14 itself.

15 90. Meta also has ownership and/or licensing, and other legal, rights in all third-  
 16 party content, such that it is not "third-party content" at all. In 2012, Meta revised its  
 17 Instagram Terms of Service to the following,<sup>10</sup>

18 To help us deliver interesting paid or sponsored content or promotions, you agree that  
 19 a business or other entity may pay us to display your username, likeness, photos  
 20 (along with any associated metadata), and/or actions you take, in connection with  
 21 paid or sponsored content or promotions, without any compensation to you.

22 91. Its current terms (effective January 4, 2022) are different, but still grant Meta  
 23 the right to use all third-party content at Meta's sole and unilateral discretion,  
 24  
 25  
 26  
 27

28 <sup>10</sup> <https://www.theverge.com/2012/12/18/3780158/instagrams-new-terms-of-service-what-they-really-mean>

- **We do not claim ownership of your content, but you grant us a license to use it.** Nothing is changing about your rights in your content. We do not claim ownership of your content that you post on or through the Service and you are free to share your content with anyone else, wherever you want. However, we need certain legal permissions from you (known as a “license”) to provide the Service. When you share, post, or upload content that is covered by intellectual property rights (like photos or videos) on or in connection with our Service, you hereby grant to us a non-exclusive, royalty-free, transferable, sub-licensable, worldwide license to host, use, distribute, modify, run, copy, publicly perform or display, translate, and create derivative works of your content (consistent with your privacy and application settings). This license will end when your content is deleted from our systems. You can delete content individually or all at once by deleting your account. To learn more about how we use information, and how to control or delete your content, review the [Data Policy](#) and visit the [Instagram Help Center](#).

92. Meta directly profits from the videos and pictures its users create in collaboration with Meta, as described above.

93. Meta knows that it is harming teens yet, when faced with recommendations that will reduce such harms, Meta’s leadership consistently opts for prioritization of profit over the health and well-being of its teen users—that is, the millions of teen users who continue to use its inherently dangerous and defective social media product every, single day.

94. Meta’s products are used by many millions of children every day.

#### **B. Snapchat Background**

95. Snapchat was founded in 2011, by three Stanford college students, and quickly became a wildly popular social media product among U.S. teens. It is one of the most widely used social media products in the world and is used by more than 69% of all U.S. teens (age 13 to 17).<sup>11</sup> Snap’s headquarters is in Santa Monica, California.

96. Snapchat started as a photo and short video sharing social media application that allows users to form groups and share posts or “Snaps” that disappear after being viewed by the recipients. The Snapchat product became well-known for its self-destructing content feature. Specifically, the Snapchat product allows users to form groups and share posts or “Snaps” that disappear after being viewed by the recipients. However, the Snapchat social

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<sup>11</sup> See <https://www.smartinsights.com/social-media-marketing/social-media-strategy/snapchat-statistics/>

1 media product quickly evolved from there, as its leadership made design changes and rapidly  
2 developed new product features intended to and that did increase Snapchat's popularity  
3 among teen users.

4 97. In 2012, Snap added video capabilities to its Snapchat product, pushing the  
5 number of "snaps" to 50 million per day; in 2013, "Stories" and "Chat" features; in 2014,  
6 live video chat capabilities, "Our Story," Geofilters and Community Geofilters, and  
7 Snapcash.

8 98. By 2015, advertisements were pervasive on Snapchat and, by 2018, 99% of  
9 Snap's total revenue came from advertising, according to internal company records. In other  
10 words, like Meta, Snap decided to monetize its userbase and, from that point forward, began  
11 changing its product in ways that made its product even more harmful to users but that paved  
12 the way for growth, engagement, and profits for Snap and its leadership and investors.

13 99. By 2015, Snapchat had over 75 million monthly active users and was the most  
14 popular social media application amongst American teenagers in terms of number of users  
15 and time spent using the platform. Snap currently estimates having between 92.8 and 96.6  
16 million users in the United States, with at least 17 to 17.7 million of those being children  
17 under the age of 18. Against this backdrop, Snap advertises and promotes its product as safe  
18 and fun—which could not be further from the truth.

19 100. Snap uses an algorithm or similar technology to suggest connections, that is,  
20 Snap sends messages to users based on some secret formula Snap uses to determine whether  
21 someone should "friend" someone else. This is known as "Quick Add," and these Snap-  
22 initiated messages result in exposure to harmful contacts, bullying, and dangerous predators.  
23 This feature contributes nothing to the product itself and serves no informational or  
24 communication purpose. Similar to Meta's product, this product is designed to reinforce  
25 addiction and increase the odds of maintaining more users for longer.

26 101. Snapchat users also have an "Explore" feed that displays content created by  
27 other users around the world. These product features are designed to grab and keep users'  
28

1 attention for as long as possible each day, and have led many people, from psychologists to  
2 government officials, to describe Snapchat as “dangerously addictive.”

3 102. As with Defendant Meta, Snap’s algorithms and/or similar technologies  
4 determine the content that gets recommended and/or populates its user experience on the  
5 Snapchat social media product. This includes content sent directly from Snap to its users, for  
6 Snap’s own purposes, and prior to any sort of user search or request for such content. And  
7 as with Defendant Meta, Snap knows or should know that its algorithms are promoting and  
8 amplifying harmful content to children and teens and are operating with a degree of  
9 algorithmic discrimination that is particularly harmful to Snap’s most vulnerable user groups.

10 103. Snapchat offers several unique messaging and data features. It is perhaps most  
11 famous for its self-destructing content design feature, which appeals to minors and makes it  
12 more difficult for parents to monitor their children’s social media activity. This is an  
13 inherently dangerous product feature because it both encourages and allows minor uses to  
14 exchange harmful, illegal, and sexually explicit images with adults, and provides those same  
15 adults with a safe and efficient vehicle to recruit victims. Snapchat is a go-to application for  
16 sexual predators because of this product feature.<sup>12</sup>

17 104. For years Snap has received reports of child abuse and bullying occurring  
18 through its product and because of its product features,<sup>13</sup> yet has kept those features in place  
19 as removing them would result in considerable impact on the popularity of Snap’s social  
20 media product.

21 105. Harmful and dangerous interactions likewise occur because of these and other  
22 Snapchat messaging features, which provide direct and unsupervised access to children and  
23 teens.

24 106. But also, this is a dangerous product feature because it does not operate as  
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26 <sup>12</sup> See, e.g., <https://phonespector.com/blog/what-are-the-dangers-of-snapchat-to-avoid/>

27 <sup>13</sup> See, e.g., <https://www.forbes.com/sites/zakdoffman/2019/05/26/snapchats-self-destructing-messages-have-created-a-haven-for-child-abuse/?sh=411b8e1d399a> (Snapchat Has Become A ‘Haven for Child Abuse’ With  
28 Its ‘Self-Destructing Messages’).

1 advertised. Snap’s disappearing design and marketing of this feature is particularly harmful  
2 to teens who rely on Snap’s representations when taking and sending photos, only learning  
3 after the fact that recipients have means to save photos – and are often bullied, exploited,  
4 and/or sexually abused as a direct result. These are harms known to Snap.

5 107. In 2014, Snapchat added “Stories” and “Chat” features that allowed users to  
6 post longer stories that could be viewed by users outside the user’s friends. As with Meta’s  
7 algorithms, Snap’s technology promotes and amplifies harmful content as a means of  
8 increasing user engagement and growth opportunities. Snap has actual knowledge of the  
9 harm it is causing its users, and consistently prioritizes its own profits regardless.

10 108. Snapchat also allows users to enable the sharing of their location, through a  
11 tool called Snap Map, which allows the users’ followers (and the public for Snaps submitted  
12 by the users) to see the user’s location on a map. At all times relevant, this feature was  
13 available to all users, including minors. This is an inherently dangerous product feature,  
14 which serves no practical purpose – but that does provide strangers and predators with access  
15 to the location of minor victims. This product feature has directly contributed to stalking and  
16 other, physical harms and assaults perpetrated on minors, and these are harms known to Snap.

17 109. But also, Snap has developed artificial intelligence technology that detects  
18 adult users of Snapchat who send sexually explicit content to children and receive sexually  
19 explicit images from children. This technology furnishes Snap with actual knowledge that a  
20 significant number of minor users of Snapchat are solicited to send, and do send, sexually  
21 explicit photos and videos of themselves to adult users in violation of 18 U.S.C. §  
22 1591(a)(1)-(2). Snap *could* protect its minor users, but in many instances, does not.

23 110. Snap also has a “My Eyes Only” product, which many parents do not know  
24 about – including Plaintiffs in this case. Snap’s My Eyes Only Product encourages and  
25 enables young users to hide harmful content from parents by allowing them to hide content  
26 in a special tab that requires a passcode, and where content cannot be recovered – even by  
27 Snap itself – without the correct passcode. The content self-destructs if a user attempts to  
28

1 access the hidden folder with the wrong code. My Eyes Only has no practical purpose or use,  
2 other than to hide potentially harmful content from parents and/or legal owners of the devices  
3 used to access Snap. Moreover, while this information and evidence should be in Snap's  
4 possession and control, it has designed this product in a way that causes the permanent loss  
5 of relevant and often incredibly material and incriminating evidence in the event of products  
6 liability lawsuit, like this one.

7 111. On information and belief, Snap's disappearing messages are defective for  
8 this reason as well. Snap has possession, custody, or control of that data, knows that it will  
9 be relevant and material in the event of products liability litigation, but has designed its  
10 technologies – *i.e.* its advertised “disappearing” functionality which suggests that Snap itself  
11 no longer has access to such data – in a manner that frustrates and actively prevents parents  
12 from monitoring the activity of their underage children on Snap's social media product.  
13 These are serious defects, which Snap should be required to remedy immediately.

14 112. Like Meta, Snap also sends push notifications and emails to encourage  
15 addictive behavior and to increase use of its Snapchat product. Snap's communications are  
16 triggered and based upon information Snap collects from and about its users, and Snap  
17 “pushes” these communications to teen users in excessive numbers and disruptive times of  
18 day. These notifications are specifically designed to, and do, prompt them to open Snapchat  
19 and view the content Snapchat selected, increasing sessions, and resulting in greater profits  
20 to Snap. Even the format of these notifications has been designed to pull users back on to the  
21 social media platform—irrespective of a user's health or wellbeing.

22 113. The Snapchat social media product also features a series of rewards including  
23 trophies, streaks, and other signals of social recognition like the “likes” metrics available  
24 across other platforms. These features are designed to encourage users to share their videos  
25 and posts with the public. Moreover, these features serve no communication or informational  
26 purposes. They are designed to be addictive, and to encourage greater use of the Snap product  
27 without regard to any other content or third-party communication. But also, they have been  
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1 repeatedly recognized by organizations and even government agencies around the world as  
2 being among the most addictive products when it comes to teen social media users.

3 114. These product features serve no purpose other than creating dependencies on  
4 Snap's product by children and teens, which dependencies in turn cause sleep deprivation,  
5 anxiety, depression, anger, shame, interpersonal conflicts, and other serious harms to mental  
6 and physical health.

7 115. Snapchat incorporates several other product features that serve no  
8 functionality purpose, but that do make Snap's product more appealing to children and teens  
9 (*i.e.*, avatars, emojis, and games) while simultaneously using known mechanisms to addict  
10 those same children and teens (*i.e.* streaks and trophies offering unknown rewards). These  
11 features and the ones discussed above were particularly addictive to Enlgyn Roberts, and  
12 were targeted to underage users like Englyn Roberts.

13 116. The Snap Streak feature is unique to Snap's product and is one of the most –  
14 if not the most – addictive products available “especially to teenagers.”<sup>14</sup> *See also* FBD  
15 37/21, “Teen Meaningful Interactions and Feed post Feedback – Focus Groups” (May 2018),  
16 at p. 5 (“Streaks are a very important way for teens to stay connected. They are usually with  
17 your closest friends and they are addictive.”) Snap knows that its Snap Streak product is  
18 addictive and has known for years but continues to provide that product to teens and children.

19 117. These are just some examples of Snapchat's harmful product features.

20 118. Snap has also developed images for users to decorate the pictures or videos  
21 they post, and Snap has developed Lenses which are augmented reality-based special effects  
22 and sounds for users to apply to pictures and videos users post on Snapchat, and World  
23 Lenses to augment the environment around posts. Snap also has acquired publication rights  
24 to music, audio, and video content that its users can incorporate in the pictures and videos  
25 they post on Snapchat.

26 119. These images, Lenses, and licensed audio and video content supplied and  
27

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28 <sup>14</sup>See <https://abcnews.go.com/Lifestyle/experts-warn-parents-snapchat-hook-teens-streaks/story?id=48778296>



1 created by Snapchat frequently make a material contribution to the creation or development  
 2 of the user's Snapchat posts. Indeed, in many cases, the *only* content in a user's Snapchat  
 3 post are images, Lenses, and licensed audio and video content supplied and created by  
 4 Snapchat. When users incorporate images, Lenses, music, audio, and video content supplied  
 5 by Snapchat posts, Snapchat makes a material contribution to the creation and/or  
 6 development of their Snapchat postings and becomes a co-publisher of such content. When  
 7 malign users incorporate images, Lenses, music, audio, and video content supplied by  
 8 Snapchat to their posts, this enhances the psychic harm and defamatory sting that minor users  
 9 experience from third-party postings on Defendant's platform.

10 120. Moreover, Snap contracts for legal rights in this third-party content, such that  
 11 it is not "third-party content" at all. Snap's current Terms of Service grant Snap several,  
 12 sweeping sets of legal rights, from licensing to ownership, as follows (and for example only  
 13 as there are several provisions in Snap's Terms of Service that address legal rights over user  
 14 content, comments, and other usage and activities),  
 15

### 16 **3. Rights You Grant Us**

17 Many of our Services let you create, upload, post, send, receive, and store content.  
 18 When you do that, you retain whatever ownership rights in that content you had to  
 19 begin with. But you grant us a license to use that content. How broad that license is  
 20 depends on which Services you use and the Settings you have selected.

21 For all content you submit to the Services, you grant Snap and our affiliates a  
 22 worldwide, royalty-free, sublicensable, and transferable license to host, store, cache,  
 23 use, display, reproduce, modify, adapt, edit, publish, analyze, transmit, and distribute  
 24 that content. This license is for the purpose of operating, developing, providing,  
 25 promoting, and improving the Services and researching and developing new ones.  
 26 This license includes a right for us to make your content available to, and pass these  
 27 rights along to, service providers with whom we have contractual relationships  
 28 related to the provision of the Services, solely for the purpose of providing such  
 Services.

121. Snap directly profits from the videos and pictures and other content its users  
 create in collaboration with Snap, as described above.



122. Snap knows that it is harming teens yet consistently opts for prioritization of profit over the health and well-being of its teen users—that is, the millions of teen users who continue to use its inherently dangerous and defective social media product every, single day.

### C. TikTok Background

123. TikTok is a video sharing social media application where users create, share, and view short video clips. Known in China as Douyin, TikTok hosts a variety of short-form user videos, from genres like pranks, stunts, tricks, jokes, dance, and entertainment with durations from 15 seconds to ten minutes. TikTok is the international version of Douyin, which was originally released in the Chinese market in September 2016. In 2017, TikTok was launched for iOS and Android in most markets outside of mainland China; however, it became available worldwide only after merging with another Chinese social media service, Musical.ly, on August 2, 2018.

124. TikTok has been downloaded more than 130 times in the U.S. and it was ranked by Cloudflare as the most popular website of 2021. “TikTok was the world’s most-visited website in 2021, overtaking YouTube in US watch time and Facebook in app downloads for the first time.”<sup>15</sup>

125. Users on TikTok who open the TikTok application are automatically shown an endless stream of videos selected by an algorithm developed by TikTok to show content on the “for you” based upon the user’s demographics, likes, and prior activity on the app.

126. TikTok is like Meta and Snap in that it has designed its algorithms to addict users and cause them to spend as much time on the application as possible through advanced analytics that create a variable reward system tailored to user’s viewing habits and interests.

127. There are four main goals for TikTok’s algorithm: which the company translates as “user value,” “long-term user value,” “creator value,” and “platform value.”

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<sup>15</sup> Emily Baker-White, *Inside Project Texas, TikTok’s Big Answer To US Lawmakers’ China Fears*, BuzzFeed, Mar. 10, 2022, <https://www.buzzfeednews.com/article/emilybakerwhite/tiktok-project-texas-bytedance-user-data>

128. An internal TikTok document was leaked, which document is titled “TikTok Algo 101.” This document was created by TikTok’s engineering team in Beijing and offers details about both the app’s mathematical core and insight into the company’s understanding of human nature. The document explains that in the pursuit of the company’s “ultimate goal” of adding daily active users, it has chosen to optimize for two closely related metrics in the stream of videos it serves: “retention” — that is, whether a user comes back — and “time spent.” The document offers a rough equation for how videos are scored, in which a prediction driven by machine learning and actual user behavior are summed up for each of three bits of data: likes, comments and playtime, as well as an indication that the video has been played.

129. A recent Wall Street Journal report revealed how TikTok relies heavily on how much time users spend watching each video to steer them toward more videos that will keep them scrolling, and that process can sometimes lead young viewers down dangerous rabbit holes, and toward content that promotes suicide or self-harm.

130. Another article, by the New York Times, explained how TikTok markets itself as an “artificial intelligence company.” “The most obvious clue is right there when you open the app: the first thing you see isn’t a feed of your friends, but a page called ‘For You.’ It’s an algorithmic feed based on videos you’ve interacted with, or even just watched. It never runs out of material. It is not, unless you train it to be, full of people you know, or things you’ve explicitly told it you want to see. It’s full of things that you seem to have demonstrated you 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.”<sup>16</sup>

131. TikTok’s algorithm also, often works in concert with Meta’s. For example, a teen may first learn about a harmful topic through Meta’s algorithm, which potential harm is

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<sup>16</sup> John Herrman, *How TikTok is Rewriting the World*, N.Y. Times, Mar. 10, 2019, available at <https://www.nytimes.com/2019/03/10/style/what-is-tik-tok.html>

1 then identified by TikTok's algorithm, based on any number of unknown factors, and the  
2 TikTok product will amplify and promote that same harm through a virtual series of how-to  
3 videos. These are inherently dangerous and harmful product features, particularly when  
4 aimed at children.

5 132. TikTok also features and promotes various "challenges" where users film  
6 themselves engaging in behavior that mimics and "one ups" other users posting videos  
7 related to a particular challenge. TikTok promotes users creating and posting videos of  
8 challenges identified by a system of hashtags that are promoted within TikTok's search  
9 feature.

10 133. TikTok's app and algorithm have created an environment in which TikTok  
11 "challenges" are widely promoted and result in maximum user engagement and participation,  
12 thus financially benefitting Defendants. At the same time TikTok "challenges" involve users  
13 filming themselves engaging in behavior that mimics and often times "one-ups" other users  
14 posting videos performing the same or similar conduct, and these TikTok "challenges"  
15 routinely involve dangerous or risky conduct.

16 134. TikTok's algorithm presents these often-dangerous "challenges" to users on  
17 their FYP and encourages users to create, share, and participate in the "challenge."

18 135. Moreover, TikTok's algorithm products suffer from serious algorithmic bias,  
19 including as it relates to race and low SES. Upon information and belief, TikTok is aware of  
20 these harms, including the fact that its algorithm pushes higher volumes of violent and  
21 dangerous content to members of protected classes. This is harmful content these users,  
22 including and specifically Englyn Roberts, would not have seen but for TikTok's product  
23 design and programming.

24 136. Upon information and belief, the TikTok product is causing harms to  
25 protected classes based on their protected status, including the promotion and amplification  
26 of harmful and violent content in greater numbers to African American users, like Englyn  
27 Roberts. Upon information and belief, TikTok's social media product did direct and promote  
28

1 harmful and violent content in greater numbers to Englyn Roberts than what they promoted  
2 and amplified to other, Caucasian users of similar age, gender, and state of residence – which  
3 harmful and violent content directly contributed to Englyn Roberts’ addiction to its social  
4 media product and resulting death.

5 137. These are just some examples of how TikTok operates its product to generate  
6 profit, at the expense of the health and well-being of its users, particularly its child and teen  
7 users.

8 138. Until mid 2021, TikTok also and by default made all users profiles “public,”  
9 meaning that strangers, often adults, could view and message underage users of the TikTok  
10 app. This also meant that those strangers could then contact children directly, as happened  
11 in this case.

12 139. TikTok has also developed artificial intelligence technology that detects adult  
13 users of TikTok who send sexually explicit content to children and receive sexually explicit  
14 images from children. This technology furnishes TikTok with actual knowledge that a  
15 significant number of minor users of TikTok are solicited to send and actually do send  
16 sexually explicit photos and videos of themselves to adult users in exchange for consideration  
17 in violation of 18 U.S.C. § 1591(a)(1)–(2). Yet, like Snap and Meta, TikTok uses this  
18 technology selectively and only when it is to the benefit of TikTok, enabling harms through  
19 its social media products in the interest of engagement.

20 140. Like Meta and Snap, TikTok also sends push notifications and emails to  
21 encourage addictive behavior and to increase use of their TikTok product and sent such  
22 notices to Englyn Roberts. TikTok’s communications are triggered and based upon  
23 information TikTok collects from and about its users, and TikTok “pushes” these  
24 communications to teen users in excessive numbers and disruptive times of day. These  
25 notifications are specifically designed to, and do, prompt them to open TikTok and view the  
26 content TikTok selected, increasing sessions, and resulting in greater profits to TikTok. Even  
27 the format of these notifications has been designed to pull users back on to the social media  
28

1 platform—irrespective of a user’s health or wellbeing.

2 141. TikTok markets itself as a family friendly social media application, and  
3 markets to children and teens.

4 142. TikTok exclusively controls and operates the TikTok platform for profit,  
5 which like Instagram and Snapchat, creates advertising revenue through maximizing the  
6 amount of time users spend on their platforms. Accordingly, while TikTok purports to have  
7 a minimum age requirement of 13-years-old, it does little to verify user age or enforce its  
8 age limitations despite knowledge that underage use is widespread.

9 143. In fact, underage TikTok users will often post videos of themselves in which  
10 they clearly are not old enough to be using the TikTok social media product. On information  
11 and belief, TikTok’s sophisticated algorithms can identify when a user has crooked teeth or  
12 a crack in their bedroom wall, so there is little question that those same algorithms can  
13 identify underage children in posted videos. But also, TikTok has actual knowledge of  
14 underage users. For example, in July 2020, TikTok reported that more than a third of its 49  
15 million daily users in the United States were 14 years old or younger. And while some of  
16 those users were 13 or 14, at least one former employee reported that TikTok had actual  
17 knowledge of children even younger based on videos posted on the TikTok platform – yet  
18 failed to promptly take down those videos or close those accounts.<sup>17</sup> In fact, TikTok regularly  
19 knows or should know of underage users with accounts and who post videos on its platform,  
20 whether because of its algorithms, viewing by TikTok employees, and/or flagging by other  
21 TikTok users. In many such instances, TikTok not suspend the account, require age  
22 verification, or notify the underage user’s parents of such prohibited use.

23 144. TikTok does not seek parental consent for underage users or provide warnings  
24 or adequate controls that would allow parents to monitor and limit the use of TikTok by their  
25 children. TikTok does not verify user age, enabling and encouraging teens and children to  
26

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27 <sup>17</sup> Raymond Zhong & Sheera Frenkel, *A Third of TikTok’s U.S. Users May Be 14 or Under, Raising Safety*  
28 *Questions*, N.Y. Times, Aug. 14, 2020, available at <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ffc.html>

1 open TikTok accounts, providing any age they want, and without parental knowledge or  
2 consent. TikTok does not include the deliberately addictive design of its product, which is  
3 addictive and did addict Englyn Roberts, to the point where she hid from her parents her  
4 usage of the TikTok social media product.

5 145. Further, based on TikTok data leaked to the New York Times, internal  
6 TikTok documents show that the number of daily U.S. users in July of 2020 estimated by  
7 TikTok to be 14 or young—18 million—was almost as large as the number of over-14 users,  
8 around 20 million. While the rest of TikTok’s U.S. users were classified as being “of  
9 unknown age.”<sup>18</sup>

10 146. TikTok also does not rely on users’ self-reported age to categorize them, and  
11 knows when it has underage users engaged in harmful activities on its platform. Like Meta,  
12 TikTok has algorithms through which it creates estimated or approximate age for its users,  
13 including facial recognition algorithms that scrutinize profile pictures and videos, as well as  
14 other methods through which it can estimate age with reasonable certainty. TikTok knows  
15 that users under the age of 13 are using its social media product, including to post videos of  
16 themselves, which videos are public by default and result in harm to these underage users.<sup>19</sup>

17 147. Like Meta and Snap, TikTok has tried to boost engagement and keep young  
18 users hooked to its social media product by any means necessary.

19 148. TikTok has developed images and memes to enact images for users to  
20 decorate the videos they post. TikTok has also developed memes and other images for users  
21 to apply to images they post on TikTok. TikTok also has acquired publication rights to music  
22 that its users can incorporate in the pictures and videos they post on TikTok. When users  
23 incorporate images, memes and music supplied by TikTok into their postings, TikTok  
24 becomes a co-publisher of such content. A TikTok user who incorporates images, memes  
25 and musical content supplied by TikTok into their posts is functionally equivalent to a  
26

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27 <sup>18</sup> *Id.*

28 <sup>19</sup> *Id.*

1 novelist who incorporates illustrations into her story. TikTok can no longer characterize the  
 2 images, memes, and musical content it supplies to its users as third-party content as the  
 3 novelist can disclaim responsibility for illustrations contained in her book.

4 149. And like Snap and Meta, TikTok contracts for legal rights to this third-party  
 5 content, such that it is not “third-party content” at all. TikTok’s current Terms of Service  
 6 grant TikTok sweeping sets of rights as follows, and for example only,

7 You or the owner of your User Content still own the copyright in User Content sent to us, but by  
 8 submitting User Content via the Services, you hereby grant us an unconditional irrevocable, non-  
 9 exclusive, royalty-free, fully transferable, perpetual worldwide licence to use, modify, adapt, reproduce,  
 10 make derivative works of, publish and/or transmit, and/or distribute and to authorise other users of the  
 11 Services and other third-parties to view, access, use, download, modify, adapt, reproduce, make  
 12 derivative works of, publish and/or transmit your User Content in any format and on any platform, either  
 13 now known or hereinafter invented.

14 150. TikTok directly profits from the videos and pictures and other content its  
 15 users create in collaboration with TikTok, as described above.

16 151. TikTok knows that it is harming teens yet consistently opts for prioritization  
 17 of profit over health and well-being of its teen users—the millions of teen users who continue  
 18 to use its inherently dangerous and defective social media product every, single day.

#### 19 **D. Defendants’ Applications Are Products**

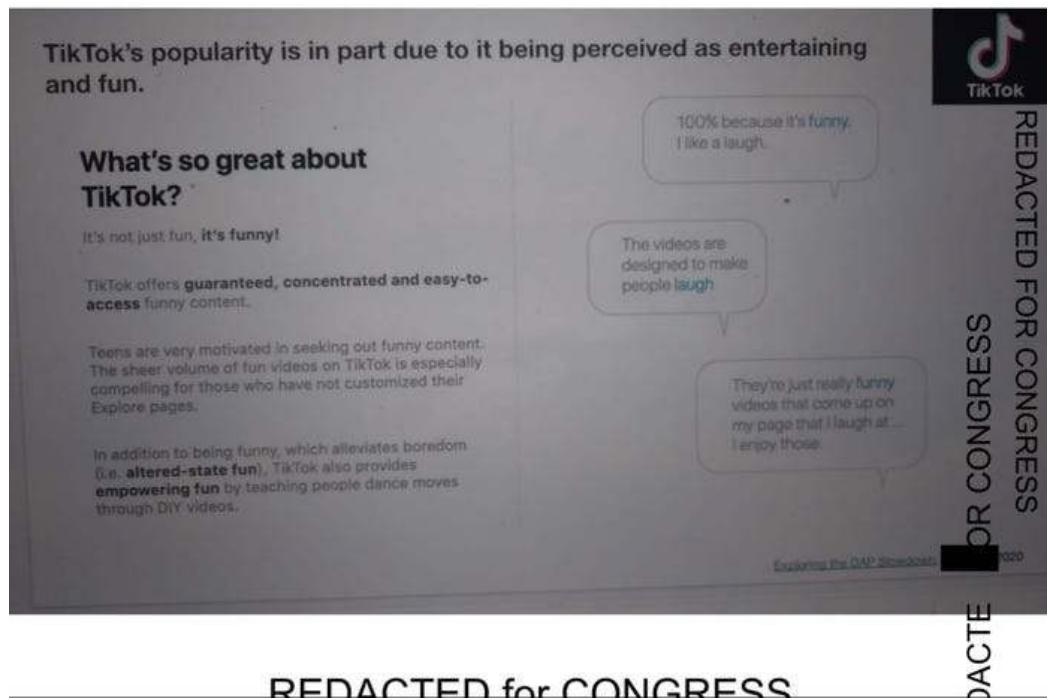
20 152. There is no dispute that the above-described social media products are  
 21 designed and manufactured by Defendants, and further, Defendants refer to them as such.

22 153. These products are designed to be used by minors and are actively marketed  
 23 to teens *and tweens* across the United States and were marketed to Englyn Roberts.

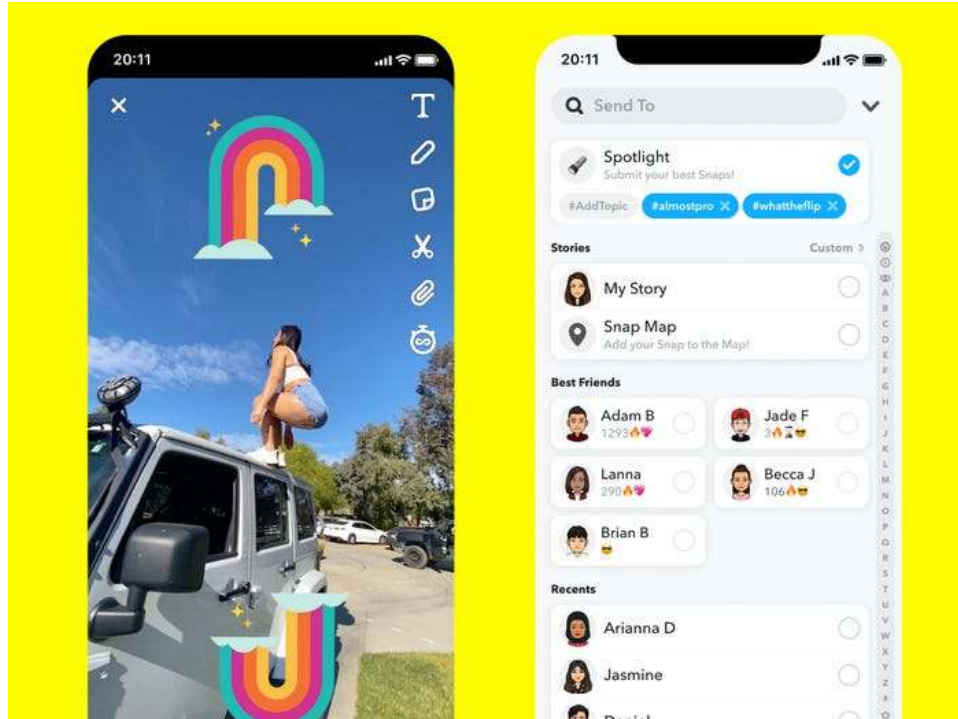
24 154. Defendants’ user terms and federal law prohibit use of these social media  
 25 products by any person under the age of 13. Regardless, Defendants know that children under  
 26 13 are using their products, and actively study and market to that population.

27 155. Defendants’ products are designed to be used by minors and are actively  
 28 marketed to minors across the United States. Defendants market to minors through their own

marketing efforts and design, and through their approval and permission to advertisers who create and target ads to young users. Meta documents establish that Meta spends millions of dollars researching, analyzing, and experimenting with young children to find ways to make its product more appealing and addictive to these age groups, as these age groups are seen as the key to Meta's long-term profitability and market dominance. But also, Meta documents establish that it is not the only one, and that other social media companies, including Meta's co-defendants in this case, invest heavily to appeal to teens and underage users. *See, e.g.,* <https://www.businessinsider.com/leaked-docs-facebook-papers-instagram-competition-tiktok-youtube-snapchat-2021-12?op=1#whats-so-great-about-tiktok-one-slide-said-2> (quoting from Facebook Papers that address the reasons why teens love Snapchat and TikTok),







156. Defendants also are aware that large numbers of children under the age of 18 use its product without parental consent. At least in the case of TikTok and Snap, parental consent is required for use of their social media products and based on their own user terms. Yet all Defendants design their social media products in a manner intended to allow and not

1 prevent such use, including failure to verify age and identification and allowing and  
2 encouraging multiple accounts.

3 157. Defendants have designed their products in a manner that allows and/or does  
4 not prevent such use to increase user engagement and, thereby, increase their own profits.

5 **E. Defendants' Business Model is Based on Maximizing User Screen Time and**  
6 **Defendants Know That their Products are Addictive**

7 158. Defendants advertise their products as “free,” because they do not charge their  
8 users for downloading or using their products. What many users do not know is that, in fact,  
9 Defendants make a profit by finding unique and increasingly dangerous ways to capture user  
10 attention and target advertisements to their users. Defendants receive revenue from  
11 advertisers who pay a premium to target advertisements to specific demographic groups of  
12 users in the applications. Defendants also receive revenue from selling their users' data to  
13 third parties.

14 159. The amount of revenue Defendants receive is based upon the amount of time  
15 and level of user engagement on their platforms, which directly correlates with the number  
16 of advertisements that can be shown to each user.

17 160. Defendants use unknown and changing rewards that are designed to prompt  
18 users who consume their social media products in excessive and dangerous ways. Defendants  
19 know, or in the exercise of ordinary care should know, that their designs have created  
20 extreme and addictive usage by their minor users, and Defendants knowingly or purposefully  
21 designed its products to encourage such addictive behaviors. For example, all the  
22 achievements and trophies in Snapchat are unknown to users. The Company has stated that  
23 “[y]ou don't even know about the achievement until you unlock it.” This design conforms to  
24 well-established principles of operant conditioning wherein intermittent reinforcement  
25 provides the most reliable tool to maintain a desired behavior over time.

26 161. This design is akin to a slot machine but marketed toward minor users who  
27 are even more susceptible than gambling addicts to the variable reward and reminder system  
28

1 designed by Snapchat. The system is designed to reward increasingly extreme behavior  
2 because users are not actually aware of what action will unlock the next award.

3 162. Instagram, like Snapchat and TikTok, is designed around a series of features  
4 that do not add to the communication utility of the application, but instead seek to exploit  
5 minor users' susceptibility to persuasive design and unlimited accumulation of unpredictable  
6 and uncertain rewards, including "likes" and "followers." In the hands of children, this  
7 design is unreasonably dangerous to the mental well-being of underage users' developing  
8 minds. This design proximately caused Englyn Roberts' death.

9 163. According to industry insiders, Defendants have employed thousands of  
10 psychologists and engineers to help make their products maximally addicting. For example,  
11 Instagram's "pull to refresh" is based on how slot machines operate. It creates an endless  
12 feed, designed to manipulate brain chemistry and prevent natural end points that would  
13 otherwise encourage users to move on to other activities.

14 164. Defendants do not warn users of the addictive design of their product. On the  
15 contrary, Defendants actively try to conceal the dangerous and addictive nature of their  
16 products, lulling users and parents into a false sense of security. This includes consistently  
17 playing down their products' negative effects on teens in public statements and advertising,  
18 making false or materially misleading statements concerning product safety, and refusing to  
19 make their research public or available to academics or lawmakers who have asked for it.

20 165. Defendants have repeatedly represented to the public and governments  
21 around the world that their products are safe and not addictive. Even now, TikTok represents  
22 in its community guidelines that its priority is "safety, diversity, inclusion, and  
23 authenticity."<sup>20</sup> Snaps Terms of Service claim "We try hard to keep our Services a safe place  
24 for all users."<sup>21</sup>

25 166. Again, the amount of revenue Defendants receive is based upon the amount  
26

27 <sup>20</sup> <https://www.tiktok.com/community-guidelines?lang=en>

28 <sup>21</sup> See Snap, Inc. Terms of Service, ¶ 9.

1 of time and user engagement on their platforms, which directly correlates with the number  
2 of advertisements that can be shown to each user. In short, Defendants opted for user  
3 engagement over the truth and user safety.

4 167. Defendants' social media products are built around a series of design features  
5 that do not add to the communication and communication utility of the applications, but  
6 instead seek to exploit users' susceptibility to persuasive design and unlimited accumulation  
7 of unpredictable and uncertain rewards (including things like "likes" and "followers" and  
8 "views" and "streaks" and "trophies"). This design is unreasonably dangerous to the mental  
9 well-being of underage users' developing minds, and these social media companies know it.

10 168. Defendants know that their products are addictive, and that millions of teen  
11 users want to stop using them but cannot.

12 169. Defendants engineer their products to keep users, and particularly young  
13 users, engaged longer and coming back for more. This is referred to as "engineered  
14 addiction," and examples include features like bottomless scrolling, tagging, notifications,  
15 and live stories.

16 170. Defendants spend billions of dollars marketing their products to minors, and  
17 have deliberately traded in user harm for the sake of their already astronomical revenue  
18 stream.

19 **F. Defendants Have Designed Complex Algorithms to Addict Teen Users and Their**  
20 **Business Models Are Based on Maximizing User Screen Time**

21 171. Defendants have intentionally designed their products to maximize users'  
22 screen time, using complex algorithms designed to exploit human psychology and driven by  
23 the most advanced computer algorithms and artificial intelligence available to three of the  
24 largest technology companies in the world.

25 172. Defendants' algorithms select content for minor users not based on what they  
26 anticipate the user will prefer or to enhance their social media experience, but rather for the  
27 express purpose of habituating users to the Defendants' social media products. Defendants'  
28

1 algorithms do not provide a neutral platform but rather specify and prompt the type of content  
2 to be submitted and determine particular types of content its algorithms promote.

3 173. Defendants designed and have progressively modified their products to  
4 promote problematic and excessive use that they know is indicative of addictive and self-  
5 destructive use.

6 174. One of these features—present in Snapchat, Instagram, and TikTok—is the  
7 use of complex algorithms to select and promote content that is provided to users in an  
8 unlimited and never-ending “feed.” Defendants know that algorithm-controlled feeds  
9 promote unlimited “scrolling”—a type of use those studies have identified as detrimental to  
10 users’ mental health—however, this type of use allows Defendants to display more  
11 advertisements and obtain more revenue from each individual user.

12 175. Defendants’ algorithm-controlled features are designed to promote content  
13 likely to increase user engagement, which often means content Defendants know to be  
14 harmful. This is content that users might otherwise never see but for Defendants’ sorting,  
15 prioritizing, and/or affirmative pushing of such content to their accounts.

16 176. In the words of one, high-level departing Meta employee,

17 In September 2006, Facebook launched News Feed. In October 2009, Facebook switched  
18 from chronological sorting to an algorithmic ranking. 10 years later, in July 2019, Sen. Josh  
19 Hawley introduced a bill to the US Senate that would ban features in app feeds, such as  
20 infinite scroll.

21 The response in 2006 was largely positive; the response in 2009 was negative from a vocal  
22 minority, but still largely positive; the response in 2019 was largely “lol, wut?” If I had to  
23 guess, the response to government regulation around engagement centric information feeds  
24 in 2026 will be “Omg finally”.

25 “Why We Build Feeds” (October 4, 2019), at p. 1.<sup>22</sup>

26  
27  
28 <sup>22</sup> [https://www.documentcloud.org/documents/21600853-tier1\\_rank\\_exp\\_1019](https://www.documentcloud.org/documents/21600853-tier1_rank_exp_1019)

1           177. The addictive nature of Defendants’ products and the complex and  
2 psychologically manipulative design of their algorithms is unknown to ordinary consumers,  
3 particularly minors.

4           178. Defendants go to significant lengths to prevent transparency, including posing  
5 as a “free” social media platform, burying advertisements in personalized content, and  
6 making public statements about the safety of their products that simply are not true.

7           179. Defendants also have developed unique product features designed to limit,  
8 and have in other ways limited, parents’ ability to monitor and prevent problematic use by  
9 their children.

10           180. Defendants’ algorithms adapt to promote whatever content will trigger minor  
11 users’ engagement and maximize their screen time. Defendants’ algorithm designs do not  
12 distinguish, rank, discriminate, or prioritize between particular content based on whether it  
13 is helpful or harmful to the psychic well-being of their minor users. Once a minor user  
14 engages with abusive, harmful, or destructive content, Defendants’ algorithms will direct the  
15 minor user to content that is progressively more abusive, harmful, and destructive to  
16 maximize the user’s screen time.

17           181. Defendants’ algorithms are not simply tools meant to facilitate the  
18 communication and content of others but are content in and of themselves. Defendants’  
19 algorithms do not function like traditional search engines that select particular content for  
20 users based on user inputs; they direct minor users to content based on far more than the  
21 individual users’ viewing history. Defendants’ algorithms make recommendations not  
22 simply based on minor users’ voluntary actions but also the demographic information and  
23 social media activity of the users’ friends, followers, and cohorts. The user data that  
24 Defendants’ algorithms use to select content therefore encompasses far more information  
25 than voluntarily furnished by the particular user and include private information about the  
26 user that Defendants discover through undisclosed surveillance of their behavior both online  
27 and offline.

182. These addiction-driven algorithms are designed to be content neutral. They adapt to the social media activity of individual users to promote *whatever* content will trigger a particular user's interest and maximize their screen time. That is, prior to the point when Defendants have addicted their users and are then able to influence user preferences, their algorithm designs do not distinguish, rank, discriminate, or prioritize between types of content. For example, if the algorithm can increase User One engagement with elephants and User Two engagement with moonbeams, then Defendants' algorithm design will promote elephant content to User One and moonbeam content to User Two. These types of algorithms are solely quantitative devices and make no qualitative distinctions between the nature and type of content they promote to users – as long as those promotions increase user engagement.

**B. Minor Users' Incomplete Brain Development Renders Them Particularly Susceptible to Manipulative Algorithms with Diminished Capacity to Eschew Self-Destructive Behaviors and Less Resiliency to Overcome Negative Social Media Influences**

183. 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, emotional regulation, and impulse control.

184. 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.

185. 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



1 connecting different parts of the brain become insulated with white fatty tissue called myelin.  
2 Second, during childhood and adolescence, the brain is undergoing “pruning”—the paring  
3 away of unused synapses, leading to more efficient neural connections. Through myelination  
4 and pruning, the brain’s frontal lobes change to help the brain work faster and more  
5 efficiently, improving the “executive” functions of the frontal lobes, including impulse  
6 control and risk evaluation. This shift in the brain’s composition continues throughout  
7 adolescence and into young adulthood.

8 186. In late adolescence, important aspects of brain maturation remain incomplete,  
9 particularly those involving the brain’s executive functions and the coordinated activity of  
10 regions involved in emotion and cognition. As such, the part of the brain that is critical for  
11 control of impulses and emotions and for mature, considered decision-making is still  
12 developing during adolescence, consistent with the demonstrated behavioral and  
13 psychosocial immaturity of juveniles.

14 187. The algorithms in Defendants’ social media products are designed to exploit  
15 minor users’ diminished decision-making capacity, impulse control, emotional maturity, and  
16 psychological resiliency caused by users’ incomplete brain development. Defendants know,  
17 or in the exercise of reasonable care should know, that because their minor users’ frontal  
18 lobes are not fully developed, they experience enhanced dopamine responses to stimuli on  
19 Defendants’ social media platforms and are therefore much more likely to become addicted  
20 to Defendants’ products; exercise poor judgment in their social media activity; and act  
21 impulsively in response to negative social media encounters. Defendants also know, or in  
22 the exercise of reasonable care should know, that minor users of their social media products  
23 are much more likely to sustain serious physical and psychological harm through their social  
24 media use than adult users. Nevertheless, Defendants knowingly designed their social media  
25 products to be addictive to minor users and failed to include in their product design any  
26 safeguards to account for and ameliorate the psychosocial immaturity of their minor users.  
27  
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**G. Defendants Misrepresent the Addictive Design and Effects of Their Social Media Product**

188. During the relevant time period, Defendants stated in public comments that their products are not addictive and were not designed to be addictive. Defendants knew or should have known that those statements were untrue.

189. During the relevant time period, Defendants advertised via commercials and/or third parties that their products were fun and safe to use, and that Defendants employed their technologies to ensure safe and age-appropriate experiences. Defendants knew or should have known that those statements were untrue.

190. Neither Meta, TikTok, or Snapchat warned users or their parents of the addictive and mentally harmful effects that the use of their products was known to cause amongst minor users. On the contrary, Defendants have gone to significant lengths to conceal and/or avoid disclosure as to the true nature of their products.

**H. Plaintiffs Expressly Disclaim Any and All Claims Seeking to Hold Defendants Liable as the Publisher or Speaker of Any Content Provided, Posted, or Created by Third Parties**

191. Plaintiffs seeks to hold Defendants accountable for their own alleged acts and omissions. Plaintiffs' claims arise from Defendants' status as designers and marketers of dangerously defective social media product, as well as Defendants' own statements and actions, not as the speaker or publisher of third-party content.

192. Defendants' have designed their products to be addictive. For example, Defendants have developed and modified product features like the continuous loop feed and push notifications, to incentivize users to stay on the product as long as possible and to convince users to log back on. Defendants even calculate the most effective time to send such notifications, which in the case of teen and tween users often means in the middle of the night and/or during school hours. Essentially, the times they are least likely to have access to Defendants' social media products, which also—as Defendants know—are the times that

1 their health and well-being necessitate them not being on Defendants' social media product.  
2 Defendants' products are designed to and do addict users on a content neutral basis.

3 193. The structure of these social media products and the technologies Defendants'  
4 design and utilize are, standing alone, harmful to users and irrespective of content. For  
5 example, a primary purpose of Defendants' algorithm designs is to determine individual user  
6 preferences first so that Defendants can then influence user behavior and choices second—  
7 which is particularly dangerous in the case of teens.

8 194. In the case of Meta, for example, Meta uses its product both to “experiment”  
9 on and test its users in ways heretofore unimagined, but also, it seeks to control user behavior  
10 through product features and capabilities and for the specific purpose of acquiring and  
11 retaining users. Defendants Snap and TikTok likewise seek to control user behavior through  
12 product features and capabilities and for the specific purpose of acquiring and retaining users.

13 195. On a content neutral basis, the manipulation and control these Defendants  
14 knowingly wield over their users daily is profoundly dangerous.

15 196. Defendants are responsible for these harms. These harms are caused by  
16 Defendants' designs and design-decisions, and not any single incident of third-party content.

17 197. Yet Defendants failed to warn minor users and their parents of known dangers  
18 arising from anticipated use of their social media products. These dangers are unknown to  
19 ordinary consumers but are known to Defendants. Moreover, these dangers do not arise from  
20 third-party content contained on Defendants' social media platforms. This lawsuit does not  
21 involve a suit against a web browser provider for making available third-party content. To  
22 the contrary, Defendants,

- 23 a. Design and constantly re-design their social media products to attract and  
24 addict teens and children, their “priority” user group.
- 25 b. Design and continue to operate their social media products to ensure that teens  
26 and children can obtain unfettered access, even over parental objection.
- 27 c. Know when teens and children are opening multiple accounts and when they  
28

1 are accessing their products excessively and in the middle of the night.

2 d. Work with advertisers and influencers to create and approve harmful content  
3 and provide direct access to teens and children – a user population Defendants  
4 know to be vulnerable.

5 e. Operate and provide the above social media products with the single-minded  
6 goal of increasing user engagement, including but not limited to things like  
7 maintaining harmful social comparison features and approving product  
8 programming that promotes harmful content over clear dangers to user safety.

9 198. While it may be a third party creates a particular piece of harmful content, the  
10 teens and children harmed by Defendants' social media products are not being harmed by a  
11 single piece of harmful content. They are being harmed by Defendants' products,  
12 programming, and decisions to expose teens and children to harmful product features and to  
13 show teens and children a constant barrage of harmful content to obtain more advertising  
14 revenue and increase engagement.

15 199. Englyn Roberts and children like her do not open social media accounts in  
16 the hopes of become addicted. Nonetheless, such children *do* become addicted, leading them  
17 to engage in foreseeable addict behaviors, such as lying to their parents, hiding their use of  
18 Defendants' products, losing control, becoming irritable and depressed when access is  
19 denied, and hyper-vigilance to avoid detection. These and other behaviors can and do result  
20 in serious harm to Defendants' minor users and resulted in serious harm to Englyn Roberts  
21 and her parents.

22 200. Englyn Roberts and children like her do not start using social media in the  
23 hopes of being exposed to product features that cause harm to them. Yet the use of Instagram,  
24 Snapchat, and TikTok involves harmful forms of social comparison and inevitably pushes  
25 such children towards harmful "rabbit holes," causing anxiety, depression, eating disorders,  
26 and self-harm—harms at least some of these Defendants acknowledge in internal documents.  
27 Defendants' products caused these harms to Englyn Roberts and her parents.  
28

1           201. The harms at issue in this case do not relate to or arise from third party  
2 content, but rather, Defendants' product features and designs, including algorithms and other  
3 technology that (a) addicts minor users to their products; (b) amplify and promote harmful  
4 social comparison through product features; (c) affirmatively select and promote harmful  
5 content to vulnerable users based on its individualized demographic data and social media  
6 activity; and (d) put minor users in contact with dangerous adult predators and otherwise  
7 expose to them to seemingly unstoppable unwanted interactions from persons not on their  
8 friend list or equivalent. Indeed, the foregoing are merely examples of the kinds of harms at  
9 issue in this case.

10           202. Defendants' products are addictive on a content neutral basis. Defendants  
11 design and operate their social media products in a manner intended to and that does change  
12 behavior and addict users, including through a natural selection process that does not depend  
13 on or require any specific type of third-party content, as well as mechanisms and features  
14 meant to release dopamine. Defendants deliberately addict teen users and the harms resulting  
15 from these addictions are foreseeable, even known, to Defendants.

16           203. Defendants have designed other product features for the purpose of  
17 encouraging and assisting children in evasion of parental oversight, protection, and consent,  
18 which features are wholly unnecessary to the operation of Defendants' product. This includes  
19 but is not limited to Defendants' wholesale failure to check identification or verify validity  
20 of user-provided email credentials, while simultaneously implementing product design  
21 features (such as easier ability to switch between accounts, in the case of Meta) meant to  
22 ensure easy access by children and teens, irrespective of parental consent. Likewise,  
23 Defendants—even those who claim to permit only one account—know that teen users are  
24 opening multiple accounts and fail to prevent such abuses.

25           204. Defendants also promote, encourage, and/or otherwise contribute to the  
26 development of harmful content. This Complaint has quoted from just a few of the thousands  
27 of Meta documents disclosed by the Facebook whistleblower, which establish this, and  
28

1 Plaintiffs anticipate finding the same types of evidence in discovery with TikTok and Snap.  
 2 One of biggest hurdles to discovery of these claims and the harms Defendants have caused  
 3 is that none of these defendants have ever been willingly transparent or cooperate regarding  
 4 disclosure of their product designs and operations. In this manner too these defendants have  
 5 actively concealed such harms.

6 205. Defendants also approve ads that contain harmful content, for example, and  
 7 as discussed at the Senate hearing held on October 5, 2021 regarding Meta,<sup>23</sup>

8 **Senator Mike Lee: (01:21:34)**

9 Now, since that exchange happened last week, there are a number of  
 10 individuals and groups, including a group called the Technology  
 11 Transparency Project or TTP, that have indicated that that part of her  
 12 testimony was inaccurate. That it was false. TTP noted that TTP had  
 13 conducted an experiment just last month, and their goal was to run a  
 14 series of ads that would be targeted to children ages 13 to 17, to users  
 15 in the United States. Now, I want to emphasize that TTP didn't end up  
 16 running these ads. They stopped them from being distributed to users,  
 17 but Facebook did in fact approve them. As I understand it, Facebook  
 18 approved them for an audience of up to 9.1 million users, all of whom  
 19 were teens.

20 **Senator Mike Lee: (01:22:31)**

21 I brought a few of these to show you today. This is the first one I  
 22 wanted to showcase. This first one has a colorful graphic encouraging  
 23 kids to, "Throw a Skittles party like no other," which as the graphic  
 24 indicates, and as the slang jargon also independently suggests, this  
 25 involves kids getting together randomly to abuse prescription drugs.  
 26 The second graphic displays an ana tip. That is a tip specifically  
 27 designed to encourage and promote anorexia. It's on there. Now the  
 28 language, the ana tip itself independently promotes that. The ad also  
 promotes it in so far as it was suggesting. These are images you ought  
 to look at when you need motivation to be more anorexic, I guess you  
 could say. Now the third one invites children to find their partner  
 online and to make a love connection. "You look lonely. Find your  
 partner now to make a love connection."

<sup>23</sup> <https://www.rev.com/blog/transcripts/facebook-whistleblower-frances-haugen-testifies-on-children-social-media-use-full-senate-hearing-transcript> ("October 5, 2021, Senate Hearing Transcript").

206. In other words, Defendant Meta approves advertisements “designed to encourage and promote anorexia” and encouraging children to abuse prescription or illegal drugs, which ads Meta then targets specifically at children in exchange for payment from the advertisers. On information and belief, Snapchat and TikTok do as well.

207. Defendants utilize private information of their minor users to “precisely target [them] with content and recommendations, assessing what will provoke a reaction,” including encouragement of “destructive and dangerous behaviors.” Again, Defendants specifically select and push this harmful content, for which they are then paid, and do so both for that direct profit and also to increase user engagement, resulting in more profits down the road. “That’s how [Defendants] can push teens into darker and darker places.”<sup>24</sup> Defendants know that their products can push children “all the way from just something innocent like healthy recipes to anorexia promoting content over a very short period of time.”<sup>25</sup> Defendants know that their products the content they are encouraging and helping to create is harmful to young users and choose “profits over safety”<sup>26</sup> any way.

208. None of Plaintiffs’ claims rely on treating Defendants as the publisher or speaker of any third party’s words or content. Plaintiffs’ claims seek to hold these Defendants accountable for their own allegedly wrongful acts and omissions, not for the speech of others or for any good faith attempts on the part of these Defendants to restrict access to objectionable content.

209. Plaintiffs is not alleging that Defendants are liable for what the third parties said, but for what Defendants did.

210. None of Plaintiffs’ Claims for Relief set forth herein treat Defendants as a speaker or publisher of content posted by third parties. Rather, Plaintiffs seek to hold Defendants liable for their own speech and their own silence in failing to warn of foreseeable dangers arising from anticipate use of their products. Defendants could manifestly fulfill

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<sup>24</sup> *Id.*

<sup>25</sup> October 5, 2021, Senate Hearing Transcript, Ms. Francis Haugen at 00:37:34.

<sup>26</sup> *Id.* at 02:47:07.



1 their legal duty to design a reasonably safe social product and furnish adequate warnings of  
2 foreseeable dangers arising out of the use of their products without altering, deleting, or  
3 modifying the content of a single third- party post or communication. Some examples  
4 include,

- 5 a. Not using their addictive and inherently dangerous algorithm and similar  
6 technologies in connection with any account held by a user under the age of  
7 18.
- 8 b. Not permitting any targeted advertisements to any user under the age of 18.
- 9 c. Prioritizing internally their removal of harmful content (content their systems  
10 are promoting and amplifying) over the risk of losing some user engagement.
- 11 d. Requiring identification upon opening of a new account, requiring parental  
12 consent for users under the age of 18 (which Snap and Tiktok currently claim  
13 to do but do not actually enforce in any way), and restricting users under the  
14 age of 18 to a single account.
- 15 e. Requiring verification by email when a user opens a new account. Not  
16 requiring verification allows underage users to access these social media  
17 products and does not stop bad actors.
- 18 f. Immediate suspension of accounts where Defendants have reason to know  
19 that the user is under the age of 13, including when the user declares that they  
20 are under the age of 13 in their bio or comments or chats and/or messages  
21 with any third party and where Defendants can determine an “estimated” age  
22 of under 13 based on other information they collect and/or have in their  
23 possession (including, for example, posted videos that clearly feature children  
24 under 13); and not allowing the account to resume until the user provides  
25 proof of age and identity and/or parental consent.
- 26 g. Suspension of accounts and, in some cases, user bans, where Defendants have  
27 reason to know that the user is over the age of 18, but where they are providing  
28

1 information to suggest that they are minors and/or are representing  
2 themselves as minors to other users; and not allowing the account to resume  
3 until the user provides proof of age and identity.

4 h. Removing social comparison features and/or hiding those features to reduce  
5 their harmful impact on teen users.

6 i. Instituting advertising safeguards to ensure that Defendants are not profiting  
7 directly from or otherwise pushing or endorsing harmful advertising content,  
8 and removing advertising targeting tools so that advertisers cannot harm  
9 vulnerable user groups by aiming harmful advertisements at them.

10 j. Requiring that all teen user accounts be set to private and not allowing any  
11 user under the age of 18 to change user settings to public.

12 k. Removing all friend and group and content recommendation systems that  
13 involve teen users in any way (so, not recommending to teen users, but also,  
14 not recommending teen users to adults) and not permitting direct messaging,  
15 snaps, or other forms of direct communication with any user under the age of  
16 18 not already on the other user's friend list.

17 211. These are just some examples, all of which could be accomplished easily  
18 and/or at commercially reasonable cost. Defendants know that they can make these change  
19 and, in many cases, have discussed these or similar changes internally. However, they have  
20 not instituted these types of safety features because they know that doing so would impact  
21 their astronomical revenue.

**I. Englyn Roberts' Death was Proximately Caused by Defendants' Social Media Products**



212. Englyn Roberts was born on July 21, 2006, and grew up in New Iberia, Louisiana. She was the youngest of eight children.

213. Englyn was a bubbly teenager. She loved spending time with family, eating at different restaurants, and travelling to different places. She enjoyed dancing, with hip hop and lyrical dance being her favorites, and had dreams of going to college and becoming a choreographer with her own dance studio someday.

214. Englyn enjoyed getting together on weekends and cooking outside in the backyard. She would play her music loudly and sing and dance to entertain the family. She was the baby of the family, the center of attention, and the heart.



215. When Englyn was eleven years old, she was given her first cell phone and, shortly thereafter, she downloaded Defendants' social media products without her parents' knowledge or consent. Her parents provided her with the cell phone so that she would have internet access, could take photos, and could stay in touch with family and friends. Not for social media.

216. Her parents required the access code to Englyn's phone and said that anytime Englyn changed that code she needed to provide them with the new one, which she did.

217. What Plaintiffs did not know is that Defendants make sure that underage children can access their social media products, including by marketing to children, failing to verify age or identity (even when the children openly admitted to being underage on their public profile and/or in posts and comments which), and permitting opening of multiple accounts. It was understood among children that Meta wouldn't close your account for being under 13. You just had to say you were 13 when opening an account and could then tell people your real age. In fact, this is something many kids still do. It also was understood among children that Meta did not object to kids using more than one account, which made it

1 easier to hide more personal content and the existence of secondary accounts from parents  
2 and family—often referred to as a SPAM account or, in Instagram’s case, a FINSTA (short  
3 for “fake Instagram”).

4 218. Defendants designed Instagram, TikTok, and Snapchat to frustrate and  
5 prevent parents like Brandy and Toney Roberts from exercising their rights and duties as  
6 parents to monitor and limit their child’s use of their social media products. Plaintiffs were  
7 not aware when Englyn’s social media usage started, nor did they ultimately know which  
8 products she used or how many accounts she opened without their knowledge or consent.

9 219. Englyn’s social media use coincided with a gradual decline in her mental  
10 health. Englyn became addicted to Defendants’ products and spent increasing amounts of  
11 time communicating on social media, and engaged in the video, games, and reward features  
12 of Defendants’ social media products.

13 220. Shortly after Englyn got her phone, her mother realized that Englyn was  
14 staying up at night on her cell phone. Her parents thought she was watching videos on the  
15 internet and chatting with friends, as they still did not know about Englyn’s social media use.  
16 Englyn had always been a well-behaved child, so her parents trusted her to use the phone  
17 responsibly. When they realized she was staying up on the phone, however, they instituted a  
18 10:00 p.m. rule for all devices: Englyn’s phone had to be turned off by 10:00 p.m. each night.

19 221. Englyn agreed and told her parents that she would make sure her phone was  
20 off by 10:00 p.m. Unfortunately, she was already addicted to Defendants’ social media  
21 products by that point – which addiction her parents had no knowledge of – and which caused  
22 her to break the 10:00 p.m. rule to use social media. One night, Englyn’s mother couldn’t  
23 sleep and caught her awake with the cell phone on in her room. Brandy and Toney Roberts  
24 now believe that Englyn had been regularly staying awake and was suffering from sleep  
25 deprivation due to her use of Defendants’ social media products, and Defendants’ failure to  
26 verify age and identity. Indeed, Defendants should not have been providing Englyn with  
27 access to their social media products at all as she was under the age of 13, which Defendants  
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1 knew or should have known based on her photos and other information in Defendants'  
2 possession, custody, and control.

3 222. Regardless, from that point forward Brandy Roberts took Englyn's phone  
4 downstairs with her each night when she went to bed. Englyn then started waiting until  
5 Brandy or both of her parents were asleep and would retrieve the phone so that she could use  
6 social media throughout the night. She was always careful to replace the phone before  
7 Brandy woke up in the morning, and never got caught.

8 223. Occasionally, Brandy Roberts would restrict Englyn's cell phone access,  
9 though usually not for more than a few hours or a day. Nonetheless, these efforts at exercising  
10 Plaintiff's parental rights and authority caused severe reactions in Englyn. Because of  
11 Englyn's social media addiction, she would panic without her cell phone and beg to get it  
12 back. She would tell her parents that they could do anything, except take her cell phone away.  
13 She would promise to do her chores, bring up her grades, or anything else that might get her  
14 the cell phone back – she said that she could not live without it. During these times when  
15 Englyn did not have social media access she would get anxious and depressed and would cry  
16 and sleep until she got her cell phone back. Once she had her phone back, everything seemed  
17 fine again.

18 224. Englyn's parents did not learn about her social media accounts and usage until  
19 more than a year after she got her phone.

20 225. The family was on vacation and Englyn could not go anywhere without her  
21 phone. Her parents told her that she needed to leave for several hours, while the family went  
22 out and so that they could spend time together and without electronic devices, and Englyn  
23 became anxious and stressed. She panicked. She said that she could not go out without her  
24 phone because she would lose her "streaks," and she needed to always have it with her. That  
25 is how Plaintiffs learned about Englyn's Instagram and Snapchat accounts.

26 226. Englyn's parents were not familiar with these social media products but had  
27 seen Snapchat commercials on TV and on their own phones and understood from those  
28



1 commercials that Snapchat was a product used a lot by kids to send disappearing photos to  
2 friends. Based on Snapchat's advertisements, Brandy and Toney Roberts understood and  
3 reasonably believed that Snapchat was a product marketed to kids, and that it was a fun and  
4 safe photo sharing application. Their understanding of Instagram based on marketing and  
5 available information was that Instagram was also something widely used by kids, and to  
6 keep in touch with one another. They had some knowledge of Facebook, which was used to  
7 keep in touch with friends and family and understood that Instagram was basically a  
8 Facebook type product but marketed and used by kids more than adults.

9 227. They did not learn about Englyn's TikTok account until later.

10 228. What her parents also did not know at that time was that, as a proximate result  
11 of her use of Instagram, Snapchat, and TikTok, specifically due to the intentionally addictive  
12 nature of these products as well as the harmful content they were promoting and amplifying  
13 to Englyn via various algorithmically drive product features and harmful social comparison  
14 features, Englyn Roberts had begun to suffer from depression, anxiety, self-harm, and  
15 suicidal ideation.

16 229. On the outside, Englyn appeared to still be a happy child. She began having  
17 a few small issues at school and, of course, missed her friends when COVID started in early  
18 2020. But otherwise, she continued to enjoy family parties on the weekend, and continued to  
19 entertain her loved ones with singing and dancing every chance she got.

20 230. On August 28, 2020 – one day before Englyn tried to take her life – she was  
21 goofing around with her mom. She took and sent a photo of herself with her favorite teddy,  
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Then she found her mom napping, so took and sent a photo of her mom with her favorite teddy too,



231. Plaintiffs had no way of knowing what Defendants' social media products were doing to their precious child while, in sharp contrast, Meta, Snap, and TikTok knew or should have known that they were causing this harm to Englyn, including based on her age, usage information, and usage patterns—which each of these defendants collects and, on information and belief, closely tracks—and content to which each of these defendants were repeatedly exposing her via unsolicited methods, such as push notifications and algorithmically driven recommendation systems.

232. Defendants provided eleven-year-old Englyn with access to multiple accounts on Defendants' social media platforms without her parents' knowledge or consent.

233. Defendants knew or should have known that Englyn was under the age of 13 and obtained (multiple) social media accounts yet failed to restrict her access or notify her parents of her account status.

234. Defendants promoted and amplified harmful content, resulting in self-harm, suicidal ideation, and, eventually, death.

1           235. But for Meta, Snap, and TikTok’s failure to conduct a reasonable age  
2 verification, Englyn Roberts would not have been exposed to the harmful features and design  
3 of their respective social media products.

4           236. But for certain product features (to name only a few examples, Instagram and  
5 TikTok’s “like” features and Snapchat’s “Snap Streak” feature), Englyn Roberts would not  
6 have experienced the anxiety and depression that stem from harmful social comparison  
7 designs.

8           237. But for the algorithmic discrimination contained in all three of the social  
9 media products at issue, including recommendation systems as well as content promotion  
10 and display systems, Englyn Roberts would not have been targeted and overwhelmed by  
11 disproportionately violent, sexual, and other harmful content.

12           238. But for the recommendation, public profile, and direct messaging settings  
13 designed, implemented, and utilized by all three of the social media products at issue, Englyn  
14 Roberts would not have suffered exploitation and bullying by strangers utilizing Defendants’  
15 platforms for that purpose and in a foreseeably damaging manner – that is, the degree of  
16 harm caused by certain events is amplified exponentially by Defendants’ products designs,  
17 additive characteristics, and available or default settings.

18           239. But for the endless feed and explore features characteristic of all three of the  
19 social media products at issue, Englyn Roberts would not have experienced the harmful  
20 dependencies that these features were designed to promote.

21           240. In 2019, Englyn was photographed at a family event using the Instagram  
22 social media product,  
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241. What no one knew at that time was that, while Englyn appeared to be doing fine to her parents and family, in fact, she was being bombarded by Instagram, Snapchat, and TikTok with harmful images and videos (ranging from harmful social comparison content to violent and disturbing content glorifying self-harm and suicide). She was also receiving sexual and exploitative direct messages from strangers, which are allowed and enabled by all three of the social media products at issue, along with Defendants' harmful connection and content recommendations – all of which would eventually kill her.

242. These social media companies were not providing fun and safe photo sharing services, but rather, were dealing in incredibly addictive product features and pushing harmful algorithmically driven content, intended to keep Englyn hooked on their products by any means necessary.

243. Meta, Snap, and TikTok's social media products also made harmful recommendations to and about Englyn Roberts, connecting her with strangers to increase

1 their own engagement and thereby their own profits, which recommendations had nothing to  
2 do with any communication or informational aspects of Defendants' products.

3 244. Meta, Snap, and TikTok's social media products also provided other users  
4 with unfettered access to Englyn through public profiles and features (in the case of Meta  
5 and TikTok), recommendation systems (in the case of Meta, Snap, and TikTok), and features  
6 that provided direct messaging access to Englyn regardless of her minor status, regardless of  
7 whether other users were on her "friends" list or equivalent, and regardless of duration, time  
8 of day, or frequency (Meta, Snap, and TikTok).

9 245. In 2018 and 2019, Englyn began interacting with and then sharing content  
10 about depression, suicidal ideation, and self-harm via Defendants' social media apps,  
11 unbeknownst to her parents and teachers. Defendants not only had knowledge as to what was  
12 happening, but in many cases, were the ones recommending the harmful content.

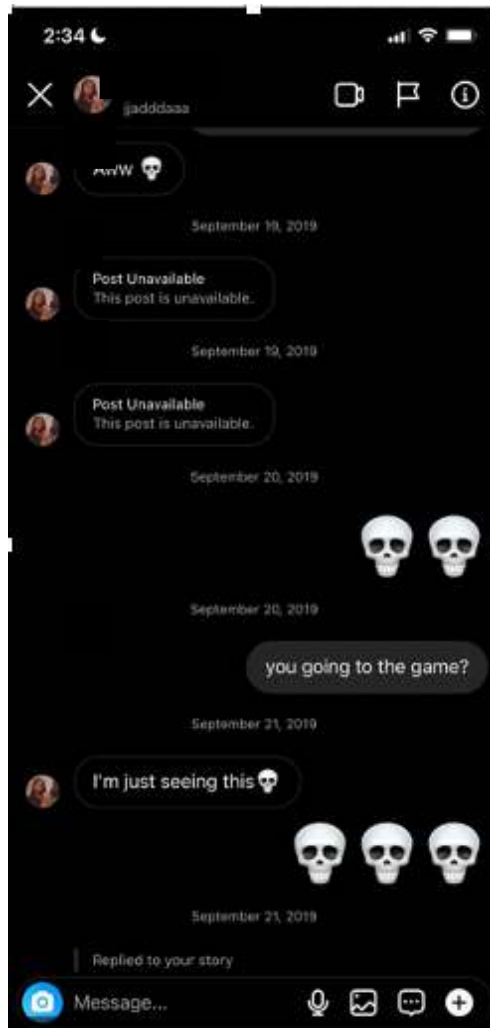
13 246. Meta, Snap, and TikTok also utilized algorithms and/or similar technologies  
14 to steer Englyn towards and otherwise promote and amplify harmful and unsolicited content.  
15 Defendants are not only aware of their promotion and amplification of harmful content but  
16 knew or should have known that the harms caused by their marketing and amplification  
17 systems would be exacerbated by Englyn's sleep deprivation. On information and belief, all  
18 three of these defendants collect and track usage information and know when teens and  
19 children are using their products, know when they are using them at night, and know when  
20 such use is harmful.

21 247. Defendants' algorithms and similar technologies are designed to exploit these  
22 social media caused vulnerabilities. The more addicted and sleep deprived a user becomes,  
23 the more Defendants' systems promote and amplify harmful content and the more push  
24 notifications Defendants' systems send.

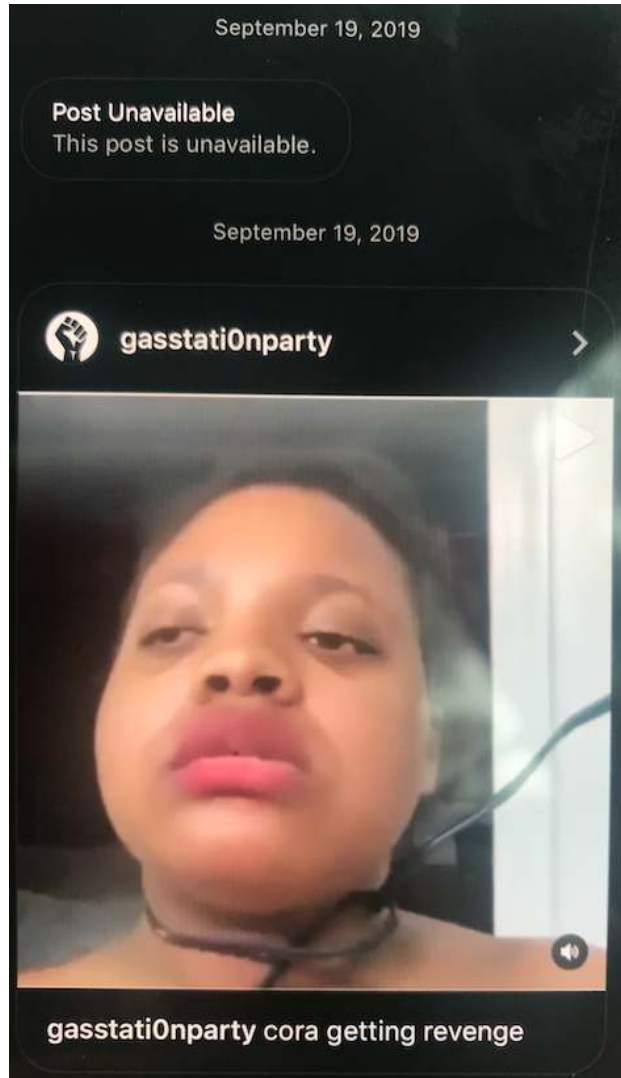
25 248. In September 2019, Englyn and her friend began exchanging links to  
26 incredibly harmful and violent page and users they had found because of Instagram's  
27 algorithm and recommendation systems, which content Instagram hosted on its platform for  
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1 years while young users, like Englyn, continued sharing and viewing the incredibly harmful  
 2 and violent content with alarming frequency. The content can no longer be found on  
 3 Instagram, as Meta finally enforced its own Terms of Service and deleted the account in  
 4 December of 2021 – but not before Meta’s algorithms recommended this content to any  
 5 number of children.

6 249. In September of 2019, Englyn and her friend messaged each other with the  
 7 harmful content recommended and/or promoted by Instagram,



1 The posting person's username was **gasstati0nparty** though, on information and belief, this  
 2 user's content is posted under more than one username. In one of the videos exchanged on  
 3 September 19, 2019, the woman hung herself with an extension cord attached to a door,



23 This is the kind of material Instagram's algorithm was recommending to 13-year-old girls in  
 24 September of 2019, and it remained in Englyn's Instagram messages until December of 2021,  
 25 more than a year after Englyn's death, when Instagram finally deleted this account.

26 250. The sleep deprivation caused by addiction and amplification of harmful  
 27 content to which Englyn was exposed through her addiction to Defendants' social media  
 28 products was a proximate cause of her depression, anxiety, self-harm, and suicidal ideation.



251. On June 13, 2020, Englyn wrote to Instagram username **brayreggiontae\_**, “right just think people be suicidal for no reason.” **brayreggiontae\_** replied, “And people still wouldn’t understand.”

252. On July 15, 2020, Englyn wrote to Instagram username **lexy.paull**, “but if i ever hurt myself tell my parents that it wasn’t there fault it’s my problems with finding love.”

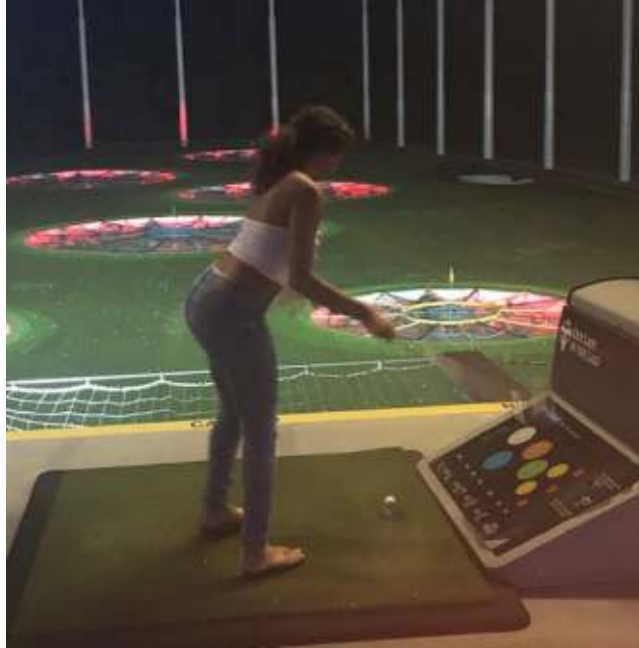


253. Around this same time, Englyn kept a list of mental health numbers (including a suicide hotline) in her “private story” feature on Instagram and was exchanging pictures showing self-harm with one or more of her “friends” on Instagram. Meta knew that Englyn was a minor and said and did nothing to alert her parents or teachers to what was transpiring on its platform and because of the harms caused by Defendants’ social media products – harms Meta itself was already studying and knew about as being among the impacts and effects of use of the social media products at issue in this case.

1           254.   July 21, 2019, Englyn and her family celebrated her 14<sup>th</sup> birthday.

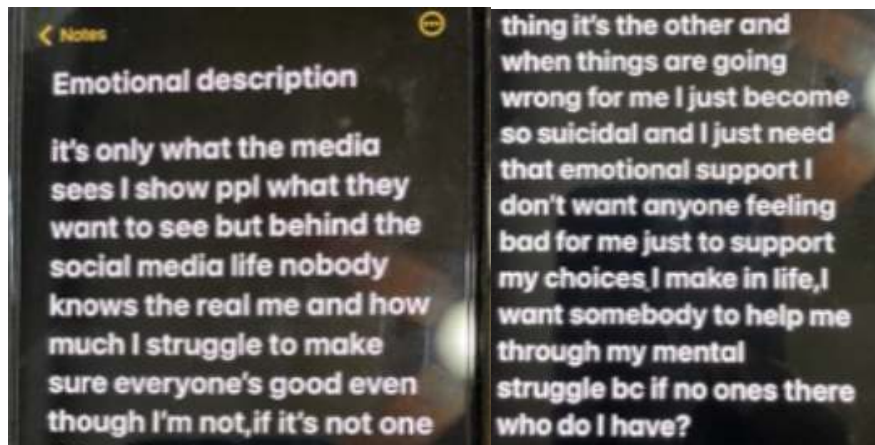


20       The celebration started early in the day and finished with an evening game of Top Golf,  
21  
22  
23  
24  
25  
26  
27  
28



255. On August 11, 2020, Englyn typed an “emotional description” relating to her social media use into her cell phone’s note pad application. She wrote,  
Emotional description

It’s only what the media sees I show ppl what they want to see but behind the social media life nobody knows the real me and how much I struggle to make sure everyone’s good even though I’m not, if it’s not one thing it’s the other and when things are going wrong for me I just become so suicidal and I just need that emotional support I don’t want anyone feeling bad for me just to support my choices I make in life, I want somebody to help me through my mental struggle bc if no ones there who do I have?



256. On August 15, 2020, Englyn spent the day with her parents, as she often did,



257. On August 21, 2020, Englyn spent the day at the beach having fun,



258. On August 22, 2020, Englyn and her parents went on an outing to enjoy nature,





259. On August 23, 2020, Englyn and her family went out for dinner,



1           260. On August 28, 2020, Englyn took goofy selfies for social media,



15           261. On August 29, 2020, at 3:30 a.m., Englyn took an extension cord and attached  
16 it to her door – just like she has seen in the Instagram video viewed countless times by herself  
17 and other young children – and attempted to choke herself – just like she had seen in the  
18 Instagram video viewed countless times by herself and other young children.

19           262. Englyn texted her boyfriend (with corrections and as taken from police  
20 report),

21           *I just want to die.*

22           *I can't satisfy anyone.*

23           *In the closet choking myself, wonder if I'm good enough to stay on Earth, because*  
24 *it's never enough, for anybody, nobody calls me, to check in on me, nobody, not*  
25 *even you, I have no reason but to die, call or I'm stepping off this stool, and I'll be*  
26 *done just like you wanted, never mind, see, take too long, dropping phone, so I*  
27 *won't get what you're saying, bye love you.*  
28

1           263. She then used her phone and took a video of herself crying, in which the  
2 extension cord can be seen.

3           264. Brandy and Toney Roberts received a text message from Englyn's  
4 boyfriend's mother at 3:30 a.m., asking them to check on Englyn. They found their daughter  
5 hanging from the extension cord moments later. Toney picked her up and laid her on the  
6 floor, and Brandy began doing CPR, which she continued until the ambulance arrived.

7           265. The medics were able to get a pulse, and Englyn was rushed to the hospital,  
8 where she stayed on life support for nine days.



24  
25 Her parents stayed by her side every possible moment, singing to her, playing music, and  
26 holding her hand. On September 7, 2020, they made the difficult decision to take Englyn off  
27 life support and continued to stay by her side as she left them.

28           266. Englyn's death devastated her entire family, and her friends. She was a bright



1 light and loved by everyone who knew her, and Plaintiffs had no choice but to assume that  
2 her death was caused by some sort of mental illness no one knew about and with no outward  
3 symptoms. They became active and vocal on issues of teen mental health awareness and  
4 made a commitment to help other families and children if they could. They also tried to reach  
5 out to Englyn's friends and other children on social media through postings and messages of  
6 positivity and hope.

7 267. Then, one week after the anniversary of Englyn's death—the week of  
8 September 13, 2021—Toney Roberts was watching the news and learned about the Facebook  
9 Whistleblower, Francis Haugen. He began looking for and listening to news on this topic,  
10 learning about what Instagram's leadership knew about the harms its products are causing to  
11 teen users. To name only one example, Meta recognized that a significant percent of its users  
12 are addicted to its products, that children open multiple, secret accounts (referred to by Meta  
13 as a “unique value proposition”), and that use of Instagram increases thoughts of what Meta  
14 calls “SSI” (Suicide and Self-Injury) in a percentage of teen girls who use it – Englyn was  
15 nothing more than a statistic to Defendants, and Defendants chose profits and growth over  
16 the health and well-being of unsuspecting teen users like Englyn.

17 268. That was when Toney Roberts charged Englyn's old cell phone to see whether  
18 the things they were describing on TV were what happened to his daughter. He was able to  
19 access some of her social media accounts from her phone and began scouring those with the  
20 information now in his possession.

21 269. What became clear in September of 2021 is that Englyn's death was the  
22 proximate result of psychic injury caused by her addictive use of Instagram, Snapchat, and  
23 TikTok.

24 270. Throughout the period of Englyn's social media use, Plaintiffs were unaware  
25 of the clinically addictive and mentally harmful effects of Instagram, Snapchat, and TikTok.  
26 In fact, they were not aware that Englyn was using these products at all until more than a  
27 year after she began.  
28

1           271. Defendants designed Instagram, TikTok, and Snapchat to frustrate and  
2 prevent parents like Brandy and Toney Roberts from exercising their rights and duties as  
3 parents to monitor and limit their child’s use of their social media products.

4           272. Defendants knowingly designed Instagram, TikTok, and Snapchat to enable  
5 minor users such as Englyn Roberts to use, become addicted to, and abuse their products  
6 without the knowledge and consent of their parents. In fact, Snapchat’s Snap Streaks product  
7 feature has been referred to as one of the addictive across all social media platforms,  
8 particularly when it comes to teens. Snap has been urged to remove that product feature for  
9 years, for the health and safety of children, and has refused.<sup>27</sup>

10           273. Defendants designed Instagram, TikTok, and Snapchat to be attractive  
11 nuisances to users below the age of 13 such as Englyn Roberts but failed to exercise ordinary  
12 care owed to underage business invitees to prevent the recommendation, promotion, and  
13 amplification of dangerous and harmful content.

14           274. Some if not all of these Defendants possessed actual knowledge that Englyn  
15 was below the age of 13 when she began using their products, included based on content in  
16 her posts and messages with others users; that she was addicted to their products; that she  
17 was being presented with and exposed to excessive amounts of dangerous and harmful  
18 content; and that there was a likelihood that she would attempt something dangerous as a  
19 result of her use of their social media products, yet Defendants took no steps to terminate her  
20 usage, inform her parents of her unauthorized use and exposure to dangerous and harmful  
21 content, or notify law enforcement officers.

22           275. Defendants not only failed to warn Brandy, Toney, and Englyn Roberts of the  
23 dangers of addiction, sleep deprivation, sexual abuse, and problematic use of their  
24 applications, but affirmatively misrepresented the safety, utility, and addictive properties of  
25 their products to minor users and their parents, including Plaintiffs and Englyn Roberts.

---

26  
27  
28 <sup>27</sup> See, e.g., <https://www.bbc.com/news/technology-47623626> (Snapchat under scrutiny from MPs over “addictive” streaks), March 19, 2019.

1 **VI. PLAINTIFF'S CLAIMS**

2 **COUNT I - STRICT PRODUCT LIABILITY (Design Defect)**

3 276. Plaintiffs reallege each and every allegation contained in paragraphs 1  
4 through 275 as if fully stated herein.

5 277. Under Restatement (Second) of Torts § 402(a) and California law, one who  
6 sells any product in a defective condition unreasonably dangerous to the user is subject to  
7 liability for physical harm thereby caused to the user if (a) the seller is engaged in the  
8 business of selling such a product, and (b) it is expected to and does reach the user or  
9 consumer without substantial change in the condition which it was sold.

10 278. Defendants' products are defective because the foreseeable risks of harm  
11 posed by the product's design could have been reduced or avoided by the adoption of a  
12 reasonable alternative design by Defendants and the omission of the alternative design  
13 renders the product not reasonably safe. These defective conditions rendered these products  
14 unreasonably dangerous to persons or property and existed at the time the product left  
15 Defendants' control, reached the user or consumer without substantial change in the  
16 condition and its defective condition was a cause of Plaintiffs' injury.

17 279. Defendants designed, manufactured, marketed, and sold social media  
18 products that were unreasonably dangerous because they were designed to be addictive to  
19 the minor users to whom Defendants actively marketed and because the foreseeable use of  
20 Defendants' products causes mental and physical harm to minor users.

21 280. Defendants' products were unreasonably dangerous because they contained  
22 numerous design characteristics that are not necessary for the utility provided to the user but  
23 are unreasonably dangerous and implemented by Defendants solely to increase the profits  
24 they derived from each additional user and the length of time they could keep each user  
25 dependent on their product.

26 **A. Inadequate Safeguards From Harmful and Exploitative Content**

27 281. Snapchat, TikTok, and Instagram are defectively designed.  
28

1           282. As designed, Snapchat, TikTok, and Instagram algorithms and other product  
2 features are not reasonably safe because they affirmatively direct minor users to harmful and  
3 exploitative content while failing to deploy feasible safeguards to protect vulnerable teens  
4 from such harmful exposures. It is feasible to design an algorithm and technologies that  
5 substantially distinguish between harmful and innocuous content and protect minor users  
6 from being exposed to harmful content without altering, modifying, or deleting any third-  
7 party content posted on Defendants' social media products. The cost of designing these  
8 products to incorporate this safeguard would be negligible while benefit would be high in  
9 terms of reducing the quantum of mental and physical harm sustained by minor users and  
10 their families.

11           283. As designed, Snapchat, TikTok, and Instagram algorithms and other product  
12 features are not reasonably safe because they affirmatively direct and recommend minor  
13 users to harmful groups and other users, while failing to deploy feasible safeguards to protect  
14 vulnerable teens from such harmful exposures. It is feasible to design an algorithm and  
15 technologies that do not make harmful connection recommendations to minor users, or any  
16 connection recommendations at all; it is feasible to design an algorithm and technologies  
17 that do not recommend harmful groups to minor users, or any group recommendations at all;  
18 and it is feasible to restrict access to minor users by strangers and adult users via direct  
19 messaging, to restrict and limit such access to users already on a minor user's "friend" list,  
20 or to prevent such access altogether. Defendants know that these product features cause a  
21 significant number of harms to their minor users, such as sexual exploitation, bullying, and  
22 encouragement of self-harm and suicide – all of which are at issue in this case.

23           284. Defendants also engage in conduct, outside of the algorithms and related  
24 technologies themselves, that is designed to promote harmful and exploitative content as a  
25 means of increasing their revenue from advertisements. This includes but is not limited to  
26 efforts to encourage advertisers to design ads that appeal to minors, including teens like  
27 Englyn Roberts; and product design features intended to attract and engage minor users to  
28

1 these virtual spaces where harmful ad content is then pushed to those users in a manner  
2 intended to increase user engagement, thereby increasing revenue to Defendants at the direct  
3 cost of user wellbeing.

4 285. Reasonable users (and their parents) would not expect that Defendants'  
5 products would knowingly expose them to such harmful content and/or that Defendants'  
6 products would direct them to harmful content at all, much less in the manipulative and  
7 coercive manner that they do. Defendants have and continue to knowingly use their  
8 algorithms and other technologies on users in a manner designed to affirmatively change  
9 their behavior, which methods are particularly effective on (and harmful to) Defendants'  
10 youngest users.

11 **B. Failure to Verify Minor Users' Age and Identity**

12 286. Snapchat, Tiktok, and Instagram are defectively designed.

13 287. As designed, Defendants' products are not reasonably safe because they do  
14 not provide for adequate age verification by requiring users to document and verify their age  
15 and identity.

16 288. Adults frequently set up user accounts on Defendants' social media products  
17 disguising their identity and/or posing as minors to groom unsuspecting minors to exchange  
18 sexually explicit content and images, which frequently progresses to sexual exploitation and  
19 trafficking, and commercial sex acts.

20 289. Minor users of social media and their parents do not reasonably expect that  
21 prurient adults set up fraudulent accounts on Defendants' social media products and pose as  
22 minors for malign purposes.

23 290. Likewise, minor users whose parents have taken affirmative steps to keep  
24 them away from Defendants' products often open multiple accounts, such that Defendants  
25 know or have reason to know that the user is underage and/or does not have parental  
26 permission to use their product. Defendants already have the information and means they  
27 need to ascertain with reasonable certainty their users' actual age. Defendants utilize these  
28

1 tools to investigate, assess, and report on percentages and totals of underage users for internal  
 2 assessment purposes. They then choose to simply do nothing about that information as it  
 3 relates to the specific, underaged users themselves.

4 291. Reasonably accurate age and identity verification is not only feasible but  
 5 widely deployed by online retailers and internet service providers. Defendants not only can  
 6 estimate the age of their users, but they do.

7 292. The cost of incorporating age and identify verification into Defendants'  
 8 products would be negligible, whereas the benefit of age and identity verification would be  
 9 a substantial reduction in severe mental health harms, sexual exploitation, and abuse among  
 10 minor users of Defendants' products.

#### 11 **C. Inadequate Parental Control and Monitoring**

12 293. Snapchat, Tiktok, and Instagram are defectively designed.

13 294. Defendants have intentionally designed products to frustrate the exercise of  
 14 parental responsibility by their minor users' parents. Parents have a right to monitor their  
 15 children's social media activity to protect them from harm. Defendants have designed  
 16 products that make it difficult, if not impossible, for parents to exercise parental  
 17 responsibility.

18 295. It is feasible to design a social media product that requires parental consent  
 19 for users under the age of 18 and prohibits users under the age of 13.

20 296. Defendants' products are also defective for lack of parental controls,  
 21 permission, and monitoring capability available on many other devices and applications.

22 297. Defendants' products are designed with specific product features intended to  
 23 prevent and/or interfere with parents' reasonable and lawful exercise of parental control,  
 24 permission, and monitoring capability available on many other devices and applications.

#### 25 **D. Intentional Direction of Minor Users to Harmful and Exploitative Content**

26 298. Snapchat, Tiktok, and Instagram are defectively designed.

27 299. Default "recommendations" communicated to new teenage users, including  
 28

Englyn Roberts, purposefully steered her toward content Defendants knew to be harmful to children of her age and gender.

300. Ad content pushed to new minor users, including Englyn Roberts, because of their age and vulnerability, purposefully steer those users toward content Defendants know to be harmful to children of their age and gender. This defect is only worsened by the algorithmic discrimination that exists in Defendants' products, and operated to the detriment of Englyn Roberts.

#### **E. Inadequate Protection of Minors from Sexual Exploitation and Abuse**

301. Snapchat, Tiktok, and Instagram are defectively designed.

302. Defendants' products are not reasonably safe because they do not protect minor users from sexually explicit content and images, report sex offenders to law enforcement, or allow users' parents to readily report abusive users to law enforcement.

303. Parents do not expect their children will use Defendants' products to exchange sexually explicit content and images and minor users do not expect that prurient adults pose as minors for malign purposes or that exchange of such content will be deleterious to their personal safety and emotional health.

304. Minor users of Defendants' products lack the cognitive ability and life experience to identify online grooming behaviors by prurient adults and the psychosocial maturity to decline invitations to exchange salacious material.

305. Defendants' products are unreasonably dangerous and defective as designed because they allow minor children to use "public" profiles, in many cases default "public" profiles, that can be mass-messed by anonymous and semi-anonymous adult users for the purposes of sexual exploitation and grooming, including the sending of encrypted, disappearing messages and cash rewards through Defendants' integrated design features.

#### **F. Design of Addictive Social Media Products**

306. Snapchat, Tiktok, and Instagram are defectively designed.

307. As designed, Defendants' social media products are addictive to minor users



1 as follows: When minors use design features such as “likes” or “streaks” it causes their brains  
 2 to release dopamine, which creates short term euphoria. However, as soon as dopamine is  
 3 released, minor users’ brains adapt by reducing or “downregulating” the number of dopamine  
 4 receptors that are stimulated and their euphoria is countered by dejection. In normal  
 5 stimulatory environments, this dejection abates, and neutrality is restored. However,  
 6 Defendants’ algorithms are designed to exploit users’ natural tendency to counteract  
 7 dejection by going back to the source of pleasure for another dose of euphoria. As this pattern  
 8 continues over a period of months and the neurological baseline to trigger minor users’  
 9 dopamine responses increases, they continue to use the social media products at issue, not  
 10 for enjoyment, but simply to feel normal. Once they stop using these products, minor users  
 11 experience the universal symptoms of withdrawal from any addictive substance including  
 12 anxiety, irritability, insomnia, and craving.

13 308. Addiction is not restricted to a substance abuse disorders. Rather, the  
 14 working definition of addiction promulgated in the seminal article *Addictive behaviors:  
 15 Etiology and Treatment* published by the American Psychological Association in  
 16 its 1988 *Annual Review of Psychology* defines addiction as,

17 a repetitive habit pattern that increases the risk of disease and/or associated personal  
 18 and social problems. Addictive behaviors are often experienced subjectively as ‘loss  
 19 of control’ – the behavior contrives to occur despite volitional attempts to abstain or  
 20 moderate use. These habit patterns are typically characterized by immediate  
 21 gratification (short term reward), often coupled with delayed deleterious effects (long  
 22 term costs). Attempts to change an addictive behavior (via treatment or self-  
 23 initiation) are typically marked with high relapse rates.

24 309. Addiction researchers agree that addiction involves six core components:  
 25 (1) salience—the activity dominates thinking and behavior; (2) mood modification—the  
 26 activity modifies/improves mood; (3) tolerance—increasing amounts of the activity are  
 27 required to achieve previous effects; (4) withdrawal—the occurrence of unpleasant feelings  
 28 when the activity is discontinued or suddenly reduced; (5) conflict—the activity causes  
 conflicts in relationships, in work/education, and other activities; and (6) relapse—a  
 tendency to revert to earlier patterns of the activity after abstinence or control.

1           310. Social media addiction has emerged as a problem of global concern, with  
 2 researchers all over the world conducting studies to evaluate how pervasive the problem  
 3 is. Addictive social media use is manifested when a user (1) becomes preoccupied by social  
 4 media (salience); (2) uses social media in order to reduce negative feelings (mood  
 5 modification); (3) gradually uses social media more and more in to get the same pleasure  
 6 from it (tolerance/craving); (4) suffers distress if prohibited from using social media  
 7 (withdrawal); (5) sacrifices other obligations and/ or causes harm to other important life areas  
 8 because of their social media use (conflict/functional impairment); and (6) seeks to curtail  
 9 their use of social media without success (relapse/loss of control).

10           311. The Bergen Facebook Addiction Scale (BFAS) was specifically developed  
 11 by psychologists in to assess subjects' social media use using the aforementioned addiction  
 12 criteria, and is by far the most widely used measure of social media addiction. Originally  
 13 designed for Facebook, BFAS has since been generalized to all social media. BFAS has  
 14 been translated into dozens of languages, including Chinese, and is used by researchers  
 15 throughout the world to measure social media addiction.

16           312. BFAS asks subjects to consider their social media usage with respect to the  
 17 six following statements and answer either (1) very rarely, (2) rarely, (3) sometimes, (4)  
 18 often, or (5) very often,

19           313. You spend a lot of time thinking about social media or planning how to use  
 20 it.

21           314. You feel an urge to use social media more and more.

22           315. You use social media in order to forget about personal problems.

23           316. You have tried to cut down on the use of social media without success.

24           317. You become restless or troubled if you are prohibited from using social  
 25 media.

26           318. You use social media so much that it has had a negative impact on your  
 27 job/studies.  
 28

Subjects who score a “4” or “5” on at least 4 of those statements are deemed to suffer from social media addiction.

319. Addictive use of social media by minors is psychologically and neurologically analogous to addiction to internet gaming disorder as described in the American Psychiatric Association's 2013 Diagnostic and Statistical Manual of Mental Disorders (DSM-5), which is used by mental health professionals to diagnose mental disorders. Gaming addiction is a recognized mental health disorder by the World Health Organization and International Classification of Diseases and is functionally and psychologically equivalent to social media addiction. The diagnostic symptoms of social media addiction among minors are the same as the symptoms of addictive gaming promulgated in DSM 5 and include:

320. Preoccupation with social media and withdrawal symptoms (sadness, anxiety, irritability) when device is taken away or not possible (sadness, anxiety, irritability).

- a. Tolerance, the need to spend more time using social media to satisfy the urge.
- b. Inability to reduce social media usages, unsuccessful attempts to quit gaming.
- c. Giving up other activities, loss of interest in previously enjoyed activities due to social media usage.
- d. Continuing to use social media despite problems.
- e. Deceiving family members or others about the amount of time spent on social media.
- f. The use of social media to relieve negative moods, such as guilt or hopelessness.
- g. and Jeopardized school or work performance or relationships due to social media usage.

321. Defendants’ advertising profits are directly tied to the quantity of their users’ online time and engagement, and their algorithms and other product features are designed to maximize the time users spend using the product by directing them to content that is progressively more and more stimulative. Defendants enhance advertising revenue by

1 maximizing users' time online through a product design that addicts them to the platform.  
 2 However, reasonable minor users and their parents do not expect that online social media  
 3 platforms are psychologically and neurologically addictive.

4 322. It is feasible to make Defendants' products not addictive to minor users by  
 5 turning off the algorithms, limiting the frequency and duration of access, and suspending  
 6 service during sleeping hours. Designing software that limits the frequency and duration of  
 7 minor users' screen use and suspends service during sleeping hours could be accomplished  
 8 at negligible cost; whereas the benefit of minor users maintaining healthy sleep patterns  
 9 would be a significant reduction in depression, attempted and completed suicide, and other  
 10 forms self-harm among this vulnerable age cohort.

11 **G. Inadequate Notification of Parents of Dangerous and Problematic Social Media**  
 12 **Usage by Minor Users**

13 323. Snapchat, Tiktok, and Instagram are defectively designed.

14 324. Defendants' products are not reasonably safe as designed because they do not  
 15 include any safeguards to notify users and their parents of usage that Defendants knows to  
 16 be problematic and likely to cause negative mental health effects to users, including  
 17 excessive passive use and use disruptive of normal sleep patterns. This design is defective  
 18 and unreasonable because:

19 325. It is reasonable for parents to expect that social media companies that actively  
 20 promote their platforms to minors will undertake reasonable efforts to notify parents when  
 21 their child's use becomes excessive or occurs during sleep time. It is feasible for Defendants  
 22 to design a product that identifies a significant percentage of its minor users who are using  
 23 the product more than three hours per day or using it during sleeping hours at negligible cost.

24 326. Defendants' products are not reasonably safe as designed because, despite  
 25 numerous reported instances of child sexual solicitation and exploitation by adult users,  
 26 Defendants have not undertaken reasonable design changes to protect underage users from  
 27 this abuse, including notifying parents of underage users when they have been messaged or  
 28

1 solicited by an adult user or when a user has sent inappropriate content to minor users.

2 327. Defendants' entire business is premised upon collecting and analyzing user  
3 data and it is feasible to use Defendants' data and algorithms and other technologies to  
4 identify and restrict improper sexual solicitation, exploitation, and abuse by adult users.

5 328. Moreover, it is reasonable for parents to expect that platforms such as  
6 Instagram, Snapchat, and TikTok, which actively promote their services to minors, will  
7 undertake reasonable efforts to identify users suffering from mental injury, self-harm, or  
8 sexual abuse and implement technological safeguards to notify parents by text, email, or  
9 other reasonable means that their child is in danger.

10 329. As a proximate result of these dangerous and defective design attributes of  
11 Defendants' product, Englyn Roberts suffered severe mental harm. Plaintiffs did not know,  
12 and in the exercise of reasonable diligence could not have known, of these defective design  
13 in Defendants' products until late 2021.

14 330. As a result of these dangerous and defective design attributes of Defendants'  
15 products, Plaintiffs Brandy and Toney Roberts have suffered emotional distress and  
16 pecuniary hardship due to their child's mental harm and death resulting from her social media  
17 addiction.

18 331. Defendants are further liable to Plaintiffs for punitive damages based upon  
19 the willful and wanton design of their products that were intentionally marketed and sold to  
20 underage users, whom they knew would be seriously harmed through their use of Instagram,  
21 Snapchat, and TikTok.

22 **COUNT II – STRICT PRODUCT LIABILITY (Failure to Warn)**

23 332. Plaintiffs reallege each and every allegation contained in paragraphs 1  
24 through 325 as if fully stated herein.

25 333. Defendants' products are defective because of inadequate instructions or  
26 warnings because the foreseeable risks of harm posed by these products could have been  
27 reduced or avoided by the provision of reasonable instructions or warnings by the  
28

1 manufacturer and the omission of the instructions or warnings renders the product not  
2 reasonably safe. This defective condition rendered the products unreasonably dangerous to  
3 persons or property, existed at the time the products left Defendants' control, reached the  
4 user or consumer without substantial change in the condition in which they were sold, and  
5 were a cause of Plaintiffs' injuries.

6 334. Defendants' products are unreasonably dangerous and defective because they  
7 contain no warning to users or parents regarding the addictive design and effects of  
8 Instagram, Snapchat, and TikTok.

9 335. Defendants' social media product rely on highly complex and proprietary  
10 algorithms and similar technologies that are both undisclosed and unfathomable to ordinary  
11 consumers, who do not expect that social media platforms are physically and/or  
12 psychologically addictive.

13 336. The magnitude of harm from addiction to Defendants' product is horrific,  
14 ranging from simple diversion from academic, athletic, and face-to-face socialization to sleep  
15 loss, severe depression, anxiety, self-harm, and suicide.

16 337. The harms resulting from minors' addictive use of social media platforms  
17 have been not only well-documented in the professional and scientific literature, but  
18 Defendants had actual knowledge of such harms.

19 338. Defendants' products are unreasonably dangerous because they lack any  
20 warnings that foreseeable product use can disrupt healthy sleep patterns or specific warnings  
21 to parents when their child's product usage exceeds healthy levels or occurs during sleep  
22 hours. Excessive screen time is harmful to adolescents' mental health and sleep patterns and  
23 emotional well-being. Reasonable and responsible parents are not able to accurately monitor  
24 their child's screen time because most adolescents own or can obtain access to mobile  
25 devices and engage in social media use outside their parents' presence.

26 339. It is feasible for Defendants' products to report the frequency and duration of  
27 their minor users' screen time to their parents without disclosing the content of  
28

1 communications at negligible cost, whereas parents' ability to track the frequency, time and  
 2 duration of their minor child's social media use are better situated to identify and address  
 3 problems arising from such use and to better exercise their rights and responsibilities as  
 4 parents.

5 340. Defendants knew about these harms, knew that users and parents would not  
 6 be able to safely use their products without warnings, and failed to provide warnings that  
 7 were adequate to make the product reasonably safe during ordinary and foreseeable use by  
 8 children.

9 341. As a result of Defendants' failure to warn, Englyn Roberts suffered severe  
 10 mental harm, leading to physical injury from her use of Instagram, Snapchat, and TikTok.

11 342. As a result of Defendants' failure to warn, Plaintiffs Brandy and Toney  
 12 Roberts, have suffered emotional distress and pecuniary hardship due to their child's mental  
 13 harm resulting from social media addiction.

14 343. Defendants are further liable to Plaintiffs for punitive damages based upon  
 15 their willful and wanton failure to warn of known dangers of their products that were  
 16 intentionally marketed and sold to teenage users, whom they knew would be seriously  
 17 harmed through their use of Instagram, Snapchat, and TikTok.

### 18 **COUNT III – NEGLIGENCE**

19 344. Plaintiffs reallege each and every allegation contained in paragraphs 1  
 20 through 337 as if fully stated herein.

21 345. At all relevant times, Defendants had a duty to exercise reasonable care and  
 22 caution for the safety of individuals using their products, such Englyn Roberts.

23 346. Defendants owe a heightened duty of care to minor users of their social media  
 24 products because adolescents' brains are not fully developed, which results in a diminished  
 25 capacity to make good decisions regarding their social media usages, eschew self-destructive  
 26 behaviors, and overcome emotional and psychological harm from negative and destructive  
 27 social media encounters.  
 28



1           347. As product manufacturers marketing and selling products to consumers,  
2 Defendants owed a duty to exercise ordinary care in the manufacture, marketing, and sale of  
3 their products, including a duty to warn minor users and their parents of hazards that  
4 Defendants knew to be present, but not obvious, to underage users and their parents.

5           348. As business owners, Defendants owe their users who visit their social media  
6 platforms and from whom they derive billions of dollars per year in advertising revenue a  
7 duty of ordinary care substantially similar to that owed by physical business owners to its  
8 business invitees.

9           349. Defendants were negligent, grossly negligent, reckless and/or careless in that  
10 they failed to exercise ordinary care and caution for the safety of underage users, like Enlgyn  
11 Roberts, using their social media products.

12           350. Defendants were negligent in failing to conduct adequate testing and failing  
13 to allow independent academic researchers to adequately study the effects of their products  
14 and levels of problematic use amongst teenage users. Defendants know that their products  
15 are harmful, cause extensive mental harm, and that minor users are engaging in problematic  
16 and addictive use that their parents are helpless to monitor and prevent.

17           351. Defendants are negligent in failing to provide adequate warnings about the  
18 dangers associated with the use of social media products and in failing to advise users and  
19 their parents about how and when to safely use their social media platforms and features.

20           352. Defendants are negligent in failing to fully assess, investigate, and restrict the  
21 use of their social media products by adults to sexually solicit, abuse, manipulate, and exploit  
22 minor users of their social media products.

23           353. Defendants are negligent in failing to provide users and parents the tools to  
24 ensure their social media products are used in a limited and safe manner by underage users.

25           354. As a result of Defendants' negligence, Englyn Roberts suffered severe mental  
26 harm from her use of Instagram, Snapchat, and TikTok.

27           355. As a result of Defendants' negligence, Plaintiffs Brandy and Toney Roberts  
28

1 have suffered emotional distress and pecuniary hardship due to their child's mental harm  
2 resulting from social media addiction.

3 356. Defendants are further liable to Plaintiffs for punitive damages based upon its  
4 willful and wanton conduct toward underage users, including Englyn Roberts, whom they  
5 knew would be seriously harmed through the use of their social media products.

6 **DEMAND FOR JURY TRIAL**

7 Plaintiff hereby demands a trial by jury.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff prays for judgment against Defendants for relief as follows:

- 10 a) Past physical and mental pain and suffering of Englyn Roberts, in an amount to be  
11 more readily ascertained at the time and place set for trial;
- 12 b) Loss of enjoyment of life, in an amount to be more readily ascertained at the time and  
13 place set for trial;
- 14 c) Past medical care expenses for the care and treatment of the injuries sustained by  
15 Englyn Roberts, in an amount to be more readily ascertained at the time and place set  
16 for trial;
- 17 d) Past and future impairment to capacity to perform everyday activities;
- 18 e) Plaintiffs' pecuniary loss and loss of Englyn Roberts's services, comfort, care,  
19 society, and companionship to Brandy and Toney Roberts;
- 20 f) Loss of future income and earning capacity of Englyn Roberts;
- 21 g) The \$8,927.02 Plaintiffs paid to bury their 14-year-old daughter;
- 22 h) Punitive damages;
- 23 i) Injunctive relief, including, but not limited to, ordering Defendants to stop the  
24 harmful conduct alleged herein, remedy the unreasonably dangerous algorithms in  
25 their social media products, and provide warnings to minor users and their parents  
26 that Defendants' social media products are addictive and pose a clear and present  
27 danger to unsuspecting minors;
- 28

- 1 j) Reasonable costs and attorney and expert/consultant fees incurred in prosecuting this  
2 action; and  
3 k) Such other and further relief as this Court deems just and equitable.

4 Dated: July 20, 2022.

5 SOCIAL MEDIA VICTIMS LAW CENTER  
6 PLLC

7 By: /s/ Laura Marquez-Garrett

8 Laura Marquez-Garrett, SBN 221542

9 [laura@socialmediavictims.org](mailto:laura@socialmediavictims.org)

10 Matthew Bergman

11 [matt@socialmediavictims.org](mailto:matt@socialmediavictims.org)

12 Glenn Draper

13 [glenn@socialmediavictims.org](mailto:glenn@socialmediavictims.org)

14 821 Second Avenue, Suite 2100

15 Seattle, WA 98104

16 Telephone: (206) 741-4862

17 Facsimile: (206) 957-9549

18 SEEGER WEISS LLP

19 Christopher A. Seeger

20 [cseeger@seegerweiss.com](mailto:cseeger@seegerweiss.com)

21 Christopher Ayers

22 [cayers@seegerweiss.com](mailto:cayers@seegerweiss.com)

23 55 Challenger Road

24 Ridgefield Park, NJ 07660

25 Telephone: 973-639-9100

26 Facsimile: 973-679-8656

27 Robert H. Klonoff

28 [klonoff@usa.net](mailto:klonoff@usa.net)

2425 S.W. 76<sup>th</sup> Ave.

Portland, Oregon 97225

Telephone: (503) 702-0218

Facsimile: (503) 768-6671

*Attorneys for Plaintiffs*