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

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

Case No. 4:22-md-03047-YGR

MDL No. 3047

Hon. Yvonne Gonzalez Rogers

This Document Relates to:

VERONICA HICKS, individually and as next
friend to minor plaintiff D.M.,

Plaintiff,

v.

META PLATFORMS, INC., FACEBOOK
HOLDINGS, LLC, FACEBOOK
OPERATIONS, LLC, FACEBOOK
PAYMENTS, INC., FACEBOOK
TECHNOLOGIES, LLC, INSTAGRAM, LLC,
SICULUS, INC., TIKTOK, INC., &
BYTEDANCE, INC.,

Defendants.

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

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I. INTRODUCTION

1. This matter arises from an egregious breach of the public trust by Defendants Meta Platforms, Inc. (hereinafter, “Meta Platforms”), Facebook Holdings, LLC (hereinafter, “Facebook 1”), Facebook Operations, LLC (hereinafter, “Facebook 2”), Facebook Payments, Inc. (hereinafter, “Facebook 3”), Facebook Technologies, LLC (hereinafter, “Facebook 4”), Instagram, LLC (hereinafter, “Instagram”), Siculus, Inc. (hereinafter, “Siculus” and, collectively—including Facebook 1, Facebook 2, Facebook 3, Facebook 4, Instagram, and Siculus—“Meta”), together with TikTok, Inc. (hereinafter, “TikTok”) and ByteDance, Inc. (hereinafter, “ByteDance”) (hereinafter, collectively, “Non-Meta,” and, together with “Meta,” “Defendants”).

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

3. Defendants have intentionally designed their products to maximize users’ screen time, using complex algorithms designed to exploit human psychology and driven by advanced

1 computer algorithms and artificial intelligence available to two of the largest technology
2 companies in the world. Defendants have progressively modified their products to promote
3 problematic and excessive use that they know threatens the actuation of addictive and self-
4 destructive behavioral patterns.

5
6 4. Excessive screen time is harmful to adolescents' mental health, sleep patterns,
7 emotional well-being. Defendants' products lack any warnings that foreseeable product use can
8 disrupt healthy sleep patterns, or specific warnings to parents when their child's product usage
9 exceeds healthy levels or occurs during sleep hours, rendering the platforms unreasonably
10 dangerous. Reasonable and responsible parents are not able to accurately monitor their child's
11 screen time because most adolescents own or can obtain access to mobile devices and engage in
12 social media use outside their parents' presence.

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

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

24
25 7. Plaintiff brings claims of strict liability based upon Defendants' defective design of
26 their social media products that renders such products not reasonably safe for ordinary consumers
27 in general and minors in particular. It is technologically feasible to design social media products
28

1 that substantially decrease the incidence and magnitude of harm to ordinary consumers and minors
2 arising from their foreseeable use of Defendants' products with a negligible increase in production
3 cost. It is also technologically feasible to design and implement effective age and identity
4 verification protocols to ensure that only children of an appropriate age may have access to these
5 products.
6

7 8. Plaintiff also brings claims for strict liability based on Defendants' failure to
8 provide adequate warnings to minor users and their parents of the danger of mental, physical, and
9 emotional harms arising from the foreseeable use of their social media products.

10 9. Plaintiff also brings claims for common law negligence arising from Defendants'
11 unreasonably dangerous social media products and their failure to warn of such dangers.
12 Defendants knew or, in the exercise of ordinary care, should have known that their social media
13 products were harmful to a significant percentage of their minor users and failed to re-design their
14 products to ameliorate these harms or warn minor users and their parents of dangers arising out of
15 the foreseeable use of their products. Defendants intentionally created an attractive nuisance to
16 children, but simultaneously failed to provide adequate safeguards from the harmful effects they
17 knew were occurring.
18

19 10. As is now generally known, in Fall 2021, Frances Haugen, a former Facebook
20 employee turned whistleblower, came forward with internal documents showing that Meta was
21 aware that its platforms and products cause significant harm to its users, especially our children.
22 Non-Meta Defendants' products—their social media platforms—have similar designs and
23 mechanism of action resulting in similar addictive qualities and harmful outcome to minor users.
24 To this day, the addictive qualities of Defendants' products and their harmful algorithms are not
25 fully known or understood by minor users or their parents.
26
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28

II. JURISDICTION AND VENUE

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

12. This Court has specific personal jurisdiction over Defendants because these Defendants transact business in the State of Kansas and the State of California, and purposely avail themselves of the benefits of transacting business with Kansas and California residents. Plaintiff's claims set forth herein arise out of and/or relate to Defendants' activities in the State of Kansas and purposeful availment of the benefits of transacting business here and the exercise of personal jurisdiction by this Court comports with traditional notions of fair play and substantial justice.

13. Defendants interface with a significant percentage of the population of the State of Kansas relating to use of the products at issue in this case, and interact extensively with—send messages, notifications, and communications to—and provide a myriad of other interactive services and recommendations to users Defendants expect and know to be in the State of Kansas.

14. Defendants advertise extensively in Kansas, through contractual relationships with third-party “partners” who advertise on their behalf via electronic and internet-based platforms and devices. Defendants also have agreements with cell phone manufacturers and/or providers and/or retailers, who often pre-install its products on mobile devices prior to sale and without regard to the age of the intended user of each such device. That is, even though Defendants are prohibited from providing their products to users under the age of 13, by encouraging and allowing their products to be installed indiscriminately on mobile devices, Defendants actively promote and provide access to their products to the underage users in Kansas for whom those devices are intended.

15. Defendants have earned millions of dollars in annual revenue from their Kansas-related activities over the last several years arising from the use of their defective and inherently dangerous social media products by Kansas residents, including Plaintiff.

16. Venue is proper in this District pursuant to the consolidation of this lawsuit and others for pretrial proceedings in the Northern District of California, Oakland Division. *See* Order Setting Initial Conference, *In re Social Media Adolescent Addiction/Personal Injury Product Liability Litigation*, MDL No. 3047, No. 4:22-md-3047-YGR, ECF No. 2. Several of Defendants' principal places of business are also located in the Northern District of California.

III. PARTIES

Plaintiff

17. Plaintiff Veronica Hicks is an adult individual domiciled in Junction City, Kansas, and the custodial parent of her seventeen-year-old son D.M. Junction City, Kansas, is Plaintiffs' true, fixed, and permanent home and principal establishment, to which Plaintiffs have the intention of returning whenever they are absent therefrom. Plaintiffs intend to remain in Junction City, Kansas, indefinitely. Plaintiff brings this suit on behalf of herself and on behalf of D.M., pursuant to FED. R. CIV. P. 17.

Defendant Meta Platforms, Inc.

18. Meta Platforms is multinational technology conglomerate, having its principal place of business in Menlo Park, California. Meta develops and maintains social media platforms, communication platforms, and electronic devices.¹ Meta Platforms was originally incorporated in Delaware on July 29, 2004, as "TheFacebook, Inc." On September 20, 2005, the company changed

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

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

15 19. Meta Platforms’ subsidiaries include but may not be limited to: Facebook 1
16 (Delaware); Facebook 2 (Delaware); Facebook 3 (Delaware); Facebook 4 (Delaware); FCL Tech
17 Limited (Ireland); Instagram (Delaware); Novi Financial, Inc. (Delaware); Runways Information
18 Services Limited (Ireland); Scout Development LLC (Delaware); Siculus (Delaware); and a
19 dozen other entities whose identity or relevance is presently unclear.
20

21 **Subsidiary Meta Defendants**

22 20. Facebook 1 was incorporated in Delaware on March 11, 2020, and is a wholly
23 owned subsidiary of Meta Platforms. Facebook 1 is primarily a holding company for entities
24 involved in Meta Platforms’ supporting and international endeavors, and its principal place of
25 business is in Menlo Park, California. Meta Platforms is the sole member of this LLC Defendant.
26
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1 21. Facebook 2 was incorporated in Delaware on January 8, 2012, and is a wholly
2 owned subsidiary of Meta Platforms. Facebook 2 is likely a managing entity for Meta Platforms’
3 other subsidiaries, and its principal place of business is in Menlo Park, California. Meta Platforms
4 is the sole member of this LLC Defendant.

5
6 22. Facebook 3 was incorporated in Florida on December 10, 2010, and is a wholly
7 owned subsidiary of Meta Platforms. Facebook 3 manages, secures, and processes payments made
8 through Meta Platforms, among other activities, and its principal place of business is in Menlo
9 Park, California.

10 23. Facebook 4 was incorporated in Delaware as “Oculus VR, LLC” on March 21,
11 2014, and acquired by Meta Platforms on March 25, 2014. Facebook 4’s principal place of business
12 is in Menlo Park, California, and it develops Meta Platforms’ virtual and augmented reality
13 technology, such as the Oculus Quest line of products (soon to be renamed “Meta Quest”), among
14 other technologies related to Meta Platforms’ various platforms. Meta Platforms is the sole
15 member of this LLC Defendant.

16
17 24. Instagram was founded by Kevin Systrom and Mike Krieger in October 2010. In
18 April 2012, Meta Platforms purchased the company for \$1 billion (later statements from Meta
19 Platforms have indicated the purchase price was closer to \$2 billion). Meta Platforms
20 reincorporated the company on April 7, 2012, in Delaware. Currently, the company’s principal
21 place of business is in in Menlo Park, CA. Instagram is a social media platform tailored for photo
22 and video sharing. Meta Platforms is the sole member of this LLC Defendant.

23
24 25. Siculus was incorporated in Delaware on October 19, 2011, and is a wholly owned
25 subsidiary of Meta Platforms. Siculus supports Meta by constructing data facilities and other
26 projects. Siculus’s principal place of business is in Menlo Park, CA.
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1 26. By admission, Facebook and Instagram are products (Meta’s Vice President of
2 Messaging Products Loredana Crisan, *Celebrating 10 Years of Messenger With New Features*
3 (August 25, 2021, last visited July 29, 2022, at 1:10 PM CST)
4 <https://about.fb.com/news/2021/08/messenger-10th-birthday/>), the safety of which of was not
5 duly addressed prior to public distribution (*Our Progress Addressing Challenges and Innovating*
6 *Responsibly* (September 21, 2021, last visited July 29, 2022, at 1:17 PM CST)
7 [https://about.fb.com/news/2021/09/our-progress-addressing-challenges-and-innovating-](https://about.fb.com/news/2021/09/our-progress-addressing-challenges-and-innovating-responsibly/)
8 [responsibly/](https://about.fb.com/news/2021/09/our-progress-addressing-challenges-and-innovating-responsibly/)).

9
10 27. Meta knowingly exploited its most vulnerable users—children throughout the
11 world—to drive corporate profit. Meta operates the world’s largest family of social networks,
12 enabling billions of users worldwide to connect, view, and share content through mobile devices,
13 personal computers, and virtual reality headsets. A user does not have to pay to create an account.
14 Instead of charging account holders to access the platform, Meta became one of the world’s most
15 valuable companies from the sale of advertisement placements to marketers across its various
16 platforms and applications. For example, upon information and belief, Meta generated \$69.7
17 billion from advertising in 2019, more than 98% of its total revenue for the year. Meta can generate
18 such revenues by marketing its user base to advertisers. Meta collects and analyzes data to
19 assemble virtual dossiers on its users, covering hundreds if not thousands of user-specific data
20 segments. This data collection and analysis allows advertisers to micro-target advertising and
21 advertising dollars to very specific categories of users, who can be segregated into pools or lists
22 using Meta’s data segments. Only a fraction of these data segments come from content that is
23 explicitly designated by users for publication or explicitly provided by users in their account
24 profiles. Many of these data segments are collected by Meta through surveillance of each user’s
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1 activity on the platform and off the platform, including behavioral surveillance that users are not
2 even aware of, like navigation paths, watch time, and hover time. At bottom, the larger Meta's
3 user database grows, the more time the users spend on the database, and the more detailed
4 information that Meta can extract from its users, the more money Meta makes.

5
6 28. As of October 2021, Facebook had roughly 2.91 billion monthly active users, thus
7 reaching 59% of the world's social networking population, the only social media platform to reach
8 over half of all social media users. Instagram has become the most popular photo sharing social
9 media platform amongst teenagers and young adults in the United States, with over 57 million
10 users below the age of eighteen, meaning that 72 percent of America's youth use Instagram. 11
11 percent of parents in the U.S. know their child between the ages of 9 and 11 uses Instagram.²
12 Likewise, 6 percent of parents in the U.S. know their child between the ages of 9 and 11 uses
13 Facebook.³
14

15 29. Two Meta products, the www.Facebook.com ("Facebook") and
16 www.Instagram.com ("Instagram") websites and respective interrelated apps (collectively "Meta
17 2"), rank among the most popular social networking products, with more than two billion
18 combined users worldwide. It is estimated that nine out of ten teens use social media platforms,
19 with the average teen using the platforms roughly three hours per day. Given the delicate,
20 developing nature of the teenage brain and Meta's creation of social media platforms designed to
21 be addictive, it comes as no surprise that we are now grappling with the ramifications of Meta's
22 growth-at-any-cost approach, to wit, a generation of children physiologically entrapped by
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27 ² Katherine Schaeffer, *7 facts about Americans and Instagram*, Pew Research Center (Oct. 7, 2021),
28 <https://www.pewresearch.org/fact-tank/2021/10/07/7-facts-about-americans-and-instagram/>.

³ *Id.*

1 products the effects of which collectively result in long-lasting adverse impact on their rapidly
2 evolving and notoriously precarious mental health.

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

4 32. Instagram also features a “discover” page where a user is shown an endless feed of
5 content that is selected by an algorithm designed by Instagram based upon the users’ data profile:
6 demographics, prior activity in the platform, and other data points. Meta has added similar features
7 to Facebook on the apps “menu” and “watch” sections.

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

18 34. IVR is a method used to addict a user to an activity by spacing out dopamine
19 triggering stimuli with dopamine gaps—a method that allows for anticipation and craving to
20 develop and strengthens the addiction with each payout. The easiest way to understand this term
21 is by imagining a slot machine. You pull the lever (intermittent action) with the hope of winning
22 a prize (variable reward). In the same way, you refresh Defendants’ feeds, endure the brief delay,
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28 ⁴ The business model is simple: The more attention a platform can pull from its users, the more effective its advertising space becomes, allowing it to charge advertisers more.

1 and then learn if anyone has tagged you in a photo, mentioned you in a post, sent you a message,
2 or liked, commented on, or shared either of your posts. As explained below, Meta (and, upon
3 information and belief, all Defendants) space out notifications into multiple bursts (dopamine
4 gaps), rather than notifying users in real time, to maximize the platforms' addictiveness.

5
6 35. Over the past decade or so, Meta has added features and promoted the use of auto-
7 playing short videos and temporary posts on Facebook and Instagram, with the former being
8 referred to as "Reels," while the latter is referred to as Instagram "Stories."

9
10 36. Facebook and Instagram notify users through text and email of activity that might
11 be of interest, which is designed to and does prompt users to open Facebook and Instagram and be
12 exposed to content selected by the platforms to maximize the length of time and amount of content
13 viewed by the user. Facebook and Instagram include many other harm causing features, as
14 discussed below.

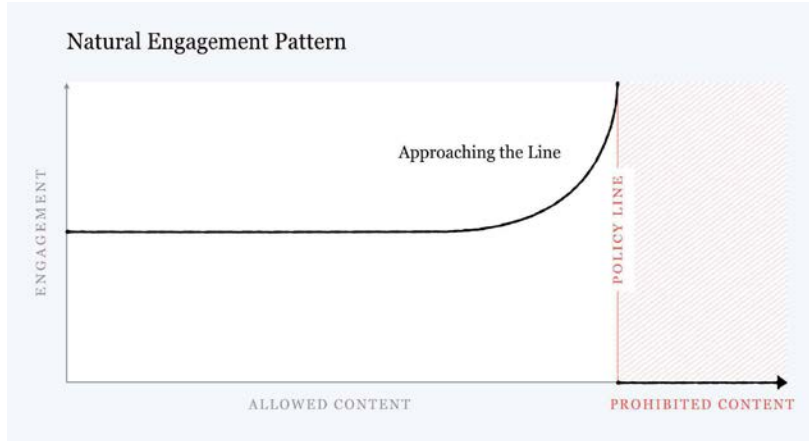
15
16 37. Equipped with ample information about the risks of social media, the
17 ineffectiveness of its age-verification protocols, and the mental processes of teens, Meta has
18 expended significant effort to attract preteens to its products, including substantial investments in
19 designing products that would appeal to children ages 10-to-12. Meta views pre-teens as a
20 valuable, unharnessed commodity, so valuable that it has contemplated whether there is a way to
21 engage children during play dates.⁵ Meta's unabashed willingness to target children—in the face
22 of its conscious, long-standing, plainly deficient age-verification protocols—demonstrates the
23 depths to which Meta is willing to reach to maintain and increase its profit margin.
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27 ⁵ Georgia Wells and Jeff Horwitz, *Facebook's Effort to Attract Preteens Goes Beyond Instagram Kids, Documents*
28 *Show* (2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>.

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

14 39. Meta CEO Zuckerberg publicly recognized this in a 2018 post, in which he
15 demonstrated the correlation between engagement and sensational content that is so extreme that
16 it impinges upon Meta’s own ethical limits, with the following chart:⁶
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27 ⁶ Mark Zuckerberg, *A Blueprint for Content Governance and Enforcement*, FACEBOOK,
28 <https://www.facebook.com/notes/751449002072082/> (last visited January 8, 2022).



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

41. Upon information in belief, at least as far back as 2019, Meta initiated, *inter alia*, a Proactive Incident Response experiment, which began researching the effect of Meta on the mental

1 health of today's youth.⁷ Meta's own in-depth analyses show significant mental-health issues
 2 stemming from the use of Instagram among teenage girls, many of whom linked suicidal thoughts
 3 and eating disorders to their experiences on the app.⁸ Meta's researchers have repeatedly found
 4 that Instagram is harmful for a sizable percentage of teens that use the platform. In an internal
 5 presentation from 2019, Meta researchers concluded that "[w]e make body issues worse for one in
 6 three teen girls," and "[t]eens blame Instagram for increases in the rate of anxiety and depression."
 7 Similarly, in a March 2020 presentation posted to Meta's internal message board, researchers
 8 found that "[t]hirty-two percent of teen girls said that when they feel bad about their bodies,
 9 Instagram made them feel worse." Sixty-six percent of teen girls and forty-six percent of teen boys
 10 have experienced negative social comparisons on Instagram. Thirteen-and-one-half percent of
 11 teen-girl Instagram users say the platform makes thoughts of "suicide and self-injury" worse.
 12 Seventeen percent of teen-girl Instagram users say the platform makes "[e]ating issues" worse.
 13 Instagram users are twice as likely to develop an eating disorder as those who don't use social
 14 media.
 15
 16

17
 18 42. Meta is aware that teens often lack the ability to self-regulate. Meta is further aware
 19 that, despite the platforms' adverse impact to teenage users' well-being, the absence of impulse
 20 control often renders teens powerless to oppose the platforms' allure. Meta is conscious of the fact
 21 that the platform dramatically exacerbates bullying and other difficulties prevalent within the high
 22 school experience, as the reach of the same now affects users within the ideally otherwise safe
 23 confines of the home. The advent of social media largely occurred after today's parents became
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25
 26 ⁷ See *Protecting Kids Online: Testimony from a Facebook Whistleblower*, United States Senate Committee on
 27 Commerce, Science, & Transportation, Sub-Committee on Consumer Protection, Product Safety, and Data Security,
<https://www.c-span.org/video/?515042-1/whistleblower-frances-haugen-calls-congress-regulate-facebook>.

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

1 adults, the consequence being a large swath of parents that lack the context needed to appreciate
2 the contemporary perils of Meta and Instagram, who are likewise ill-equipped to offer advice
3 sufficient to effectively mitigate against it.

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

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

19
20 45. Instead of providing warnings at sign-up or during use, Meta provides no warning
21 at all. Rather, the most accessible and full information regarding the mental and physical health
22 risks of Meta's platforms comes from third parties. Meta has a "Youth Portal" website that does
23 not appear to be widely promoted by Meta or even recommended to teen users on its platforms.⁹
24 Although the website claims to be comprehensive in its coverage of safety information for the
25 platforms, it fails to directly address any of the features or health risks listed above. The website
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⁹ *Safety Center*, Facebook, <https://www.facebook.com/safety/youth> (last visited Sept. 20, 2022)

1 states, “Welcome to our Youth Portal. Consider this your guide to all things Facebook: general
 2 tips, insider tricks, privacy and safety information, and everything else you need to have a great
 3 experience on Facebook. It's also a space for you to hear from people your age, in their own voices,
 4 about the issues that matter to them online. Take a look around — these resources were made
 5 specifically for you, your friends, and your real-life experiences online and off.”¹⁰ The website
 6 merely provides instructional guides regarding mental health in general—it does not identify,
 7 warn, or take responsibility for the impact of the platform and its features on users’ mental health.
 8 By contrast, it shifts blame to other factors, such as third parties posting “suicide challenges,” the
 9 general societal issue of substance abuse, and the COVID-19 pandemic.

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

21 47. The “Family Digital Wellness Guide” only alludes to the platforms’ manipulation,
 22 addictiveness, behavioral control, and data tracking of users: “Advertisers target children with lots
 23 of commercials, everything from sneakers and toys to unhealthy foods and snacks high in fat,
 24 sugar, and calories. Your children may also start becoming familiar with online influencers, who
 25 are also often paid to advertise different products and services on social media. Helping your child
 26

28 ¹⁰ *Id.*

1 think critically about how advertising tries to change behaviors, helps your child understand the
2 purpose of ads, and empowers them to make informed decisions.” The guide also briefly discusses
3 cyber bullying.

4
5 48. Finally, the guide mentions the body image harms social media inflicts, but it solely
6 blames influencers as the cause, rather than the platforms’ algorithms and features, and asserts that
7 the burden to remedy the issue is on parents, rather than social media companies. “Science says:
8 Tweens are often exposed to a lot of information online and through other media, both true and
9 false, about how bodies ‘should’ look and what they can do to ‘improve’ their appearance. Certain
10 body types are often idolized, when in reality bodies are incredibly diverse. There are many online
11 accounts, websites, and influencers that make youth feel inadequate by encouraging them to lose
12 weight or build up muscle, harming both their mental and physical health. . . . Protip: Actively
13 listen and show that you care about how your child is feeling about puberty and how their body is
14 changing. Talk with them about images on social and other media as these often set unrealistic
15 ideals, and help them understand that these images are often digitally altered or filtered so that
16 people look more ‘beautiful’ than they really are.” No similar warning is offered to young users in
17 Meta’s advertisements, at signup, or anywhere on the platform. Instead, Meta unreasonably and
18 defectively leaves it to individuals’ research ability for a user to be informed about the key dangers
19 of their platforms.

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22 49. This informational report is from a third party, not Meta. Meta merely links to this
23 information on a “Youth Portal” website in a location that is difficult and time-consuming to find.
24 The is guide devoid of any mention of strong role that Facebook’s and Instagram’s individual or
25 collective algorithm(s) and features play in each of these harms. Furthermore, it is uncertain how
26 long even this limited information has been tethered by Meta.
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1 50. On another Meta created website that proposes to “help young people become
2 empowered in a digital world,” its “Wellness” subpage lists five activities, “mindful breathing,”
3 “finding support,” “building resilience: finding silver linings,” “a moment for me,” and “taking a
4 break.”¹¹ Nowhere does the website mention the mental health risks posed by Facebook and
5 Instagram as a result of the product features listed above.
6

7 **Defendant TikTok, Inc.**

8 51. TikTok is a California corporation with its principal place of business in Culver
9 City, California. TikTok owns and operates the TikTok social media platform, an application that
10 is widely marketed by TikTok and available to users throughout the United States. The primary
11 feature of TikTok is its “For You” page, which presents users with an endless stream of
12 algorithmically selected content. The primary objective of the platform is to maximize the
13 frequency and length of each user’s viewing sessions. 67 percent of teenagers in the U.S. actively
14 use TikTok.¹² 30 percent of parents in the U.S. know their child between the ages of 9 and 11 uses
15 TikTok.¹³
16

17 52. TikTok is known as a video-sharing application, where users can create, share, and
18 view short video clips, and is highly integrated with its Chinese parent company ByteDance.
19 TikTok hosts a variety of short-form user videos from genres/themes like pranks, stunts, DIY (“Do
20 It Yourself”) tutorials, satire, opinions, dances, and entertainment, with durations from 15 seconds
21 to ten minutes. TikTok has been downloaded more than 130 million times in the United States and
22 is regarded as the most-visited website in 2021 according to some metrics.
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27 ¹¹ *Wellness*, Meta, <https://www.facebook.com/fbgetdigital/youth/wellness> (last visited Sept. 20, 2022).

28 ¹² *Vogels et al.*, *supra* note 13.

¹³ *Schaeffer*, *supra* note 2.

53. TikTok's revenue is heavily dependent on the amount of time users spend on the product and their level of engagement. The more time users spend on TikTok, the more advertising revenue TikTok reaps. Upon knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, TikTok has designed its algorithms to addict users through advanced analytics that create a variable reward system, thereby causing users to spend increased amounts of time on the product. Upon opening the TikTok application, users are automatically shown an endless stream of videos selected by an algorithm(s). Further, 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.¹⁴

54. TikTok's algorithms often work in concert with other social media platforms, like, Meta's. A teen may learn about a harmful topic through Meta's recommendation technologies on Instagram, which is feasibly subsequently identified by TikTok's algorithm(s), and TikTok will

¹⁴ John Herman, *How TikTok is Rewriting the World*, N.Y. Times (Mar. 10, 2019), <https://www.nytimes.com/2019/03/10/style/what-is-tik-tok.html> (emphasis added).

1 then amplify and promote the same harm through a series of how-to videos. Like Meta, TikTok
2 has tried to boost engagement and keep young users hooked to its social media product by any
3 means necessary. Indeed, TikTok similarly sends push notifications and emails to encourage
4 addictive behavior, to increase use of their product. TikTok's communications are triggered
5 through information its algorithms collect about users, communications that are then "pushed" to
6 users frequently throughout the day.

8 55. Other product features that work in combination to cause addiction and other harms
9 include: (1) a platform-imposed limit to the length of video content. Initially, the maximum video
10 time was 60 seconds. The limit was later increased to 3 minutes and is currently 10 minutes. This
11 limit is imposed to keep users in a flow-like focused state involving variety of content and variable
12 rewards. A user is more likely to become bored and end their session during a long video than
13 during several varying videos. Video length limits in defendants' platforms have conditioned users
14 to have a shorter attention span across years of use. (2) Until a subsequent change, the TikTok app
15 sent notifications to the devices of children well after normal bedtime hours, disrupting sleep
16 patterns and causing psychological injury. Recently, TikTok reportedly stopped the platform from
17 sending notifications to users between the age of 13 and 15 after 9 p.m. (3) The interface of TikTok
18 positions buttons on the bottom right of the screen, to avoid the milliseconds of delay of discomfort
19 that could disrupt the flow-like state of right-handed users tapping the like or comment buttons if
20 placed elsewhere on the screen. (4) Unlike other platforms, TikTok continues to play a video's
21 audio, and the top quarter of the video, while users view comments on the video. This design
22 decision avoids disrupting a user's heightened focused "flow-state" of consuming TikTok content.
23 (5) TikTok's interface places buttons and profiles overlaid on top of the videos, rather than in a
24 separate area. This design prevents there from being any barrier between videos (such as a
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horizontal bar across the screen on the bottom of one video and on top of the next) and prevents users from having any pause time between videos to evaluate whether they should continue using the app in that moment before more algorithmically selected content is played on their screen. (6) Videos automatically start playing as a user scrolls. Videos automatically restart once they conclude. In some circumstances, such as when a user sends a link of a video on TikTok to another user that views it in a web browsing app, the next video after that video will automatically play without the user scrolling. (7) Upon opening the app, users' view of the first video loaded is obstructed with a message saying "swipe for more" and a graphic of a hand and figure swiping up. The user must scroll down to see an unobstructed video. This design feature trains users to reflexively scroll to the next video once one video ends. Thus, addiction is initiated by the app before the user even sees the first piece of content.

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

[T]he infinite scroll and variable reward pattern of TikTok likely increase the addictive quality of the app as they may induce a flow-like state for users that is characterized by a high degree of focus and productivity at the task at hand[]. Once immersed in the flow-like state, users may experience a distorted sense of time in which they do not realize how much time has passed. Furthermore, the app interface itself is straightforward and user-friendly, with only a limited number of buttons and sections of the app for users to navigate, which further enables entrance into "flow." . . . When they

1 play, they consume the entire device screen, which creates an
 2 immersive experience for users. . . . Although the similarity may
 3 not be immediately evident, analysis of social media apps reveals
 4 that they are designed to function like slot machines — the “swipe
 5 down” feature required to refresh one’s feed mirrors pulling a slot
 6 machine lever, and the variable pattern of reward in the form of
 7 entertaining videos on TikTok simulates the intermittent reward
 8 pattern of winning or losing on a slot machine; this pattern keeps
 9 individuals engaged under the impression that the next play might
 10 be “the one.” . . . Provided that social media apps are functionally
 11 akin to slot machines, it is likely that the use of these apps is just as
 12 addictive as slot machines and fosters social media addiction, much
 13 like how slot machines contribute to gambling addiction.¹⁵

16 57. Other researchers have described the fine-tuned TikTok experience as hypnosis.
 17 “You’ll just be in this pleasurable dopamine state, carried away. It’s almost hypnotic, you’ll keep
 18 watching and watching. . . . You keep scrolling, she says, because sometimes you see something
 19 you like, and sometimes you don’t. And that differentiation—very similar to a slot machine in
 20 Vegas—is key.”¹⁶ TikTok also provides its own set of beauty enhancing filters, which cause
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 24 ¹⁵ *What Makes TikTok so Addictive?: An Analysis of the Mechanisms Underlying the World’s Latest Social Media*
 25 *Craze*, Brown Undergraduate J. of Pub. Health (2021), <https://sites.brown.edu/publichealthjournal/2021/12/13/tiktok/>.

26 ¹⁶ John Koetsier, *Digital Crack Cocaine: The Science Behind TikTok’s Success*, Forbes (Jan. 18, 2020 at 2:04 PM
 27 EST), [https://www.forbes.com/sites/johnkoetsier/2020/01/18/digital-crack-cocaine-the-science-behind-tiktoks-](https://www.forbes.com/sites/johnkoetsier/2020/01/18/digital-crack-cocaine-the-science-behind-tiktoks-success/?sh=4bcc645f78be)
 28 [success/?sh=4bcc645f78be](https://www.forbes.com/sites/johnkoetsier/2020/01/18/digital-crack-cocaine-the-science-behind-tiktoks-success/?sh=4bcc645f78be).

1 insecurities and psychological injury in teens leading to body dysmorphia, eating disorder, self-
2 harm, and in more severe cases, suicide.

3 **Defendant ByteDance, Inc.**

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

9
10 **IV. GENERAL FACTUAL ALLEGATIONS**

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

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

9 60. Because adolescence is the period when sophisticated, essential inhibitory control
10 functions are being established, the onset of prolonged exposure to toxic content during
11 adolescence is particularly concerning. The extended development of the prefrontal cortex results
12 in an adolescent brain that is largely undeveloped, highly malleable, and overwhelmingly
13 vulnerable to long-term, irremediable effects of adverse influences, including addiction and a
14 fractured psychological well-being.

16 61. The algorithms in Defendants' social media products exploit minor users'
17 diminished decision-making capacity, impulse control, emotional maturity, and psychological
18 resiliency caused by users' incomplete brain development. Defendants know, or in the exercise of
19 reasonable care should know, that because their minor users' frontal lobes are not fully developed,
20 such users are much more likely to sustain serious physical and psychological harm through their
21 social media use than adult users. Nevertheless, Defendants have failed to design their products
22 with any protections to account for and ameliorate the psychosocial immaturity of their minor
23 users.

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

14 63. Today’s adolescents are part of Generation Z (which is loosely defined as people
 15 born between 1997 and 2012)—they are the first generation of consumers to have grown up in an
 16 entirely post-digital era, and thus are “digitally native.” The oldest members of this demographic
 17 cohort are just turning 24 this year; however, the substantial majority are believed to be still going
 18 through adolescence. Members of Generation Z spend upwards of 3 hours per day on the internet,
 19 and another 3 hours per day using social media. According to a 2018 survey by Pew Research
 20 Center, 45 percent of high school students said they used a social-media platform daily, and 24
 21 percent said that they were online “almost constantly.”¹⁷

24 64. One way that Defendants addict minors is when minors use design features such as
 25 Meta’s “likes,” which cause their brains to release euphoria-causing dopamine. However, as soon as

27 ¹⁷ Monica Anderson & JingJing Jiang, *Teens, Social Media and Technology*, Pew Research Center (February 3, 2022),
 28 <https://www.pewresearch.org/internet/2018/05/31/teens-social-media-technology-2018/>.

1 dopamine is released, their euphoria is countered by dejection: minor users' brains adapt by
2 reducing or "downregulating" the number of dopamine receptors that are stimulated. In normal
3 stimulatory environments, neutrality is restored after this dejection abates. However, Meta's
4 algorithms are designed to exploit users' natural tendency to counteract dejection by going back
5 to the source of pleasure for another dose of euphoria. Each of Defendants' platforms have similar
6 product features that virtually have the same effect as Meta's.

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

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

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- 24 a. Preoccupation with social media and withdrawal symptoms (sadness, anxiety,
25 irritability) when device is taken away or use is not possible (sadness, anxiety,
26 irritability).
- 27 b. Tolerance, the need to spend more time using social media to satisfy the urge.
- 28

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

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

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

69. Social comparisons on social media are frequent and are especially likely to be upward, as social media provides a continuous stream of information about other people's

1 accomplishments.¹⁸ Past research suggests that social comparisons occur automatically; when
 2 individuals encounter information about another person, their own self-perceptions will be
 3 affected. The sheer number of posts in a News Feed, each offering a thumbnail sketch of each
 4 person's carefully curated and predominantly ostentatious content, yields numerous opportunities
 5 for social comparison. Although people do not typically post false information about themselves
 6 online, they do engage in selective self-presentation and are more likely to post eye-catching
 7 content. As a result, individuals browsing their News Feeds are more likely to see posts about
 8 friends' exciting social activities rather than dull days at the office, affording numerous
 9 opportunities for comparisons to seemingly better-off others. Individuals with vacillating levels of
 10 self-esteem and certitude, characteristics notoriously endemic to the teenage cohort, are
 11 particularly oriented to making frequent and extreme upward social comparisons on social media,
 12 which in turn threatens their mental health. Social-media-induced social comparison often results
 13 in a discrepancy between the ideal self and the real self, thus evoking a sense of depression,
 14 deprivation, and distress, resulting in an overall aggravation of one's mental state.¹⁹ Since the
 15 early 2000s, studies have shown that frequent upward social comparison results in lower self-

18 Jin Kyun Lee, *The Effects of Social Comparison Orientation on Psychological Well-Being in Social Networking Sites: Serial Mediation of Perceived Social Support and Self-Esteem*, *Current Psychology* (2020), <https://link.springer.com/content/pdf/10.1007/s12144-020-01114-3.pdf>.

19 This schism between the ideal self and the real self, and the attendant dissatisfaction with reality, is further exacerbated by Meta's use of physical-augmentation technology, which allows users to utilize photo and video filters to make remove blemishes, make the face appear thinner, and lighten the skin-tone, all to make themselves appear more "attractive."

Appearance-altering filters are widely-used across Defendants' platforms. Many filters are designed to make users appear more attractive, according to criteria developed by Defendants—they remove blemishes, make the face appear thinner, and lighten skin-tone. Especially in combination with the platforms' general-feed algorithm, these filters can cause users to make false comparisons between their real-life appearances and the appearances of the people they see in Facebook and Instagram content. These features can also cause users to make negative comparison between their appearance with a filter and without one. As discussed below, Meta has long been aware of the harm these features can cause.

1 esteem and reduced overall mental health.²⁰ It has also long been known that individuals who are
 2 more likely to engage in self-comparison are likewise more likely to have negative outcomes when
 3 using social media. To cope with wavering self-esteem, digitally native adolescents often become
 4 envious of others and resort to cyberbullying to deconstruct the point of comparison's perceived
 5 superiority and preserve an increasingly delicate ego. These natural dynamics in youth are
 6 exacerbated to psychologically injurious levels by Defendants' platforms' progressively toxic
 7 environment, which is discussed in further detail below.

9 70. Defendants' products contain image altering filters that cause mental health harms
 10 in multiple ways.²¹ First, because of the popularity of these editing tools, many of the images
 11 teenagers see have been edited by filters and it can be difficult for teenagers to remain cognizant
 12 of the use of filters while viewing content, resulting in a false reality where all other users on the
 13 platforms appear better looking than they are in fact, often in an artificial way. By comparing their
 14 real-life appearance to the edited appearance of others online, teen's perception of their physical
 15 features becomes negative. Second, teenagers often prefer the way they look using filters, noticing
 16 an increase in interaction and positive responses when their photos are edited with filters. Many
 17 young users believe they are only attractive when their images are edited, not as they appear
 18 naturally. Third, the specific changes filters make to individuals' appearance can cause negative
 19 obsession or self-hatred surrounding aspects of their appearance. The filters alter specific facial
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23 ²⁰ Claire Midgley, *When Every Day is a High School Reunion: Social Media Comparisons and Self-Esteem* (2020),
 24 https://www.researchgate.net/publication/342490065_When_Every_Day_is_a_High_School_Reunion_Social_Media_Comparisons_and_Self-Esteem.

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 26 ²¹ Anna Haines, *From 'Instagram Face' To 'Snapchat Dysmorphia': How Beauty Filters Are Changing The Way We See Ourselves*, *Forbes* (Apr. 27, 2021 at 1:19 PM EDT), <https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=3c32eb144eff>.
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1 features such as eyes, lips, jaw, face shape, face slimness, etc, features that often require medical
2 intervention to alter in real life.

3 71. In a 2016 study, 52 percent of girls said they use image filters every day, and 80
4 percent have used an app to change their appearance before the age of 13.²² In fact, 77 percent of
5 girls reported trying to change or hide at least one part of their body before posting a photo of
6 themselves and 50 percent believe they did not look good without editing.²³ Filters, especially in
7 combination with other product features, directly cause body image issues, eating disorders, body
8 dysmorphia, and related issues.²⁴ As one study of 481 university students found, spending more
9 time viewing selfies can increase dissatisfaction with one's own face, spending more time looking
10 at selfies (and reviewing their likes and comments) can cause users to draw more comparisons
11 between themselves and others, prompting even more self-criticism.²⁵ Relatedly, a
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19 ²² *Id.*

20 ²³ Haines, *supra* note 36 (“In October, Instagram announced that it would be removing “all effects associated with
21 plastic surgery” from its filter arsenal, but this appears to mean all effects explicitly associated with plastic surgery,
such as the ones called “Plastica” and “Fix Me.” Filters that give you Instagram Face will remain.”).

22 ²⁴ See Sian McLean, Susan Paxton, Eleanor Wertheim, & Jennifer Masters, *Photoshopping the selfie: Self photo*
23 *editing and photo investment are associated with body dissatisfaction in adolescent girls*, 48 Int’l J. of Eating
Disorders 1132, 1133 (Aug. 27, 2015), <https://pubmed.ncbi.nlm.nih.gov/26311205/> (presenting a 2015 study
24 involving 101 adolescent girls, more time spent editing and sharing selfies on social media raised their risk of
experiencing body dissatisfaction and disordered eating habits.); Jing Yang, Jasmine Fardouly, Yuhui Wang, & Wen
25 Shi, *Selfie-Viewing and Facial Dissatisfaction among Emerging Adults: A Moderated Mediation Model of Appearance*
26 *Comparisons and Self-Objectification*, 17 Int’l J. of Env’t Res. and Pub. Health 672, 672 (Jan. 2020),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7013747/>; Scott Griffiths, Stuart Murray, Isabel Krug, & Sian
27 McLean, *The Contribution of Social Media to Body Dissatisfaction, Eating Disorder Symptoms, and Anabolic Steroid*
28 *Use Among Sexual Minority Men*, 21 Cyberpsychology Behavior, and Soc. Networking 149, 149 (Mar. 1, 2018),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5865626/>.

²⁵ Yang et al., *supra* note 39.

psychodermatologist stated, “these apps subconsciously implant the notion of imperfection and ugliness generating a loss of confidence.”²⁶

72. In another recent study, even users that report a higher initial level of self-esteem, felt they looked 44 percent worse before their image was edited using a filter. When a filter increases a gap between how individuals want to look and how they feel they actually look, it “reduces their self-compassion and tolerance for their own physical flaws.”²⁷

73. The dangers associated with teenager’s proclivity to engage in protracted upward social comparison while on social media is compounded by Defendants’ deft and discreet construction of an atmosphere capable of exploiting the impulse control issues of even the most mature adults, thereby unleashing upon the public a product that is predictably highly addictive. Meta’s products, in particular, have key components that make the platforms highly addictive, including IVR and its Facial Recognition System (“FRS”). Upon information and belief, each of Defendants’ products utilize similar technology.

74. Other psychological manipulations used to intertwine social media users include, but are not limited to: (1) the FRS system, which has already collected for distribution to various third-parties a billion individual facial recognition templates and is otherwise used by Meta to identify and tag people in photos; (2) how Meta, in particular, uses wavy dots to reflect that someone is currently writing you a message, which is designed to keep you on the platform until you receive the message or shorten the time for you to return and check for a message; and (3) the concept of social reciprocity, a variance of quid pro quo, pursuant to which Meta alerts you when

²⁶ Genesis Rivas, *The Mental Health Impacts of Beauty Filters on Social Media Shouldn’t Be Ignored – Here’s Why*, InStyle (Sept. 14, 2022 at 2:05PM), <https://www.instyle.com/beauty/social-media-filters-mental-health>.

²⁷ Ana Javornik, Ben Marder, Marta Pizzetti, & Luk Warlop, *Research: How AR Filters Impact People’s Self-Image*, Harvard Business Review (December 22, 2021), <https://hbr.org/2021/12/research-how-ar-filters-impact-peoples-self-image>.

1 someone has read your message, which encourages the receivers to respond—because the sender
2 knows the message has been read—and simultaneously prompts the sender to return to check for
3 the seemingly inevitable response. In sum, this perilous amalgamation of intense psychological
4 vulnerability and targeted exploitation foreseeably results in an increased risk of a variety of harms
5 for today’s youth, including, but not limited to, social media addiction, withdrawal—from friends,
6 family, and social and academic advancement—lack of focus, anxiety, body dysmorphia, eating
7 disorders, death resulting from eating disorders, depression, difficulty sleeping, fatigue, headaches,
8 migraines, loss of vision, eye strain, self-harm, and suicide among other harms.

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

11 75. Upon information and belief, all three of Defendants’ platforms (Facebook,
12 Instagram, and TikTok) , have been designed, maintained, and constantly updated by some of the
13 most wealthy, powerful, and sophisticated corporations in the world. Large teams of expert data
14 scientists, user experience (“UX”) researchers, and similar professionals have spent years fine
15 tuning each platform to addict users. Every aspect of each platforms’ interface, each layer of its
16 subsurface algorithms and systems, and each line of underlying code, has been crafted by
17 extraordinarily brilliant minds. Every detail – the color of app icons, the placement of buttons
18 within the interface, the timing of notifications, etc. – is designed with the goal of increasing the
19 frequency and length of use sessions. Therefore, it is impossible to create a comprehensive list of
20 addictive, harm-causing defects in the platforms until in-depth discovery takes place. Many
21 product features, such as the innerworkings of algorithms, are secret and unobservable to users.
22 Discovery throughout litigation will support further elaboration regarding the specifics of product
23 defects.

24 76. However, across all platforms, features that make the products addictive and likely
25 to cause the mental and physical health harms include, but are not limited to: (1) engagement-

1 based ranking (sorting content on a user’s feed based on engagement or “meaningful social
 2 interactions” rather than chronology); (2) intermittent variable rewards (a system of “likes”,
 3 comments, strategically-timed notifications, promoting the content of new users and users who
 4 have not posted in a while, among other features); (3) face tracking and augmentation (*i.e.*, photo
 5 and video filters designed to make users appear more attractive); (4) endless scrollable content
 6 (especially auto-playing video content such as the Instagram “Reels” content feed); (5) limits to
 7 content length, (6) notifications, (7) interface design decisions (such as button placement), (8)
 8 autoplay, (9) hand-reflex conditioning UX design, (10) content stockpiling (such as “saving”
 9 videos in TikTok), (11) the interaction of these features²⁸; and (12) other features of the platform
 10 which are currently unknown and hidden from users and governments.
 11

12
 13 77. Many of these features take advantage of psychological principles such as “loss
 14 aversion’ (the principle that people prefer avoiding losses to acquiring equivalent gains), the “sunk
 15 cost fallacy” (the more people invest in something, the more likely that are to continue that
 16 behavior), and gamification (“The application of typical elements of game playing (e.g., point
 17 scoring, competition with others, rules of play) to other areas of activity, typically as an online
 18 marketing technique to encourage engagement with a product or service.”).²⁹
 19

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

21 78. Enacted in 1998 and finalized by a U.S. Federal Trade Commission rulemaking in
 22 2000, the Children’s Online Privacy Protection Act, or “COPPA,” regulates the conditions under
 23 which commercial web sites that either target children under age 13 or have actual knowledge of
 24 children under age 13 using their site can collect and use information about them. As a result of
 25

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

²⁹ *Gamification*, Ascio, <https://ascio.ca/gamification> (last visited Sept. 20, 2022).

1 COPPA, website operators must obtain “verifiable parental consent” from parents prior to the
2 collection and use of information about children under age 13. Defendants have chosen to avoid
3 these obligations by purporting to ban all those younger than 13 through its terms of service.

4
5 79. Defendants state that children under the age of thirteen are prohibited from using
6 their products, but Defendants knowingly lack effective age-verification protocols. To date, this
7 problem has largely been unaddressed. For example, since at least 2011, Meta has known that its
8 age-verification protocols are largely inadequate, then estimating that it removes 20,000 children
9 under age 13 from Facebook every day. Meta claims to have removed at least six hundred thousand
10 underage users in 2021. However, Zuckerberg himself has stated that, notwithstanding the spirit
11 of COPPA, younger children should be allowed to get on Facebook.
12

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

15 80. Defendants advertise their products as “free,” because they do not charge their users
16 for downloading nor using their products. What many users do not know is that, in fact, Defendants
17 make a profit by finding unique and increasingly dangerous ways to capture user attention, acquire
18 this data, and target advertisements to their users. Defendants receive revenue from advertisers
19 who pay a premium to target advertisements to specific demographic groups of users in the
20 applications. The amount of revenue Defendants receive is based upon the amount of time and
21 level of user engagement on their platforms, which directly correlates with the number of
22 advertisements that can be shown to each user. Defendants design features are not necessary to
23 maximize the communicative utility of the applications, but instead seek to exploit users’
24 susceptibility to persuasive design and unlimited accumulation of unpredictable and uncertain
25 rewards (including things like “likes,” “followers,” “views,” “streaks,” trophies,” “charms,”
26 etcetera. Defendants use unknown and changing incentives that are designed to prompt users to
27
28

1 consume their social media products in excessive and dangerous ways. Defendants know, or in the
 2 exercise of ordinary care should know, that their designs have created extreme and addictive usage
 3 by their minor users, and Defendants knowingly or purposefully designed its products to encourage
 4 such addictive behaviors. These designs conform to well-established principles of operant
 5 conditioning wherein intermittent reinforcement provides the most reliable tool to maintain a
 6 desired behavior over time. This design is akin to a slot machine but marketed toward minor users
 7 who are even more susceptible than gambling addicts to Defendants' variable reward and
 8 notification systems. Instagram's "pull to refresh" is also based on how slot machines operate.
 9 This Instagram feature creates an endless feed, designed to manipulate brain chemistry and prevent
 10 natural end points that would otherwise encourage users to move on to other activities. According
 11 to industry insiders and whistleblower(s), Defendants have employed a multitude of psychologists
 12 and engineers to help make their products maximally addicting.

15 81. Defendants did not warn users of the addictive designs of their products. To the
 16 contrary, Defendants actively conceal the dangerous and addictive nature of their platforms,
 17 consistently minimizing in public statements and in advertising the negative effect that the
 18 products have on users.

20 **E. Plaintiff Expressly Disclaims Any and All Claims Seeking to Hold Defendants Liable**
 21 **as the Publisher or Speaker of Any Content Provided, Posted, or Created by Third**
 22 **Parties**

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

26 83. Plaintiff alleges that Defendants failed to warn minor users and their parents of
 27 known dangers arising from anticipated use of their social media platforms. None of Plaintiff's
 28 claims rely on treating Defendants as the publisher or speaker of any third-party's words.

1 Plaintiff's claims seek to hold Defendants accountable for their own allegedly wrongful acts and
2 omissions, not for the speech of others or for any attempts by Defendants to restrict access to
3 objectionable content.

4 84. Plaintiff is not alleging that Defendants are liable for what third parties have said,
5 but for what Defendants did or did not do.

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

13 **V. PLAINTIFF-SPECIFIC ALLEGATIONS**

14 86. Plaintiff D.M. is a seventeen year old male who has been a heavy user of
15 Defendants' platforms.

16 87. Shortly after registering to use Defendants' platforms, Plaintiff began engaging in
17 addictive and problematic use of the platform(s). D.M.'s interest in any activity other than viewing
18 and posting on Defendants' platforms progressively declined.

19 88. Prompted by the addictive design of Defendants' platforms, and the constant
20 notifications that Defendants' platform(s) pushed to D.M. 24 hours a day, D.M. developed a
21 compulsion to engage with Defendants' platforms, and began getting less and less sleep.

22 89. As a proximate result of his compulsion to interact with Defendants' platforms, and
23 specifically due to recommendations and content Defendants selected and showed to D.M., a
24 minor user of Defendants' platforms, D.M. subsequently developed injuries including, but not
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1 limited to, social media compulsion, depression, severe anxiety, ADHD, and a reduced inclination
2 or ability to sleep, among other harmful effects, which may cause or contribute to additional
3 disease.

4
5 90. Defendants have designed their platforms, including through the use of
6 disappearing or time-sensitive messaging features, to frustrate parents like Veronica Hicks from
7 exercising their rights and duties as parents to monitor and limit their children's use of Defendants'
8 platforms.

9
10 91. Defendants have designed their platforms to allow minors to use, become addicted
11 to, and abuse their products without the consent of the users' parents, like Veronica Hicks.

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

17
18 93. Neither Veronica Hicks nor D.M. were aware of the addictive and mentally harmful
19 effects of Defendants' platforms when D.M. began to use the products. Defendants not only failed
20 to warn D.M. and Veronica Hicks of the dangers of social media compulsion, sleep deprivation,
21 and problematic use of Defendants' platforms, but misrepresented the safety, utility, and non-
22 addictive properties of their products. For example, the head of Instagram testified under oath at a
23 December 8, 2021, Senate Committee hearing that Instagram does not addict its users. Indeed,
24 Meta intentionally designed Facebook and Instagram to elicit intermittent dopamine releases
25 within users' brains, a behavior modification scheme devised to surreptitiously ensnare users in an
26 infinite loop of platform use and dopamine withdrawal:
27
28

1 When Facebook was getting going, I had these people who would
2 come up to me and they would say, 'I'm not on social media.' And I
3 would say, 'OK. You know, you will be.' And then they would say,
4 'No, no, no. I value my real-life interactions. I value the moment. I
5 value presence. I value intimacy.' And I would say . . . 'We'll get you
6 eventually.' I don't know if I really understood the consequences of
7 what I was saying, because [of] the unintended consequences of a
8 network when it grows to a billion or 2 billion people and . . . it
9 literally changes your relationship with society, with each other . . .
10 It probably interferes with productivity in weird ways. God only
11 knows what it's doing to our children's brains. The thought process
12 that went into building these applications, Facebook being the first
13 of them . . . was all about: 'How do we consume as much of your
14 time and conscious attention as possible? And that means that we
15 need to sort of give you a little dopamine hit every once in a while,
16 because someone liked or commented on a photo or a post or
17 whatever. And that's going to get you to contribute more content,
18 and that's going to get you . . . more likes and comments.' It's a
19 social-validation feedback loop . . . exactly the kind of thing that a
20 hacker like myself would come up with, because you're exploiting a
21 vulnerability in human psychology. The inventors, creators—it's
22 me, it's Mark [Zuckerberg], it's Kevin Systrom on Instagram, it's all
23 of these people—understood this consciously. And we did it
24 anyway.

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

94. As a result of D.M.'s extensive and problematic use of Defendants' platforms, he
has developed numerous health conditions that he still struggles with until this day.

1 **VI. CAUSES OF ACTION**

2 **FIRST CAUSE OF ACTION—ALL DEFENDANTS**

3 **STRICT LIABILITY—DESIGN DEFECT**

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

6
7 96. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,
8 pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's
9 resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability
10 acts, statutes, and laws of the State of Kansas.

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

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

17
18 99. Defendants' products as designed were unreasonably dangerous, posed a
19 substantial likelihood of harm, and were therefore defective because of reasons enumerated in the
20 Complaint, including, but not limited to, risks of social media addiction, depression, body
21 dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder,
22 anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus,
23 Attention Deficit Hyperactivity Disorder ("ADHD"), difficulty sleeping, fatigue, headaches,
24 migraines, loss of vision, eye strain, among other harmful effects.

25
26 100. Defendants defectively designed the platforms to specifically appeal to and addict
27 minors and young adults, who were particularly unable to appreciate the risks posed by the
28 platforms, and particularly susceptible to harms from those products.

1 101. Defendants effectively designed the platforms to be addictive and take advantage
2 of the chemical reward system of users' brains (especially young users) to create addiction and
3 additional mental and physical health harms.

4 102. Defendants defectively designed their platforms, which are inherently dangerous
5 because they included features making the product addictive and likely to cause the mental and
6 physical health harms listed above. These features include, but are not limited to: (1) engagement-
7 based ranking (sorting content on a user's feed based on engagement or "meaningful social
8 interactions" rather than chronology); (2) intermittent variable rewards (a system of "likes",
9 comments, strategically-timed notifications, promoting the content of new users and users who
10 have not posted in a while, among other features); (3) face tracking and augmentation (*i.e.*, photo
11 and video filters designed to make users appear more attractive); (4) endless scrollable content
12 (especially auto-playing video content such as the Instagram "Reels" content feed); (5) limits to
13 content length, (6) notifications, (7) interface design decisions (such as button placement), (8)
14 autoplay, (9) hand-reflex conditioning UX design, (10) content stockpiling (such as "saving"
15 videos in TikTok), (11) the interaction of these features³⁰; and (12) other features of the platform
16 which are currently unknown and hidden from users and governments.
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20 103. Defendants defectively designed the platforms and Defendants failed to test as to
21 the safety of features they developed and implemented for use in the platforms. Once Defendants
22 did perform some product testing and had knowledge of ongoing harm to Plaintiff, they failed to
23 adequately remedy the product defects or warn Plaintiff.
24
25
26
27

28 ³⁰ The features have a distinct and harsher impact when they interact – for example, becoming addicting to Instagram through variable rewards lengthens use time and increases the impact of harmful beauty standards from "pretty" filters.

1 104. Defendants' products do not perform as safely as a reasonable and ordinary
2 consumer would reasonably assume and reasonably expect. Defendants' products pose a risk of
3 serious mental and physical health injuries as listed above.

4 105. The risks inherent in the design of Defendants' products significantly outweigh any
5 benefits of such design.

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

10 107. Defendants could have limited the duration of login sessions to prevent harmful,
11 extended use of the platforms and could have designed the platforms to logout for a period of time
12 if excessive use occurred. It is well established in research that to effectively stay connected
13 socially, a person only needs a limited amount of use time. Instead, Defendants designed a product
14 that uses behavioral engineering to maximize the number of use sessions and length of use per
15 session, resulting in serious harm to Plaintiff.

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

19 109. Defendants could have utilized cost effective, reasonably feasible alternative
20 designs to minimize these harms, including, but not limited to:

- 21 a. Designing platforms that did not include the features listed above while still
22 fulfilling the social interest, and business networking purposes of a social
23 media platform;

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

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

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

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

112. Engagement-based ranking and intermittent variable rewards are highly addictive, promote harmful social comparison, encourage bullying and conflict, can trap users in a cycle of

1 viewing content that is innately harmful or in a manner that is harmful, and present a false reality.
2 Image and video filters inflict unrealistic and biased beauty standards upon users and cause
3 harmful social comparison based on a misleading curation of peers' appearances, especially among
4 teenage female users.

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

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

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

25
26 116. These features take advantage of biological systems, human behavior, and
27 psychology, to addict and condition users to engage in repetitive content-consuming actions such
28

1 as scrolling, “liking,” and sharing content in search of repeated dopamine releases. All the while,
2 the users’ input and behavior are tracked to allow the platform to automatically tune itself to each
3 individual user to become highly addictive and as difficult to stop engaging with as possible.

4 117. Defendants failed to design the product with adequate warnings about the likely
5 and foreseeable harms of use.

6 118. Plaintiff used Defendants’ products as intended or in reasonably foreseeable ways.
7 Defendants specifically intended for minors to use its products and were aware that minors were
8 doing so.

9 119. Plaintiff’s injuries—physical, emotional, and economic—were reasonably
10 foreseeable to Defendants at the time of the products’ design, marketing, and operation.

11 120. Defendants’ products were defective and unreasonably dangerous when they left
12 Defendants’ sole possession/control and were offered to users. The defects continued to exist
13 through use by consumers, including Plaintiff, who used the products without any substantial
14 change in the products’ condition.

15 121. Plaintiff was injured as a direct and proximate result of the platform’s defective
16 design as described herein. The defective design of Defendants’ products was a proximate cause
17 of Plaintiff’s harms.

18 122. Plaintiff demands judgment against Defendants for compensatory, treble, and
19 punitive damages, medical monitoring to diagnose the social media induced injuries at an earlier
20 date to allow for timely treatment and prevention of exacerbation of injuries, together with interest,
21 costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

**SECOND CAUSE OF ACTION—ALL DEFENDANTS
STRICT LIABILITY—FAILURE TO WARN**

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

124. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability acts, statutes, and laws of the State of Kansas.

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

126. Defendants' products were and are in a defective condition that is unreasonably dangerous and unsafe to the consumer by failing to adequately warn users about the risk that the platforms pose of social media addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other harmful effects, as described herein.

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

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

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

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

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

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

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

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

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

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

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

10 135. Plaintiff could not have averted injury through the exercise of reasonable care for
11 reasons including Defendants' concealment of the true risks posed by Defendants' products.

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

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

22
23 138. Plaintiff was injured as a direct and proximate result of Defendants' failure to warn
24 and instruct because he would not have used or signed up on Defendants' products had he received
25 adequate warnings and instructions that he could be harmed by platform design that hijacks a user's
26 neural reward system, develop an addiction, be exposed to an algorithmic content feed causing
27
28

1 negative social and appearance comparison and a negative false presentation of reality, and suffer
2 injuries including social media compulsion, depression, severe anxiety, ADHD, and a reduced
3 inclination or ability to sleep, among other harmful effects, which may cause or contribute to
4 additional disease.

5
6 139. The platforms' lack of adequate and sufficient warnings and instructions, and its
7 inadequate and misleading advertising, was the proximate cause and/or a substantial contributing
8 factor in causing the harm to Plaintiff.

9
10 140. Plaintiff demands judgment against Defendants for compensatory, treble, and
11 punitive damages, medical monitoring to diagnose the platforms induced injuries at an earlier date
12 to allow for timely treatment and prevention of exacerbation of injuries, together with interest,
13 costs of suit, fees, and all such other relief as the Court deems proper.

14
15 **THIRD CAUSE OF ACTION—ALL DEFENDANTS**
STRICT LIABILITY—MANUFACTURING DEFECT

16
17 141. Plaintiff incorporates by reference each preceding and succeeding paragraph as
18 though set forth fully at length herein.

19
20 142. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,
21 pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's
22 resident state, Kansas. Plaintiff pleads this cause of action under all applicable product liability
23 acts, statutes, and laws of the State of Kansas.

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

28 144. Defendants actively controlled their platforms during the entire period Plaintiff
used them, as Defendants expected.

1 145. Plaintiff used Defendants’ products while they were actively controlled by
2 Defendants and any changes or modifications to the conditions of those platforms were foreseeable
3 by these Defendants.

4 146. Plaintiff used Defendants’ products in a manner intended and/or foreseeable to
5 Defendants.
6

7 147. Defendants’ products contained manufacturing defects as developed by Defendants
8 and as placed in the stream of commerce in that the products deviated from component
9 specifications and design, posed a risk of serious injury or death, and failed to perform as safely
10 as the intended design would have performed.
11

12 148. Without limitation, examples of Defendants’ inadequate development,
13 management, operation, maintenance, testing, and inspecting include:

- 14 a. Failure to follow Good Manufacturing Practices (“GMPs”);
15
16 b. Failure to inspect and test the computer programming underlying the platforms
17 and features for errors, unintended output, or unintended executed results of a
18 nature that could cause users harm;
19
20 c. Failure to adequately inspect/test Defendants’ products during the development
21 process;
22
23 d. Failure to test the mental and physical health impacts of their platforms and
24 product features, especially in regards to minors;
25
26 e. Failure to implement procedures that would measure and confirm the
27 behavioral and mental health impact of the platforms;
28

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

149. Plaintiff was injured as a direct and proximate result of the developmental, inspection, coding, programming, testing, monitoring, and operational defects of Defendants' products as described herein.

150. The defective development, inspection, coding, programming, testing, monitoring, and operation of Defendants' products was a proximate cause of Plaintiff's harms.

151. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive damages, medical monitoring to diagnose the platforms induced injuries at an earlier date to allow for timely treatment and prevention of exacerbation of injuries, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

**FOURTH CAUSE OF ACTION—ALL DEFENDANTS
PRODUCTS LIABILITY—NEGLIGENT DESIGN**

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

153. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's

1 resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability
2 acts, statutes, and laws of the State of Kansas.

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

7 155. Defendants' products were designed and intended to be used as social media
8 platforms.

9 156. Defendants knew or, by the exercise of reasonable care, should have known use of
10 Defendants' products was dangerous, harmful, and injurious when used by Plaintiff in a reasonably
11 foreseeable manner, particularly so with minors and young adults.
12

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

18 158. Defendants owed a duty to all reasonably foreseeable users to design a safe product.

19 159. Defendants breached their duty by failing to use reasonable care in the design of
20 their platforms because the products were addictive; had mental, cognitive, and physical health
21 impacts; and had a likelihood of causing social media addiction, depression, body dysmorphia,
22 anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia
23 nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD,
24 difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other harmful
25 effects.
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1 160. Defendants breached their duty by failing to use reasonable care in the design of
2 their products by negligently designing the platforms with physically and mentally harmful
3 features including, but not limited to: (1) engagement-based ranking (sorting content on a user's
4 feed based on engagement or "meaningful social interactions" rather than chronology); (2)
5 intermittent variable rewards (a system of "likes", comments, strategically-timed notifications,
6 promoting the content of new users and users who have not posted in a while, among other
7 features); (3) face tracking and augmentation (*i.e.*, photo and video filters designed to make users
8 appear more attractive); (4) endless scrollable content (especially auto-playing video content such
9 as the Instagram "Reels" content feed); (5) the interaction of these features; and (6) other features
10 of the platform which are currently unknown and hidden from users and governments.
11

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

19 162. The collaboration of these features multiplies the platforms' power to inflict harm
20 by heightening the platform's addictive nature, increasing exposure to content that triggers
21 negative social comparison, exposing users to innately harmful content, increasing time of
22 exposure to harm, further encouraging bullying and promoting conflict, and multiplying harm in
23 other ways.
24

25 163. The features combine to create a user interface of endless, auto-playing image and
26 video content, that is algorithmically sorted to place the most attention-grabbing content at the top
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1 and/or in a distilled feed that is very difficult to cease consuming, especially for young users.
2 Content that is promoted by the algorithm is often related to beauty, success/wealth flaunting, or
3 lifestyles, which causes negative physical or social comparison, especially among teens.
4 Defendants' algorithms also promote controversial, disturbing, negative, and/or emotionally
5 charged content causing harm to users.
6

7 164. The combined result of these features is to present to users a false reality—it
8 presents to users a world which is constantly controversial and negative; where most other people
9 are exceedingly more attractive than the user; where most other people are exceedingly more
10 successful and/or competent than the user; and which will facilitate and encourage harmful
11 behaviors such as self-harm and eating disorders.
12

13 165. These features take advantage of biological systems, human behavior, and
14 psychology, to addict and condition users to engage in repetitive, content-consuming actions such
15 as scrolling, "liking," and sharing content in search of repeated dopamine releases. All the while,
16 the users' input and behavior are tracked to allow the platform to automatically tune itself to each
17 individual user to become as addictive and difficult to stop engaging with as possible.
18

19 166. Potential health harms from these features include, among other types of harm,
20 social media addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm,
21 thoughts of self-harm, insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by
22 suicide, death by eating disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches,
23 migraines, loss of vision, eye strain, among other harmful effects.
24

25 167. Defendants breached their duty by failing to use reasonable care in the design of
26 their products by negligently designing the platforms to uniquely appeal to minors, who were
27 particularly unable to appreciate the risks posed by the platforms.
28

1 168. Defendants breached their duty by failing to use reasonable care by failing to use
2 cost effective, reasonably feasible alternative designs that would make the product less addictive
3 and harmful to minors.

4 169. Defendants breached their duty by failing to use reasonable care by failing to use
5 cost effective, reasonably feasible alternative designs to minimize these harms, including but not
6 limited to:
7

8 a. Designing platforms that did not include the features listed above while still
9 fulfilling the social, interest, and business networking purposes of a social
10 media platform;

11 b. Default protective limits to length of use, frequency of use, or content types;

12 c. Opt-in restrictions to length of use, frequency of use, or content types;

13 d. session time limits;

14 e. Blocks to use during certain times of day (such as morning, during work or
15 school periods, or during evenings);

16 f. Session time notifications, warnings, or reports;

17 g. Warning of health effects of use and extended use upon sign-up;

18 h. Parental controls;

19 i. Self-limiting tools;

20 j. Implementing labels on images and videos that have been edited through the
21 platform;

22 k. Age-based content filtering;

23 l. General content filtering;
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- m. Algorithmic (whether default or opt-in) reductions or elimination in a user's feed of potentially harmful content (by causing negative social comparison and misleading lack of realism) such as in the genres of lifestyle, influencer, beauty, fitness, success flaunting, and/or heavily edited images and videos;
- n. Algorithmic (whether default or opt-in) reductions or elimination in a user's feed of potentially harmful content such as inappropriate or salacious content;
- o. Algorithmic (whether default or opt-in) reductions or elimination in a user's feed of potentially harmful content such as controversial, political, or emotionally weighted content;
- p. Algorithmic (whether default or opt-in) reductions or elimination in a user's feed of potentially harmful content such as content encouraging or promoting eating disorders, depressive thinking, self-harm, or suicide;
- q. Informational labelling about the misleading and unrealistic nature of the content on a user's feed and the resulting feed composite because of content editing and algorithmic presentation/sorting;
- r. Chronological presentation of content rather than algorithmic;
- s. Many other less harmful alternatives.

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

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

5
6 172. A reasonable company under the same or similar circumstances would have
7 designed a safer product.

8 173. Plaintiff was harmed directly and proximately by the platforms Defendants' failure
9 to use reasonable care in the design of their products. Such harm includes social media compulsion,
10 depression, severe anxiety, ADHD, and a reduced inclination or ability to sleep, among other
11 harmful effects, which may cause or contribute to additional disease.

12
13 174. The design of Defendants' products was a proximate cause of Plaintiff's harms.

14 175. Plaintiff demands judgment against Defendants for compensatory, treble, and
15 punitive damages, medical monitoring to diagnose the platforms induced injuries at an earlier date
16 to allow for timely treatment and prevention of exacerbation of injuries, together with interest,
17 costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

18
19 **FIFTH CAUSE OF ACTION—ALL DEFENDANTS**
20 **PRODUCTS LIABILITY—NEGLIGENT FAILURE TO WARN**

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

23 177. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,
24 pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's
25 resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability
26 acts, statutes, and laws of the State of Kansas.

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

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

7 180. Defendants knew or, by the exercise of reasonable care, should have known
8 ordinary consumers such as Plaintiff would not have realized the potential risks and dangers of
9 Defendants' products. Defendants' platforms are highly addictive and likely to cause mental and
10 physical injuries as listed above.

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

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

21 183. Defendants breached their duty of care by failing to use reasonable care in
22 providing adequate warnings in the platforms' sign-up warnings, and through marketing,
23 promoting and advertising of the platforms. For example, according to Meta's own research:
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- a. At least five-to-six percent of fourteen-year-olds admit to addiction to Meta's platforms;
- b. Sixty-six percent of teen girls and forty-six percent of teen boys have experienced negative social comparisons on Instagram;
- c. Facebook makes body-image issues worse for one-third of girls;
- d. Thirteen-and-one-half percent of teen-girl Instagram users say the platform makes thoughts of suicide and self-injury worse;
- e. Seventeen percent of teen-girl Instagram users say the platform makes eating issues worse;
- f. Instagram users are twice as likely to develop an eating disorder as those who don't use social media.

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

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

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

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

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

1 187. Rather than warning users of likely harms, Defendants regularly fine-tune the
2 platforms to aggressively socially and psychologically engineer new and ongoing users to increase
3 addiction and exposure to their platforms, causing and increasing physical and psychological harm.
4 The platforms encourage users to recruit more users across their personal electronic contacts.
5

6 188. The failure of Defendants to adequately warn about its defective products—and its
7 efforts to misleadingly advertise through conventional, online, and peer-to-peer avenues—created
8 a danger of injuries described herein that were reasonably foreseeable at the time of design,
9 distribution, and operation of the platforms.
10

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

15 190. A reasonable company under the same or similar circumstances would have warned
16 and instructed of the dangers.
17

18 191. Plaintiff was injured as a direct and proximate result of Defendants' failure to warn
19 and instruct because he would not have used Defendants' products had he received adequate
20 warnings and instructions that the platforms could cause social media addiction, depression, body
21 dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder,
22 anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus,
23 ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other
24 harmful effects.
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1 192. Defendants lack of adequate and sufficient warnings and instructions, and its
2 inadequate and misleading advertising, was a substantial contributing factor in causing the harm
3 to Plaintiff.

4 193. Plaintiff demands judgment against Defendants for compensatory, treble, and
5 punitive damages, medical monitoring to diagnose the platforms induced injuries at an earlier date
6 to allow for timely treatment and prevention of exacerbation of injuries, together with interest,
7 costs of suit, attorneys' fees, and all such other relief as the Court deems proper.
8

9
10 **SIXTH CAUSE OF ACTION—ALL DEFENDANTS**
11 **PRODUCTS LIABILITY—NEGLIGENT MANUFACTURING**

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

14 195. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,
15 pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's
16 resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability
17 acts, statutes, and laws of the State of Kansas.

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

21 197. Defendants had a duty to use exercise reasonable care, in the development, coding,
22 operation, maintained, inspecting, testing, and dissemination of their platforms.
23

24 198. Defendants knew or, by the exercise of reasonable care, should have known
25 Defendants' products were carelessly developed, coded, operated, maintained, inspected, tested,
26 and disseminated, and was dangerous, harmful, and injurious when used by Plaintiff in a
27 reasonably foreseeable manner.
28

1 199. Defendants knew or, by the exercise of reasonable care, should have known
2 ordinary consumers such as Plaintiff would not have realized Defendants' products were
3 improperly developed, coded, operated, maintained, inspected, tested, and disseminated.

4
5 200. Without limitation, examples of Defendants' breaching their duty to exercise
6 reasonable care in development, management, maintenance, testing, and inspecting include:

- 7 a. Failure to follow Good Manufacturing Practices ("GMPs");
- 8
9 b. Failure to inspect and test the computer programming underlying the platforms
10 and features for errors, unintended output, or unintended executed results of a
11 nature that could cause users harm;
- 12
13 c. Failure to adequately inspect/test their platforms during the development
14 process;
- 15
16 d. Failure to test the mental and physical health impacts of their platforms and
17 product features, especially in regards to minors;
- 18
19 e. Failure to implement procedures that would measure and confirm the
20 behavioral and mental health impact of the platforms;
- 21
22 f. Failure to timely establish procedures or practices to prevent Defendants'
23 products from having unintended mental and physical health consequences.
- 24
25 g. Failure to test and research the actual user health impact cause by the *interaction*
26 of the algorithm and other harm causing features listed above;
- 27
28 h. Failure to test the platforms' output to users given various user inputs;

- i. Failure to adequately test the user health result of specific computer coding and programs that constitute the platforms and their features.

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

202. Plaintiff was injured as a direct and proximate result of the platforms Defendants failure to use reasonable care in the development, coding, operation, maintenance, inspection, testing, and dissemination.

203. Defendants negligent development, coding, operation, maintenance, inspection, testing, and dissemination of their products was a substantial factor in causing Plaintiff's harms.

204. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive damages, medical monitoring to diagnose the platforms induced injuries at an earlier date to allow for timely treatment and prevention of exacerbation of injuries, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

**SEVENTH CAUSE OF ACTION—ALL DEFENDANTS
NEGLIGENCE AND/OR GROSS NEGLIGENCE**

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

206. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability acts, statutes, and laws of the State of Kansas.

207. At all relevant times, Defendants designed, developed, managed, operated, inspected, tested (or not), marketed, advertised, promoted, disseminated, made publicly available,

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

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

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

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

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

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

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

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

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

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

20
21 217. Defendants knew or should have known that engagement-based ranking and
22 intermittent variable rewards are highly addictive, promote harmful social comparison, encourage
23 bullying and conflict, can trap users in a cycle of viewing content that is innately harmful or in a
24 manner that is harmful, and present a false reality. Image and video filters inflict unrealistic and
25 biased beauty standards upon users and cause harmful social comparison based on a misleading
26 curation of peers' appearances, especially among teenage female users.
27
28

1 218. Defendants knew or should have known that the collaboration of these features
2 multiplies the platforms' power to inflict harm by heightening the platform's addictive nature,
3 increasing exposure to content that triggers negative social comparison, exposing users to innately
4 harmful content, increasing time of exposure to harm, further encouraging bullying and promoting
5 conflict, and multiplying harm in other ways.
6

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

15 220. Defendants knew or should have known that the combined result of these features
16 is to present to users a false reality—it presents to users a world which is constantly controversial
17 and negative; where most other people are exceedingly more attractive than the user; where most
18 other people are exceedingly more successful and/or competent than the user; and which will
19 facilitate and encourage harmful behaviors such as self-harm and eating disorders.
20

21 221. Defendants knew or should have known that these features take advantage of
22 biological systems, human behavior, and psychology, to addict and condition users to engage in
23 repetitive content-consuming actions such as scrolling, "liking," and sharing content in search of
24 repeated dopamine releases. All the while, the users' input and behavior are tracked to allow the
25 platform to automatically tune itself to each individual user to become as addictive and difficult to
26 stop engaging with as possible.
27
28

1 222. Defendants knew or should have known that Defendants' products could cause
2 serious risk of harm, particularly to young persons and minors.

3 223. Defendants were negligent, reckless and careless and failed to take the care and
4 duty owed to Plaintiff, thereby causing Plaintiff to suffer harm.

5 224. The negligence and extreme carelessness of Defendants includes, but is not limited
6 to, the following:
7

8 a. Failure to perform adequate testing of their platforms prior to marketing to
9 ensure safety, including long-term testing of the product, and testing for
10 physical and mental health injuries;
11

12 b. Failure to warn consumers that Defendants' products had not been adequately
13 tested or researched prior to marketing to ensure safety;
14

15 c. Failure to take reasonable care in the design of Defendants' products;
16

17 d. Failure to use reasonable care in the production/development of Defendants'
18 platforms;
19

20 e. Failure to use reasonable care in the operation of Defendants' products;
21

22 f. Failure to use reasonable care in the coding/assembly of Defendants' products;
23

24 g. Failure to use reasonable care in advertising, promoting, and marketing
25 Defendants' products;
26

27 h. Failure to use reasonable care in the dissemination of Defendants' products
28 without adequate warnings;

- 1 i. Use of a design that includes features that cause mental and physical harm,
2 including, but not limited to: (1) engagement-based ranking (sorting content on
3 a user's feed based on engagement or "meaningful social interactions" rather
4 than chronology); (2) intermittent variable rewards (a system of "likes,"
5 comments, strategically-timed notifications, promoting the content of new users
6 and users who have not posted in a while, among other features); (3) face
7 tracking and augmentation (*i.e.*, photo and video filters designed to make users
8 appear more attractive); (4) endless scrollable content (especially auto-playing
9 video content such as the Instagram "Reels" content feed); (5) the interaction
10 of these features; and (6) other features of the platform which are currently
11 unknown and hidden from users and governments;
12
13
14
15 j. Use of a design, engagement-based ranking and intermittent variable rewards
16 that Defendants knew or should have known that are highly addictive, promote
17 harmful social comparison, encourage bullying and conflict, can trap users in a
18 cycle of viewing content that is innately harmful or in a manner that is harmful,
19 and present a false reality. Image and video filters inflict unrealistic and biased
20 beauty standards upon users and cause harmful social comparison based on a
21 misleading curation of peers' appearances, especially among teenage female
22 users;
23
24
25 k. Use of design features that Defendants knew or should have known would
26 interact to multiply the platforms' power to inflict harm by heightening the
27 platform's addictive nature, increasing exposure to content that triggers
28 negative social comparison, exposing users to innately harmful content,

1 increasing time of exposure to harm, further encouraging bullying and
2 promoting conflict, and multiplying harm in other ways;

3
4 l. Use of design features that Defendants knew or should have known would
5 combine to create a user interface of endless, auto-playing, image and video
6 content, that is algorithmically sorted to place the most attention-grabbing
7 content at the top and/or in a distilled feed that is very difficult to cease
8 consuming, especially for young users. Content that is promoted by the
9 algorithm is often related to beauty, success/wealth flaunting, or lifestyles,
10 which causes negative physical or social comparison, especially among teens.
11 Defendants' algorithms also promote controversial, disturbing, negative, and/or
12 emotionally charged content causing harm to users;
13

14
15 m. Use of design features that Defendants knew or should have known would result
16 in presenting to users a false reality—it presents to users a world which is
17 constantly controversial and negative; most other people are exceedingly more
18 attractive than the user, and most other people are more successful and/or
19 competent than the user;
20

21
22 n. Failure to inspect Defendants' products for proper operation and to avoid
23 addiction, overuse, or mental health harms;

24
25 o. Failure to reasonably and properly test and properly analyze the testing of
26 Defendants' platforms under reasonably foreseeable circumstances;
27
28

- 1 p. Failure to warn consumers about the dangers associated with use of Defendants’
2 products, in that it was unsafe, causes social media addiction, depression, body
3 dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm,
4 insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by suicide,
5 death by eating disorder, lack of focus, ADHD, difficulty sleeping, fatigue,
6 headaches, migraines, loss of vision, eye strain, among other harmful effects;
7
8 q. Failure to subsequently remedy harm-causing features of the platforms after
9 Defendants had actual knowledge of harm to users;
10
11 r. Failure to provide any instructions regarding a safe manner, frequency, and
12 length of use of the platforms per day;
13
14 s. Failure of Defendants to verify the age of consumers creating accounts and
15 using Defendants’ platforms;
16
17 t. Failure to recall Defendants’ platforms;
18
19 u. All other failures, acts and omissions set forth herein.

20 225. Defendants’ acts and omissions constitute gross negligence because they constitute
21 a total lack of care and an extreme departure from what a reasonably careful company would do
22 in the same situation to prevent foreseeable harm to Plaintiff.
23

24 226. Defendants acted and/or failed to act willfully, and with conscious and reckless
25 disregard for the rights and interests of Plaintiff, and their acts and omissions had a great
26 probability of causing significant harm and in fact resulted in such harm to Plaintiff.
27
28

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

8
9 228. Defendants intentionally created an attractive nuisance to children, but
10 simultaneously failed to provide adequate warnings or safeguards from the harmful effects they
11 knew were occurring.

12
13 229. Plaintiff was injured as a direct and proximate result of negligence and/or gross
14 negligence as described herein. Such harm includes social media compulsion, depression, severe
15 anxiety, ADHD, and a reduced inclination or ability to sleep, among other harmful effects, which
16 may cause or contribute to additional disease.

17
18 230. Defendants' negligence and/or gross negligence were a substantial factor in causing
19 and or contributing to Plaintiff's harms.

20 231. Plaintiff demands judgment against Defendants for compensatory, treble, and
21 punitive damages, medical monitoring to diagnose the platforms induced injuries at an earlier date
22 to allow for timely treatment and prevention of exacerbation of injuries, together with interest,
23 costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

24
25 **EIGHTH CAUSE OF ACTION—META ONLY**
26 **FRAUD**

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

233. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability acts, statutes, and laws of the State of Kansas.

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

235. Meta's marketing, promotions, and advertisements contained deceptive and/or misleading statements, implications, images, and portrayals that the platforms were safe, improved social connectivity, and improved the mental and physical health of its users. For example, Meta's investor relations page states that "Facebook's mission is to give people the power to build community and bring the world closer together. People use Facebook to stay connected with friends and family, to discover what's going on in the world, and to share and express what matters to them."³¹ In actuality, Meta's products pose a serious risk to users' mental and physical health, which Meta has long known.

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

³¹ Meta Investor Relations FAQs, Meta, <https://investor.fb.com/resources/default.aspx#:~:text=Facebook%20Investor%20Relations%3F-What%20is%20Facebook's%20mission%20statement%3F,express%20what%20matters%20to%20them> (last visited Sept. 20, 2022).

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

4 238. Meta represented to Plaintiff—via the media, internet, advertising, its website, the
5 platforms themselves, other social media, and promotions—that:
6

- 7 a. Facebook and Instagram were safe and were not harmful;
8
9 b. Facebook and Instagram were positive and beneficial to a users’ wellbeing,
10 improved social connectivity, and improved the mental and physical health of
11 its users;
12
13 c. Long-term, frequent, prolonged use was harmless;
14
15 d. Facebook and Instagram increased social connectivity, rather than causing
16 feelings of isolation;
17
18 e. An inaccurate and misleading portrayal of the platforms mental and physical
19 health impact; and
20
21 f. Other misrepresentations described herein.

22 239. Meta omitted/failed to ever inform Plaintiff and other consumers, by any media,
23 that, according to its own research:
24

- 25 a. At least five-to-six percent of fourteen-year-olds admit to addiction to Meta’s
26 platforms;
27
28

b. Sixty-six percent of teen girls and forty-six percent of teen boys have experienced negative social comparisons on Instagram;

c. Facebook makes body-image issues worse for one-third of girls;

a. Thirteen-and-one-half percent of teen-girl Instagram users say the platform makes thoughts of suicide and self-injury worse;

b. Seventeen percent of teen-girl Instagram users say the platform makes eating issues worse; and

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

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

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

i. highly addictive,

ii. promote harmful social comparison,

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

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

v. encourage bullying and conflict,

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

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

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

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

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

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

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

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

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

242. The above representations were communicated to Plaintiff.

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

1 244. Meta’s conduct was fraudulent and deceptive because their misrepresentations and
2 omissions had the capacity to, were likely to, and, in fact, did deceive reasonable consumers
3 including the Plaintiff. Reasonable consumers, including the Plaintiff, would have found it material
4 to their purchasing decisions that the platforms’ products posed unreasonable risks of substantial
5 mental and bodily injury, including addiction resulting from the use of the products. Knowledge
6 of these facts would have been a substantial factor in Plaintiff’s decisions to purchase and consume
7 Facebook and Instagram.
8

9 245. Meta owed Plaintiff a duty to disclose these facts because they were known and/or
10 accessible exclusively to Meta, who have had exclusive and superior knowledge of the facts;
11 because the facts would be material to reasonable consumers; because the platforms pose an
12 unreasonable risk of substantial mental and bodily injury; and because the platforms made partial
13 representations concerning the same subject matter as the omitted facts.
14

15 246. Plaintiff reasonably and justifiably relied on the misrepresentations and/or
16 omissions. Reasonable consumers would have been expected to have relied on the platforms’
17 misrepresentations and omissions.
18

19 247. Meta knew or should have known that its misrepresentations and/or omissions were
20 false and misleading, and intended for consumers to rely on such misrepresentations and
21 omissions.
22

23 248. Meta’s misrepresentations and/or omissions were a substantial factor in causing
24 Plaintiff’s harms. Plaintiff was injured as a direct and proximate result of Meta’s fraudulent
25 conduct as described herein.

26 249. Plaintiff demands judgment against Meta for compensatory, treble, and punitive
27 damages, medical monitoring to diagnose the platforms induced injuries at an earlier date to allow
28

1 for timely treatment and prevention of exacerbation of injuries, together with interest, costs of suit,
2 attorneys' fees, and all such other relief as the Court deems proper.

3
4 **NINTH CAUSE OF ACTION—META ONLY**
5 **FRAUDULENT CONCEALMENT**

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

8 251. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,
9 pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's
10 resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability
11 acts, statutes, and laws of the State of Kansas.

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

16 253. Meta had a duty to disclose material facts about Facebook and Instagram to
17 Plaintiff.
18

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

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

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

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

7 257. Meta fraudulently and deceptively concealed that Facebook and Instagram can
8 cause social media addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm,
9 thoughts of self-harm, insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by
10 suicide, death by eating disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches,
11 migraines, loss of vision, eye strain, among other harms.
12

13 258. Meta fraudulently and deceptively concealed they had not adequately researched or
14 tested the platforms and its features to assess its safety before offering it on the market and
15 promoting it to young people and adults.
16

17 259. Meta fraudulently and deceptively concealed that the platforms were powerfully
18 addictive.
19

20 260. Meta further failed to disclose to Plaintiff that the platforms are designed to create
21 and sustain an addiction. Meta also manipulated the platforms algorithms and features in ways that
22 could and would impact their addictiveness and mental health impact, and Meta did so without
23 notifying Plaintiff. Meta actively concealed the innerworkings of its platforms and their mental
24 health impacts.

25 261. Meta concealed from Plaintiff that, according to its own research:

- 26 a. At least five-to-six percent of fourteen-year-olds admit to addiction to Meta's
27 platforms;
28

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

262. Meta also concealed from Plaintiff that:

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

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

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

264. Plaintiff did not know of the facts that Meta concealed.

265. Meta intended to deceive Plaintiff and the public by concealing these facts.

266. Meta had a duty to accurately provide this information to Plaintiff. In concealing this information from Plaintiff, Meta breached their duty. Meta also gained financially from this concealment, and because of their breach.

1 267. Meta had ample opportunities to disclose these facts to Plaintiff, through
2 advertising, on its websites, platforms, and on other social media. Meta concealed material
3 information at all relevant times, through today. Meta has yet to disclose the truth about Facebook
4 and Instagram.

5
6 268. Plaintiff relied to his detriment on Meta's fraudulent omissions. Had Plaintiff been
7 adequately informed of the material facts concealed from him regarding the safety of the platforms,
8 and not intentionally deceived by Meta, he would not have signed up for or used Facebook and
9 Instagram.

10
11 269. Meta's fraudulent concealment was a substantial factor in Plaintiff's harms as
12 described herein, including: social media compulsion, depression, severe anxiety, ADHD, and a
13 reduced inclination or ability to sleep, among other harmful effects, which may cause or contribute
14 to additional disease.

15 270. Plaintiff was injured as a direct and proximate result of Meta's fraudulent conduct
16 as described herein.

17
18 271. Plaintiff demands judgment against Meta for compensatory, treble, and punitive
19 damages, medical monitoring to diagnose the platforms induced injuries at an earlier date to allow
20 for timely treatment and prevention of exacerbation of injuries, together with interest, costs of suit,
21 attorneys' fees, and all such other relief as the Court deems proper.

22
23 **TENTH CAUSE OF ACTION—META ONLY**
24 **CONSPIRACY TO COMMIT FRAUD**

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

27 273. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,
28 pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's

1 resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability
2 and conspiracy, statutes, and the common law of the State of Kansas.

3 274. Meta entered into an agreement to advance their financial interests by injuring
4 Plaintiff. Specifically, Meta worked in concert to maintain and maximize the number of users
5 addicted to Facebook and Instagram to ensure a steady and growing customer base.
6

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

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

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

21 278. Meta's conspiracy involved:

- 22 a. Developing social media platforms to be as addictive as possible, regardless of
23 mental and physical health impacts;
24
25 b. Suppressing internal and external efforts to research the harmful effects of
26 those platforms;
27
28

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

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

280. Meta's conspiracy to commit fraud was a substantial factor in causing Plaintiff's harms. Plaintiff was injured, as described herein, as a direct and proximate result of Meta's unlawful conspiracy as described herein.

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

**ELEVENTH CAUSE OF ACTION—ALL DEFENDANTS
UNJUST ENRICHMENT**

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

283. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's

1 resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability
 2 acts, statutes, and laws of the State of Kansas.

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

8 285. Defendants concealed from Plaintiff the harms of using their products. For
 9 example, Meta concealed that, according to its own research:

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

21 286. Defendants also concealed from Plaintiff that:

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

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

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

5 287. Defendants received a measurable benefit at the expense of Plaintiff in the form of
6 ad revenue and other revenue derived from consumers use of Defendants' platforms.

7 288. Defendants appreciated, recognized, and chose to accept the monetary benefits
8 Plaintiff's registration and use of the platforms conferred onto Defendants at the Plaintiff's
9 detriment. These benefits were the expected result of Defendants acting in their pecuniary interests
10 at the expense of its users.

11 289. The harm causing features listed above were the same platform components that
12 increased Defendants' revenue—addiction and overuse of the platforms directly creates increased
13 ad revenue for the company. The benefit to Defendants came directly at the expense of the
14 Plaintiff's time, mental wellness, and physical health.
15

16 290. There is no justification for Defendants' enrichment. It would be inequitable,
17 unconscionable, and unjust for Defendants to be permitted to retain these benefits because the
18 benefits were procured because of their wrongful conduct.
19

20 291. Defendants wrongfully obfuscated the harm caused by their conduct. Thus,
21 Plaintiff, who mistakenly enriched Defendants by relying on Defendants' fraudulent
22 representations, could not and did not know the effect that using Defendants' products would have
23 on Plaintiff's health.
24

25 292. Plaintiff is entitled to restitution of the benefits Defendants unjustly retained and/or
26 any amounts necessary to return Plaintiff to the position he occupied prior to dealing with
27 Defendants. Due to the sprawling, decades-long concern about the impacts of technology and the
28

internet on mental and physical health, and litigation commonly following injuries afflicted using the internet, and other notice they have received because of lawsuits filed against them, Defendants are reasonably notified that Plaintiff would expect compensation from Defendants' unjust enrichment stemming from their wrongful actions.

293. Plaintiff demands judgment against Defendants for compensatory, treble, and punitive damages, medical monitoring to diagnose the platforms induced injuries at an earlier date to allow for timely treatment and prevention of exacerbation of injuries, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

**TWELFTH CAUSE OF ACTION—ALL DEFENDANTS
VIOLATION OF UNFAIR TRADE
 PRACTICES/CONSUMER PROTECTION LAWS**

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

295. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability acts, statutes, and laws of the State of Kansas.

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

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

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

1 299. Plaintiff registered for and used Defendants' products and suffered injuries because
2 of Defendants' actions in violation of these consumer protection laws.

3 300. Had Defendants not engaged in the deceptive conduct described herein, Plaintiff
4 would not have registered for or used Defendants' products resulting in the injuries as alleged
5 herein.
6

7 301. Fraudulent, unfair, and/or deceptive practices that violate consumer protection laws
8 include, but are not limited to, the following:

- 9
- 10 a. Representing that goods or services have approval, characteristics, uses, or
11 benefits that they do not have;
 - 12 b. Advertising goods or service with the intent not to sell them as advertised;
 - 13 c. Engaging in fraudulent or deceptive conduct that creates a likelihood of
14 confusion;
 - 15 d. Engaging in fraudulent or deceptive conduct that causes actual confusion or
16 misunderstanding as to the approval of certain goods; and
17 e. Many other fraudulent, unfair, and/or deceptive as stated elsewhere in this
18 complaint.
19
20
21
22

23 302. Plaintiff was injured by Defendants' unlawful conduct, which was furthered
24 through a pervasive pattern of false and misleading statements and omissions by targeting minors
25 and portraying Defendants' products as harmless and beneficial, while misrepresenting or omitting
26 concerns about their mental and physical health impact, addictiveness, and safety.
27
28

1 303. Defendants have a statutory duty to refrain from fraudulent, unfair, and deceptive
2 acts or trade practices in the design, development, manufacture, promotion, and sale of their
3 products. Defendants' deceptive, unconscionable, unfair and/or fraudulent representations and
4 material omissions to Plaintiff constituted consumer fraud and/or unfair and deceptive acts and
5 trade practices in violation of consumer protection statutes, including, but not limited to, the
6 following:
7

8 a. K.S.A. § 50-623 *et seq.* (Kansas Consumer Protection Act).
9

10 304. Under these and other consumer protection statutes, Defendants are the suppliers,
11 distributors, programmers, manufacturers (developers), advertisers, marketers, promoters and
12 sellers (disseminators) of their platforms, who are subject to liability under such legislation for
13 fraudulent, unfair, deceptive, and unconscionable consumer practices. The actions and omissions
14 of Defendants are uncured or incurable and Defendants were aware of the same well in advance
15 of this filing and failed to take any action to cure their actions or omissions.
16

17 305. Plaintiff justifiably relied to their detriment on Defendants' misrepresentations and
18 omissions in deciding to use Defendants' platforms.

19 306. By reason of the fraudulent and unlawful acts engaged in by Defendants, and as a
20 direct and proximate result thereof, Plaintiff has sustained economic losses and other damages and
21 are entitled to statutory and compensatory damages in an amount to be proven at trial.
22

23 307. Plaintiff demands judgment against Defendants for compensatory, treble, and
24 punitive damages, medical monitoring to diagnose the platforms induced injuries at an earlier date
25 to allow for timely treatment and prevention of exacerbation of injuries, together with interest,
26 costs of suit, attorneys' fees, and all such other relief as the Court deems proper.
27
28

**THIRTEENTH CAUSE OF ACTION—ALL DEFENDANTS
BREACH OF EXPRESS WARRANTY**

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

309. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability acts, statutes, and laws of the State of Kansas.

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

311. Defendants violated state law for breach of express warranties and Plaintiff herein will bring a cause of action for breach of express warranty under applicable State common law.

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

313. Upon information and belief, Defendants expressly warranted to consumers, like Plaintiff, through written or electronic statements, descriptions, and affirmations of fact on its websites, advertising, and marketing materials that Defendants' products would improve users' mental health, sense of community, and emotional connectedness with others.

1 314. These affirmations of fact became the basis of the bargain between Defendants and
2 Plaintiff, thereby creating express warranties that Defendants' products would conform to
3 Defendants' affirmations of fact, representations, promises, and descriptions.

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

9 316. These express communications contained misrepresentations and failed to warn of
10 the serious and known risks of Defendants' products as alleged herein.

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

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

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

22 320. Defendants' breach of these express warranties were a substantial factor in causing
23 Plaintiff's harms.

1 321. As a direct and proximate result of Defendants' breach of these warranties, Plaintiff
2 suffered serious injuries and/or sequelae thereto as alleged herein.

3 322. Plaintiff demands judgment against Defendants for compensatory, treble, and
4 punitive damages, medical monitoring to diagnose the platforms induced injuries at an earlier date
5 to allow for timely treatment and prevention of exacerbation of injuries, together with interest,
6 costs of suit, attorneys' fees, and all such other relief as the Court deems proper.
7

8
9 **FOURTEENTH CAUSE OF ACTION—ALL DEFENDANTS
BREACH OF AN IMPLIED WARRANTY OF MERCHANTABILITY**

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

12 324. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,
13 pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's
14 resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability
15 acts, statutes, and laws of the State of Kansas.
16

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

22 326. Defendants at all times were merchants with respect to the platforms Defendants
23 provided to Plaintiff and were in the business of programming, developing, disseminating, and
24 operating such products.
25

26 327. Each platform Defendants provided comes with an implied warranty that it will be
27 merchantable and fit for the ordinary purpose for which it would be used.
28

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

5
6 329. The platforms are not fit for that use—or any other use—because they pose
7 significant risks of substantial mental and physical injury resulting from the use of the products.
8 When used as intended or reasonably foreseeable, Defendants’ products adversely impact, worsen,
9 or aggravate users’ mental health.

10
11 330. Due to these and other features, the platforms are not fit for their ordinary, intended
12 use and Defendants’ products are in fact defective and fail to conform to the platforms implied
13 warranties.

14 331. Defendants have unlawfully breached the platforms implied warranty of
15 merchantability because their platforms were not in merchantable condition when made available,
16 were defective when made available, and do not possess even the most basic degree of fitness for
17 ordinary use.

18
19 332. Despite having received notice of these defects, Defendants continue to
20 misrepresent the nature of its products and breach its implied warranties.

21 333. Plaintiff has had sufficient direct dealings with the platforms Defendants via their
22 websites, apps, platforms, or through retailers acting as agents authorized to distribute Defendants’
23 products (e.g., Apple/the “App Store”) to establish privity between the platforms.

24
25 334. Further, Plaintiff was a third-party beneficiary of the platforms’ agreements with
26 other entities for the distribution of Defendants’ products to consumers. Specifically, Plaintiff is
27
28

1 the intended beneficiary of the platforms' implied warranties. The platforms' products are
2 manufactured with the express purpose and intent of being made accessible to consumers.

3 335. Plaintiff would not have used Defendants' products, or would not have registered
4 or used on the same terms, had he known the facts these Defendants failed to disclose.
5

6 336. Defendants' breach of these warranties were a substantial factor in causing
7 Plaintiff's harms.

8 337. Plaintiff was injured as a direct and proximate result of Defendants' breach of
9 implied warranties of merchantability. Plaintiff has been harmed by Defendants' failure to deliver
10 merchantable products in the form of addiction and other negative health consequences.
11

12 338. Plaintiff demands judgment against Defendants for compensatory, treble, and
13 punitive damages, medical monitoring to diagnose the platforms induced injuries at an earlier date
14 to allow for timely treatment and prevention of exacerbation of injuries, together with interest,
15 costs of suit, attorneys' fees, and all such other relief as the Court deems proper.
16

17 **FIFTEENTH CAUSE OF ACTION—ALL DEFENDANTS**
18 **FITNESS FOR A PARTICULAR PURPOSE**

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

21 340. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,
22 pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's
23 resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability
24 acts, statutes, and laws of the State of Kansas.
25

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

1 and/or benefited from their platforms, and therefore owed a duty of reasonable care to avoid
2 causing harm to those that used them, such as Plaintiff.

3 342. Defendants violated state law for breach of implied warranties and Plaintiff herein
4 will bring a cause of action for breach of implied warranty of fitness for a particular purpose under
5 applicable State common law.
6

7 343. Plaintiff intended to use Defendants' products as safe social media platforms and
8 to improve Plaintiff's mental health, sense of community, and emotional connectedness with
9 others.
10

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

18 345. Defendants knew at that time of account registration, and/or had reason to know,
19 that Plaintiff was relying on Defendants' skill or judgment to select or furnish suitable social media
20 platforms.
21

22 346. Defendants did not effectively exclude or modify this implied warranty at any point
23 during users' registration and interface with the platforms.

24 347. As described herein, Defendants breached this implied warranty because the
25 platforms use features that cause social media addiction, depression, body dysmorphia, anxiety,
26 suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia nervosa,
27 bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD, difficulty
28

1 sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other harms, which may
2 cause or contribute to additional disease.

3 348. Defendants knew the Plaintiff's intended purposes for their platforms and impliedly
4 warranted the products to be, in all respects, safe and proper for such purposes.

5
6 349. Defendants authored the documents and/or made the statements upon which these
7 warranty claims were based and, in doing so, defined the terms of those warranties. Defendants'
8 products did not conform to Defendants' promises, descriptions or affirmations and were not
9 adequately designed, developed, tested, promoted and/or fit for the particular purposes for which
10 they were intended.

11
12 350. All of the aforementioned written or electronic materials are known to Defendants
13 and in their possession, and it is Plaintiff's belief that these materials shall be produced by
14 Defendants and made part of the record once discovery is completed.

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

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

20 353. Plaintiff demands judgment against Defendants for compensatory, treble, and
21 punitive damages, medical monitoring to diagnose the platforms induced injuries at an earlier date
22 to allow for timely treatment and prevention of exacerbation of injuries, together with interest,
23 costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

24
25 **SIXTEENTH CAUSE OF ACTION—ALL DEFENDANTS**
26 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

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

1 355. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,
2 pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's
3 resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability
4 acts, statutes, and laws of the State of Kansas.

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

10
11 357. Defendants knew, or should have known through the exercise of reasonable care,
12 the risks to consumers posed by the platforms and their features.

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

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

18
19 360. Defendants knew or, by the exercise of reasonable care, should have known
20 ordinary consumers such as Plaintiff would not have realized the potential risks and dangers of
21 Defendants' products. Defendants' platforms are fine-tuned to addict users, and forcefully cause
22 physical and mental health harms.

23
24 361. Defendants knew or, by the exercise of reasonable care, should have known that
25 their platforms posed risks including the risks of social media addiction, depression, body
26 dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder,
27 anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus,
28

1 ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other
2 harmful effects, as described herein, that were known and knowable in light of scientific and
3 medical knowledge that was generally accepted in the scientific community at the time of
4 development, dissemination, public release, and operation of the platforms.
5

6 362. Defendants knew or should have known that their platforms needed to be
7 researched, designed, manufactured, coded, assembled, inspected, tested, marketed, advertised,
8 promoted, supplied, disseminated, and/or made available properly, without defects and with due
9 care to avoid needlessly causing harm.
10

11 363. Defendants knew or should have known that Defendants' products could cause
12 serious harm, including severe emotional distress, particularly to young persons and minors.
13

14 364. Defendants knew or should have known that many of the youth who were
15 encouraged to use the platforms had preexisting mental health issues and/or eating disorders who
16 were at enhanced risk of harm by utilizing the misleadingly described platforms, which
17 misrepresented the mental health effects of the platforms and failed to warn of the products'
18 features' impacts and risks.
19

20 365. Defendants were negligent, reckless, and careless and failed to take the care and
21 duty owed to Plaintiff, thereby causing Plaintiff to suffer harm, including severe emotional
22 distress.
23

24 366. Defendants' acts and omissions were extreme and outrageous because they
25 constitute a total lack of care, recklessness, and an extreme departure from what a reasonably
26 careful company would do in the same situation to prevent foreseeable harm and severe emotional
27 distress to Plaintiff.
28

1 367. Defendants acted with conscious and reckless disregard for the rights and interests
2 of Plaintiff, and their acts and omissions were extreme and outrageous, had a great probability of
3 causing severe emotional distress, and in fact resulted in such harm to Plaintiff.

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

13 369. Plaintiff was injured as a direct and proximate result of the reckless, extreme, and
14 outrageous conduct as described herein. Such harm includes social media compulsion, depression,
15 severe anxiety, ADHD, and a reduced inclination or ability to sleep, among other harmful effects,
16 which may cause or contribute to additional disease.

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

21 371. Plaintiff demands judgment against Defendants for compensatory, treble, and
22 punitive damages, medical monitoring to diagnose the platforms induced injuries at an earlier date
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1 to allow for timely treatment and prevention of exacerbation of injuries, together with interest,
2 costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

3
4 **SEVENTEENTH CAUSE OF ACTION—ALL DEFENDANTS**
5 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

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

8 373. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,
9 pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's
10 resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability
11 acts, statutes, and laws of the State of Kansas.

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

16 375. Defendants knew, or should have known through the exercise of reasonable care,
17 the risks to consumers posed by the platforms and their features.

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

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

23 378. Defendants knew or, by the exercise of reasonable care, should have known
24 ordinary consumers such as Plaintiff would not have realized the potential risks and dangers of
25
26
27
28

1 Defendants' products. Defendants' products are fine-tuned to addict users, and forcefully cause
2 physical and mental health harms.

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

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

17 381. Defendants knew or should have known that Defendants' products could cause
18 serious risk of harm, including severe emotional distress, particularly to young persons and minors.
19

20 382. Defendants knew or should have known that many of the youth who were
21 encouraged to use the platforms had preexisting mental health issues and/or eating disorders who
22 were at enhanced risk of harm by utilizing the misleadingly described platforms, which
23 misrepresented the mental health effects of the platforms and failed to warn of the products'
24 features' impacts and risks.
25
26
27
28

1 383. Defendants were negligent, reckless, and careless and failed to take the care and
2 duty owed to Plaintiff, thereby causing Plaintiff to suffer harm, including severe emotional
3 distress.

4 384. Defendants' acts and omissions were extreme and outrageous because they
5 constitute a total lack of care, recklessness, and an extreme departure from what a reasonably
6 careful company would do in the same situation to prevent foreseeable harm and severe emotional
7 distress to Plaintiff.

8 385. Defendants acted with conscious and reckless disregard for the rights and interests
9 of Plaintiff, and their acts and omissions were extreme and outrageous had a great probability of
10 causing severe emotional distress and in fact resulted in such harm to Plaintiff.

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

20 387. Plaintiff was injured as a direct and proximate result of the negligent, reckless,
21 extreme, and outrageous conduct as described herein. Such harm includes social media
22 compulsion, depression, severe anxiety, ADHD, and a reduced inclination or ability to sleep,
23 among other harmful effects, which may cause or contribute to additional disease.

1 388. Plaintiff demands judgment against Defendants for compensatory, treble, and
2 punitive damages, medical monitoring to diagnose the platforms induced injuries at an earlier date
3 to allow for timely treatment and prevention of exacerbation of injuries, together with interest,
4 costs of suit, attorneys' fees, and all such other relief as the Court deems proper.
5

6 **EIGHTEENTH CAUSE OF ACTION—ALL DEFENDANTS**
7 **NEGLIGENT FAILURE TO RECALL/RETROFIT**

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

10 390. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,
11 pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's
12 resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability
13 acts, statutes, and laws of the State of Kansas.
14

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

20 392. Defendants knew, or should have known through the exercise of reasonable care,
21 the risks to consumers posed by the platforms and their features.

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

24 394. Defendants knew or, by the exercise of reasonable care, should have known use of
25 Defendants' products was harmful and had the potential to cause social media addiction,
26 depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm,
27 insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by suicide, death by eating
28

1 disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision,
2 eye strain, among other harmful effects, which may cause or contribute to additional disease.

3 395. Defendants owed a duty to the users of their products, including Plaintiff, to
4 exercise reasonable care in conducting their business to properly and reasonably design, research,
5 develop, manufacture, produce, process, assemble, inspect, supply, distribute, deliver, broker,
6 market, warn, maintain, repair, modify, recall, retrofit, engineer, test, recommend, advertise,
7 and/or make available their platforms.
8

9 396. Defendants also owed a continuing duty to Plaintiff to remove, recall, or retrofit the
10 unsafe and/or defective platforms across the United States (including in Plaintiff's state).
11

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

15 398. Defendants knew or, in the exercise of reasonable and ordinary care, should have
16 known that the platforms were defective and unsafe for Plaintiff, who is a person likely to use the
17 platforms for the purpose and in the manner for which the platforms were intended to be used and
18 for purposes reasonably foreseeable to Defendants.
19

20 399. However, at all times, Defendants negligently breached said duties and
21 unreasonably and negligently allowed the platforms to be used by Plaintiff without proper recall
22 or retrofit or warning.

23 400. Defendants have also not made any reasonable effort to remove and/or retrofit the
24 serious safety risk posed by the platforms to consumers.
25

26 401. In failing to properly recall and/or retrofit Defendants' products, or even warn of
27 the serious safety risks the platforms pose to consumers and the public, Defendants have failed to
28

1 act as a reasonable manufacturer, designer, or distributor would under the same or similar
2 circumstances and failed to exercise reasonable care.

3 402. Plaintiff was injured as a direct and proximate result of the negligent conduct as
4 described herein. Such harm includes social media compulsion, depression, severe anxiety,
5 ADHD, and a reduced inclination or ability to sleep, among other harmful effects, which may
6 cause or contribute to additional disease.
7

8 403. Plaintiff demands judgment against Defendants for compensatory, treble, and
9 punitive damages, medical monitoring to diagnose the platforms induced injuries at an earlier date
10 to allow for timely treatment and prevention of exacerbation of injuries, together with interest,
11 costs of suit, attorneys' fees, and all such other relief as the Court deems proper.
12

13 **NINETEENTH CAUSE OF ACTION—ALL DEFENDANTS**
14 **MEDICAL MONITORING**

15 404. Plaintiff incorporates by reference each preceding and succeeding paragraph as
16 though set forth fully at length herein.
17

18 405. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,
19 pursuant to all laws that may apply under choice-of-law principles, including the law of Plaintiff's
20 resident state, Kansas. Plaintiff pleads this Cause of Action under all applicable product liability
21 acts, statutes, and laws of the State of Kansas.
22

23 406. At all relevant times, Defendants designed, developed, managed, operated,
24 inspected, tested (or not), marketed, advertised, promoted, disseminated, made publicly available,
25 and/or benefited from their platforms, and therefore owed a duty of reasonable care to avoid
26 causing harm to those that used them, such as Plaintiff.
27
28

1 407. Defendants' products cause or exacerbate mental and physical health harms,
2 including, but not limited to, depression, anxiety, suicidal ideation, self-harm, thoughts of self-
3 harm, and eating disorders, among other harmful effects, which may cause or contribute to
4 additional disease.

5
6 408. For example, according to Meta's internal research:

- 7 a. At least five-to-six percent of fourteen-year-olds admit to addiction to the
8 platform;
9
10 b. Sixty-six percent of teen girls and forty-six percent of teen boys have
11 experienced negative social comparisons on Instagram;
12
13 c. Facebook makes body-image issues worse for one-third of girls;
14
15 d. Thirteen-and-one-half percent of teen-girl Instagram users say the platform
16 makes thoughts of suicide and self-injury worse;
17
18 e. Seventeen percent of teen-girl Instagram users say the platform makes eating
19 issues worse;
20
21 f. Instagram users are twice as likely to develop an eating disorder as those who
22 don't use social media.

23
24 409. Defendants' products cause harm by, *inter alia*, the following product effects:

- 25 a. Engagement-based ranking and intermittent variable rewards are:
26 i. highly addictive,
27 ii. promote harmful social comparison,
28

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

1 410. Engagement-based ranking and intermittent variable rewards are highly addictive,
2 promote harmful social comparison, encourage bullying and conflict, can trap users in a cycle of
3 viewing content that is innately harmful or in a manner that is harmful, and present a false reality.
4 Image and video filters inflict unrealistic and biased beauty standards upon users and cause
5 harmful social comparison based on a misleading curation of peers' appearances, especially among
6 teenage female users.
7

8 411. The collaboration of these features multiplies the platforms' power to inflict harm
9 by heightening the platform's addictive nature, increasing exposure to content that triggers
10 negative social comparison, exposing users to innately harmful content, increasing time of
11 exposure to harm, further encouraging bullying and promoting conflict, and multiplying harm in
12 other ways.
13

14 412. The features combine to create a user interface of endless, auto-playing, image and
15 video content, that is algorithmically sorted to place the most attention-grabbing content at the top
16 and/or in a distilled feed that is very difficult to cease consuming, especially for young users.
17 Content that is promoted by the algorithms is often related to beauty, success/wealth flaunting, or
18 lifestyles, which causes negative physical or social comparison, especially among teens.
19 Defendants' algorithms also promote controversial, disturbing, negative, and/or emotionally
20 charged content causing harm to users.
21

22 413. The combined result of these features is to present to users a false reality—it
23 presents to users a world which is constantly controversial and negative; where most other people
24 are exceedingly more attractive than the user; where most other people are exceedingly more
25 successful and/or competent than the user; and which will facilitate and encourage harmful
26 behaviors such as self-harm and eating disorders.
27
28

1 414. These features take advantage of biological systems, human behavior, and
2 psychology, to addict and condition users to engage in repetitive content-consuming actions such
3 as scrolling, “liking,” and sharing content in search of repeated dopamine releases. All the while,
4 the users’ input and behavior are tracked to allow the platform to automatically tune itself to each
5 individual user to become as addictive and difficult to stop engaging with as possible.
6

7 415. Potential health harms from these features include, among other types of harm,
8 social media addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm,
9 thoughts of self-harm, insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by
10 suicide, death by eating disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches,
11 migraines, loss of vision, eye strain, among other harmful effects.
12

13 416. As a direct and proximate result of Defendants’ conduct, Plaintiff has developed
14 mental and physical health issues that will require life-long monitoring treatment.

15 417. As a direct and proximate result of Defendants’ conduct, Plaintiff has a significantly
16 increased risk of developing a serious latent disease and/or injury, suffering further injury at an
17 unknown date in the future. Such injuries include the development and/or exacerbation of social
18 media addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of
19 self-harm, insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by suicide, death
20 by eating disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches, migraines, loss
21 of vision, eye strain, among other harmful effects.
22

23 418. Monitoring procedures exist that makes the early detection and prevention of the
24 above technology-related and/or induced diseases and mental health issues possible. Many of the
25 above physical and mental issues can lead to other physical and mental health injuries long-term
26 that can be detected and prevented by existing medical and psychological testing and treatment.
27
28

1 419. For example, eating disorders can cause hormone/growth problems, heart
2 problems, neurological problems, abnormal cell growth, and cancer. Anxiety can lead to social
3 impairment, relationships, suicide risk, more frequent hospitalizations, substances abuse
4 (prescribed and non-prescribed), unemployment, somatoform. Nearly all the other kinds of harms
5 listed above commonly lead to other health issues.
6

7 420. These procedures are different from that normally recommended in the absence of
8 the exposure. These monitoring procedures include non-routine surveillance studies, laboratory
9 testing, and physical examinations, and would be reasonably necessary according to contemporary
10 scientific principles.
11

12 421. Plaintiff has suffered physical, mental, and emotional harms. Anxiety, depression,
13 sleep deprivation, eating disorders (and many of the other harms listed above) are well-known to
14 cause long-lasting conditions, hidden conditions, and health problems that do not manifest fully
15 until much later in life. Existing medical research indicates that these issues can cause permanent
16 digestive tract injury, brain injury, cardiovascular disorders, and many other harms. The injuries
17 such products cause on the human body has already been inflicted in its users, such as Plaintiff,
18 but the full extent of the injury will not manifest until later in Plaintiff's life. Thus, because of
19 Defendants' conduct, it is reasonably necessary that Plaintiff be placed under periodic screening
20 and/or diagnostic testing beyond that normally recommended in the absence of the issues Plaintiff
21 has suffered due to use of these platforms.
22

23 422. Plaintiff demand judgment against Defendants for medical monitoring damages to
24 diagnose the platforms induced injuries at an earlier date to allow for timely treatment and
25 prevention of exacerbation of injuries, together with interest, costs of suit, attorneys' fees, and all
26 such other relief as the Court deems proper.
27
28

1 423. Such other relief as the Court deems proper.

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

3 424. Through the exercise of reasonable diligence, Plaintiff did not and could not have
4 discovered that Defendants caused his injuries and/or sequelae thereto because, at the time of these
5 injuries and/or sequelae thereto, the cause was unknown to Plaintiff.

6
7 425. Plaintiff did not suspect and had no reason to suspect Defendants' platforms caused
8 his injuries and/or sequelae thereto until less than the applicable limitations period prior to the
9 filing of this action.

10 426. In addition, Defendants' fraudulent concealment has tolled the running of any
11 statute of limitations. Through their affirmative misrepresentations and omissions, Defendants
12 actively concealed from Plaintiff the risks associated with the defects of Defendants' platforms
13 and that these products caused his injuries and/or sequelae thereto. Through their ongoing
14 affirmative misrepresentations and omissions, Defendants committed continual tortious, and
15 fraudulent acts that continue to this day.

16
17 427. As a result of Defendants' fraudulent concealment, Plaintiff was unaware and could
18 not have reasonably known or learned through reasonable diligence that he had been exposed to
19 the defects and risks alleged herein and that those defects and risks were the direct and proximate
20 result of Defendants' acts and omissions.

21
22 **VIII. DEMAND FOR A JURY TRIAL**

23
24 Plaintiff hereby demands a trial by jury.
25
26
27
28

IX. PRAYER FOR RELIEF

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

1. Entering judgment for Plaintiff and against Defendants;
2. Entering an Order that Defendants are jointly and severally liable;
3. Damages to compensate Plaintiff for injuries sustained as a result of the use of the platforms, including, but not limited to, physical pain and suffering, mental anguish, loss of enjoyment of life, emotional distress, expenses for hospitalizations and medical treatments, other economic harm that includes, but is not limited to, lost earnings and loss of earning capacity;
4. Awarding actual and compensatory damages;
5. Awarding statutory damages in the maximum amount permitted by law;
6. Awarding exemplary, treble, and/or punitive damages in an amount in excess of the jurisdictional limits;
7. Awarding reasonable attorneys' fees;
8. Awarding experts' fees;
9. Awarding costs of litigation;
10. Awarding pre-judgment and post-judgment interest at the lawful rate;
11. A trial by jury on all issues of the case;
12. Awarding medical monitoring costs or programs; and
13. Any other relief as this court may deem equitable and just, or that may be available.

DATED: October 27, 2022

Respectfully Submitted,

Defendants To Be Served as Follows:

/s/ Joseph G. VanZandt

Meta Platforms, Inc.

c/o Corp Service Co.
d/b/a CSC Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, California 95833-3505

Andy D. Birchfield, Jr. (*pro hac vice*)
Jennifer K. Emmel (*pro hac vice*)
Joseph G. VanZandt (*pro hac vice*)
Clinton Richardson (*pro hac vice*)
BEASLEY ALLEN CROW
METHVIN PORTIS & MILES, LLC
234 Commerce Street
Montgomery, AL 36103
Tel: 334-269-2343
Andy.Birchfield@BeasleyAllen.com
Jennifer.Emmel@BeasleyAllen.com
Joseph.VanZandt@BeasleyAllen.com
Clinton.Richardson@BeasleyAllen.com

Facebook Holdings, LLC

c/o Corp Service Co.
d/b/a CSC Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, California 95833-3505

Facebook Operations, LLC

c/o Corp Service Co.
d/b/a CSC Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, California 95833-3505

Attorneys for Plaintiff

Facebook Payments, Inc.

c/o Corp Service Co.
d/b/a CSC Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, California 95833-3505

Facebook Technologies, LLC

c/o Corp Service Co.
d/b/a CSC Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, California 95833-3505

Instagram, LLC.

c/o Corp Service Co.
d/b/a CSC Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, California 95833-3505

Siculus, Inc.

c/o Corp Service Co.
d/b/a CSC Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, California 95833-3505

ByteDance Inc.

c/o Corp Service Co.
d/b/a CSC Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, California 95833-3505

TikTok Inc.

c/o Corp Service Co.
d/b/a CSC Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, California 95833-3505

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

VERONICA HICKS, individually and as next friend to minor plaintiff D.M.

(b) County of Residence of First Listed Plaintiff Geary County, KS
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

Joseph G. VanZandt, Beasley, Allen, Crow, Methvin, Portis, & Miles, P.C.
234 Commerce Street Montgomery, AL 36103; Tel: 334-269-2343

DEFENDANTS

META PLATFORMS, INC., ET AL.

County of Residence of First Listed Defendant Sacramento, CA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
 THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question *(U.S. Government Not a Party)*

☐ 2 U.S. Government Defendant ☒ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment Of Veteran's Benefits <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury -Medical Malpractice CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities--Employment <input type="checkbox"/> 446 Amer. w/Disabilities--Other <input type="checkbox"/> 448 Education	PERSONAL INJURY <input checked="" type="checkbox"/> 365 Personal Injury -- Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS HABEAS CORPUS <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty OTHER <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee--Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC § 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC § 158 <input type="checkbox"/> 423 Withdrawal 28 USC § 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent--Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC § 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC § 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*
☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation--Transfer ☒ 8 Multidistrict Litigation--Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
28 U.S.C. § 1332
Brief description of cause:
Strict Product Liability (Design Defect and Failure to Warn), Negligence

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. **DEMAND \$** ☐ CHECK YES only if demanded in complaint: **JURY DEMAND:** ☒ Yes ☐ No

VIII. RELATED CASE(S), IF ANY *(See instructions):* JUDGE Yvonne Gonzalez Rogers DOCKET NUMBER 4:22-md-3047-YGR

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)
(Place an "X" in One Box Only) ☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE ☐ EUREKA-MCKINLEYVILLE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
 - c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.