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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

IN RE: SOCIAL MEDIA ADOLESCENT  
ADDICTION/PERSONAL INJURY  
PRODUCTS LIABILITY LITIGATION

Case No. 4:24-cv-2554

MDL No. 3047

\_\_\_\_\_  
This Document Relates to:  
COUNTY OF OAKLAND, MICHIGAN,  
Plaintiff,  
vs.  
META PLATFORMS, INC., et al., Defendants.

**LOCAL GOVERNMENT AND SCHOOL  
DISTRICT MASTER SHORT-FORM  
COMPLAINT AND DEMAND FOR JURY  
TRIAL**

Member Case No.:

The Plaintiff(s) named below file(s) this *Short-Form Complaint and Demand for Jury Trial* against the Defendant(s) named below by and through their undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations, claims, and relief sought in *Plaintiffs' Master Local Government and School District Complaint* ("Master Complaint") as it relates to the named Defendant(s) (checked-off below), filed in *In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, MDL No. 3047, in the United States District Court for the Northern District of California. Plaintiff(s) file(s) this *Short-Form Complaint* as permitted by Case Management Order No 8.

Plaintiff(s) indicate(s) by checking the relevant boxes below the Parties and Causes of Actions specific to Plaintiff(s)' case.

1 Plaintiff(s), by and through their undersigned counsel, allege(s) as follows:

2 **I. DESIGNATED FORUM**

3 1. *For Direct Filed Cases:* Identify the Federal District Court in which the Plaintiff(s)  
4 would have filed in the absence of direct filing:

5 United States District Court of the Eastern District of Michigan.  
6

7 2. *For Transferred Cases:* Identify the Federal District Court in which the  
8 Plaintiff(s) originally filed and the date of filing:  
9

10  
11  
12 **II. IDENTIFICATION OF PARTIES**

13 **A. PLAINTIFF(S)**

14 3. *Plaintiff(s):* Name(s) of the local government or school district alleging claims  
15 against Defendant(s):

16 County of Oakland, Michigan.  
17

18 4. Number of schools served in the Plaintiff(s)' school district or local  
19 community:

20 There are approximately 84 schools in Oakland County.  
21

22 5. Number of minors served in the Plaintiff(s)' school district or local  
23 community:

24 There are approximately 34,428 children aged 5-17 in Oakland County.  
25

26 6. At the time of the filing of this *Short-Form Complaint*, Plaintiff(s) is/are a resident  
27 and citizen of [*Indicate State*]:

28 State of Michigan.  
29

**B. DEFENDANT(S)**

7. Plaintiff(s) name(s) the following Defendant(s) in this action [*Check all that apply*]:

**META ENTITIES**

- META PLATFORMS, INC.,  
*formerly known as Facebook, Inc.*
- INSTAGRAM, LLC
- FACEBOOK PAYMENTS, INC.
- SICULUS, INC.
- FACEBOOK OPERATIONS, LLC
- FACEBOOK HOLDINGS, LLC
- META PAYMENTS INC.

**TIKTOK ENTITIES**

- BYTEDANCE LTD
- BYTEDANCE INC.
- TIKTOK LTD
- TIKTOK LLC
- TIKTOK INC.

**SNAP ENTITY**

- SNAP, INC.

**GOOGLE ENTITIES**

- GOOGLE, LLC
- YOUTUBE, LLC

**OTHER DEFENDANTS**

For each “Other Defendant” Plaintiff(s) contends are additional parties and are liable or responsible for Plaintiff(s)’ damages alleged herein, Plaintiff(s) must identify by name each Defendant and its citizenship, and Plaintiff(s) must plead the specific facts supporting any claim against each “Other Defendant” in a manner complying with the requirements of the Federal Rules of Civil Procedure. In doing so, Plaintiff(s) may attach additional pages to this *Short-Form Complaint*.

<b>NAME</b>	<b>CITIZENSHIP</b>
Alphabet	Delaware; California
XXVI Holdings	Delaware; California
Facebook Technologies	Delaware; California
Mark Zuckerberg	Hawaii; California
Discord Inc.	Delaware; California

**III. CAUSES OF ACTION ASSERTED**

8. The following Causes of Action asserted in the *Master Complaint*, and the allegations with regard thereto, are adopted in this *Short-Form Complaint* by reference (*check all that are adopted*):

Asserted Against <sup>1</sup>	Count Number	Cause of Action (COA)
<input checked="" type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap <input checked="" type="checkbox"/> TikTok entities <input checked="" type="checkbox"/> Google entities <input checked="" type="checkbox"/> Other Defendant(s) <sup>2</sup>	1	NEGLIGENCE
<input checked="" type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap <input checked="" type="checkbox"/> TikTok entities <input checked="" type="checkbox"/> Google entities <input checked="" type="checkbox"/> Other Defendant(s)	2	PUBLIC NUISANCE

**NOTE**

If Plaintiff(s) want(s) to allege additional Cause(s) of Action other than those selected in paragraph 8, which are the Causes(s) of Action set forth in the *Master Complaint*, the facts supporting those additional Cause(s) of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure. In doing so, Plaintiff(s) may attach additional pages to this *Short-Form Complaint*.

**IV. ADDITIONAL CAUSES OF ACTION**

9. Plaintiff(s) assert(s) the following additional Causes of Action and supporting allegations against the following Defendants:

Violation of the Michigan Consumer Protection Act, Mich. Comp. Laws §445.901, et al., against all Defendants, and Fraudulent Misrepresentation and Concealment against all Defendants. See Attachment A: Supporting Allegations Regarding Short Form Complaint and Demand for Jury Trial.

<sup>1</sup> For purposes of this paragraph, “entity” means those Defendants identified in Paragraph 7 (*e.g.*, “TikTok entities” means all TikTok Defendants against which Plaintiff(s) is/are asserting claims).

<sup>2</sup> Reference selected “Other Defendants” by the corresponding row number in the “Other Defendant(s)” chart identified in Paragraph 7.

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**WHEREFORE**, Plaintiff(s) pray(s) for relief and judgment against Defendants and all such further relief that this Court deems equitable and just as set forth in the *Master Complaint*, and any additional relief to which Plaintiff(s) may be entitled.

**JURY DEMAND**

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

\*\*\*\*

By signature below, Plaintiff(s)' counsel hereby confirms their submission to the authority and jurisdiction of the United States District Court of the Northern District of California and oversight of counsel's duties under Federal Rule of Civil Procedure 11, including enforcement as necessary through sanctions and/or revocation of *pro hac vice* status.

/s/ Aelish Baig \_\_\_\_\_

Name: Aelish Baig

Firm: Robbins Geller Rudman & Dowd LLP

Address: One Montgomery Street, Suite 1800, San Francisco, CA 94104

Phone: 415/288-4545

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Email: ABaig@rgrdlaw.com

*Attorneys for Plaintiff(s)*

COUNTY OF OAKLAND, MICHIGAN

# ATTACHMENT A

1 ROBBINS GELLER RUDMAN  
 & DOWD LLP  
 2 AELISH M. BAIG (201279)  
 TAEVA C. SHEFLER (291637)  
 3 SNEHEE KHANDESHI (342654)  
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 4 San Francisco, CA 94104  
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 5 415/288-4534 (fax)  
 aelishb@rgrdlaw.com  
 6 tshefler@rgrdlaw.com  
 skhandeshi@rgrdlaw.com

7 Attorneys for Plaintiff

8 [Additional counsel appear on signature page.]

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 OAKLAND DIVISION

12 In re SOCIAL MEDIA ADOLESCENT	)	Case No. 4:24-cv-2554
13 ADDICTION/PERSONAL INJURY	)	
14 PRODUCTS LIABILITY LITIGATION	)	MDL Case No. 4:22-md-03047-YGR
15 This Document Relates To:	)	SUPPORTING ALLEGATIONS
16 COUNTY OF OAKLAND, MICHIGAN,	)	REGARDING SHORT FORM COMPLAINT
	)	AND DEMAND FOR JURY TRIAL
17 Plaintiff,	)	
18 vs.	)	
19 META PLATFORMS, INC., et al.,	)	
20 Defendants.	)	

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1 **I. ADDITIONAL ALLEGATIONS**

2 1. County of Oakland residents have borne painful witness to all of this, firsthand, to  
3 devastating effect. Youth in the County of Oakland, surveyed in 2022, reported high levels of  
4 depression and histories of suicide ideation.<sup>1</sup>

5 2. Like virtually everywhere in the United States now, Municipal plaintiff County of  
6 Oakland's youth suffer from a high degree of distraction, depression, suicidality, and other mental  
7 disorders, caused or worsened by the overconsumption of social media on a daily basis, which  
8 substantially interferes with the rights of health and safety common to the general public. Indeed,  
9 County of Oakland has funded the institution of mental health outpatient programs, mobile crisis  
10 units, family-based mental health services, and extensive in-school mental health programming and  
11 trainings to address youth mental health specifically. The need is that great.

12 **THE PARTIES**

13 **A. Plaintiffs**

14 3. Municipal plaintiff Oakland County, Michigan is a municipal corporation organized  
15 and existing under the laws of the State of Michigan. It is located at 1200 N. Telegraph Road,  
16 Pontiac, Michigan 48341. It includes 62 cities, villages, and townships across 907 square miles, has  
17 a population of approximately 1.3 million people, and is the second-most populous county in  
18 Michigan.<sup>2</sup> There are approximately 200,000 children aged 5-17 residing in the county.<sup>3</sup>

19 4. Municipal plaintiff Oakland County helps fund a wide range of services and programs  
20 which directly address the mental health of its youth, including emergency centers, outpatient service  
21 centers, mental health programs for children, youth, and families, other health and human services,  
22 law enforcement, and school-based programs. Municipal plaintiff Oakland County brings this action  
23 on its own behalf.

24 <sup>1</sup> County of Oakland, Michigan Profile for Healthy Youth (MiPHY) (2022) <https://mi-suddr.com/michigan-profile-for-healthy-youth-miphy/>.

25 <sup>2</sup> *About Oakland County*, Oakland County Michigan, <https://www.oakgov.com/government/about-oakland-county>.

26 <sup>3</sup> *Facts and Stats*, Oakland County Michigan, <https://www.oakgov.com/business/business-development/facts-and-stats>.



1           **B. Additional Defendants**

2           5. Defendant Alphabet Inc. (“Alphabet”) is a Delaware corporation with its principal  
3 place of business in Mountain View, California. Alphabet is the sole stockholder of XXVI  
4 Holdings Inc.

5           6. Defendant XXVI Holdings Inc. is a Delaware corporation with its principal place of  
6 business in Mountain View, California. XXVI Holdings Inc. is a wholly-owned subsidiary of  
7 Alphabet and the managing member of Google LLC.

8           7. Defendant Meta Platforms, Inc.’s (“Meta” or “Company”) subsidiary, defendant  
9 Facebook Technologies, LLC (“Facebook Technologies”), was organized under the laws of the State  
10 of Delaware as “Oculus VR, LLC” on March 21, 2014 and acquired by Meta on March 25, 2014.  
11 Facebook Technologies develops Meta’s virtual and augmented reality technology, such as the Meta  
12 Quest line of services, among other technologies related to Meta’s platforms, and its principal place  
13 of business is in Menlo Park, California. Defendant Meta is the sole member of Facebook  
14 Technologies.

15           8. Defendant Mark Elliot Zuckerberg (“Zuckerberg”) is the Chief Executive Officer  
16 (“CEO”), board chair, and controlling shareholder of Meta. He is a resident of both California and  
17 Hawaii.

18           9. Defendant Discord Inc. (“Discord”) is a Delaware corporation. Its principal place of  
19 business is in San Francisco, California. Its primary product, a social media platform called Discord,  
20 was launched in 2015 and is widely available throughout the United States.

21           **C. Additional Allegations Regarding Defendant Mark Zuckerberg**

22           10. Plaintiff incorporates by reference each and every allegation against Zuckerberg and  
23 Meta included in Plaintiffs’ Second Amended Master Complaint (Personal Injury),  
24 No. 4:22-cv-0304-YGR (N.D. Cal.) (ECF 494) and the Attorneys’ General Complaint for Injunctive  
25 and Other Relief against Meta in *People of the State of California v. Meta Platforms, Inc.*,  
26 No. 4:23-cv-05448-YGR (N.D. Cal.) (ECF 73-2) (“AGs’ Complaint”).

27           11. Zuckerberg is Meta’s CEO, board chair, and controlling shareholder, and he is also  
28 the founder of Facebook. In his role at Meta, Zuckerberg exercised outsized control over important

1 policy decisions related to youth safety at the Company’s social media platforms – Facebook, Inc.  
2 (“Facebook”), Instagram LLC (“Instagram”), and Messenger (collectively, “Social Media  
3 Platforms”). Zuckerberg maintained control of Facebook by instituting a non-traditional governance  
4 model and has called it a ““founder-led company.””<sup>4</sup> Zuckerberg has likewise claimed credit for  
5 Instagram’s success since its acquisition. Zuckerberg told market analysts that Instagram ““wouldn’t  
6 be what it is without everything that we put into it, whether that’s the infrastructure or our  
7 advertising model.””<sup>5</sup>

8 12. Zuckerberg has long been aware that Facebook and Instagram are harmful to children,  
9 in part because they are designed to foster compulsive use, provoke unhealthy social comparisons,  
10 and have age verification systems that are easily bypassed. Beginning as early as 2014, Zuckerberg  
11 has been presented with countless studies – from external advocates and Meta’s own researchers –  
12 that his Social Media Platforms lead to negative mental and physical outcomes for kids.

13 13. Zuckerberg has consistently steered his Social Media Platforms away from policies  
14 designed to reduce harm to its young users, such as vetoing a ban on cosmetic surgery filters and  
15 declining to invest in efforts to prevent problematic use like moderating content surrounding self-  
16 harm and suicide. Zuckerberg made these choices knowing that his Social Media Platforms harm  
17 children, even after other Meta employees urged him to take action to protect children using these  
18 platforms. Zuckerberg has made false claims that these platforms are safe to use by children even  
19 though he is aware that the academic consensus and Meta’s own research indicate that social media  
20 has a profoundly negative impact on youth.

21 14. Zuckerberg has knowingly directed the design of Facebook and Instagram to foster  
22 compulsive use and addiction. The amount of time users engage with the Social Media Platforms is  
23 a central metric Zuckerberg and the Company use to measure success. Nonetheless, Zuckerberg

24 \_\_\_\_\_  
25 <sup>4</sup> Mike Isaac & Leslie Picker, *Facebook Plans New Stock Class to Solidify Mark Zuckerberg’s*  
26 *Control*, N.Y. Times (Apr. 27, 2016), <https://www.nytimes.com/2016/04/28/technology/facebook-q1-earnings.html?action=click&module=RelatedCoverage&pgtype=Article&region=Footer>.

27 <sup>5</sup> Salvador Rodriguez, *Mark Zuckerberg is adamant that Instagram should not be broken off*  
28 *from Facebook*, CNBC (Oct. 30, 2019), <https://www.cnbc.com/2019/10/30/mark-zuckerberg-is-adamant-that-instagram-should-remain-with-facebook.html>.

1 publicly denied that he directed the Social Media Platforms be designed to induce young users to  
2 spend ever-increasing amounts of time on the platforms.

3 15. In a December 2015 email, Zuckerberg listed one of Meta’s goals for 2016 as seeing  
4 the “[t]ime spent [on the Social Media Platforms] increase[] by 12%” over the following three  
5 years. Zuckerberg wrote that he hoped to see time spent on Instagram increase by 10% between  
6 2016 and 2021.<sup>6</sup>

7 16. In February 2016, Zuckerberg sent an email to his executive team on “opportunities  
8 for teens and sharing.”<sup>7</sup> Zuckerberg’s email discussed how successful different platform features  
9 are at getting the attention of teenagers and keeping them engaged.

10 17. Sean Parker, founding president of Meta, explicitly acknowledged that Meta and  
11 Zuckerberg sought to addict users from Facebook’s very founding:

12 The thought process that went into building these applications, Facebook being the  
13 first of them . . . was all about: How do we consume as much of your time and  
14 conscious attention as possible? And that means that we need to sort of give you a  
15 little dopamine hit every once in a while, because someone liked or commented on a  
16 photo or a post or whatever. And that’s going to get you to contribute more content  
17 and that’s going to get you . . . more likes and comments. It’s a social-validation  
18 feedback loop . . . exactly the kind of thing that a hacker like myself would come up  
19 with, because you’re exploiting a vulnerability in human psychology. The inventors,  
20 creators – it’s me, Mark [Zuckerberg], it’s Kevin Systrom on Instagram, it’s all of  
21 these people – understood this consciously. And we did it anyway.<sup>8</sup>

18 18. Meta’s algorithms also use artificial intelligence (“AI”) to keep users engaged.  
19 Information in a user’s feed is not listed chronologically, but rather is provided via Meta’s  
20 algorithms, which are AI systems that Meta uses “to decide what content appears, informed by the  
21 choices [users] make.” These algorithms purportedly seek to “predict how valuable a piece of

22 <sup>6</sup> See AGs’ Complaint, ¶143. In an earnings call in 2016, Zuckerberg disclosed that users  
23 spend an average 50 minutes per day on the Facebook, Instagram, and Messenger platforms.  
24 James B. Stewart, *Facebook Has 50 Minutes of Your Time Each Day. It Wants More*, N.Y. Times  
(May 5, 2016), [https://www.nytimes.com/2016/05/06/business/facebook-bends-the-rules-of-](https://www.nytimes.com/2016/05/06/business/facebook-bends-the-rules-of-audience-engagement-to-its-advantage.html)  
[audience-engagement-to-its-advantage.html](https://www.nytimes.com/2016/05/06/business/facebook-bends-the-rules-of-audience-engagement-to-its-advantage.html).

25 <sup>7</sup> Thomas Barrabi, *Meta exec Adam Mosseri wanted to ‘upsell’ Instagram to children under*  
26 *13: lawsuit*, N.Y. Post (Feb. 5, 2024), [https://nypost.com/2024/02/05/business/meta-exec-adam-](https://nypost.com/2024/02/05/business/meta-exec-adam-mosseri-wanted-to-upsell-instagram-to-children-under-13-lawsuit/)  
[mosseri-wanted-to-upsell-instagram-to-children-under-13-lawsuit/](https://nypost.com/2024/02/05/business/meta-exec-adam-mosseri-wanted-to-upsell-instagram-to-children-under-13-lawsuit/).

27 <sup>8</sup> Mike Allen, *Sean Parker unloads on Facebook: “God only knows what it’s doing to our*  
28 *children’s brains”*, Axios (Nov. 9, 2017), [https://www.axios.com/2017/12/15/sean-parker-unloads-](https://www.axios.com/2017/12/15/sean-parker-unloads-on-facebook-god-only-knows-what-its-doing-to-our-childrens-brains-1513306792)  
[on-facebook-god-only-knows-what-its-doing-to-our-childrens-brains-1513306792](https://www.axios.com/2017/12/15/sean-parker-unloads-on-facebook-god-only-knows-what-its-doing-to-our-childrens-brains-1513306792).

1 content might be to” a user, based upon the user’s online activity, including whether the user  
2 “share[d]” content, “like[d]” content, or otherwise engaged with content.<sup>9</sup> They often result in  
3 harmful experiences for children.

4 19. Zuckerberg overrode concerns among Meta executives that the Company should ease  
5 off heavy use of push notifications, on which Meta relied to boost engagement, especially among  
6 teen users.<sup>10</sup> The notifications were internally thought to aggravate what the Company called  
7 ““problematic use.””<sup>11</sup> However, one executive ended the debate when she noted that daily usage  
8 ““is a bigger concern for Mark right now than user experience.””<sup>12</sup>

9 20. Despite understanding the harms that prolonged use of social media has on children,  
10 Zuckerberg made no attempts to make his products safe to use and, in fact, measured success based  
11 on continued engagement.

12 21. Zuckerberg is aware that Social Media Platforms are harmful to children but  
13 continues to be less than transparent about that in public discussions and Congressional hearings.

14 22. Zuckerberg has long been aware that Meta’s Social Media Platforms are harmful  
15 especially for young users. In 2014, over 100 public-health advocates signed on to a letter<sup>13</sup> to  
16 Zuckerberg documenting that increased use of Facebook among 10- to 12-year-old girls was linked  
17 with body image concerns, the idealization of thinness, and increased dieting.<sup>14</sup>

18  
19 <sup>9</sup> Nick Clegg, *How AI Influences What You See on Facebook and Instagram* (June 29, 2023),  
20 <https://about.fb.com/news/2023/06/how-ai-ranks-content-on-facebook-and-instagram/>.

21 <sup>10</sup> Jeff Horwitz, *Meta Designed Products to Capitalize on Teen Vulnerabilities, States Allege*,  
22 *Wall St. J.* (Nov. 25, 2023), <https://www.wsj.com/business/media/meta-designed-products-to-capitalize-on-teen-vulnerabilities-states-allege-6791dad5>.

23 <sup>11</sup> *Id.*

24 <sup>12</sup> *Id.*

25 <sup>13</sup> Campaign for a Commercial-Free Childhood, *Letter to Mark Zuckerberg Re: Facebook*  
26 *Messenger Kids* (Jan. 30, 2018), <https://fairplayforkids.org/wp-content/uploads/archive/develop-gaw/FBMessengerKids.pdf>

27 <sup>14</sup> Marika Tiggemann & Amy Slater, *NetTweens: The Internet and body image concerns in*  
28 *preteenage girls*, 34(5), *J. Early Adolesc.* 606-620 (June 2014), <https://journals.sagepub.com/doi/epub/10.1177/0272431613501083>.

1           23.     In 2016, Zuckerberg attended a conference where a mother explained that “her  
2 daughter feels worse about herself after using Instagram.” After the event, a Meta researcher sent an  
3 email to Zuckerberg stating: “[T]hought you’d be interested in some of the relevant research our  
4 team’s done on social comparison,” showing that “4% of feed stories trigger negative social  
5 comparison,” and “39% of Facebook users have felt negative social comparison in the past month.”

6           24.     Likewise, in April 2019, Meta’s own researchers directly told Zuckerberg that passive  
7 consumption of social media content, including scrolling, browsing, and watching videos, is  
8 associated with negative effects on well-being.<sup>15</sup> The email to Zuckerberg noted that the three  
9 negative drivers that occur frequently on Facebook include problematic use, social comparison, and  
10 loneliness.<sup>16</sup>

11           25.     In 2019 and 2020, Zuckerberg met with psychologist and leading expert Jonathan  
12 Haidt (“Haidt”), a New York University professor studying the effects of social media on teens’  
13 mental health. Haidt addressed his research “on the dramatic rise in rates of teenage anxiety,  
14 depression, and self-harm” and explained how the research on social media’s role “points heavily to  
15 a connection, not just from correlational studies but from true experiments, which strongly indicate  
16 causation, not just correlation.”<sup>17</sup>

17           26.     In 2021, a former Facebook employee and Meta consultant sent Zuckerberg and other  
18 executives an email warning that Instagram was not doing enough to protect children from  
19 harassment and other harms.<sup>18</sup> Zuckerberg never replied.

20           27.     Zuckerberg consistently ignored pleas from employees to protect children.  
21  
22

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23 <sup>15</sup> Email from Nick Clegg to Mark Zuckerberg, Re: Well-being product strategy and tech  
24 headcount, (Aug. 28, 2021), [https://www.blumenthal.senate.gov/imo/media/doc/13124meta\\_documents.pdf](https://www.blumenthal.senate.gov/imo/media/doc/13124meta_documents.pdf).

25 <sup>16</sup> *Id.*

26 <sup>17</sup> META3047MDL-003-00089174 at -176.

27 <sup>18</sup> Written Testimony of Arturo Bejar before the Subcommittee on Privacy, Technology, and  
28 the Law, Nov. 7, 2023, [https://www.judiciary.senate.gov/imo/media/doc/2023-11-07\\_-\\_testimony\\_-\\_bejar.pdf](https://www.judiciary.senate.gov/imo/media/doc/2023-11-07_-_testimony_-_bejar.pdf).

1           28.     Despite being educated on the harms his Social Media Platforms have on children,  
2 time and again Zuckerberg dismissed concerns from his own employees that Meta needed to take  
3 steps to safeguard minors from the negative impacts of social media.

4           29.     Zuckerberg ignored pleas to ban cosmetic filters.

5           30.     Zuckerberg vetoed extending a short-term ban on so-called cosmetic surgery filters  
6 that allow users to remove blemishes and otherwise alter their appearance. Zuckerberg was sent a  
7 memo detailing information provided to Meta from “21 independent experts around the world,”  
8 finding: “[t]hese extreme cosmetic surgery effects can have severe impacts on both the individuals  
9 using the effects and those viewing the images.” The experts warned Meta: “Children are  
10 particularly vulnerable” to these impacts, in addition to “those with a history of mental health  
11 challenges [and] eating disorders[.]”

12           31.     The memo Zuckerberg received also included a review of academic research on the  
13 negative impact edited images have on viewers’ satisfaction with their own bodies. The researchers  
14 agreed “that these effects are cause for concern for mental health and wellbeing” but noted that  
15 banning the filters may have a “negative growth impact” on the Company. A follow-up report sent  
16 to Zuckerberg highlighted the disproportionate impact that filters have on children and teen girls.

17           32.     A meeting with Zuckerberg and other Meta employees to decide whether Meta should  
18 permanently ban cosmetic filters was abruptly canceled. Instead, **Zuckerberg vetoed** extending the  
19 ban. Zuckerberg wrote that there was “clear[] demand” for the filters and dismissed any concerns as  
20 “paternalistic.” Ignoring the plethora of research that his employees provided to him, Zuckerberg  
21 falsely claimed that he had seen “no data” suggesting that the filters were harmful. After  
22 Zuckerberg’s final decision on the matter, Meta employee Gould Stewart wrote to Zuckerberg: “I  
23 respect your call on this and I’ll support it, but want to just say for the record that I don’t think it’s  
24 the right call given the risks’. . . . ‘I just hope that years from now we will look back and feel good  
25 about the decision we made here.’”<sup>19</sup>

26 \_\_\_\_\_  
27 <sup>19</sup> Cristiano Lima-Strong & Naomi Nix, *Zuckerberg ‘ignored’ executives on kids’ safety,*  
28 *unredacted lawsuit alleges*, Wash. Post (Nov. 8, 2023), <https://www.washingtonpost.com/technology/2023/11/08/zuckerberg-meta-lawsuit-kids-safety/>.

1 33. Zuckerberg ignored pleas to invest in users' well-being.

2 34. In April 2019, Zuckerberg again ignored an employee imploring him to invest in user  
3 well-being on Instagram and Facebook. David Ginsberg ("Ginsberg"), then Meta's Vice President  
4 of Research, emailed Zuckerberg to recommend that Meta invest in users' well-being because "there  
5 is increasing scientific evidence (particularly in the US . . .) that the average net effect of F[acebook]  
6 on people's well-being is slightly negative."<sup>20</sup> Ginsberg explained that Meta has a "deep  
7 understanding around three negative drivers that occur frequently on F[acebook] and impact  
8 people's well-being: . . . [p]roblematic use . . ., [s]ocial comparison . . ., [and] [l]oneliness."<sup>21</sup>  
9 Without investment, Ginsberg warned, initiatives to combat these negative effects would not be fully  
10 staffed. Meta's leadership declined to take action.

11 35. Similarly, former Vice President of Global Affairs Nick Clegg ("Clegg") told  
12 Zuckerberg: "[O]ur present policies and public stance on teenage self harm and suicide are so  
13 difficult to explain publicly that our current response looks convoluted and evasive."<sup>22</sup>

14 36. In August 2021, Clegg renewed his plea to Zuckerberg for increased investment in  
15 wellbeing. Clegg warned Zuckerberg: "We are not on track to succeed for our core well-being  
16 topics (problematic use, bullying & harassment, connections, and SSI),\* and are at increased  
17 regulatory risk and external criticism. These affect everyone, especially Youth and Creators; if not  
18 addressed, these will follow us into the Metaverse . . . ." <sup>23</sup> Clegg also noted that politicians  
19 worldwide raised "concerns about the impact of our products on young people's mental health."<sup>24</sup>  
20 He added that a survey of U.S. policy elites revealed "concerns about the potential impacts of

21 \_\_\_\_\_  
22 <sup>20</sup> Email from Nick Clegg to Mark Zuckerberg, Re: Well-being product strategy and tech  
headcount, at 56 (Aug. 28, 2021),  
23 <https://www.blumenthal.senate.gov/imo/media/doc/13124metadocuments.pdf>.

24 <sup>21</sup> *Id.*; "SSI" refers to "suicide and self-injury." META3047MDL-003-00068863.

25 <sup>22</sup> *See* AGs' Complaint, at ¶570.

26 <sup>23</sup> Email from Nick Clegg to Mark Zuckerberg, Re: Well-being product strategy and tech  
headcount, at 69 (Aug. 28, 2021),  
27 <https://www.blumenthal.senate.gov/imo/media/doc/13124metadocuments.pdf>.

28 <sup>24</sup> *Id.* at 68.

1 AR/VR on young users, particularly with regard to time spent on the devices and the potential for  
2 harmful actors to target children.”<sup>25</sup> Clegg concluded that while Meta had a “strong program of  
3 research,” it “need[s] to do more and [is] being held back by a lack of investment on the product side  
4 which means that [it is] not able to make changes and innovations at the pace required to be  
5 responsive to policymaker concerns.”<sup>26</sup>

6 37. In a subsequent email, another executive conceded that there was a “very low-  
7 likelihood that Mark [Zuckerberg] chooses to fund more here.” Indeed, Zuckerberg ignored Clegg’s  
8 request for months.<sup>27</sup>

9 38. In August 2021, Senators Richard Blumenthal and Marsha Blackburn wrote to  
10 Zuckerberg, raising their concern about the harmful impact of social media on the mental health of  
11 children and teenagers. The senators asked Zuckerberg whether Meta’s own research had “ever  
12 found that its platforms and products can have a negative effect on children’s and teens’ mental  
13 health or well-being.”<sup>28</sup> In its response, Meta concealed that its own research concluded that the  
14 answer was a resounding ““yes.””<sup>29</sup>

15 39. Just as Zuckerberg ignored Clegg, Zuckerberg never responded to an October 5, 2021  
16 email from Arturo Bejar (“Bejar”), Former Facebook Director of Engineering for Protect and Care,  
17 urging the Company to take action. In his email, Bejar informed Zuckerberg and other executives  
18 that 13% of Instagram users aged 13-15 self-reported having received unwanted sexual advances via  
19 the platform within the previous seven days. Despite this staggering level of harassment,  
20 Zuckerberg failed to make changes. In 2023, Bejar testified to Congress about his experience: “All

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21 <sup>25</sup> *Id.* at 69.

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

23 <sup>27</sup> *Id.* at 25.

24 <sup>28</sup> Richard Blumenthal & Marsha Blackburn, U.S. Senate Letter to Mark Zuckerberg (Aug. 4,  
25 2021), <https://www.blackburn.senate.gov/services/files/874B5612-CE63-46FC-967E-A05ED0433780>.

26 <sup>29</sup> Georgia Wells, Jeff Horwitz, *et al.*, *Facebook Knows Instagram Is Toxic for Teen Girls,*  
27 *Company Documents Show*, Wall St. J. (Sept. 14, 2021), [https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739?mod=hp\\_lead\\_pos7](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739?mod=hp_lead_pos7).  
28



1 this time there has been extensive harm happening to teenagers, and the leadership has been aware of  
2 it, but they have chosen not to investigate or address the problems.”<sup>30</sup>

3 40. Zuckerberg’s strategy for Meta includes recruiting young users, even though he  
4 knows the Social Media Platforms expose children to danger.

5 41. Attracting young users is a part and parcel of Meta’s business strategy, and Meta is  
6 aware that millions of its users are under 13 years of age. While technically Instagram does not  
7 allow users under 13 years of age, Meta and Zuckerberg know that users frequently lie about their  
8 age when they sign up for Instagram. Meta’s lax age verification is no surprise given that  
9 Zuckerberg has said he believes younger children should be allowed on social networking sites.<sup>31</sup>

10 42. In January 2018, Zuckerberg received an internal report revealing that Meta had  
11 4 million users under the age of 13 – roughly 30% of all 10- to 12-year-olds in the United States.  
12 Meta is aware that its age verification process allows 11- and 12- year-olds to easily bypass Meta’s  
13 Social Media Platforms.

14 43. Zuckerberg misled Congress when he testified on March 25, 2021: “[I]f we detect  
15 that someone might be under the age of 13, even if they lied, we kick them off.” In reality, when an  
16 account is reported as belonging to a user under 13 years of age, both Facebook and Instagram  
17 require verification before deleting their account.<sup>32</sup> Requiring verification to suspend a user’s  
18 account, but not at time of the account’s activation, ensures that millions of young children have  
19 access to the Social Media Platforms. Moreover, Meta fails to meet its obligation under the  
20 Children’s Online Privacy Protection Act of 1998 to provide “verifiable parental consent” for minors

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23 <sup>30</sup> Arturo Bejar, *supra* n.13.

24 <sup>31</sup> Kashmir Hill, *Mark Zuckerberg Is Wrong About Kids Under 13 Not Being Allowed on*  
25 *Facebook*, Forbes (May 20, 2011), [https://www.forbes.com/sites/kashmirhill/2011/05/20/mark-](https://www.forbes.com/sites/kashmirhill/2011/05/20/mark-zuckerberg-is-wrong-about-kids-under-13-not-being-allowed-on-facebook/?sh=1058b5b15506)  
26 [zuckerberg-is-wrong-about-kids-under-13-not-being-allowed-on-facebook/?sh=1058b5b15506](https://www.forbes.com/sites/kashmirhill/2011/05/20/mark-zuckerberg-is-wrong-about-kids-under-13-not-being-allowed-on-facebook/?sh=1058b5b15506)  
(Zuckerberg told Fortune Tech: “My philosophy is that for education you need to start at a really,  
really young age.”).

27 <sup>32</sup> Instagram, *Report an Underage User on Instagram*, [https://help.instagram.com/contact/](https://help.instagram.com/contact/723586364339719?fbclid=IwAR3E5rZo8zvp9Uw3giRoQRMy5qFmlGpy-NOLLtpctHOWkalXtfJ1ft9O09Q)  
28 [723586364339719?fbclid=IwAR3E5rZo8zvp9Uw3giRoQRMy5qFmlGpy-NOLLtpctHOWkalXtfJ1](https://help.instagram.com/contact/723586364339719?fbclid=IwAR3E5rZo8zvp9Uw3giRoQRMy5qFmlGpy-NOLLtpctHOWkalXtfJ1ft9O09Q)  
[ft9O09Q](https://help.instagram.com/contact/723586364339719?fbclid=IwAR3E5rZo8zvp9Uw3giRoQRMy5qFmlGpy-NOLLtpctHOWkalXtfJ1ft9O09Q) (last visited Mar. 13, 2024).

1 to use Facebook or Instagram. Its purported ban on under-13-year-old users is a smokescreen for  
2 Meta's true goal of capturing users as young as possible.

3 44. Moreover, Meta and Zuckerberg have allowed Facebook and Instagram to become a  
4 marketplace for predators in search of these very children. Tests conducted by *The Wall Street*  
5 *Journal* and the Canadian Centre for Child Protection revealed that Meta's recommendation systems  
6 promote pedophile accounts.<sup>33</sup>

7 45. A subsequent Meta task force revealed that Instagram's algorithms "connected a web  
8 of accounts devoted to the creation, purchasing and trading of underage-sex content."<sup>34</sup> Instagram  
9 was not only hosting such activities, but its recommendation systems were "connecting pedophiles  
10 with one another and guiding them to content sellers."<sup>35</sup> Although Meta lets users flag problem  
11 content, "its system often ignores or dismisses reports of child exploitation."<sup>36</sup> In one example, a  
12 predator in New Mexico recruited more than 100 minor victims through Facebook.<sup>37</sup>

13 46. In California, a predator used Facebook to arrange sex trafficking of a 15-year-old  
14 from Arizona.<sup>38</sup> In Bucks County, Pennsylvania, a mother told a news outlet that her 16-year-old  
15 daughter was blackmailed and harassed with nude pictures of her exchanged and posted on  
16 Instagram. Some partial blurring of her daughter's body allowed the user to bypass Instagram's  
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19 \_\_\_\_\_  
20 <sup>33</sup> Jeff Horwitz & Katherine Blunt, *Meta Is Struggling to Boot Pedophiles Off Facebook and*  
21 *Instagram*, Wall St. J. (Dec. 1, 2023), [https://www.wsj.com/tech/meta-facebook-instagram-](https://www.wsj.com/tech/meta-facebook-instagram-pedophiles-enforcement-struggles-dceb3548)  
22 [pedophiles-enforcement-struggles-dceb3548](https://www.wsj.com/tech/meta-facebook-instagram-pedophiles-enforcement-struggles-dceb3548).

23 <sup>34</sup> *Id.*

24 <sup>35</sup> *Id.*

25 <sup>36</sup> *Id.*

26 <sup>37</sup> Kate Gibson, *Facebook and Instagram are steering child predators to kids, New Mexico AG*  
27 *alleges*, CBS News (Dec. 6, 2023), [https://www.cbsnews.com/news/facebook-instagram-meta-mark-](https://www.cbsnews.com/news/facebook-instagram-meta-mark-zuckerberg-children-pedophiles-new-mexico-lawsuit/)  
28 [zuckerberg-children-pedophiles-new-mexico-lawsuit/](https://www.cbsnews.com/news/facebook-instagram-meta-mark-zuckerberg-children-pedophiles-new-mexico-lawsuit/).

<sup>38</sup> Press Release, U.S. Attorney's Office, District of Arizona, *California Man Sentenced to 8*  
27 *Years in Prison for Conspiracy to Commit Sex Trafficking of a Minor* (Feb. 13, 2019),  
28 [https://www.justice.gov/usao-az/pr/california-man-sentenced-8-years-prison-conspiracy-commit-](https://www.justice.gov/usao-az/pr/california-man-sentenced-8-years-prison-conspiracy-commit-sex-trafficking-minor)  
[sex-trafficking-minor](https://www.justice.gov/usao-az/pr/california-man-sentenced-8-years-prison-conspiracy-commit-sex-trafficking-minor).

1 algorithms that ban nudity.<sup>39</sup> In two Florida cases involving sexual exploitation of minors, the  
2 underage victims were lured through Meta’s Social Media Platforms.<sup>40</sup>

3 47. Child abuse on the Social Media Platforms is commonplace: Meta’s internal  
4 documents show 100,000 children are sexually harassed every day on its Social Media Platforms.<sup>41</sup>  
5 Meta has further given cover to would-be predators by implementing end-to-end encryption for  
6 messages.<sup>42</sup> As a result, Meta will no longer have access to the contents of the messages that users  
7 send or receive unless one participant reports a message to the Company.

8 48. Zuckerberg made false and misleading statements to the public.

9 49. Knowing full well that Meta’s Social Media Platforms have a negative impact on the  
10 well-being of young users, Zuckerberg has time and again claimed that the Social Media Platforms  
11 are safe for children, contradicting Meta’s own research demonstrating otherwise.

12 50. In January 2018, Zuckerberg said Meta is ““focused on making sure Facebook isn’t  
13 just fun to use, but also good for people’s wellbeing.””<sup>43</sup> In truth, Zuckerberg was focused on  
14 increasing user engagement at the expense of Meta’s users’ well-being. *See supra*.

15 51. At a March 25, 2021 Congressional hearing, Zuckerberg repeated his claims that  
16 Meta’s Social Media Platforms do not harm children.<sup>44</sup> Instead, Zuckerberg suggested that social

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18 <sup>39</sup> Samantha Murphy Kelly, *Why Bucks County, Pennsylvania is suing social media companies*,  
19 Phila. Tribune (Apr. 2, 2023), [https://www.phillytrib.com/news/business/why-bucks-county-pennsylvania-is-suing-social-media-companies/article\\_5baf921-76f2-590b-9856-6745f8a1cfb2.html](https://www.phillytrib.com/news/business/why-bucks-county-pennsylvania-is-suing-social-media-companies/article_5baf921-76f2-590b-9856-6745f8a1cfb2.html).

20 <sup>40</sup> *United States v Montijo*, 2022 WL 93535 (M.D. Fla. Jan. 10, 2022); *United States v Pedrosa*,  
21 2022 WL 20056290 (S.D. Fla. Sept. 9, 2022).

22 <sup>41</sup> Katie McQue, *Meta documents show 100,000 children sexually harassed daily on its*  
23 *platforms*, Guardian (Jan. 18, 2024), <https://www.theguardian.com/technology/2024/jan/18/instagram-facebook-child-sexual-harassment>.

24 <sup>42</sup> Jeff Horwitz & Katherine Blunt, *Meta Starts Fully Encrypting Messages on Facebook and*  
25 *Messenger App*, Wall St. J. (Dec. 6, 2023), <https://www.wsj.com/tech/meta-to-start-fully-encrypting-messages-on-facebook-and-instagram-a936c4f9>.

26 <sup>43</sup> Dominic Rushe, *Facebook posts \$4.3bn profit as Zuckerberg laments ‘hard year,’* Guardian  
27 (Jan. 31, 2018), <https://www.theguardian.com/technology/2018/jan/31/facebook-profit-mark-zuckerberg>.

28 <sup>44</sup> Disinformation Nation: Social Media’s Role in Promoting Extremism and Misinformation,  
Hearing Before House Energy and Commerce Subcommittee on Communications and Technology  
SUPPORTING ALLEGATIONS REGARDING SHORT FORM COMPLAINT AND DEMAND FOR  
JURY TRIAL - MDL Case No. 4:22-md-03047-YGR  
4855-8834-7833.v1

1 media is good for teens and adults alike because they “help people stay connected to people they  
2 care about, which I think is one of the most fundamental and important human things that we do.”<sup>45</sup>

3 52. Zuckerberg also denied that Facebook’s newsfeed and video reels are designed to  
4 foster prolonged use or that Meta’s goal is to increase the time users spend on this platform.  
5 Zuckerberg testified that Meta does not “make money off of creating an addiction to [its]  
6 platforms.”<sup>46</sup> He added: “the way we design our algorithms is to encourage meaningful social  
7 interactions” and denied that Meta’s teams “have goals[] of trying to increase the amount of time  
8 that people spend [using Meta’s Social Media Platforms].”<sup>47</sup> Yet, as of March 8, 2024, the head of  
9 Facebook has been touting the efficacy of Facebook’s new AI model capable of keeping users  
10 passively consuming video content for 8%-10% longer. It is no secret that time spent on the Social  
11 Media Platforms supports Meta’s bottom line.

12 53. Zuckerberg also denied that passive consumption of social media content, such as the  
13 Social Media Platforms’ endless feed and video reels, harmed children’s mental health. Zuckerberg  
14 instead pointed out that “social apps to connect with other people can have positive mental health  
15 benefits and well-being benefits by helping people feel more connected and less lonely.”<sup>48</sup>  
16 Zuckerberg made this statement knowing that Meta’s internal research showed that social media has  
17 a net-negative impact on youth wellbeing.

18 54. Again, on October 5, 2021, Zuckerberg publicly stated in a post on his Facebook  
19 profile: ““At the heart of these accusations is this idea that we prioritise [sic] profit over safety and  
20 wellbeing. That’s just not true.””<sup>49</sup>

21 \_\_\_\_\_  
22 (Mar. 25, 2021), <https://www.congress.gov/117/chrhg/CHRG-117hhr46925/CHRG-117hhr46925.pdf>.

23 <sup>45</sup> *Id.*

24 <sup>46</sup> *Id.*

25 <sup>47</sup> *Id.*, cf. *supra* §I.A.

26 <sup>48</sup> *Id.*

27 <sup>49</sup> Dan Milmo, *Mark Zuckerberg hits back at Facebook whistleblower claims*, Guardian (Oct. 6,  
28 2021), <https://www.theguardian.com/technology/2021/oct/06/mark-zuckerberg-hits-back-at-facebook-whistleblower-frances-haugen-claims>.

1 55. As outlined above, Zuckerberg knew that his statements, both to the public and  
2 Congress, were patently false.

3 **D. Additional Allegations Relating to Defendant Discord**

4 56. Plaintiff incorporates by reference each and every allegation against Discord included  
5 in *C.U. v. Snap Inc.*, No. 4:22-cv-07347-YGR (N.D. Cal.) (ECF 1), and *Guillot v. Meta*  
6 *Platforms, Inc.*, No. 4:23-cv-03453-YGR (N.D. Cal.) (ECF 1).

7 57. Discord is an instant messaging and social media platform that allows for users to  
8 communicate with each other through private and group-based messaging, including through text,  
9 photos, videos, and video calls. It can be likened to a series of chat rooms and groups in which users  
10 can engage in conversation with others. It was launched in 2015. As of January 2024, the platform  
11 had more than 196 million active users each month.<sup>50</sup> As noted by co-founder and CEO Jason  
12 Citron at the January 31, 2024 Congressional hearing, more than 60% of Discord's active users are  
13 between the ages of 13 and 24 years old.<sup>51</sup>

14 58. Discord generates revenue through user subscription fees that gives users access to  
15 features like custom emojis for \$5 or \$10 per month. Discord also generates revenue through access  
16 to their server, of which the company takes a 10% cut.<sup>52</sup>

17 59. Discord has designed, developed, produced, operated, promoted, distributed, and  
18 marketed its platforms to attract, capture, and addict youth, with minimal parental oversight. Not  
19 only are Discord's features engineered to induce compulsive use by young people, it has also failed  
20 to reasonably protect child users and help limit and prevent child sexual exploitation, sextortion, and  
21 distribution of known Child Sexual Assault Material ("CSAM") by failing to implement certain  
22 design features that prioritize children's safety.

23 <sup>50</sup> Werner Geysler, *The Latest Discord Statistics: Servers, Revenue, Data, and More*, Influencer  
24 Marketing Hub (Jan. 30, 2024), <https://influencermarketinghub.com/discord-stats/>.

25 <sup>51</sup> Adi Robertson, *Meta, TikTok, and other tech companies go to Congress: all the news*, Verge  
26 (Jan. 31, 2024), <https://www.theverge.com/2024/1/31/24056136/congress-child-safety-hearing-kosa-meta-x-discord-snap-tiktok/archives/2>.

27 <sup>52</sup> Kellen Browning, *How Discord, Born From an Obscure Game, Became a Social Hub for*  
28 *Young People*, N.Y. Times (Dec. 29, 2021), <https://www.nytimes.com/2021/12/29/business/discord-server-social-media.html>.

1           60.     Discord has designed and operates its product in such a way that it also allows people  
2 to chat using fake names; and the task of enforcing community standards is largely delegated to the  
3 organizers of individual Discord groups, called “servers.”<sup>53</sup> By default, all users – including users  
4 under 18 years old – can receive friend invitations from anyone in the same server, which opens the  
5 ability for them to send and receive private messages from strangers.<sup>54</sup>

6           61.     Discord’s dangerous and harmful design features include, *inter alia*, a lack of reliable  
7 age verification to determine users’ ages; failure to implement effective parental controls; failure to  
8 implement effective parental notifications; failure to enable default protections for youth in order to  
9 protect against compulsive use or overuse of the product; and a lack of community safety  
10 precautions to prevent adults from preying on children, such as false assurances that certain features  
11 will keep users safe and downplaying the dangers of its product to youth users.

12           62.     Discord’s terms of use prohibit users under 13 years old, but Discord does not verify  
13 user age or identity. There is no parental notification to parents when a youth user signs up for a  
14 new account. Because it has failed to implement a robust and effective age verification process,  
15 there are children aged 13 and under using the product; in fact, Discord is aware that children as  
16 young as eight years old are currently using the product.<sup>55</sup> Discord has access to information within  
17 its platform to identify the age of its users because youth users often state their real age in their bio  
18 and/or tell other users their real age in group and private chats using one or more Discord product  
19 features. Youth users also post photos that often reflect their actual age.

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24 \_\_\_\_\_  
<sup>53</sup> *Id.*

25 <sup>54</sup> Samantha Murphy Kelly, *The dark side of Discord for teens*, CNN Bus. (Mar. 22, 2022),  
26 <https://www.cnn.com/2022/03/22/tech/discord-teens/index.html>.

27 <sup>55</sup> Kellen Browning, *How Discord, Born From an Obscure Game, Became a Social Hub for*  
28 *Young People*, N.Y. Times (Dec. 29, 2021), <https://www.nytimes.com/2021/12/29/business/discord-server-social-media.html>.

1           63. In many cases, youth users are able to access Discord throughout the school day  
2 because it is not one of the applications that is blocked on school networks, such as Snapchat and  
3 Instagram.<sup>56</sup>

4           64. Discord has failed to implement safety features such that there is an unreasonable  
5 opportunity for and risk of sexual exploitation of youth on the platform. By default, all product users  
6 – including users under 18 years old – can receive friend invitations from anyone in the same server,  
7 which opens the ability for them to send and receive private messages from strangers.<sup>57</sup> Discord has  
8 failed to implement effective parental controls to prevent such activity from causing harm to youth.  
9 Discord has failed to implement effective tools for youth/parent users to choose to avoid such  
10 problematic and harmful experiences.

11           65. Discord’s purported “safety” features create a false sense of security on the platform,  
12 which create an unreasonable risk of harm to youth. For instance, until in or around October 2023,  
13 the Discord support pages described the platform’s “Safe Direct Messaging” options in the following  
14 ways:

- 15           • Keep me safe: the safest option. This will have Discord scan any image sent in all  
16 DMs, regardless of whether you’ve added the user on your friend list, or the user is  
17 DMing you just by sharing a mutual server.
- 18           • My friends are nice: The medium-est option! This will let Discord know to scan any  
19 images sent in DMs from users that aren’t on your friends list, but also to trust your  
20 previously-added friends and not worry about any images they send.
- 21           • Do not scan: The self-confident option. Enabling this option will completely disable  
22 Discord’s image scanning process, and leave you for a walk on the wild side for any  
23 and all DMs you receive. Careful, it’s a jungle out there!

24           66. These representations reasonably would lead youth users to believe that Discord will  
25 scan for and block sexually explicit materials, including materials used to groom and/or blackmail  
26 youth users. Discord should not be offering less-safe options (“My friends are nice” and “Do not

26 <sup>56</sup> Samantha Murphy Kelly, *The dark side of Discord for teens*, CNN Bus. (Mar. 22, 2022),  
27 <https://www.cnn.com/2022/03/22/tech/discord-teens/index.html>.

28 <sup>57</sup> *Id.*

1 scan”)<sup>58</sup> to youth users without parental consent. The less-safe options as product features are  
2 further defective and/or dangerous for youth users because they downplay the risks of sexually  
3 explicit and/or otherwise harmful content through direct messaging, with descriptions such as “the  
4 wild side” and “a jungle,” and suggesting that the “Do not scan” option is “The self-confident  
5 option.” This creates a false sense of security that results in direct harm to Discord’s youth users.

6 67. Further, the safe messaging features do not operate as promised. The “Keep me safe”  
7 option, as described, would reasonably lead a youth user to understand that Discord’s scanning  
8 service would keep them “safe” from predatory users and sexually explicit and/or otherwise harmful  
9 content. However, Discord’s safety scanning service did not do even that. This option filters  
10 explicit context received in direct messages only, not those received through group messaging.<sup>59</sup>  
11 The viewing and trading of CSAM is rampant via Discord.<sup>60</sup>

12 68. Discord’s complete lack of parental controls also presents an unreasonable risk of  
13 harm to youth users. This allows youth to use the platform and be exposed to the risks of trauma,  
14 abuse, grooming, and exploitation through use of the product, all under the false impression that  
15 Discord is taking affirmative action to keep the users safe.

16 69. Youth users on Discord are exposed to sexual predators, who contact them over the  
17 platform, cultivate emotional connections, and engage in “grooming” in order to exploit, manipulate,  
18 and abuse such youth users.<sup>61</sup> Youth are exposed to self-harm chats, including shared tips on how to  
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20

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21 <sup>58</sup> *Id.*

22 <sup>59</sup> Letter from Patrick Trueman and Dawn Hawkins, End Sexual Exploitation, to Jason Citron,  
23 CEO of Discord, April 26 2023, [https://endsexualexploitation.org/wp-content/uploads/Discord-Notification-Letter\\_DDL-2023\\_FINAL\\_Redacted.pdf](https://endsexualexploitation.org/wp-content/uploads/Discord-Notification-Letter_DDL-2023_FINAL_Redacted.pdf).

24 <sup>60</sup> *Id.*; *Afraid, Uncertain, and Overwhelmed: A Survey of Parents on Online Sexual Exploitation*  
25 *of Children*, Parents Together Action (2023), [https://parentstogetheraction.org/wp-content/uploads/2023/03/PT\\_PDF\\_final-2.pdf](https://parentstogetheraction.org/wp-content/uploads/2023/03/PT_PDF_final-2.pdf).

26 <sup>61</sup> See Dee Dee Gatton, *Discord app raises safety concerns as experts warn of sexual*  
27 *exploitation risks*, 24 News (June 22, 2023), <https://nbc24.com/news/nation-world/discord-app-raises-safety-concerns-as-experts-warn-of-sexual-exploitation-risks-the-national-center-on-sexual-exploitation-purdue-university-dr-kathryn-seigfried-spellar-chat-app-grooming-social-media-platform; Samantha Murphy Kelly. The dark side of discord for teens>.



1 hide cutting and other self-harm from parents, and suggested advice on how to run away from home  
2 (in at least one reported instance to meet up with an adult met through the platform).<sup>62</sup>

3 70. Discord does not provide effective warnings to youth users or parents regarding the  
4 unreasonable risk of harm to youth in using the product. It makes it difficult for parents or other  
5 visitors of the platform to report CSAM, other inappropriate or harmful content, or predatory user  
6 accounts without needing to either log into the platform or have significant information only  
7 obtainable from the platform.

8 71. Discord has additional product defects that encourage compulsive use and overuse of  
9 its product. For instance, Discord does not provide an option to users to self-restrict time on the  
10 platform.

11 72. Youth lack the cognitive ability and life experience to identify online grooming  
12 behavior by adults and the psychosocial maturity to decline invitations to exchange sexually explicit  
13 or otherwise salacious or violent material and mass-messaging capabilities. At all relevant times,  
14 Discord allowed direct messaging with and by youth without parental notification.

15 73. In 2023, Discord finally began to implement additional safety features for youth. In  
16 July 2023, Discord launched a Family Center that allows for limited parental monitoring of youth  
17 users' activities on Discord.<sup>63</sup> This program is "opt-in," which means youth must choose to include  
18 their parents in the Family Center in order for it to be effective. In October 2023, Discord launched  
19 the "Teen Safety Assist" initiative to attempt to address some of the risks to youth users.<sup>64</sup> Two of  
20 the new features include a safety alert to a teen user when a teen user receives a direct message from  
21 a user for the first time and a content filter that automatically blurs sensitive content received  
22 through a direct or group message.<sup>65</sup>

23 \_\_\_\_\_  
24 <sup>62</sup> Samantha Murphy Kelly, *The dark side of Discord for teens*, CNN Bus. (Mar. 22, 2022),  
<https://www.cnn.com/2022/03/22/tech/discord-teens/index.html>.

25 <sup>63</sup> *Stay Connected with Your Teen Using Discord's Family Center*, Discord Blog (July 11,  
26 2023), <https://discord.com/blog/discord-family-center-stay-connected-with-your-teen>.

27 <sup>64</sup> *How We're Making Discord the Best Place to Hang Out and Have Fun with Your Friends*,  
Discord Blog (Oct. 19, 2023), <https://discord.com/blog/best-place-to-hang-out-with-friends>.

28 <sup>65</sup> *Id.*

1           74.     Discord’s defective and harmful product features present unreasonable risks of harm  
2 to youth users and have directly harmed youth users. Because Discord allows fake usernames, does  
3 not verify age, does not facilitate parental controls, and misleads users to believe that there is a  
4 “safe” messaging option, youth have been groomed, exploited, and abused by other users through  
5 Discord without protection, as well as exposed to harmful content, such as self-harm and violent  
6 material.<sup>66</sup> Discord enables sexual predators to text, call, and video chat with youth users and prey  
7 on their vulnerabilities.

8           75.     Without the appropriate safety features for youth, youth users have found their way to  
9 chat rooms that share information about self-harm or eating disorders, have been subjected to sexual  
10 exploitation and manipulation by sexual predators, and have had exploitative content shared via  
11 Discord’s servers.<sup>67</sup> A June 2023 report found that since Discord’s launch, at least 35 criminal  
12 prosecutions involving charges of kidnapping, grooming, or sexual assault and 165 prosecutions  
13 related to child sexual abuse included communications using Discord.<sup>68</sup>

14           76.     Discord’s own transparency reports reveal that it received over 416,000 reports  
15 related to child safety from October 2023 to December 2023 alone.<sup>69</sup> It also received over 895,000  
16 reports for exploitative and unsolicited content.<sup>70</sup>

17           77.     Discord’s design features and conduct facilitating the abuse of youth and exacerbating  
18 the spread of CSAM have caused Plaintiff to divert and increase resources and expenditures to  
19 provide education, counseling, disciplinary, and other social services to harmed youth.

20 <sup>66</sup> Samantha Murphy Kelly, *The dark side of Discord for teens*, CNN Bus. (Mar. 22, 2022),  
21 <https://www.cnn.com/2022/03/22/tech/discord-teens/index.html>; Kellen Browning, *How Discord,  
22 Born From an Obscure Game, Became a Social Hub for Young People*, N.Y. Times (Dec. 29, 2021),  
<https://www.nytimes.com/2021/12/29/business/discord-server-social-media.html>.

23 <sup>67</sup> Samantha Murphy Kelly, *The dark side of Discord for teens*, CNN Bus. (Mar. 22, 2022),  
<https://www.cnn.com/2022/03/22/tech/discord-teens/index.html>.

24 <sup>68</sup> Ben Goggin, Child predators are using Discord, a popular app among teens, for sextortion  
25 and abductions, NBC News (June 21, 2023), <https://www.nbcnews.com/tech/social-media/discord-child-safety-social-platform-challenges-rcna89769>.

26 <sup>69</sup> Discord, *Transparency Reports* (Jan. 16, 2024), <https://discord.com/safety-transparency-reports/2023-q4>.

27 <sup>70</sup> *Id.*

1           **E.       Social Media Has Had a Harmful Effect on County of Oakland**

2           78.       Municipal plaintiff County of Oakland is uniquely harmed by the current youth  
3 mental health crisis. It helps fund outpatient mental health services for children and teens, family-  
4 based mental health services, crisis services, a mobile crisis unit, emergency services, a partial  
5 hospitalization pilot program to promote family-based care for youth with mental health diagnoses,  
6 dedicated suicide prevention efforts for youth, evidence-based programs for school-aged youth,  
7 trainings on trauma-informed care, extensive school-based programming, peer-support services, and  
8 family support services.

9           79.       Municipal plaintiff County of Oakland has invested in school-based partnerships to  
10 address student mental health issues due to the youth mental crisis. Despite all of the programs and  
11 services it offers and funds, County of Oakland service providers are struggling to provide enough  
12 mental health services because of the increase in youth seeking these services. Many children and  
13 youth cannot access services in a timely manner due to long wait lists for existing mental health care  
14 providers.

15           80.       Municipal plaintiff County of Oakland has borne increased costs and expenses in  
16 response to the youth mental health crisis. These costs include allocating funding for, among other  
17 expenses:

- 18                   (a)       hiring additional mental health personnel to focus on youth mental health;
- 19                   (b)       developing additional mental health resources including mental health  
20 programs for youth, family-based mental health services, crisis prevention programs for youth,  
21 outpatient mental health programs, mobile crisis programs, emergency services specifically for youth  
22 mental health emergencies, peer support services, family support services, and partial hospitalization  
23 programs for youth;
- 24                   (c)       training mental health workers, social workers, and other personnel to help  
25 youth with their mental health, including assessment and diagnosis tools, suicide prevention  
26 approaches, trauma-informed care strategies, and certified peer support programs for young adults;
- 27                   (d)       producing and distributing educational materials on social, emotional, and  
28 mental health for youth, including suicide prevention materials;

1 (e) coordinating and delivering mental health care services to public schools  
2 within the county, including offering assessments, group therapy, individual counseling, and suicide  
3 prevention efforts;

4 (f) supporting families and caretakers of youth with mental health diagnoses  
5 through family-based partial hospitalization programs, mental health trainings, trauma-informed care  
6 trainings, caregiving coaching, and support groups;

7 (g) increasing intervention services and hiring additional personnel to address  
8 property damaged as a result of youth acting out because of mental, social, and emotional problems  
9 caused by defendants' conduct;

10 (h) investigating and responding to threats made over social media; and

11 (i) increasing resources to law enforcement and other diversionary services to  
12 address increase in anti-social and criminal behavior by youth.

13 **F. Social Media Has Had a Harmful Effect on the Youth in County of**  
14 **Oakland**

15 81. During the 2021-2022 school year, County of Oakland students were screened for  
16 health behaviors and risks.<sup>71</sup> The survey found that: (a) 29.1% of middle school-aged youth and  
17 41.9% of high school-aged youth felt sad or hopeless almost every day for two weeks or more in a  
18 row during the past 12 months; (b) 15.8% of middle school-aged youth and 19.3% of high school-  
19 aged youth had read email or website messages that contained threats to other students one or more  
20 times during the past 12 months; (c) 24.3% of middle school-aged youth and 25.8% of high school-  
21 aged youth had read email or website messages that spread rumors about other students one or more  
22 times during the past 12 months; and (d) 21% of middle school-aged youth and 16.5% of high  
23 school-aged youth had been electronically bullied in the past 12 months.<sup>72</sup>

24 82. In many cases, behavioral issues in County of Oakland are directly related to  
25 defendants' social media platforms.

26 <sup>71</sup> Oakland County, Michigan Profile for Healthy Youth (MiPHY) (2022) [https://mi-](https://mi-suddr.com/michigan-profile-for-healthy-youth-miphy/)  
27 [suddr.com/michigan-profile-for-healthy-youth-miphy/](https://mi-suddr.com/michigan-profile-for-healthy-youth-miphy/).

28 <sup>72</sup> *Id.*

1 83. County of Oakland has continued to struggle with threatening social media posts. On  
 2 November 14, 2022, a 16-year-old student at Ferndale High School was arrested for allegedly  
 3 making threats against the school on social media.<sup>73</sup> As a result of the threat, Ferndale School  
 4 District’s high schools and middle schools had to close, and students had to miss school.<sup>74</sup>

5 84. Following this incident, Oxford Community Schools issued a release noting:

6 Across Oakland County, students have been making bomb threats, writing  
 7 threats on walls, and verbalizing threats. These threats have been made in and out of  
 8 school, including on social media. Social media posts have included challenges to  
 9 see which school district can have the most lockdowns. After making verbal and  
 10 written threats, students often insist the threats are jokes, or that they were just  
 11 seeking attention. This past year, the Oakland County Prosecutor's Office has  
 12 charged 42 cases of school threats. Whereas in the year prior to November 30, 2021,  
 13 there was only one case charged by the office.<sup>75</sup>

14 85. Recently, a student at Waterford Mott High School was arrested after posting  
 15 shooting threats on social media.<sup>76</sup> The student posted text messages that appeared to threaten a  
 16 school shooting at Waterford Mott. The student also made a Snapchat video warning students not to  
 17 go to school because the person allegedly behind the threatening texts “may have a gun.”<sup>77</sup>

18 86. But social media has also caused direct, actual harm to County of Oakland’s youth by  
 19 facilitating communications between predators and minors. For example, in August 2019, a 16-year-  
 20 old teenage girl ran away from home to go live with 26-year-old Michael McShan whom she’d met  
 21

22 <sup>73</sup> Jessica Stevenson, *Teen arrested for social media threats at Ferndale High School* (Nov. 15,  
 23 2022), <https://www.cbsnews.com/detroit/news/teen-arrested-for-social-media-threats-at-ferndale-high-school/>; Frank Witsil, *School threats happening daily across metro Detroit, putting students, parents on edge*, *Detroit Free Press* (Nov. 17, 2022), <https://www.freep.com/story/news/local/michigan/2022/11/17/school-gun-threats-in-ferndale-spread-wildly-by-social-media-spark-fears/69652913007/>

24 <sup>74</sup> Jessica Stevenson, *Teen arrested for social media threats at Ferndale High School* (Nov. 15,  
 25 2022), <https://www.cbsnews.com/detroit/news/teen-arrested-for-social-media-threats-at-ferndale-high-school/>.

26 <sup>75</sup> *November 18, False Threats, Real Consequences*, Oxford Community Schools (Nov. 18,  
 27 2022), [https://www.oxfordschools.org/for\\_parents\\_students/2022-23\\_district\\_communications/november\\_18\\_false\\_threats\\_real\\_consequences](https://www.oxfordschools.org/for_parents_students/2022-23_district_communications/november_18_false_threats_real_consequences).

28 <sup>76</sup> Amber Ainsworth, *Student accused of posting threats against Waterford Mott High School on social media*, *Fox 2 Detroit* (Dec. 5, 2023), <https://www.fox2detroit.com/news/student-accused-of-posting-threats-against-waterford-mott-high-school-on-social-media>.

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

1 through social media in December 2018.<sup>78</sup> The two communicated through Snapchat for months,  
 2 where McShan quickly began an abusive and sexual relationship with the teen, eventually coercing  
 3 the teen to produce images and videos of herself over Snapchat and to send him money.<sup>79</sup> Once  
 4 living with McShan, the teen was forced to stand in the corner for hours and tend to McShan’s  
 5 marijuana plants, sometimes with no sleep, food or water.<sup>80</sup> The teen eventually fled the home after  
 6 waiting for McShan to fall asleep one night, and reported him to authorities.<sup>81</sup> McShan was  
 7 convicted of multiple counts, including the production of child pornography, attempted production  
 8 of child pornography, receipt of child pornography, coercion and enticement of a minor, and  
 9 obstruction of justice.<sup>82</sup>

10 87. Similarly, in January 2024, a 13-year-old teenage girl left her Waterford home and  
 11 was found two days later at the house of 21-year-old Douglas Corbeau of White Lake Township.<sup>83</sup>  
 12 The teen’s father stated that the teen “was secretly reaching out to people on Snapchat, met Corbeau,  
 13 and snuck out – leaving home to be with him.”<sup>84</sup> Corbeau was arrested after a tip led police to a  
 14 White Lake Township house where the teen was found.

17 <sup>78</sup> Kara Berg, *Records: Lansing man forced teen to send him naked photos, videos of sexual*  
 18 *acts*, Lansing State Journal (Mar. 6, 2020),  
 19 [https://www.lansingstatejournal.com/story/news/2020/03/06/lansing-man-charged-forcing-teen-  
 send-child-porn-him/4973044002/](https://www.lansingstatejournal.com/story/news/2020/03/06/lansing-man-charged-forcing-teen-send-child-porn-him/4973044002/).

20 <sup>79</sup> *Id.*

21 <sup>80</sup> *Id.*

22 <sup>81</sup> Tresa Baldas, *Girl’s escape lands pot farm predator in prison*, Northville Record, at 8A  
 (Mar. 24, 2022), <http://northvillehistory.org/RECORD/FULL/2021-2030/2022-03-24.pdf>.

23 <sup>82</sup> Press release, *Lansing Man Convicted On 5 Counts Relating To The Production And Receipt*  
 24 *Of Child Pornography Receives 300 Months In Federal Prison*, Department of Justice (Mar. 16,  
 25 2022), [https://www.justice.gov/usao-edmi/pr/lansing-man-convicted-5-counts-relating-production-  
 and-receipt-child-pornography-0](https://www.justice.gov/usao-edmi/pr/lansing-man-convicted-5-counts-relating-production-and-receipt-child-pornography-0).

26 <sup>83</sup> Amy Lange and Nour Rahal, *Oakland County man, 21, arrested after being found with*  
 27 *missing 13-year-old*, Fox 2 Detroit (Jan. 19, 2024), [https://www.fox2detroit.com/news/oakland-  
 county-man-21-arrested-after-being-found-with-missing-13-year-old](https://www.fox2detroit.com/news/oakland-county-man-21-arrested-after-being-found-with-missing-13-year-old).

28 <sup>84</sup> *Id.*

1 88. County of Oakland has been forced to divert resources and expend additional  
2 resources in an attempt to address the decline in youth mental, emotional, and social health within its  
3 jurisdiction.

4 89. County of Oakland requires significantly greater and long-term funding to address the  
5 nuisance defendants have created. It is time, as President Biden declared, to get “all Americans the  
6 mental health services they need.”

7 **G. Defendants Employ Artificial Intelligence in Ways that Expose Youth**  
8 **to Harmful Experiences**

9 90. Defendants utilize AI and machine learning through the development and operation of  
10 features, including the release of original content, that are inherently dangerous and harmful to  
11 youth. These features serve to facilitate compulsive use, overuse, and addiction by youth users, as  
12 well as expose youth to harmful experiences due to the lack of meaningful protections for youth  
13 users.

14 91. Defendants’ use of AI and machine learning falls into at least three categories: the use  
15 of AI to promote addictive use; AI machine learning to conduct content moderation; and the  
16 development and publication of AI-generated original content, including, but not limited to, through  
17 large language models such as chatbots.

18 92. Defendants, including Google, YouTube, Meta, Facebook, Snap, Discord, and  
19 TikTok, intentionally design and operate their platforms to maximize users’ screen time through the  
20 use of features intended to exploit human psychology using complex algorithms driven by advanced  
21 AI and machine-learning systems. For example, YouTube has developed and operates machine  
22 learning technology with the goal of increasing the amount of time users spend watching content on  
23 YouTube. The AI-driven suggestions succeed in maximizing user engagement. YouTube Chief  
24 Product Officer Neal Mohan stated in 2018 that YouTube’s AI-driven recommendations are  
25 responsible for 70% of the time users spend on YouTube.<sup>85</sup> In other words, 70% of all YouTube  
26 content that users watch was recommended to users by YouTube’s machine learning technology, as

27 <sup>85</sup> Joan E. Solsman, *YouTube’s AI is the puppet master over most of what you watch*, CNET  
28 (Jan. 20, 2018), <https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/>.

1 opposed to users purposely searching for and identifying the content they watch. Defendants have  
2 failed to implement effective parental controls to prevent such activity from causing harm to youth.  
3 Defendants have failed to implement effective tools for youth/parent users to choose to avoid such  
4 problematic and harmful experiences.

5 93. Meta also uses AI to keep users engaged. Rather than display information  
6 chronologically, posts are displayed based on a user's previous online activity, including whether the  
7 user previously "share[d]," "like[d]," or otherwise engaged with similar content.<sup>86</sup> In March 2024,  
8 Meta unveiled that it will begin using a new artificial model across all its Social Media Platforms  
9 that promises to be even more effective at prolonging the time that users spend online.<sup>87</sup> Tom  
10 Alison, head of Facebook, said that the new model kept users watching its video "Reels" for 8%-  
11 10% longer, proving that the model was "learning from the data much more efficiently than the  
12 previous generation." Defendants have failed to implement effective parental controls to prevent  
13 such activity from causing harm to youth. Defendants have failed to implement effective tools for  
14 youth/parent users to choose to avoid such problematic and harmful experiences.

15 94. Second, Defendants rely on AI-driven technology to moderate content on their  
16 platforms, which fail to detect and block inappropriate and harmful content accessed by youth. This  
17 leads to harms, including, but not limited to, youth users getting exposed to CSAM; getting targeted  
18 by adult predators; and finding content that promotes self-harm, such as how to engage in cutting  
19 and hide it from adults. Defendants have failed to implement effective parental controls to prevent  
20 such activity from causing harm to youth. Defendants have failed to implement effective tools for  
21 youth/parent users to choose to avoid such problematic and harmful experiences.

22 95. Third, Defendants have developed and are operating chatbots that engage with users,  
23 including youth users, with original content composed by the applications themselves. For instance,

24 \_\_\_\_\_  
25 <sup>86</sup> Email from Nick Clegg to Mark Zuckerberg, Re: Well-being product strategy and tech  
headcount, (Aug. 28, 2021),  
26 <https://www.blumenthal.senate.gov/imo/media/doc/13124metadocuments.pdf>.

27 <sup>87</sup> Jonathan Vanian, *Meta is building a giant AI model to power its 'entire video ecosystem,'*  
exec says, CNBC (Mar. 6, 2024), [https://www.cnbc.com/2024/03/06/facebook-working-on-single-ai-](https://www.cnbc.com/2024/03/06/facebook-working-on-single-ai-model-to-power-all-video-recommendations.html)  
28 [model-to-power-all-video-recommendations.html](https://www.cnbc.com/2024/03/06/facebook-working-on-single-ai-model-to-power-all-video-recommendations.html).



1 Meta recently unveiled an AI chatbot with 28 personas, among them the “ride-or-die older sister”  
2 resembling Kendall Jenner, aimed at engaging younger users.<sup>88</sup> In 2023, Snap added to its feed “My  
3 AI,” an AI chatbot that engages with users, including children, with on-demand text produced by the  
4 application itself. Snapchat developed this “virtual friend” to further increase engagement. It has  
5 features that make its chatbot more “friendly,” such as the option to customize the chatbot’s name,  
6 design a custom bitmoji avatar for it, and include it in group chats with friends.<sup>89</sup> It is not possible to  
7 remove the chatbot from a user’s feed unless that user pays to subscribe to Snap’s premium  
8 subscription service.

9 96. In tests that have been recreated multiple times, Snap’s My AI responds to self-  
10 identified youth users with inappropriate and misleading content, including how to hide the smells of  
11 alcohol and marijuana, “setting the mood” for a minor having sex with a 30-year-old for the first  
12 time, and writing essays for self-identified students when asked to do so for a school project.<sup>90</sup> It  
13 even explains to teens how to hide the Snap application from parental monitoring.<sup>91</sup> In user tests, the  
14 My AI becomes more problematic the longer one chats with it.<sup>92</sup>

15 97. Snap’s My AI is also problematic in providing mental health advice to youth users  
16 because it can reinforce confirmation bias, allowing users to continue to feel badly if they approach  
17 the chatbot in a negative mood.<sup>93</sup> According to Alexandra Hamlet, a clinical psychologist in New

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18  
19 <sup>88</sup> Eliza Anderson, *Perspective: The troubling premise of Meta’s new AI*, Deseret News (Nov.  
20 25, 2023), <https://www.deseret.com/2023/11/25/23970137/meta-ai-billie-big-sister-artificial-intelligence-tom-brady-kendall-jenner/>.

21 <sup>89</sup> Samantha Murphy Kelly, *Snapchat’s new AI chatbot is already raising alarms among teens*  
22 *and parents*, CNN Bus. (Apr. 27, 2023), <https://www.cnn.com/2023/04/27/tech/snapchat-my-ai-concerns-wellness/index.html>.

23 <sup>90</sup> Geoffrey A. Fowler, *Snapchat tried to make a safe AI. It chats with me about booze and sex*,  
24 Wash. Post (Mar. 14, 2023), <https://www.washingtonpost.com/technology/2023/03/14/snapchat-myai/>; *see also* Common Sense Media, AI Initiative, *My AI* (Oct. 19, 2023),  
<https://www.common sense media.org/ai-ratings/my-ai>.

25 <sup>91</sup> *Id.*

26 <sup>92</sup> *Id.*

27 <sup>93</sup> Sarah Perez, *Several popular AI products flagged as unsafe for Kids by Common Sense*  
28 *Media*, Tech Crunch (Nov. 16, 2023), <https://techcrunch.com/2023/11/16/several-popular-ai-products-flagged-as-unsafe-for-kids-by-common-sense->

1 York City: “If a teen is in a negative mood and does not have the awareness desire to feel better, they  
 2 may seek out a conversation with a chatbot that they know will make them feel worse. . . . Over  
 3 time, having interactions like these can erode a teens’ sense of worth, despite their knowing that they  
 4 are really talking to a bot.”<sup>94</sup>

5 98. Defendants’ large language models, such as Snap’s My AI, put youth users at an  
 6 unreasonable risk of harm and expose youth users to harmful experiences and inappropriate and  
 7 dangerous content created by Defendants themselves. Defendants are aware that their AI language  
 8 models are “experimental” and yet continue to expose youth to harm through the original content  
 9 they produce.<sup>95</sup> Defendants have failed to implement effective parental controls to prevent such  
 10 activity from causing harm to youth. Defendants have failed to implement effective tools for  
 11 youth/parent users to choose to avoid such problematic and harmful experiences.

## 12 **II. ADDITIONAL CAUSES OF ACTION**

### 13 **COUNT III**

#### 14 **Violation of the Michigan Consumer Protection Act,** 15 **Mich. Comp. Laws §445.901, et al.** 16 **(Against All Defendants)**

17 99. Plaintiff County of Oakland brings this claim under the Michigan Consumer  
 18 Protection Act (“MCPA”) as to all defendants.

19 100. The MCPA declares unlawful “[u]nfair, unconscionable, or deceptive methods, acts,  
 20 or practices in the conduct of trade or commerce.” Mich. Comp. Laws §445.903(1). The MCPA  
 21 defines, among others, the following methods, acts, or practices to be unfair, unconscionable, or  
 22 deceptive: causing confusion or misunderstanding as to approval or certification of goods;  
 23 representing that goods have approval, characteristics, uses, and benefits that they do not have;  
 24 failing to reveal a material fact whose omission tends to mislead or deceive the consumer; making a

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25 [media/#:~:text=An%20independent%20review%20of%20popular%20AI%20tools%20has,Stable%20Diffusion%2C%20may%20not%20be%20safe%20for%20kids.](#)

27 <sup>94</sup> Samantha Murphy Kelly, *supra* n.62.

28 <sup>95</sup> Geoffrey A. Fowler, *supra* n.63.

1 representation of material fact that misleads a reasonable person; and failing to reveal facts made  
2 material in light of positive representations of facts. *Id.*

3 101. Defendants are each persons within the meaning of Mich. Comp. Laws §445.902(d),  
4 and their actions, as set forth herein, occurred in the conduct of trade or commerce, Mich. Comp.  
5 Laws §445.902(g).

6 102. During the relevant period and as detailed further herein, Defendants have each  
7 engaged in unfair and deceptive acts or practices in commerce in violation of the MCPA. Defendants  
8 engaged in unfair methods of competition by: (i) designing, marketing, promoting, and operating  
9 their platforms in a manner intended to deluge youth with the most polarizing, titillating,  
10 controversial, emotionally charged, and otherwise salacious material created by third parties and by  
11 defendants themselves; and (ii) using Intermittent Variable Rewards (“IVRs”) or dopamine hits to  
12 intentionally alter youth users’ behavior, creating habits and addiction so as to maximize the time  
13 youth spend on their respective platforms, despite knowledge of the harms to youth from their  
14 wrongful conduct. Moreover, defendants have expressly spoken falsely in the public domain about  
15 the positive effects of their platforms on youth users. For example in 2021, former YouTube CEO  
16 Susan Wojcicki stated that Google’s video platform YouTube is beneficial to adolescents’ mental  
17 health; Snap CEO Evan Spiegel similarly stated that Snapchat makes 95% of its users (most of  
18 whom are youth) “feel happy”<sup>96</sup>; Facebook sought first to conceal and then to downplay and  
19 diminish its own study which found that Instagram use harmed the well-being of teenage girls and  
20 TikTok too has denied that it is subjecting users to harmful experiences.

21 103. Defendants’ unfair or deceptive acts or practices in violation of the MCPA offend  
22 Michigan’s public policy, are immoral, unethical, oppressive or unscrupulous, as well as malicious,  
23 wanton and manifesting ill will, and cause substantial injury to plaintiffs and their inhabitants.

24 104. Plaintiff’s claim rests on Defendants’ affirmative conduct, which has resulted in the  
25 current public health crisis among youth mental health.

26 105. Defendants’ conduct violated the MCPA by:

27 <sup>96</sup> Rachel Kraus, *Snapchat survey finds that Snapchat makes people happy*, Mashable (Jan. 9,  
28 2019), <https://mashable.com/article/snapchat-happiness-social-media-survey>.

1 (a) designing, marketing, promoting, and/or operating their platforms in a manner  
2 intended to maximize the time youth spend on their respective platforms, despite knowledge of the  
3 harms to youth from their wrongful conduct;

4 (b) manipulating users to keep using or coming back to their platforms through  
5 the use of IVRs;

6 (c) intentionally marketing their platforms to children and teens, directly  
7 facilitating the widespread, excessive, and habitual use of their platforms among youth; and

8 (d) knowingly designing and modifying their platforms in ways that promote  
9 excessive and problematic use in ways known to be harmful to children.

10 106. The aforementioned methods, acts, or practices constitute unfair or deceptive acts or  
11 practices within the meaning of §445.903 of the MCPA, including, but not limited to:

12 (a) “[c]ausing a probability of confusion or misunderstanding as to the source,  
13 sponsorship, approval, or certification of goods or services” in violation of Mich. Comp. Laws  
14 §445.903(1)(a);

15 (b) “[r]epresenting that goods or services have sponsorship, approval,  
16 characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has  
17 sponsorship, approval, status affiliation, or connection that he does not have” in violation of Mich.  
18 Comp. Laws §445.903(1)(c); and “[r]epresenting that goods or services are of a particular standard,  
19 quality, or grade, or that goods are of a particular style or model, if they are of another” in violation  
20 of Mich. Comp. Laws §445.903(1)(e).

21 **COUNT IV**

22 **Fraudulent Misrepresentation and Concealment**  
23 **(Against All Defendants)**

24 107. At all times relevant to this litigation, each Defendants concealed and intentionally  
25 failed to disclose material facts known to them regarding the dangers of their social media platforms  
26 for youth. Defendants sought to further the public perception about the safety of their social media  
27 platforms for youth by disseminating false statements to Congress and to the public. Any risk  
28 disclosures were substantially understated.

1           108. Each Defendant intended the omission of the concealed facts to deceive Plaintiff, and  
2 intended Plaintiff to rely upon the omission.

3           109. Plaintiff was unaware of the concealed facts. Plaintiff, its agents, and the public  
4 justifiably relied on the false information Defendants provided to them, both directly and indirectly,  
5 as Defendants intended.

6           110. As a result, Plaintiff proceeded under the misapprehension that the youth mental  
7 health crisis was a result of conduct by persons other than Defendants and was prevented from  
8 taking more effective and earlier steps to respond to the youth mental health crisis.

9           111. Had Plaintiff known the truth about the concealed facts, Plaintiff would have taken  
10 other steps to correct the false information and address earlier the youth mental health crisis it faced.

11           112. Each Defendant's failure to disclose information about the true level of danger  
12 presented by Defendants' social media platforms to Plaintiff's residents deceived Plaintiff and was a  
13 substantial factor in causing harm to Plaintiff.

14           113. Plaintiff was damaged due to its justified reliance on each of the Defendants'  
15 fraudulent misrepresentations and concealments, which were made with oppression, fraud, or malice.

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