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IN THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

AMY NEVILLE; AARON NEVILLE; JAIME
 PUERTA; MARIAM HERNANDEZ; CINDY
 CRUZ-SARANTOS; BRIDGETTE
 NORRING; JAMES MCCARTHY;
 KATHLEEN MCCARTHY; SAMANTHA
 MCCARTHY; MATTHEW CAPELOUTO;
 CHRISTINE CAPELOUTO; PERLA
 MENDOZA; E.B.; and P.B.,

Plaintiffs,

v.

SNAP, INC.,

Defendant.

CIVIL ACTION NO.

22STCV33500

COMPLAINT FOR:

- (1) STRICT PRODUCT LIABILITY
(DESIGN DEFECT)
- (2) STRICT PRODUCT LIABILITY
(FAILURE TO WARN)
- (3) NEGLIGENCE (DESIGN DEFECT)
- (4) NEGLIGENCE (FAILURE TO
WARN)
- (5) NEGLIGENCE (INFLICTION OF
EMOTIONAL DISTRESS)
- (6) VIOLATION OF CONSUMER
PROTECTION LAWS
- (7) UNJUST ENRICHMENT
- (8) INVASION OF PRIVACY
- (9) PUBLIC NUISANCE

JURY TRIAL DEMAND

COMPLAINT

COME NOW PLAINTIFFS, who allege as follows:

In these digital public spaces, which are privately owned and tend to be run for profit, there can be tension between what's best for the technology company and what's best for the individual user or for society. Business models are often built around maximizing user engagement as opposed to safeguarding users' health and ensuring that users engage with one another in safe and healthy ways. . . . Technology companies must step up and take responsibility for creating a safe digital environment for children and youth. Today, most companies are not transparent about the impact of their products, which prevents parents and young people from making informed decisions and researchers from identifying problems and solutions.

Protecting Youth Mental Health, The U.S. Surgeon General's Advisory (Dec. 7, 2021).

Plaintiffs Amy Neville, Aaron Neville, Jaime Puerta, Mariam Hernandez, Cindy Cruz-Sarantos, Bridgette Norring, James McCarthy, Kathleen McCarthy, Matthew Capelouto, Christine Capelouto, and Perla Mendoza bring this action for wrongful death and survivorship against Defendant Snap, Inc. ("Snap") for the deaths of Alexander Neville (14-years-old), Daniel Puerta (16-years-old), Jeffrey Steven Johnston, Jr. ("Jeff") (17-years-old), Dylan Kai Sarantos (18-years-old), Devin Norring (19-years-old), Jack McCarthy (19-years-old), Alexandra Capelouto ("Alex") (20-years-old), and Daniel Elijah Figueroa ("Elijah") (20-years-old), respectively; Plaintiff Samantha McCarthy brings this action for negligent infliction of emotional distress in connection with the death of her brother, Jack McCarthy; Plaintiffs E.B. and P.B. bring this action for personal injuries and injunctive relief against Snap for injuries caused to themselves and their 16-year-old child, A.B., because of A.B.'s use of the Snapchat social media product and allege as follows:

I. INTRODUCTION

1. This is a case about the Snap Drug Cartel and how a mainstream social media product facilitates – and profits from – designing a product that markets and sells lethal drugs to its young users.

2. Fentanyl poisoning of minors and young adults is a national emergency.

3. According to the Center for Disease Control (CDC), more teenagers and young adults in the United States have died from fentanyl poisoning in the last two years than COVID, car accidents, or even suicide. And while overall drug use among America's youth has decreased

1 or stayed the same since the start of the pandemic in early 2020, deaths from Fentanyl among this
2 age group have more than doubled during the same period of time. “The data are stunning ...
3 Historically, deaths involving heroin and prescription opiates were big deals, but the fentanyl
4 trends are even worse. What is profoundly different is the years of life lost among people who
5 overdose at age 20 or 25, in contrast with people who are 45 or 50.”¹ The same is true for
6 adolescents aged 14 to 18. “After staying flat for a decade, the overdose death rate among U.S.
7 adolescents nearly doubled from 2019 to 2020 ... [and] [t]he reasons do not include a surge of
8 children in this group – ages 14 to 18 – using drugs, researchers said.”²

9 4. The Drug Enforcement Agency (DEA) issued its first Public Safety Alert in six
10 years in September 2021 to warn the public about the alarming increase in the availability and
11 lethality of fake prescription pills in the United States. These fake prescription pills are designed
12 to appear nearly identical to legitimate prescriptions – such as Oxycontin, Percocet, Vicodin,
13 Adderall, Xanax, and other medicines – and have been found in every state in the country. These
14 fake prescription pills often contain deadly doses of fentanyl. The Alert explained that 40% of
15 DEA-tested fentanyl-laced fake prescription pills contain at least two milligrams of fentanyl – an
16 amount considered to be a lethal dose.

17 5. Deaths from fentanyl-laced counterfeit pills are distinct from standard overdoses
18 usually associated with addictions to opioids or heroin in that, typically, those who die from
19 counterfeit pills are taking a moderate dose of a mainstream medicine they believe to be FDA
20 approved. At the point of consumption, they are not aware that the pill contains Fentanyl, let alone
21 a deadly amount.

22 6. The DEA reported that it recently seized eight million counterfeit prescription pills
23 and that 85% of the deaths resulting from pills linked to those it seized involved drug traffickers
24

25
26 ¹ <https://adai.uw.edu/new-report-youth-fentanyl/>.

27 ² <https://www.statnews.com/2022/04/12/driven-by-fentanyl-rates-of-fatal-teen-overdoses-doubled-in-2020/>;
28 <https://www.nbcnews.com/health/health-news/teen-overdose-deaths-spiked-low-drug-use-rcna23103> (“... nearly 5
out of every 100,000 adolescents ages 14 to 18, or more than 950 teens, died of an overdose in 2020. More than 70
percent of those deaths were from illicit fentanyl and other synthetic drugs. That portion rose to 77% among the
nearly 1,150 teens who died of an overdose from January to June 2021.”).

1 using common social media platforms. The reference to platforms, plural, is a generalization
2 however as, by all accounts, one platform – Snapchat – facilitates the overwhelming majority of
3 lethal fentanyl sales.



COMPLAINT

1 7. The product design of Snap, most notably its disappearing message feature which
2 is engineered to evade parental supervision and law enforcement's detection and acquisition of
3 criminal evidence, was the direct and proximate cause of the untimely and tragic deaths and
4 injuries at issue in this Complaint.

5 8. Snap's operational failures and related product defects further caused the deaths of
6 these young users. For example, Snap provides no reporting mechanism, staffed email address, or
7 even a phone number for non-Snap users to report underage, dangerous, or violating use of its
8 social media product; while the Snap in-app mechanism for reporting dangerous users and drug
9 dealers is broken or otherwise defective; the Snap in-app mechanism for disabling known
10 dangerous accounts is broken or otherwise defective; and Snap's mechanisms or methods for
11 responding to criminal investigations and warrants related to crimes on its app are broken or
12 designed to ensure engagement over user safety.

13 9. Snap's products and policies obstruct criminal investigations, ignoring and
14 delaying responses to criminal warrants, while in the meantime Snap continues distributing its
15 product to identified drug dealers to market and sell more deadly drugs to Snap users.

16 10. Snap's failures to warn users and their parents of these defects, deficiencies, and
17 inherent dangers – all known to Snap – further caused the death of the Snapchat users at issue in
18 this case and ensured that their parents were unable to protect them.

19 11. Snap's product is specifically designed to attract both children *and* illicit adult
20 activity. Its foundational product feature is disappearing messages, which draws in both minors
21 interested in evading parental oversight and drug dealers interested in dealing to vulnerable minors
22 without detection. Snap is the only social media product that targets children *while also*
23 encouraging anonymity – a feature sought by every predator wanting to not get caught. Snap's
24 marketing and appeal to children further provides dealers with an unlimited potential customer
25 base, while Snap's geolocating features make those unlimited child users findable to dealers
26 passing through their locality. The self-destructing texting, expiring post, and secure data vault
27 features enable dealers to complete transactions without a trace, knowing that not even law
28

1 enforcement can access the records. Snapchat's hashing feature makes it easy for users interested
2 in buying drugs to match with users seeking to sell. The hashing has an entire nomenclature of
3 symbols and words that Snap accommodates on user profiles while lethal drug sales run amok.

4 12. Perhaps the most dangerous feature of Snap, however, is its youthful membership
5 which Snap targets and relies on and which attracts malicious adult users, especially drug dealers.
6 Snap is widely accepted in the social media industry as having cornered the market on teen and
7 tween engagement. It is the most popular social media product among tweens, teens, and young
8 adults in the United States, and Snap works hard to market to and target this demographic – from
9 product designs and features to commercials and merchandise to its logo. Snap's well-known logo
10 is a ghost against a brightly colored background and some of the products for which it is best
11 known include silly photo filters and bitmoji (cartoons).



17 13. Snap currently estimates more than 93 million Snapchat users in the U.S., including
18 almost 18 million under the age of 18; but those numbers grossly underestimate the importance of
19 minors to Snap's success – indeed, to its survival. For example, in the case of Snap's primary
20 competitor, Instagram, 74% of its teen users are "highly active," meaning that they receive more
21 feed impressions than 90% of all Instagram users. Upon information and belief an even larger
22 percentage of Snap's minor users meet the same criteria as it relates to Snapchat. Minor users are
23 responsible for an overwhelming percentage of Snap's revenue. Snap needs children and teenagers
24 to survive in the competitive social media market.

25 14. Snap also touts itself as a safe and fun product for kids and publishes blogs with
26 Snap executives who talk about their own children and the importance of safety. Snap's
27 representations in this regard are untrue. Snap is not a safe product for minors, and on information
28

1 and belief some of Snap's own executives and designers prohibit the use of Snapchat by their own
2 children.

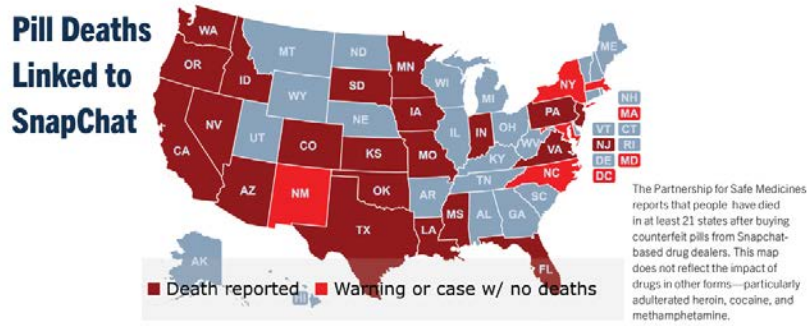
3 15. Current estimates claim that almost 5 in every 100,000 U.S. teenagers aged 14 to
4 18 died of fentanyl poisoning in 2020, and almost 6 out of every 100,000 died of fentanyl poisoning in
5 2021. Plaintiff alleges that if those same studies were to survey every family who lost a child
6 between the ages of 14 to 18 to fentanyl poisoning in 2020 and 2021 and confirmed where the fatal
7 and illegal drug was purchased, a significant percentage – upwards of ninety percent or more –
8 would trace back to Snapchat itself and with relatively few attributed to other social media products
9 in comparison.

10 16. Snap's products have encouraged, enabled, and facilitated the illegal and deadly
11 drug sales of counterfeit pills containing lethal doses of fentanyl to minors and young adults.

12 17. Hundreds, if not thousands, of young Snapchat users have been harmed and/or died
13 from Snap handing the reins of its app over to drug dealers – which Snap has done knowingly and
14 without remorse. Snap engineered this crisis through its marketing, design, and distribution
15 decisions, its refusal to issue warnings or act even as to known Snapchat Dealers, and its repeated
16 prioritization of profit over human life. Meanwhile, Snap is lackadaisical about the problem;
17 pretending to be a young startup with a simple publishing platform, not the mature multi-billion-
18 dollar corporation governing a complex family of products that exert great power and control over
19 a generation of kids that it is.

20 18. The following are just a few Snapchat fatalities:





19. Plaintiffs are a group of parents who bring the instant action in loving devotion to their nine children, eight of whom were killed because of Snap’s defective product and one who is struggling for her survival.

20. As minors, all nine children became avid users of Snapchat, often without their parents’ knowledge or consent.

21. Snap is responsible for their deaths and the nightmares inflicted on their families.

22. This lawsuit holds Snap and its leadership morally and legally responsible for the product they designed and the operational choices they made, at the expense of Plaintiffs and their children; and this lawsuit seeks injunctive relief to stop Snap from continuing in a manner that is killing American children at historic rates.

23. Plaintiffs bring the following claims against Snap:

- a. Strict liability based upon Defendant Snap’s defective design of its Snapchat social media product, which renders such product not reasonably safe for users, especially minor users and young adults. It is technologically feasible to design social media products that substantially decrease both the incidence and magnitude of harm to minors and young adults arising from their foreseeable use of Snapchat with a negligible increase in production cost.
- b. Strict liability based on Defendant Snap’s failure to provide adequate warnings to minor users and their parents of the danger of mental and physical harms arising from foreseeable use of the Snapchat social media

1 product. The addictive quality of Snap’s product, the impacts of its harmful
2 recommendation technologies, and its encouragement and abetting of
3 dangerous, adult users – and, specifically, drug dealers – is unknown to
4 minor users and their parents. Snap’s advertisements and representations do
5 more than simply conceal the truth – Snap actively assures minors and
6 parents that the Snapchat product is fun and safe, is widely used by children,
7 protects children from bad actors based on its unique design, and that Snap
8 itself prohibits and takes immediate action to protect users from drug
9 dealing activities.

- 10 c. Common law negligence arising from Defendant Snap’s unreasonably
11 dangerous social media product and its failure to warn of such dangers. Snap
12 created an attractive nuisance, meant to entice minors to its social media
13 product at any cost, then removed all barriers to such access. Snap also
14 designed products and product features it knew or should have known
15 would encourage and aid in illegal activities and, as other companies within
16 the social media space began copying its designs, Snap escalated and
17 created even more such products – for the simple reason that Snap knows it
18 is profitable to cater to these user groups, despite the resulting harm to
19 minors. Snap knew, or in the exercise of ordinary care should have known,
20 that its social media product was harming a significant percentage of minor
21 users and failed to redesign to ameliorate these harms or to even warn minor
22 users and their parents of the dangers arising from foreseeable use of
23 Snapchat. Snap has made billions from its concealment and deliberate
24 failures to warn.
- 25
26 d. Negligent infliction of emotional distress. Snap engaged in extreme and
27 outrageous conduct with reckless disregard of the probability of causing
28 severe emotional distress to parents of the children it engaged, addicted, and

1 served up to the dangers of its social media product. Snap engaged in a cost-
2 benefit calculation and choose its own engagement and growth objectives
3 over human life.

4 e. Violation of consumer protection laws arising from Defendant Snap's
5 unlawful conduct and fraudulent and deceptive business practices,
6 including promotion of its Snapchat product to underage users while
7 concealing critical information regarding the inherently defective and
8 dangerous nature of its products, which defects and dangers were known to
9 Snap but not the general public.

10 f. Unjust enrichment. Defendant Snap received direct benefits from the
11 problematic and harmful use of its product, which use Snap knew about and
12 encouraged for its own self-gain. Under the circumstances stated herein, it
13 would be unjust and inequitable for Snap to retain these ill-gotten benefits.

14 g. Invasion of privacy. Defendant Snap's conduct detailed herein frustrated
15 and intruded upon Plaintiffs' fundamental rights to protect their children
16 and to monitor and control their children's use of the Snapchat social media
17 product, which intrusion occurred in a manner that was highly offensive to
18 a reasonable person.

19 h. Public nuisance. Defendant Snap has knowingly created and allowed a
20 harmful condition to exist, and in a manner that is unreasonably interfering
21 with the health, safety, peace, and comfort of millions of California
22 residents and children across the U.S.

23 **II. PARTIES**

24
25 24. Plaintiffs Amy Neville ("Amy") and Aaron Neville ("Aaron") are the parents of
26 Alexander Neville ("Alexander") who died at the age of 14 on June 23, 2021. Amy and Aaron
27 reside in Arizona. Amy is the successor-in-interest of her child's estate and maintains this action
28 in a representative capacity, for the benefit of Alexander's Estate, as well as individually on her

own behalf. Aaron maintains this action individually on his own behalf.

25. Plaintiff Jaime Puerto (“Jaime”) is the parent of Daniel Puerto (“Daniel”) who died at the age of 16 on April 6, 2020. Jaime resides in Santa Clarita, California. Jaime is the successor-in-interest of his child’s estate and maintains this action in a representative capacity, for the benefit of Daniel’s Estate, as well as individually on his own behalf.

26. Plaintiff Mariam Hernandez (“Mariam”) is the parent of Jeffrey Steven Johnston, Jr. (“Jeff”) who died at the age of 17 on June 29, 2021. Mariam resides in Elk Grove, California. Mariam is the successor-in-interest of her child’s estate and maintains this action in a representative capacity, for the benefit of Jeff’s Estate, as well as individually on her own behalf.

27. Plaintiff Cindy Cruz-Sarantos (“Cindy”) is the parent of Dylan Kai Sarantos (“Dylan”) who died at the age of 18 on May 8, 2020. Cindy resides in Los Angeles, California. Cindy is the successor-in-interest of her child’s estate and maintains this action in a representative capacity, for the benefit of Dylan’s Estate, as well as individually on her own behalf.

28. Plaintiff Bridgette Norring (“Bridgette”) is the parent of Devin Norring (“Devin”) who died at the age of 19 on April 4, 2020. Bridgette resides in Hastings, Minnesota. Bridgette is appointed Representative of the Estate of Devin Norring and maintains this action in that capacity, for the benefit of Devin’s Estate, as well as individually on her own behalf.

29. Plaintiffs James McCarthy (“James”) and Kathleen McCarthy (“Kathleen”) are the parents of Jack McCarthy (“Jack”) who died at the age of 19 on September 25, 2021. Samantha McCarthy (“Samantha”) is Jack’s older sister. James, Kathleen, and Samantha reside in Birmingham, Michigan. Kathleen is the successor-in-interest of her child’s estate and maintains this action in a representative capacity, for the benefit of Jack’s Estate, as well as individually on her own behalf. James and Samantha maintain this action individually on their own behalf.

30. Plaintiffs Matthew Capelouto (“Matthew”) and Christine Capelouto (“Christine”) are the parents of Alexandra Capelouto (“Alex”) who died at the age of 20 on December 23, 2019. Matthew and Christine reside in Temecula, California. Matthew is appointed Representative of the Estate of Alexandra Capelouto and maintains this action in that capacity, for the benefit of Alex’s

1 Estate, as well as individually on his own behalf. Christine maintains this action individually on
2 her own behalf.

3 31. Plaintiff Perla Mendoza (“Perla”) is the parent of Daniel Elijah (“Elijah”) Figueroa
4 who died at the age of 20 on September 16, 2020. Perla resides in Seal Beach, California. Perla
5 is in the process of being appointed as the Representative of Daniel Elijah Mendoza’s Estate, which
6 petition was filed and accepted by the Court in September 2022. Perla maintains this action in a
7 representative capacity, for the benefit of Elijah’s Estate, as well as individually on her own behalf.

8 32. Plaintiffs E.B. and P.B. are the parents and legal guardians of A.B. A.B. is currently
9 16 years old and began suffering harms caused by the Snapchat product before she turned 13. A.B.
10 overdosed on Fentanyl she obtained and/or that was being sold through and because of the
11 Snapchat product in December of 2021. A.B. survived but is dependent on and has continued using
12 the Snapchat social media product – despite lack of parental consent – and refuses to provide her
13 parents with access to or information relating to her Snapchat accounts.

14 33. None of these Plaintiffs have entered into a User Agreement or other contractual
15 relationship with Snap in connection with their child’s use of the Snapchat social media product,
16 and further disaffirm all “agreements” that their child may have entered with Snap and
17 disaffirmation has been made either prior to their child’s reaching of the applicable age of majority
18 in their state of residence or within a reasonable time thereafter. As such, Plaintiffs are not bound
19 by any arbitration, forum selection, choice of law, or class action waiver set forth in any such
20 “agreement.”

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

24 35. At all times relevant hereto, Defendant Snap Inc. was acting by and through its
25 employees, servants, agents, workmen, and/or staff, all of whom were acting within the course and
26 scope of their employment, for and on behalf of Snap Inc.
27
28

III. JURISDICTION AND VENUE

36. This Court has personal jurisdiction over Defendant Snap Inc. because Snap Inc. has its principal place of business in California and is “at home” in this State.

37. Venue is proper in Los Angeles County because Defendant Snap Inc. is headquartered here.

IV. FACTUAL ALLEGATIONS

A. Snapchat Product History

38. Snapchat is an American social media company founded in 2011, by three Stanford college students, Evan Spiegel, Bobby Murphy, and Reggie Brown. Evan Spiegel, who thanks to Snapchat, became the world’s youngest billionaire, remains CEO today.

39. Snap develops and maintains the wildly popular Snapchat, Spectacles, and Bitmoji technology products, among others.

40. Snapchat, originally called *Picaboo*, began as a simple smartphone-based product premised on disappearing messages, a feature that remains foundational to its popularity. The founders developed the disappearing idea off their own pain point because they faced condemnation and regret for a spate of horribly crude and misogynistic emails they sent within their fraternity, which would be leaked years later.³ They also wanted an easier way to convince weary coeds to send them nudes. Months after its launch, *Picaboo* had amassed only 127 users⁴ so the trio “pivoted” with a name change to Snapchat and began marketing to and targeting high school students. Within a year, and with its new target audience of children and teens, Snapchat grew to more than 100,000 users.

41. The Snapchat product is best-known for its self-destructing content feature, which allows users to form groups and share posts or “Snaps” that disappear after being viewed by the recipients.⁵ The sender sets a dial for how long they want the recipient to be able to see the image

³ <https://valleywag.gawker.com/fuck-bitches-get-leid-the-sleazy-frat-emails-of-snap-1582604137>

⁴ <https://frozenfire.com/history-of-snapchat/>

⁵ <https://www.garyvaynerchuk.com/the-snap-generation-a-guide-to-snapchats-history/>. Snap attributes much of its popularity among “younger social media users” to this feature. See <https://www.thestreet.com/technology/history->

1 before it deletes and if the recipient screenshots the image, the sender gets a pop-up notification.

2 Snapchat was started at a time when everybody and their mom thought they were an
3 entrepreneur who could launch a successful social app. Facebook was where you
4 went for updates on family and friends, Instagram was beautiful photo content, and
5 Twitter was the conversation at a cocktail party. These three social giants dominated
6 most of the conversation, but they all played off of each other in terms of
7 functionality, and, most importantly, audience. However, Snapchat was able to
8 counterbalance the strengths of all three players and create a new social pipeline.

9 The norm of the internet age is to create platforms in which everything is saved—
10 everything is stored and documented digitally. Snapchat went the opposite direction ...⁶

11 42. Since its inception Snap’s leadership designed and re-designed new product
12 features in what became an epic race with competing social media manufacturers to increase
13 popularity among America’s youth and secure the title of go-to app for tweens, teens, and young
14 adults. There is no question that Snap won the race with its Snapchat product and product features.⁷

15 43. Snap is known within the industry for being an innovator whose ideas other
16 companies like Instagram steal. (“Many of the features we now see baked into every social app
17 originated from Snapchat.”)⁸

18 44. On March 2, 2017, Snap became a publicly traded company, with more than 200
19 million shares changing hands over the course of the day, accounting for roughly 10 percent of the
20 total volume of trading on the New York Stock Exchange.

21 45. As of October 2022, Snap had a market cap of 16.19 billion.

22 46. In 2021, Snap employed 5,661 people and made 4.12 billion in revenue.

23 47. By Q2 2022, Snapchat had 347 million daily active users worldwide.

24 48. An average of over 5 billion Snaps are sent every day.⁹

25 of-snapchat (“in a 2013 interview with *The Telegraph*, Spiegel honed in on the real reason Snapchat was such a hit
26 with younger social media users – they didn’t want their social media history coming back to haunt them.”).

27 ⁶ <https://www.garyvaynerchuk.com/the-snap-generation-a-guide-to-snapchats-history/>

28 ⁷ <https://www.garyvaynerchuk.com/the-snap-generation-a-guide-to-snapchats-history/> (by early 2015, “45% of
Snapchat’s users are under 25 [and] there are over 100 million users, nearing 200 million.”).

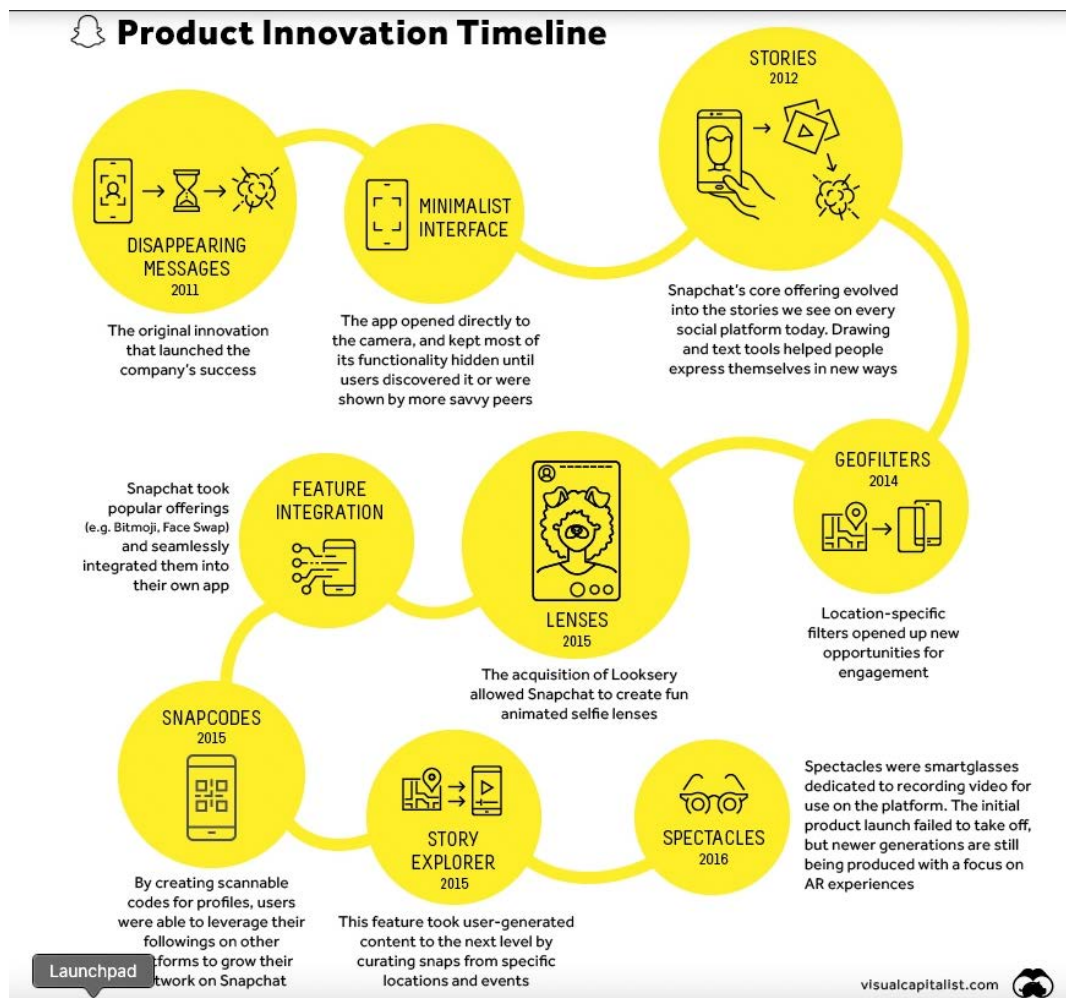
⁸ <https://www.visualcapitalist.com/timeline-looking-back-at-10-years-of-snapchat/>; see also
<https://www.businessinsider.com/guides/tech/vanish-mode-instagram?amp> (Instagram did not implement its Vanish
Mode feature until “late 2020,” and the feature is one that must be selected by the user, rather than the default).

⁹ <https://thesocialshepherd.com/blog/snapchat-statistics>

49. Snap says that users are on the app 30 times a day on average,¹⁰ though Snap's young daily active users check the app exponentially more than that and throughout all hours of the day and night.

B. Snapchat product evolution and features

50. The following is a product innovation timeline, illustrating Snap's evolution over time from a simple product to one with several different (and dangerous) product features,¹¹



51. In 2012, Snap launched on Android and added video capabilities, pushing the number of "snaps" to 50 million per day.¹²

¹⁰ <https://forbusiness.snapchat.com/blog/snapchatters-and-the-path-to-purchase-shopping-behaviors-on-snapchat>

¹¹ <https://www.visualcapitalist.com/timeline-looking-back-at-10-years-of-snapchat/>

¹² <https://www.thestreet.com/technology/history-of-snapchat>

52. In 2012, Snapchat also became known as the go-to product for users who wanted their data to disappear, including drug dealers and pedophiles, and was dubbed the “sexting” app.¹³

53. In 2013, Snap added its “Chat” and “Stories” features – “changing the face of social media timelines forever.”¹⁴ The story feature enabled Snapchat users to post a series of snaps that would remain active and viewable for 24 hours, which specific product feature has been identified as one popular among drug dealers – they use the story app to publish their drug menus, and because they know the evidence will simply disappear.¹⁵

54. In 2013, Instagram launched Instagram Direct in an effort to compete with Snapchat’s photo messaging platform; and in response to *that*, Snap launched filters, timestamps, temperature and speed overlays, and Snap replays.¹⁶

55. In 2014, Snap added text conversations, live video chat capabilities, “Our Story,” Geofilters, and Snapcash. Chat allowed users to talk to one another in the chat window via live video chat,¹⁷ which feature also is appealing to drug dealers as it means no evidence – no call logs or text message trails that can be used by parents or the police to trace a drug deal back to them. Snap does not limit use of that product, or any of these products, to adults.

56. In 2015, Snap was reaching 75 million users on a monthly basis. Snap introduced Discover (“a fun and interactive source of content from media partners such as National Geographic, Comedy Central, CNN, and more”),¹⁸ QR code incorporation, and facial recognition software, and began its monetization strategy. Snap also launched several “hilarious animated selfie lenses” in 2015.¹⁹ Advertisements were now a huge source of Snap’s revenue – according to company financials, they made up 99% of total revenue.²⁰

¹³ <https://frozenfire.com/history-of-snapchat/>

¹⁴ *Id.*

¹⁵ See, e.g., <https://evokewellnessma.com/blog/using-snapchat-to-deal-drugs/>;
<https://www.banyantreatmentcenter.com/2022/07/25/snapchat-drug-dealers-massachusetts/>.

¹⁶ <https://frozenfire.com/history-of-snapchat/>

¹⁷ <https://www.thestreet.com/technology/history-of-snapchat>

¹⁸ <https://www.garyvaynerchuk.com/the-snap-generation-a-guide-to-snapchats-history/> (the Discover product put Snap “in a very aggressive place within the overall user interface of the app and delivers an unmatched form of attention from their youthful user base.”).

¹⁹ <https://www.thestreet.com/technology/history-of-snapchat>

²⁰ *Id.*

1 57. In 2016, Snap introduced Memories, Groups, and the My Eyes Only self-
2 destructing data vault product. The same year, Instagram launched its own “Stories” product,
3 directly copying from the Snapchat Stories product Snap introduced back in 2013 and due to how
4 wildly popular Stories proved to be with teens and young adults.²¹

5 **C. Snap’s soaring popularity in the youth market**

6 58. Since its start, Snapchat sought to hook Millennials (people born between 1981 and
7 1996) and Gen Z (people born between 1996 and 2009). Its own website tells potential marketers
8 that “[t]ogether, Millennials and Gen Z have over \$1 Trillion in direct spending power. They are a
9 valuable audience that it is hard to reach and whose attention is hard to maintain, but on Snapchat,
10 we’ve got their attention.”²²

11 59. Snap’s 2013 launch of its Stories product – the first product of its kind –
12 skyrocketed Snapchat’s popularity with American youth,²³ and Snap has worked hard to maintain
13 its title as most popular social media product for tweens and teens ever since.

14 60. By 2015, Snapchat had over 75 million monthly active users and was the most
15 popular social media application amongst American teenagers in terms of number of users and
16 time spent using the platform. Snapchat is now one of the most widely used social media products
17 in the world.

18 61. Snapchat is used by an estimated 69% to 82% of all U.S. teens (aged 13 to 17), and
19 36% of U.S. teens report that Snap is their favorite of all the social media apps.²⁴

21 ²¹ See, e.g., <https://frozenfire.com/history-of-snapchat/>; <https://www.visualcapitalist.com/timeline-looking-back-at-10-years-of-snapchat/>

22 ²² <https://forbusiness.snapchat.com/blog/snapchatters-and-the-path-to-purchase-shopping-behaviors-on-snapchat>

23 ²³ <https://www.visualcapitalist.com/timeline-looking-back-at-10-years-of-snapchat/> (“... the concept of **stories** is perhaps the most significant contribution to the digital landscape. Disappearing short-form videos started off as a messaging tool, but ended up transforming the way people share their lives online.”); see also, e.g., <https://www.garyvaynerchuk.com/the-snap-generation-a-guide-to-snapchats-history/> (“This update marked Snapchat’s first big move into becoming a major platform by creating its own social language and context. It already had functionality very different from any other social network at the time ... But after Stories the platform began to take off and mature as a content destination.”); <https://businesschief.com/digital-strategy/curious-history-snapchat-and-its-increasing-importance-businesses> (“parents and other members of older generations have a dominant presence on Facebook, causing younger users to seek out a new platform. Snapchat came on the scene at just the right time.”).

28 ²⁴ See, e.g., <https://www.visualcapitalist.com/snapchat-the-most-popular-social-media-among-us-teens/> (“over 75% of the 13-34 year old U.S. population uses Snapchat ... the most popular social media app among U.S. teens”).

1 62. Snap has developed images for users to decorate the pictures or videos they post,
2 and Snap has developed Lenses which are augmented reality-based special effects and sounds for
3 users to apply to pictures and videos users post on Snapchat, and World Lenses to augment the
4 environment around posts. Snap also has acquired publication rights to music, audio, and video
5 content that its users can incorporate in the pictures and videos they post on Snapchat. These
6 images, Lenses, and licensed audio and video content supplied and created by Snapchat frequently
7 make a material contribution to the creation or development of the user's Snapchat posts. Indeed,
8 in many cases, the *only* content in a user's Snapchat post are images, Lenses, and licensed audio
9 and video content supplied and created by Snapchat. When users incorporate images, Lenses,
10 music, audio, and video content supplied by Snapchat posts, Snapchat makes a material
11 contribution to the creation and/or development of their Snapchat postings and becomes a co-
12 publisher of such content. When malign users incorporate images, Lenses, music, audio, and video
13 content supplied by Snapchat to their posts, this enhances the psychic harm and defamatory sting
14 that minor users experience from third-party postings on Defendant's platform.

15 63. Snap also contracts for legal rights in its users' content, such that it is not "third-
16 party content" at all. Snap's current Terms of Service grant Snap several, sweeping sets of legal
17 rights, from licensing to ownership.

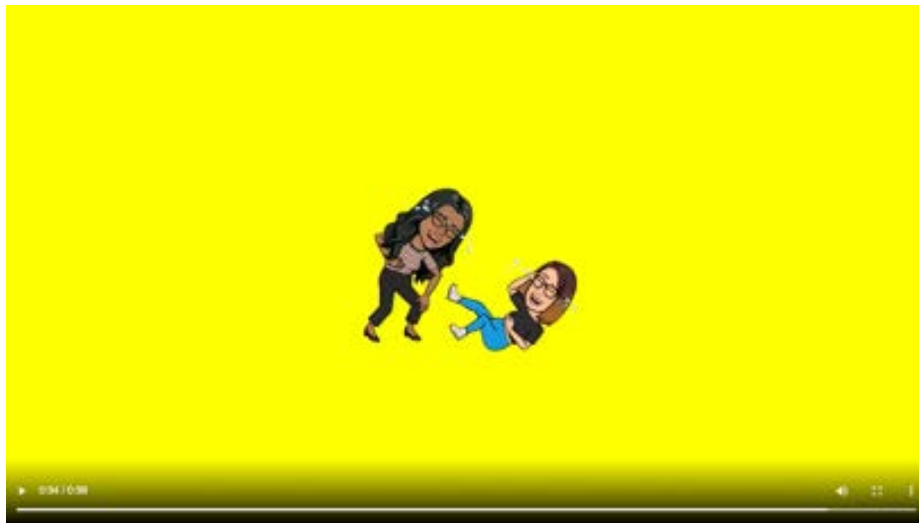
18 64. Snap directly profits from the videos and pictures and other content its users create
19 in collaboration with Snap, as described above, and its product features have made it the go-to app
20 for minors, drug dealers, and anyone else who needs an effective way to communicate while
21 simultaneously deleting and/or concealing all evidence of such communications. Snap's
22 disappearing data features serve no communication or utility purpose, they simply make its product
23 more popular and exponentially more dangerous for young users.

24
25 **D. Snap Targets Minors While Operating Its Product in a Manner Designed to Evade**
26 **Parental Consent, and Conceals the Truth to Protect its Own Profits**

27 65. Snap markets to children and teens, promoting the lie that its product is safe and
28 fun. Minors are its most valuable demographic – kids who are vulnerable, trusting, easily addicted,

1 and compulsive in their want for social inclusion – make Snap outrageously profitable and
2 competitive in the cutthroat social media market. Opportunistically, Snap has designed its product
3 to ensure that minors can download and use their product without parental consent or oversight.

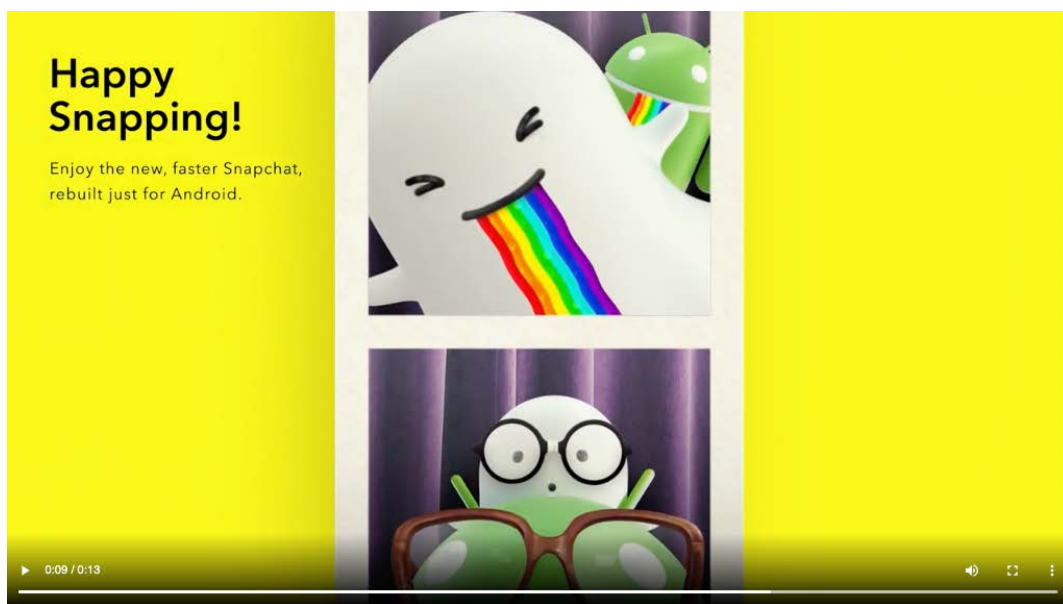
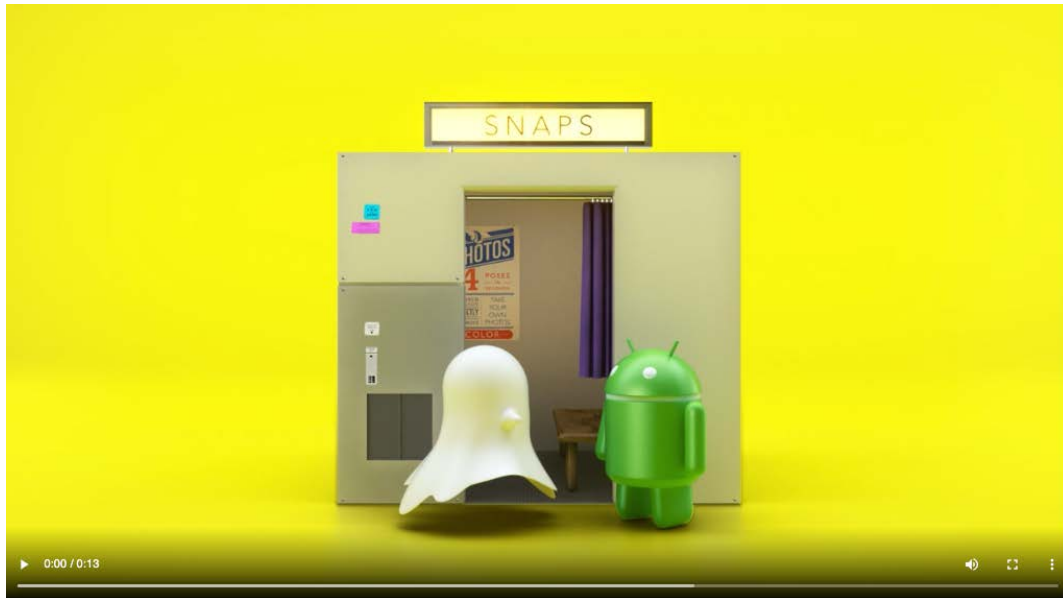
4 66. Snap’s marketing strategy focuses on juvenile cartoons, reflecting its aim to appeal
5 to children. For instance, one marketing video is titled “Real Friends” and reads, “we talked to
6 thousands of people around the world about their Real friends,” then features Snap users talking
7 about their Snap-developed friendships, followed by avatars (cartoons) of each.



17 67. Another Snapchat commercial focuses on Snap’s photo filters, which is one of
18 Snap’s most popular and appealing products when it comes to children and teens,
19



68. A third Snapchat commercial opens with two toys (a ghost and a robot) entering a “Snaps” booth. It reads “Happy Snapping! Enjoy the new, faster Snapchat, rebuilt just for Android” then features various goofy photo booth pictures, also appealing to children and teens.



69. Indeed, Snap is considered the gold standard even among its competitors when it comes to effectively marketing and appealing to minors, to the point where Meta Platforms Inc. (formerly, Facebook) (“Meta”) regularly studies Snap’s success. Meta documents refer to Snapchat as “fun, funny, silly and creative – seemingly made just for [tweens].” Meta discusses

1 Snapchat features that appeal particularly to children and teens, such as Snap Streaks, Bitmoji, and
2 silly photo filters. It interviewed kids as young as ten about the popularity of Snapchat among that
3 age group and why they love it:

- 4 a. “I don’t like making accounts on stuff except for Snapchat ... I feel
5 safer with just one thing.” – 10-year-old child
- 6 b. “Some of the filters are silly so some of the adults are like, ‘What is
7 this? This is like too silly and stuff.’” – 11-year-old child
- 8 c. “I found out about Snapchat because most of my friends use it.” – 12-
9 year-old child

10 70. Snap has likewise worked hard to maintain the kid-friendly image that makes it so
11 popular among children, and lulls parents into a false sense of security. Snap markets Snapchat as
12 a fun and safe social media product for kids.

13 71. In recent years, Snap has embarked on campaigns to mislead parents about product
14 safety. In April of 2021, Snap published a “Safety” related Blog touting its many efforts to protect
15 its minor users. Snap’s VP of Public Policy, Jen Stout, identified herself as a parent equally
16 concerned with the safety of Snapchat, “I spend a lot of time having these conversations with my
17 own children ...” Stout claimed that Snap’s products are “designed differently” than other social
18 media platforms, including in that its “purpose is to design products and build technology that
19 nurtures and supports real friendships in a healthy, safe, and fun environment.”²⁵

20 72. Snap said that it is “an inherently different kind of platform,” and said that “For us,
21 nothing is more important than the safety of our Snapchat community, and we have always
22 believed that we have a responsibility to help our community learn about how to protect their
23 security, privacy, and wellbeing when using our products.”²⁶

24 73. At the same time, Snap ensures that there is no real way for a parent to even learn
25 what Snap does. Snap’s website shows no instructions about or visuals about how the product
26

27 ²⁵ See <https://snap.com/en-US/safety-and-impact/page/1>, <https://snap.com/en-US/safety-and-impact/page/2>,
28 <https://snap.com/en-US/safety-and-impact/page/3>, <https://snap.com/en-US/safety-and-impact/page/4>.

²⁶ See <https://snap.com/en-US/safety-and-impact/page/4>.

works. It provides no warnings to parents about the risks of the product if their children use it. Presumably the only way a parent could learn about Snap is by downloading it themselves, thereby becoming a contractual user of the product and benefiting Snap as a direct result. But even then, Snap does not provide parents with the information or promised reporting mechanisms and conceals all information known to Snap and relating to the harms its product cause.

74. Snap made representations about its product design and development process to induce users' trust and mislead their parents into believing Snapchat is safer than the social media products offered by its competitors. Snap's representations were false and designed to mislead users and their parents.

The Architecture of Snapchat

- We use product development processes that consider the privacy, safety, and ethical implications of a new feature at the front end of the design process -- and we don't launch products that don't pass our intensive reviews.

75. The amount of revenue Snap receives is based upon the amount of time and user engagement on its platform, while Snap's marketing and representations as to the safety of its product, particularly for minor users, were not the truth.

E. Young Users' Incomplete Brain Development Renders Them Particularly Susceptible to Snap's Manipulative Social Media Products and Features

76. The human brain is still developing during adolescence in ways consistent with the demonstrated psychosocial immaturity of adolescents. Specifically, adolescents' brains are not yet fully developed in regions related to risk evaluation, emotional regulation, and impulse control.

77. The frontal lobes—and in particular the prefrontal cortex—of the brain play an essential part in higher-order cognitive functions, impulse control, and executive decision-making. These regions of the brain are central to the process of planning and decision-making, including the evaluation of future consequences and the weighing of risk and reward. They are also essential

1 to the ability to control emotions and inhibit impulses. MRI studies have shown that the prefrontal
2 cortex is one of the last regions of the brain to mature.

3 78. During childhood and adolescence, the brain is maturing in at least two major ways.
4 First, the brain undergoes myelination, the process through which the neural pathways connecting
5 different parts of the brain become insulated with white fatty tissue called myelin. Second, during
6 childhood and adolescence, the brain is undergoing “pruning”—the paring away of unused
7 synapses, leading to more efficient neural connections. Through myelination and pruning, the
8 brain’s frontal lobes change to help the brain work faster and more efficiently, improving the
9 “executive” functions of the frontal lobes, including impulse control and risk evaluation. This shift
10 in the brain’s composition continues throughout adolescence and into young adulthood.

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

17 80. The recommendation technologies, rewards, operative conditioning features, and
18 Snap’s marketing of its social media product all are designed to exploit the diminished decision-
19 making capacity, impulse control, emotional maturity, and psychological resiliency caused by
20 incomplete brain development in Snap’s minor and young adult users. Snap knows that because
21 those users’ frontal lobes are not fully developed, they experience enhanced dopamine responses
22 to stimuli on Snap’s social media platform and are therefore much more likely to become addicted
23 to Snap’s product; exercise poor judgment in their social media activity; and act impulsively in
24 response to social media encounters. Snap also knows that minor and young adult users of its
25 Snapchat product are much more likely to sustain serious physical and psychological harm through
26 such use than adult users. Nevertheless, Snap knowingly designs its Snapchat product to be
27 addictive to minor and young adult users and failed to include in its product design any safeguards
28

1 to account for and ameliorate the psychosocial immaturity of its minor users; and failed to warn
2 users or their parents of these dangers, which were known only to Snap.

3 **F. Snap’s false representations that it’s a safe product**

4 81. Snap has always represented to the public and governments around the world that
5 its product is safe, not addictive, and low risk.

6 82. In testimony on October 26, 2021, before a Senate Subcommittee, Snap’s VP of
7 Public Policy testified that “Snapchat makes it intentionally difficult for strangers to find people
8 that they don’t know. We do not have open profiles; we do not have browsable pictures. We don’t
9 have the ability to understand who people’s friends are and where they go to school ...”²⁷

10 83. These statements ignored the fact that Snap, at all times relevant, was utilizing its
11 direct messaging and video/live chat products in connection with minor accounts, as well as its
12 “Quick Add” product which recommends children to adult Snapchat users and strangers.

13 84. Snap also testified in written testimony that “We make no effort—and have no
14 plans—to market to children, and individuals under the age of 13 are not permitted to create
15 Snapchat accounts.”²⁸ As evidenced by Snap’s own marketing materials and product features,
16 Snap absolutely markets and makes its product available to persons under 18, and Snap makes no
17 actual or reasonable efforts to prevent its distribution of its Snapchat product to persons under 13.
18 On the contrary, there are millions of children under 13 currently using the Snapchat product, and
19 Snap is profiting handsomely from their use.
20

21 85. Snap relies on users to recruit their younger friends and siblings to use Snapchat.
22 Because communication via Snap is a private and closed loop, a person can only receive a Snap if
23 they, too, have the application. Consequently, the funny filters, which appeal and attract
24 exceedingly young children can only be accessed by people who have full Snap capabilities from
25

26 ²⁷ Senate Subcommittee on Consumer Protection, Product Safety, and Data Security hearing, Oct. 26, 2021,
available at <https://www.c-span.org/video/?515533-1/snapchat-tiktok-youtube-executives-testify-kids-online-safety&live> (starting at 2:14:00).

27 ²⁸ Written Testimony of Jennifer Stout, Vice President of Global Public Policy, Snap Inc., Hearing before the United
28 States Senate Committee on Science, Commerce, and Transportation, Subcommittee on Consumer Protection,
Product Safety, and Data Security, Oct. 26, 2021, available at
<https://www.commerce.senate.gov/services/files/0AACA9BA-49C8-4AC3-8C2E-E62ACC3F73BC>.

1 downloading Snap. This encourages kids to recruit their friends into using the product, and kids
2 to override parental permission because of the quest to be included and belong. Similarly, Snap
3 relies on peer-to-peer recruitment with its Streak trend popular among the youngest of users and
4 within families wherein users who are all on an ongoing Snap group chat must post a picture
5 everyday onto the chat or else they will “lose” their streak. Participation in the streaks, a feature
6 that appeals to the demographic of young tweens who desperately want to belong, is only possible
7 for individuals who have downloaded the Snap app.

8 **G. Snap’s Facilitation of Illicit Activity and Evasion of Parental Consent**

9 86. Snap represented in its Transparency Report for the second half of 2021:

10 When we find activity involving the sale of dangerous drugs, we promptly
11 ban the account, block the offender from creating new accounts on
12 Snapchat, and have the ability to preserve content related to the account to
13 support law enforcement investigations. ... Globally, the median
turnaround time we took action to enforce against these accounts was within
13 minutes of receiving a report.²⁹

14 Yet (and as discussed in more detail throughout), Snap waits several months to act on known and
15 reported drug dealers using the Snapchat product to harm kids. This is just another example of
16 Snap prioritizing its revenue over user safety and then deceiving consumers to lull users and their
17 parents into a false sense of safety. Snap’s representations were false.

18 87. Snap likewise purports to prohibit use of its social media product for illegal
19 purposes and reserves the right to terminate offending accounts and users. Snap’s Community
20 Guidelines identify a litany of harmful and/or illegal activities – including the sale of drugs – which
21 Snap claims to actively prohibit on its social media product.

22 88. Snap also claims that it does not allow convicted sex offenders to create Snapchat
23 accounts, does not allow multiple personal accounts, and does not allow users to open a new
24 account after having an account disabled by Snap.

25 89. Yet (and as discussed in more detail throughout), Snap makes no effort to prevent
26 known offenders from creating multiple accounts and often refuses to terminate the most
27

28 ²⁹ See Transparency Report for the Second Half of 2021, Apr. 1, 2022, <https://snap.com/en-US/safety-and-impact>.

dangerous of its violators – including Snap dealers who are known to be selling to young children – if it means more revenue for Snap.

90. Snap likewise scoffs at parental consent and has designed its product to bypass parental consent and control.

91. Snap claims that it does not distribute its product to anyone under the age of 13, and that users under 18 require parental consent.³⁰ Yet Snap does nothing to verify age, identity, or parental consent, and regularly provides its services to users it knows or should know to be under 13 and/or aged 13 to 17 but without parental consent.

92. In fact, despite knowing that it is *legally* prohibited from providing its product to kids under 13, Snap’s Apple App Store page – where the majority of users download the product – represents that the Snapchat product is safe for users “12+.”³¹

App Store Preview

Many practices may vary, for example, based on the features you use or your age. [Learn more](#)

Information

Seller Snap, Inc.	Size 258.3 MB	Category Photo & Video
Compatibility iPhone Requires iOS 12.0 or later.	Languages English, Arabic, Bengali, Danish, Dutch, Filipino, Finnish, French, German, Greek, Gujarati, Hindi, more	Age Rating 12+ Infrequent/Mild Alcohol, Tobacco, or Drug Use or References Infrequent/Mild Sexual Content and Nudity Infrequent/Mild Mature/Suggestive Themes Infrequent/Mild Profanity or Crude Humor
iPod touch Requires iOS 12.0 or later.		
Location This app may use your location even when it isn't open, which can decrease battery life.	Copyright © Snap Inc.	Price Free
In-App Purchases		
1. Snapchat+ (Monthly Plan)	\$3.99	
2. Snapchat+ (12-Month Plan)	\$39.99	
3. Geofilter	\$5.99	
	more	

Snap does not actually care about a user’s age as long as they’re young, impressionable, and able to spend as much time as possible using the Snapchat product. Snap does nothing to verify age, does not have a real name policy, and does not require any other identifying information.

93. Snap does not require young users obtain parental consent.

³⁰ Snapchat Terms of Service, effective November 15, 2021.

³¹ <https://apps.apple.com/us/app/snapchat/id447188370>

1 94. Snap does not provide parents with an accessible and/or staffed reporting
2 mechanism for unauthorized use by their minor children.

3 95. Snap also does not stop distributing its Snapchat social media product even when
4 it has actual notice of no parental consent, and unless it determines that stopping will make more
5 economic sense for Snap. At least one recent Magistrate Judge Report (in a lawsuit pending in the
6 District of Oregon) noted that Snap does not even stop distributing its Snapchat social media
7 products – as required if nothing else by Snap’s own terms of service – after receipt of actual notice
8 of non-consent and the filing of a Complaint.³² This is true in several recently filed cases, which
9 involve minors where their parents could not have made the lack of consent more clear –
10 specifically, even when faced with legal complaint and actual notice of non-consent, Snap has
11 routinely made the decision to not suspend the prohibited Snapchat accounts or even preserve
12 ongoing content exchanged and/or viewed through the prohibited Snapchat accounts, resulting in
13 continued revenue to Snap at the price of continued harms for minor children and what Plaintiffs
14 believe to be spoliation in ongoing legal proceedings. *See, for example only, Johnson v. Meta*
15 *Platforms Inc., et al.*, Central District of Illinois, Case No. 1:22-cv-02169; *E.W. v. YouTube Inc.,*
16 *et al.*, N.D. California, Case No. 4:22-cv-04528; *M.C. v. Meta Platforms, Inc., et. al.*, N.D.
17 California, Case No. 4:22-cv-04529.

18 96. Instead, Snap lets its unauthorized young users disable and then recreate accounts;
19 users who never had parental authorization to create the account; or in some cases, expressly had
20 parents deny Snap consent for their kids to use the product.

21 97. In short, Snap designs its products to encourage and aid its youngest users in the
22 evasion of and interference with parental and/or law enforcement oversight, including but not
23 limited to features and practices such as (a) disappearing evidence, (b) the hard to find My Eyes
24

25
26 ³² See *Doffing v. Meta Platforms Inc, Snapchat Inc.*, pending in the United States District Court for the District of
27 Oregon (Medford Division), Case No. 1:22-cv-00100-CL, Findings and Recommendation filed July 20, 2022, p. 11-
28 12 (True and Correct Copy of Findings and Recommendation attached hereto as **Exhibit A**) (“Snap should be aware
by now that M.K. is using the application without parental consent, and yet, Plaintiff alleges that M.K. continues to
have access to her account and continues to receive communication from Snap ... Therefore, it seems that Snap is
asking this Court to enforce a contract that Snap itself is reluctant to enforce.”).

1 Only data vault and incinerator, (c) failure to provide customers with information on how to
2 monitor and/or limit their children's use, (d) failure to close accounts and block access to minors
3 when lack of parental consent or underage status is known to Snap, (e) failure to notify parents or
4 provide any product features or tools for tracking the amount of time minor users spend on the
5 Snapchat product, what hours of the day they are using the Snapchat product, and when they are
6 contacted and/or solicited by adult users, (f) failure to verify user emails or phone numbers,
7 (g) allowance of multiple accounts, despite claiming to prohibit multiple accounts, and
8 (h) otherwise refusing to enforce its own age limitations in any reasonable or meaningful manner.

9 98. Snap is providing access to millions of minors under 13 and under 18 but lacking
10 parental consent, knows or should know that these minors are not duly authorized to use its
11 Snapchat product, and provides them with access regardless and because it views its young users
12 as its most valuable asset. Snap has turned a blind eye to such use – including the use by Plaintiffs'
13 children as detailed in this Complaint – in the name of corporate profit.

14 99. Moreover, these types of Snap product features and policies are precisely what
15 make the Snapchat social media so appealing to drug dealers– Snap promises anonymity and lack
16 of content oversight, along with millions of unsupervised minors and proprietary (even patented)
17 technologies designed to erase or encrypt all evidence of wrongdoing.

18 **H. Snap's Business Model is Based on Maximizing User Screen Time at Any Cost**

19
20 100. The Snapchat product is “free” to download onto mobile devices from the App
21 Store and Google Play.

22 101. While there is no charge to a user who downloads or uses its application, Snap is
23 not actually free. Snap monetizes itself through the selling of advertisements and acquires other
24 value from mining its users' behavioral and consumer habits. Unbeknownst to Snap's young
25 users is the fact that Snap makes a profit by finding unique and increasingly dangerous ways to
26 capture user attention and targeting advertisements to its users. The longer a user is on the
27 application and more frequent the use and the posts, the more Snap profits. Likewise, the more
28 individuals who use Snap, the more profitable the company. Snap seeks user growth and increased

usage at all costs. Snap receives revenue from advertisers who pay a premium to target advertisements to specific demographic groups of users in the applications.

102. Snap’s business model means that the longer it keeps users on its product (and away from competitor products) the more money it makes; and it relies on recruitment of new users and continued engagement of existing users for its survival and success.

103. From the beginning, Snap (and a handful of its closest competitors) chose to design their products in a manner intended to exploit vulnerabilities in human psychology to addict users and maximize user time and engagement. In a 2017 interview, the first President of Snap cohort, Meta Platforms, Inc., summed up the mentality that motivated Snap to design its product in this manner:

God only knows what it’s doing to our children’s brains. The thought process that went into building these applications, Facebook being the first of them, ... was all about: “How do we consume as much of your time and conscious attention as possible?” And that means that we need to sort of give you a little dopamine hit every once in a while, because someone liked or commented on a photo or a post or whatever. And that’s going to get you to contribute more content, and that’s going to get you ... more likes and comments. It’s a social-validation feedback loop ... exactly the kind of thing that a hacker like myself would come up with, because you’re exploiting a vulnerability in human psychology. The inventors, creators ... understood this consciously. And we did it anyway.³³

104. Snap continues to design and operate product features of particular addictiveness to children. Like Meta, Snap knows that its designs have created extreme and addictive usage by minor users, and Snap knowingly and purposefully designed its products to encourage such addictive behaviors. Indeed, on information and belief, Snap has employed countless psychologists and engineers and has invested millions to help make its product maximally addicting to minors.

105. For example, Snap utilizes unknown and changing rewards, which are designed to prompt users who use its products in excessive and dangerous ways. The achievements and trophies products in Snapchat – Trophies, Charms, and Scores – operate based on criteria unknown to users. The Company has stated that “[y]ou don’t even know about the achievement until you unlock it.” This design conforms to well-established principles of operant conditioning wherein

³³ Mike Allen, *Sean Parker unloads on Facebook: “God only knows what it’s doing to our children’s brains”*, Axios (November 9, 2017), <https://www.axios.com/2017/12/15/sean-parker-unloads-on-facebook-god-only-knows-what-its-doing-to-our-childrens-brains-1513306792>.

1 intermittent reinforcement provides the most reliable tool to maintain a desired behavior over time.
2 The design is akin to a slot machine but marketed toward minor users who are even more
3 susceptible than gambling addicts to the variable reward and reminder system designed by
4 Snapchat. The system is designed to reward increasingly extreme behavior because users are not
5 actually aware of what action will unlock the next award.

6 106. Snap engineers its Snapchat product to keep users, and particularly young users,
7 engaged longer and coming back for more through what is referred to as “engineered addiction.”
8 Examples include features like bottomless scrolling, tagging, notifications, and hidden and
9 changing rewards systems like the ones discussed above.

10 107. The Snap Streak feature is another product that is unique to Snapchat and is one of
11 the most – if not the most – addictive products available “especially to teenagers.”³⁴ Snap knows
12 that its Snap Streak product is addictive and has known for years but continues to provide that
13 product to teens and children. In many cases, minor children are so locked-in to the Streaks
14 product that they cannot stop using Snapchat no matter how much harm the product is causing
15 them, and for fear of losing the Streaks.

16 108. Snap also sends push notifications and emails to encourage addictive behavior and
17 to increase use of its Snapchat product. Snap’s communications are triggered and based on
18 information Snap collects from and about their users, and also, from other users who know and/or
19 interact with its users. Snap then “pushes” these communications to teen users in excessive
20 numbers and disruptive times of day, pushing them into getting back onto the app and causing
21 known harms for Snap’s own economic benefit.

22 109. Snap’s push notifications are specifically designed to, and do, prompt minor users
23 to open its social media products and view the content Snap selected, increasing sessions, and
24 resulting in greater profits for Snap. On information and belief, Snap purposefully drafts and sends
25 language in these notifications designed to elicit such continued use – for example, being vague
26 and/or triggering an emotional reaction, rather than simply copying the entire text of a message or
27

28 ³⁴See <https://abcnews.go.com/Lifestyle/experts-warn-parents-snapchat-hook-teens-streaks/story?id=48778296>

1 event into the notification itself.

2 110. Snap does not warn users or parents of the addictive design of its product.

3 111. On the contrary, it actively conceals the dangerous and addictive nature of its
4 product, lulling users and their parents into a false sense of security. This includes consistently
5 playing down its product's negative effects on teens and dangers in public statements and
6 advertising, making false or materially misleading statements concerning product safety, and
7 refusing to make its research public or available to academics or lawmakers who ask for it.

8 **I. Snap Designed, Manufactured, Operated, and Distributed Inherently Defective and**
9 **Dangerous Products and Failed to Warn**

10 112. Snapchat's disappearing messages feature is inherently dangerous to minors.

11 113. Snapchat's disappearing messages feature is what initially distinguished Snap's
12 product from competing social media products, like Instagram and TikTok. When a Snapchat user
13 snaps an image of themselves using the in-product camera feature, they get to select on a dial how
14 many seconds their Snap will be viewable to the recipient before it vanishes forever. Unlike a few
15 other social media products that have more recently implemented similar features, this is not an
16 optional setting for Snap - it is Snap's primary, default, and only setting. Snaps disappear within
17 a matter of seconds after being opened by the recipient and, once the Snap has disappeared, it is
18 no longer accessible, even in most circumstances to Snap itself.

19 114. Snap then added an extra layer to ensure disappearance. If the recipient of a Snap
20 screenshots it, Snap sends the sender an immediate push alert informing them the image they sent
21 was captured. This alert typically prompts the sender to pressure the recipient to delete the
22 screenshotted image or, at the very least, dissuades users who have an interest in not getting caught
23 from communicating with that user again.

24 115. Although Snapchat opens right to the camera, Snaps can be image-based or text-
25 based. Just like the images, Snap's disappearing message design is incorporated into Snapchat's
26 direct messaging so that users are only able to view messages in a particular chat thread, and once
27 they close the thread the messages disappear, leaving no trace behind.
28

1 116. The disappearing product feature appeals to minors who typically begin using Snap
2 at a point in their life when they are vying for privacy and testing the boundaries of their
3 independence from their parents. While the disappearing product feature also appeals to predatory
4 adult users, an inherently dangerous combination.

5 117. Snap also claims that parents should be responsible for their kids' use of the
6 Snapchat product, yet Snap distributes its product without parental consent and Snap's
7 disappearing message feature makes it impossible for parents to monitor their children's social
8 media activity. Snap does this by design.

9 118. Snap also sabotages parents in the decision to even let their kid download Snapchat
10 in the first place. Snap's website and product pages on the App store provide no instructions or
11 visuals about how the product works. Snap does not warn a parent of the risks of the product; on
12 the contrary, its commercials, product pages, website, and all other materials put out by Snap are
13 designed to convince parents that Snapchat is made for kids and is fun and safe for them to use.

14 119. In short, Snap does everything possible to lull parents into a false sense of security
15 and then ensures that parents have no way to stop their children from using its defective and
16 inherently dangerous social media product. If parents want to learn about the product, there is no
17 way for them to even start to do so without first having to download the Snapchat product
18 themselves, which then forces them into a contractual relationship with Snap and subjects them to
19 Snap's invasive data mining activities – from which Snap, of course, also makes a profit. Even
20 then, however, Snap's materials say nothing about the dangers of its addictive design, failure to
21 protect minor users and utilization of products that actively introduce children to strangers for
22 Snap's economic benefit, failure to act on known harms and predators using the Snapchat product,
23 misuse and/or problematic use of the Snapchat product by children, or any of the other myriad
24 dangers known to Snap but not users or their parents from use of the Snapchat product.

25 120. Snap also encourages the commission of harmful and illegal acts. Not surprisingly,
26 the disappearing content and posting feature and hidden, impenetrable data vault features attract
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adult users interested in using the app for sexual predations³⁵ and drug sales.

121. Snap itself grooms its young users for those predators. By positioning itself as one of the first apps a user downloads once they have their first phone, its youngest users are primed to consider Snapchat a safe place, especially if their introduction to the product is within the safety of a closed circuit of friends and siblings with whom they share silly pictures. Familiarity also breeds trust and as discussed in earlier sections, Snap prides itself on users accessing the Snapchat product an average of thirty times a day, which is a low estimate. Collectively, the product is designed and operated to establish a false sense of safety, which Snap does deliberately and for its own economic gain but which, in turn, makes its youngest users vulnerable and unguarded to the dangers the app creates (also for Snap's own economic gain).

J. The Snap Drug Cartel

122. "Snapchat is one of the most popular apps for buying and selling drugs, because the messages automatically disappear."³⁶ This is not speculation. This is what investigative reporters and educators have found and Snapchat Dealers and minor users confirm. The following are only a few examples.

123. "'Specifically, the reason why Snapchat is utilized in this way is because – the way that the app itself is set up is pretty much once it is opened and looked at, it disappears,' says Ashley Richardson, who visits classrooms and talks to kids and teens through her work with the Prevention Council of Roanoke County."³⁷

124. "They say they see the ads almost daily. 'Like yesterday, **this person added me** and they were selling Xanax,' **said the eighth-grader**. Drug dealers are called 'plugs' on social media, sometimes using a plug emoji to describe them. Some plugs '**quick add**' people on

³⁵ See, e.g., <https://phonespector.com/blog/what-are-the-dangers-of-snapchat-to-avoid/>

³⁶ <https://www.wdbj7.com/2021/02/24/early-years-snapchat-and-other-social-media-being-used-by-drug-dealers-to-target-kids/> (February 2021, discussing a Snapchat Dealer and death of a 16-year-old not at issue in this case);

³⁷ *Id.*; see also, e.g., <https://fox4kc.com/news/teens-deadly-overdose-prompts-warning-about-snapchats-role-in-buying-selling-drugs/> ("I thought the worst thing that can happen on Snapchat were nude pictures or saying something inappropriate or something like that," Berman said. "I had no idea there were drug dealers on there."); <https://420intel.com/articles/2021/12/23/killed-pill-bought-snapchat-counterfeit-drugs-poisoning-us-teens> (article identifying several other Snapchat related Fentanyl overdose deaths among minors, many not at issue in this case).

1 Snapchat, **which categorizes users by zip code**. “It really can be scary, because anytime, like, you
2 could buy it,” said the eighth-grader. “They’ll sell it to anyone.” This method is often used to get
3 in front of **a ton of potential customers**.” *Drug dealers find potential young customers on*
4 *Snapchat, social media*, published November 19, 2019 (emphasis added).³⁸

5 125. Article published in June 2019 titled A College Dealer Explains Why Snapchat is
6 So Great for Selling Weed,

7 **You advertise on Snapchat. How has the platform changed your business?**

8 For frequent customers I send them a Snapchat of what’s new in stock and give
9 them first choice on what they want. Sometimes people who want to score will
10 contact me on Snapchat because they think it’s more low key. Snapchat makes it
11 way easier for me to show people exactly what I’ve got. If I have different strains of
12 bud, I can immediately send people a picture or video on Snapchat of exactly what I
13 have.

14 126. “Snapchat is a social media app that allows people to post photos and videos, which
15 then disappear once they have been read ... Dealers post videos that promote the drugs they have
16 for sale, as well as sending daily offers and advertisements via private messaging.”³⁹

17 127. An NBC News investigation in October 2021 identified teen and young adult deaths
18 in more than a dozen U.S. states traced back to the Snapchat product and the types of drug deals
19 described in this Complaint.⁴⁰

20 128. In August of 2021, the Maricopa County Attorneys’ Office issued a News Flash
21 (“The Connection Between Snapchat and Fentanyl”) warning residents that, “... Snapchat is the
22 platform that gets used the most as it provides anonymity, disappearing content, and doesn’t allow
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24
25 ³⁸ <https://kutv.com/news/addicted-utah/addicted-utah-drug-dealers-find-potential-young-customers-on-snapchat-social-media>

26 ³⁹ See, e.g., <https://www.bbc.com/news/uk-england-tees-51109346>, article titled *Snapchat drug dealers target*
27 *Middlesbrough Children*, discussing death of another 13-year-old due to Snapchat and Fentanyl laced pills; see also
28 <https://www.justice.gov/usao-wdva/pr/snapchat-sale-fentanyl-laced-pills-leads-teenage-overdose-death-and-guilty-plea> (DOJ press release, dated June 6, 2022, reporting 16-year-old fentanyl poisoning death due to Snapchat).

⁴⁰ <https://www.benzinga.com/markets/cannabis/22/01/25199119/fentanyl-deaths-snapchat-to-crack-down-on-traffic>;
<https://www.nbcnews.com/specials/pills-bought-on-snapchat-deadly/>.

third-party monitoring.”⁴¹

Unfortunately, teens have become the target of these pills. Drug trafficking organizations create these pills in the shapes, colors, and sizes of those that appeal to teens and use social media to distribute them. As a result, teens may think they're getting a legitimate prescription medication such as Oxycodone, Adderall, or Xanax pills but instead are buying counterfeit pills laced with fentanyl and methamphetamine.

Like many things today, drug deals are no longer done on the streets and have switched to an online platform. While teens may use all forms of social media to purchase these pills, Snapchat is the platform that gets used the most as it provides anonymity, disappearing content, and doesn't allow third-party monitoring. For example, drug dealers can post anonymous stories with their "menu" and receive "orders" directly on the app, all of which will disappear, making it hard to track. In January of this year, Snapchat had 108 million users in the U.S, with 15 to 25-year-olds making up 48% of all users.

129. Snap has actual knowledge of these harms, and their nexus to its product and the decisions Snap itself is making. For years, Snap has received reports of child exploitation and abuse, bullying, drug deals, and human trafficking occurring through its product and because of its product features,⁴² yet has kept those features in place as removing them would negatively impact the popularity of Snap's social media product and, in turn, Snap's revenue.

130. As relevant to this Complaint, Snap has received reports of drug dealers using its social media product to sell fatal doses of fentanyl, disguised as prescription drugs, to minor users. Snap has had actual knowledge of *these* harms for years and is still trying to find the most profitable way to respond to the homicides Snap itself has encouraged, enabled, and facilitated. For example, several articles mention Snap's promises to take action to detect and identify Snapchat Dealers, while Snap simultaneously takes the position in legal proceedings that Section 230 immunizes it from liability and sanctions its decision to do nothing involving detection and identification. Snap is ignoring what it knows to be the real issue, which is that its product is inherently defective and dangerous to its minor and young users and American children are dying as a result.

131. In several instances, authorities and other Snapchat users and concerned parents have reported Snapchat Dealers to Snap – despite Snap providing no reasonable or accessible method for reporting of a Snapchat Dealer, as it should have done the moment the first child died from its product if not sooner. Regardless, even then Snap fails to make its product safer for minor users and, in many cases, keeps up the accounts of reported Snapchat Dealers for months or years

⁴¹ <https://www.maricopacountyattorney.org/CivicAlerts.aspx?AID=844>

⁴² See, e.g., <https://www.forbes.com/sites/zakdoffman/2019/05/26/snapchats-self-destructing-messages-have-created-a-haven-for-child-abuse/?sh=411b8e1d399a> (Snapchat Has Become A 'Haven for Child Abuse' With Its 'Self-Destructing Messages').

1 – continuing to profit from their use of the Snapchat product while more children died.

2 132. Likewise, even when forced to remove a Snap Dealer account, Snap failed to use
3 device ID and other information Snap collects from users to actually keep those known dealers off
4 the Snapchat product. For example, even where Snap eventually agrees to remove a specific Snap
5 Dealer account it then purposefully ignores information in its actual possession that it could use to
6 unilaterally block the known dealer from opening, say, half a dozen new accounts for the purpose
7 of selling lethal drugs to underage Snap users. Snap does not, however, take such unilateral steps
8 to protect its users because (a) it believes that it does not have the same legal obligations to protect
9 its consumers from known harms as every other company in the world, even where those
10 consumers are children, and (b) it has chosen to prioritize revenue over consumer safety.

11 133. Minor users also frequently rely on Snap’s representations when taking and sending
12 photos and are talked into taking and sending elicited photos and videos via the Snapchat product,
13 only learning after-the-fact that recipients have means to save such content – and those minor users
14 often are bullied, exploited, and/or sexually abused as a direct result. Drug dealers likewise use
15 Snapchat to identify, connect with, and sell to minors at exponentially higher rates than other social
16 media products *because* of Snap’s promises and repeated assurances that all evidence of their
17 actions will disappear (and/or that they will be notified if anyone tries to retain such evidence).

18 134. Drug dealers can find their consumers through Snap’s geolocating function. Snap’s
19 “snap map” feature, allows users to share their geographic location with contacts, reflected by the
20 users’ choice of adorable Bitmoji showing up on a map. This product feature allows users, drug
21 dealers, to verify and find a contacting user’s location, making drop offs and pickups simple,
22 convenient, and most importantly, untraceable. That is, the Snap map design disposes with the
23 evidence trail of texts or phone calls typical in drug transactions which would inform law
24 enforcement or concerned parents about time, location, cost, quantity of the transaction.

25 135. Snap dealers passing through an area use the snap map feature to identify minors
26 in a given zip code then “add” or otherwise target those minors to sell drugs. This is an effective
27 tool for dealers to reach large number of young, vulnerable customers quickly and, coupled with
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1 Snap's distribution of its products to children lacking parental knowledge or consent, it becomes
2 a particularly dangerous, effective, and risk-free way for dealers to market and sell their goods.

3 136. Snap's targeting of children is particularly pernicious in this regard because minors
4 are such risk-free customer for dealers. First, there's no risk of a minor being an undercover agent.
5 Second, they have disposable money. Third, they are in an experimental phase of their life. Fourth,
6 youth can be trusted to take particular privacy precautions to avoid getting in trouble themselves.
7 Fifth, they are less likely than adults to have longitudinal relationships with a dealer and are more
8 willing to transact with a stranger. Sixth, they engage in higher risk behavior. Seventh, they
9 underestimate the likelihood of risk; so even if they are aware of the threat of laced pills, they are
10 unlikely to appreciate the fact that it could happen to them (especially when it is someone they
11 have met through the most familiar and mainstream app they have). Eighth, a minor's guard is
12 already reduced because of the high incidence of addiction to the Snapchat product, which causes
13 sleep deprivation, anxiety, depression, and other symptoms that lead to self-medicating.

14 137. Perhaps most conducive to drug dealing and clandestine purchasing is the My Eyes
15 Only feature Snap released in 2018 – a data vault and incinerator feature that was quietly launched
16 with little fanfare and certainly without informing or warning parents of its incredible dangers.

17 138. Snap's My Eyes Only product functions as a secret safe within the Snapchat
18 product. It offers a second layer of password protection. Located in a non-obvious location within
19 the Snapchat app, this vault lets users to "easily hide sensitive images and videos" within the app
20 itself.⁴³ My Eyes Only is protected by a pin code, known only to the user. Snap itself does not have
21 the pin code or access to the hidden data; the data contained in My Eyes Only is permanently
22 inaccessible without the pin code and cannot under any circumstances be retrieved if a user loses
23 their pin tries their wrong pin too many times or, as is the case with plaintiffs' children, dies.⁴⁴ In
24

25
26 ⁴³ See, e.g., <https://beebom.com/how-get-my-eyes-only-snapchat/>; <https://www.novabach.com/heres-what-snapchats-my-eyes-only-does/> ("swipe up from the camera screen top open Memories, then swipe left to the "My Eyes Only" tab ...").

27 ⁴⁴ See, e.g., <https://www.devicemag.com/my-eyes-only-snapchat/> ("No, Snapchat cannot look at your My Eyes
28 Only. This is a secure and encrypted feature that protects your Snaps from unauthorized access. Only you can view the things you've saved to My Eyes Only, and even we can't see them without your password.").

1 short, minors and other Snapchat users have unfettered access to this hidden vault, while parents,
2 law enforcement, and even Snap do not. This feature appeals to kids and criminals alike.

3 139. My Eyes Only is an inherently dangerous feature and serves no purpose other than
4 evasion, data concealment, and spoliation. The only reason children “need” such a feature is as a
5 subterfuge against guardians who possess parental and property rights in, not to mention legal
6 liability for, their child’s electronic devices. Likewise, the only reason adults “need” such a feature
7 is when they are storing content so volatile and/or illegal that they are unwilling to rely on standard
8 layers of data privacy and security – device pin and Snapchat password to keep it private, and Snap
9 promises to make the data permanently inaccessible to everyone if the pin is lost or not provided.

10 **K. Snaps product design attracts, encourages, facilitates drug deals**

11 140. Snap is far beneath the standard of care when it comes to the safety of its youngest
12 users. None of its two competitors center their product around private interactions. To the contrary,
13 Snap is constantly innovating to find new ways to isolate its young users into having increasingly
14 private and undetectable interactions, often with strangers. It’s well known that individuals are far
15 more likely to engage in riskier behavior when it’s not public to their peers or loved ones. Snap
16 provides adults with private access to children and destroys the evidence from those activities.

17 141. Snap’s direct messaging and recommendation technologies are inherently
18 dangerous and defective when utilized in connection with minor users as well.

19 142. Snap’s direct messaging feature provide users—including anonymous and semi-
20 anonymous adult users and drug dealers, and any other stranger for whom a parent would not allow
21 access—with unrestricted and unsupervised access to minor users. Minor users lack the cognitive
22 ability and life experience to identify dangerous behaviors and situations, and the psychosocial
23 maturity to protect themselves from the same or inform somebody when they are the victim of a
24 crime. Snap’s product allows direct messaging with and by minors, and without parental
25 notification or consent.

26 143. The text-based direct messaging feature serves no utility other than as an excuse
27 for Snap to send users push notifications to keep them checking their phones and returning to the
28

1 app. However, it does serve as a useful alternative to kids and adults interested in engaging in illicit
2 undetectable behavior.

3 144. Snap could restrict direct messaging products so that minor users could only send
4 or receive direct messages with persons approved by their parents and/or already on a list of known
5 contacts or the equivalent, or not at all. However, there's no interface or portal on Snap for parents
6 to have that kind of input. A parent would literally have to look over their child's screen all day
7 (and night, given the normal patterns of usage), more than 30 times a day according to Snap's own
8 statistics about young users' usage. This level of supervision is unrealistic (impossible, in fact) and
9 leaves kids who reside in single parent households or whose parents work multiple jobs to fend for
10 themselves.

11 145. Snap's recommendation feature facilitates the matching of children with adult users
12 who, if interested in matching with a child, are unlikely to have that child's best interest in mind.
13 Snap recommends people or groups the minor should "add" or otherwise connect with via the
14 Snapchat product. Snap calls this feature "Quick Add," On information and belief, Snap
15 historically operated its Quick Add feature in connection with minor accounts and with sufficient
16 frequency that it is almost certain that one or more of the deceased children connected with dealers
17 because of this product feature.

18 146. When combined, Snap's product features are a hazard to minors, for numerous
19 reasons. For example, Snap's direct-messaging products are more dangerous when coupled with
20 minor accounts of which parents have no knowledge (or means to monitor) and do not consent;
21 and when combined with Snap's recommendation features.

22 147. Likewise, Snap's ephemeral messaging feature and marketing of the same is the
23 reason most drug dealers choose Snapchat and, more specifically, open a Snapchat account for the
24 express purpose of selling drugs to minors. These dealers believe that Snapchat will make it all but
25 impossible for them to get caught selling drugs to minors, including because Snap will delete all
26 photos and messages they send and will provide them with notice if anyone tries to make a copy
27 of those communications. And they're not wrong. Moreover, Snap could just as easily make its
28

1 product ephemeral as between users, while making clear to users that Snap itself retains copies of
2 all data for a period of 12 months (or more) as required in the event of request from law
3 enforcement and in the case of minor users whose parents may have a right to such data.

4 148. Snap’s myriad of harmful features provided thousands (if not tens or hundreds of
5 thousands) of dealers with minor clientele and access (to the point of Snap recommending more
6 kids to whom they could deal with a simple “Add”), complete lack of parental oversight (in many
7 cases, parents do not even know that their children opened Snapchat accounts), and a literal road
8 map to find these kids for purposes of selling them drugs.

9 **L. Snap is Liable as Developer, Designer, Manufacturer, Distributor, and Marketer of the**
10 **Snapchat Product, Irrespective of Any Content Provided, Posted, or Created by Third**
11 **Parties**

12 149. Plaintiffs seeks to hold Snap accountable for its own alleged acts and omissions.
13 Plaintiffs’ claims arise from Snap’s status as a developer, designer, manufacturer, distributor, and
14 marketing of dangerously defective social media products, as well as Snap’s own statements and
15 actions, not as the speaker or publisher of third-party content.

16 150. Snap has designed its products to be addictive and dangerous, especially to minors.
17 It has developed and modified product features like the continuous loop feed and push notifications
18 and incentivizes minors to stay on the product as long as possible, including through unknown and
19 changing rewards systems and product designs that appeal specifically to minor users’ brain
20 development.

21 151. Snap has also designed specific product features that serve no utility with regard to
22 operation of the Snapchat product, but that encourage and abet persons in the creation of Snapchat
23 accounts for the specific purpose of engaging in illegal activities such as dealing drugs to minors.
24 Snap has actual knowledge of these harms, and their causal connection to its product designs and
25 features and has made a deliberate decision to stay the course regardless.

26 152. The Snap product design, with its disappearing text and lack of solid user
27 verification features, is perfectly tailored for dealers to sell drugs without detection by law
28

1 enforcement or even the app.

2 153. Various Snap products, such as Snap Maps and My Eyes Only, further encourage
3 and aid dangerous users, and often enable them to get away with the harms they are causing to
4 minor users – to be clear, this is not because of the availability of a social media product, but
5 Snap’s specific product features.

6 154. Snap has actual knowledge of these harms to minors yet consistently opts for
7 prioritization of profit over the health and well-being of its minor users.

8 155. For example, Snap has made the choice to not warn minor users or their parents of
9 known dangers arising from anticipated use of its Snapchat product. These dangers are unknown
10 to ordinary consumers but are known to Snap, nor do these dangers do not arise from third-party
11 content contained on Snaps social media platforms. To the contrary, Snap:

- 12 a. Designs and constantly re-designs its social media products to attract and
13 addict teens and children, its “priority” user group.
- 14 b. Designs and continues to operate its social media products to ensure that
15 teens and children can obtain unfettered access, even over parental
16 objection.
- 17 c. Knows or should know when teens and children are opening multiple
18 accounts and when they are accessing Snap’s products excessively and in
19 the middle of the night.
- 20 d. Designs and distributes products that it knows are inherently dangerous to
21 minor users, such as direct messaging features, Quick Add
22 recommendations, Snap Map, My Eyes Only, and Snap’s signature
23 “disappearing” messages.

24 156. All of the product changes and warnings at issue in this case are ones Snap could
25 have made and given in connection its social media product and product features unilaterally and
26 regardless of any content or any one drug dealer or bad actor.

27 157. Plaintiffs are not claiming that Snap must supervise or monitor every user
28

1 communication or post, or even use its technology – as it could – to identify and report users who
2 have chosen to use the Snapchat product to sell drugs. Plaintiffs are claiming that Snap has a legal
3 duty to not design and/or operate its products in a manner that it knows to be causing harm to
4 minor users, that it has a duty to not conceal material information relating to user safety and to
5 provide reasonable and necessary warnings to users and their parents, and that it may not
6 knowingly and deliberately design, manufacture, and/or distribute products with known design
7 defects and/or safety issues, particularly where Snap can address and resolve those issues at
8 minimal time and expense.

9 158. The cost of designing safer social media products and fixing known defects is
10 negligible. In fact, each of the above examples could be addressed in a matter of hours, not days.
11 Snap’s defective and/or inherently dangerous products serve no purpose for consumers, and the
12 benefit of making the necessary changes is high in terms of reducing the quantum of mental and
13 physical injury sustained by minor users and their families.

14 **M. Snapchat is Uniquely Popular Among Drug Dealers, and Snap’s Products and Features**
15 **Encourage, Enable, and Facilitate Homicides via Fentanyl-Laced Prescription Drug**
16 **Sales**

17
18 159. Snap knows that it is designing its Snapchat social media product to be as addictive
19 as possible to its users, and in particular, its minor users. Snap likewise knows that it is designing
20 and distributed specific products and product features that make it particularly popular among
21 minors, as well as adults who intend to exploit, abuse, and otherwise engage in illegal activities at
22 the expense of Snap’s minor users – including Snapchat Dealers.

23 160. On information and belief, Snap appreciated the risks of harm to its young users
24 prior to or shortly after launch of its products and product features and made calculated business
25 decisions to proceed regardless. This is a common practice among its primary competitors in the
26 social media space, and Snap is no exception.

27 161. Snap knew or should have known of the drug-related deaths of minors and young
28 adults that its Snapchat product would cause. But also, Snap has actual knowledge of the drug-

1 related deaths of minors and young adults that its product is causing, and Snap continues to design,
2 manufacture, and distribute Snapchat in manner that causes those harms anyway.

3 162. Snap’s popularity among teens skyrocketed in 2013, coinciding with “significant
4 increases in overdose deaths involving synthetic opioids, particularly those involving illicitly
5 manufactured Fentanyl” among people under 30.⁴⁵ The meteoric rise of Snapchat and the meteoric
6 and unprecedented rise of fentanyl-related drug deaths among America’s youth is no coincidence.
7 The two are related and Snap knows that its product is contributing to and resulting in many of
8 these deaths – including each of the deaths at issue in this complaint.

9 163. According to the Center for Disease Control (CDC), more teenagers and young
10 adults in the United States have died from fentanyl overdoses in the last two years than COVID,
11 car accidents, or even suicide.⁴⁶ And while overall drug use among America’s youth has decreased
12 or stayed the same since the start of the pandemic,⁴⁷ overdose deaths by Fentanyl among this age
13 group have more than doubled during the same period of time.⁴⁸

14 164. “After staying flat for a decade, the overdose death rate among U.S. adolescents
15

16 ⁴⁵ <https://www.cdc.gov/opioids/data/analysis-resources.html>

17 ⁴⁶ <https://www.kxxv.com/cdc-fentanyl-overdoses-now-leading-cause-of-death-for-americans-aged-18-to-45>; see
18 also <https://www.ama-assn.org/system/files/issue-brief-increases-in-opioid-related-overdose.pdf> (a state-by-state
19 reports index, 54-pages, published by the American Medical Association, updated September 7, 2022).

20 ⁴⁷ [https://nida.nih.gov/news-events/news-releases/2021/12/percentage-of-adolescents-reporting-drug-use-decreased-](https://nida.nih.gov/news-events/news-releases/2021/12/percentage-of-adolescents-reporting-drug-use-decreased-significantly-in-2021-as-the-covid-19-pandemic-endured)
21 [significantly-in-2021-as-the-covid-19-pandemic-endured](https://nida.nih.gov/news-events/news-releases/2021/12/percentage-of-adolescents-reporting-drug-use-decreased-significantly-in-2021-as-the-covid-19-pandemic-endured) (reporting “significant decreases” in use by minors of
22 many substances, despite increased feels of boredom and anxiety since the beginning of the pandemic);
23 [https://www.nih.gov/news-events/news-releases/adolescent-marijuana-alcohol-use-held-steady-during-covid-19-](https://www.nih.gov/news-events/news-releases/adolescent-marijuana-alcohol-use-held-steady-during-covid-19-pandemic)
24 [pandemic](https://www.nih.gov/news-events/news-releases/adolescent-marijuana-alcohol-use-held-steady-during-covid-19-pandemic); [https://health.ucsd.edu/news/releases/Pages/2021-08-24-how-adolescents-used-drugs-during-the-covid-](https://health.ucsd.edu/news/releases/Pages/2021-08-24-how-adolescents-used-drugs-during-the-covid-19-pandemic.aspx)
25 [19-pandemic.aspx](https://health.ucsd.edu/news/releases/Pages/2021-08-24-how-adolescents-used-drugs-during-the-covid-19-pandemic.aspx) (finding that the overall rate of drug use among children aged 10-14 remained “relatively stable,”
26 with decreases in alcohol consumption and increases in nicotine and prescription drugs);
27 <https://news.umich.edu/teen-use-of-illicit-drugs-decreased-in-2021-as-the-covid-19-pandemic-continued/> (“Declines
28 in adolescent use of illicit drugs reporting in 2021 were the largest and most sweeping ever recorded in the past 46
years ...”).

⁴⁸ <https://www.nbcnews.com/health/health-news/teen-overdose-deaths-spiked-low-drug-use-rcna23103> (“... nearly
5 out of every 100,000 adolescents ages 14 to 18, or more than 950 teens, died of an overdose in 2020. More than 70
percent of those deaths were from illicit fentanyl and other synthetic drugs. That portion rose to 77% among the
nearly 1,150 teens who died of an overdose from January to June 2021.”); [https://adai.uw.edu/new-report-youth-](https://adai.uw.edu/new-report-youth-fentanyl/)
fentanyl/ (“Fentanyl use and overdose deaths appear to mostly affect these populations, - **young adults**
inexperienced with opioid use – **young adults** with rapid onset opioid use disorder (addiction) – **older adults** with
ongoing opioid use disorder. Among people under 30, fentanyl-involved deaths started climbing in 2016.”);
<https://www.statnews.com/2022/04/12/driven-by-fentanyl-rates-of-fatal-teen-overdoses-doubled-in-2020/>;
[https://www.usnews.com/news/health-news/articles/2022-04-12/teen-overdose-deaths-have-soared-but-drug-use-](https://www.usnews.com/news/health-news/articles/2022-04-12/teen-overdose-deaths-have-soared-but-drug-use-hasnt)
hasnt (“... even though teen drug use fell to such low rates last year during the COVID-19 pandemic, drugs that are
more accessible now to teens are much more powerful and dangerous.”).

1 nearly doubled from 2019 to 2020 ... [and] [t]he reasons do not include a surge of children in this
2 group – ages 14 to 18 – using drugs, researchers said.”⁴⁹

3 165. “The data are stunning ... Historically, deaths involving heroin and prescription
4 opiates were big deals, but the fentanyl trends are even worse. What is profoundly different is the
5 years of life lost among people who overdose at age 20 or 25, in contrast with people who are 45
6 or 50.”⁵⁰

7 166. Worded otherwise, historic trends have shown increases in overdose deaths in the
8 U.S. as at least somewhat tracking increased drug supplies – but those overdose deaths involved
9 adults. Children do not typically run in the same circles as seasoned drug dealers and have no
10 access or means to obtain illicit drugs while living in their parents’ home. Snapchat has
11 singlehandedly changed all of that – it not only found a way to sneak past the parents of millions
12 of teen and young adult Snapchat users, as some of its competing social media products have done,
13 but then created a product that encourages, enables, and facilitates drug dealer access to America’s
14 youth. To be clear, this is not an issue for all of the social media products available to kids. This is
15 a Snapchat issue, and Snap is responsible for a statistically significant percentage of the
16 unprecedented, fentanyl caused deaths among America’s youth.

17 167. This is an epidemic Snap started through its unique and wildly popular social media
18 products and maintained in its effort to stay relevant. On information and belief, if someone were
19 to survey every family who lost a child between the ages of 14 to 18 to fentanyl poisoning in 2020
20 and 2021 and confirmed where the fatal and illegal drug was purchased, the origination of a
21 statistically significant (if not overwhelming) number would trace back to Snapchat, with relatively
22 few attributed to other social media products. Plaintiffs allege that more of these deaths can be
23 attributed to the Snapchat product than the Facebook, Instagram, and TikTok products **combined**.
24

25
26 ⁴⁹ <https://www.statnews.com/2022/04/12/driven-by-fentanyl-rates-of-fatal-teen-overdoses-doubled-in-2020/>;
27 <https://www.nbcnews.com/health/health-news/teen-overdose-deaths-spiked-low-drug-use-rcna23103> (“... nearly 5
28 percent of those deaths were from illicit fentanyl and other synthetic drugs. That portion rose to 77% among the
nearly 1,150 teens who died of an overdose from January to June 2021.”).

⁵⁰ <https://adai.uw.edu/new-report-youth-fentanyl/>

1 168. This case is about America’s children, and Snapchat’s dangerous product design,
2 active encouragement, facilitation, and even knowledge that its product is causing and contributing
3 to the preventable deaths of hundreds if not thousands of children. In the vast majority of these
4 instances, these are not people these children knew in real life or could have found through other
5 social media products. These were Snapchat Dealers who were using the Snapchat product because
6 of the product features Snap provides them – such as disappearing messages, “Quick Add,” Stories,
7 My Eyes Only data vault, location and tracking tools, emojis the dealers could use to disguise their
8 illegal activities, data they could use to find more kids, and several other product features.

9 169. Snap has turned the heretofore cottage industry of drug dealing to kids into a multi-
10 million-dollar franchise – from which Snap itself has profited the most.

11 170. Starting in 2021, New York Times (NYT) published multiple stories announcing
12 that the United States had recorded a record number of drug overdoses during a 12-month period
13 (April 2020 to April 2021), attributing it to “stealthy, steady, and deadly” fentanyl sales. (*Inside*
14 *Fentanyl’s Mounting Death Toll: ‘This is Poison’*, November 20, 2021).

15 171. In the history of the United States there has never been a deadlier year for drug
16 overdoses than the time period during which the majority of these Plaintiffs tragically lost their
17 children to prescription pills lethally laced with fentanyl and sold through Snapchat.

18 172. The federal Drug Enforcement Administration recovered 20.4 million counterfeit
19 pills last year alone, and experts predict that this is a small percentage of the total number created.
20 According to its researchers, four out of every ten tablets they recovered contained deadly
21 quantities of fentanyl.

22 173. In another NYT article, California District Attorney for Placer County Morgan Gire
23 stated, “Social media is almost exclusively the way they get the pills,” and “About 90 percent of
24 the pills that you’re buying from a dealer on social media now are fentanyl.” (*Fentanyl Tainted*
25 *Pills Bought on Social Media Cause Youth Drug Deaths to Soar*, May 19, 2022).

26 174. The same NYT article discussed how in fall of 2021, the D.E.A uncovered 76
27 incidents involving drug traffickers who marketed using emojis and code words on e-commerce
28

platforms and social media applications. And more to the point, the most popular social media product for these illegal drug sales (and resulting deaths) is Snapchat. None of the other social media products come close.

175. Snapchat is the app of choice and the deadliest when it comes to the death of America's children because of its product offerings and designs, its marketing and appeal to America's youth, and Snap's knowledge and consistent failures to warn or even to act when given the choice of protecting its youngest users from known and reported dangers vs. more money, power, and popularity.

N. Dying From Fentanyl

176. Individuals who experience Fentanyl poisoning suffer in their final moments.

177. Fentanyl lowers the rate and depth of breathing.

178. The lungs fill with fluid and cannot oxygenate the blood.

179. A telltale sign of Fentanyl poisoning is the frothy fluid around the nose and mouth.

180. The diaphragm and other muscles in the chest seize up leading to "wooden chest syndrome."⁵¹

181. Illicitly manufactured Fentanyl can kill within minutes by paralyzing the chest wall muscles.⁵² The children who died and are described in this lawsuit likely experienced sheer terror in their final moments as they suffocated to death, which pain and suffering never had to happen.

⁵¹ <https://www.sciencenews.org/article/opioid-crisis-overdose-death>

⁵² <https://www.sciencenews.org/article/fentanyl-death-toll-rising>

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V. PLAINTIFF SPECIFIC ALLEGATIONS

A. Snap Facilitated and Proximately Caused the Fentanyl Homicide of Alexander Neville



182. Alexander Neville died at the age of 14 because of Snap.

183. Alexander was an outgoing boy who loved skateboarding, videogames, and playing with his little sister, E.N. He had a keen interest in World War II and the Civil War, and often shared with his family and friends his dream of becoming a historian when he grew up.

184. Alexander got his first cell phone in the 5th grade. He started attending the YMCA for afterschool care and his parents wanted him to have a way to reach them if needed. They talked about responsible cell phone use with Alexander and told him that it was okay for him to play age-appropriate games. His parents also required Alexander to provide both his device pin and passwords to them for any applications he put on the device, so they could check in on him.

185. Alexander's Mom, Amy, is not certain when Alexander's Snapchat use began. Snap claims to but does not actually require parental consent and provided Alexander with a Snapchat account without his parents' knowledge or consent.

186. What Amy and her husband (Alexander's Dad), Aaron, believed was that Snapchat was a social media product made for kids. Amy and Aaron understood that it was made for 13-year-old kids, and that it was a fun and silly product where you could take goofy photos and share

1 those with friends. They knew that most 13-year-old kids already had a Snapchat account; in fact,
2 the director of the YMCA said that she had opened a Snapchat account so that she could keep tab
3 on her YMCA kids. Snapchat was advertised as and appeared by all accounts to be harmless and
4 age appropriate. Had Snap properly warned about the risks about its product, Amy and Aaron
5 would not have allowed it anywhere near her home and would have done everything in her power
6 to protect her son from it.

7 187. In retrospect, Amy now believes that Alexander began using Snapchat sometime
8 just prior to starting the 8th grade, if not earlier. It was around this time when Amy first observed
9 Alexander's trouble sleeping. She would find him awake in the middle of the night, in his room
10 and on his phone. Throughout 8th grade, Alexander struggled more than usual. He was often tired,
11 and his parents resorted to the threat of turning off wi-fi to get him to sleep.

12 188. In June of 2020, Alexander had just finished eighth grade and was excited for high
13 school. Because of the Corona-virus pandemic, Alexander had been cooped up at home under
14 quarantine restrictions. His parents relaxed their pandemic rules a little so their sociable kid could
15 skateboard outside with his friends.

16 189. Alexander also spent time playing video games in his room, after having convinced
17 his parents that he was mature and responsible enough for the console to live in his room. Since
18 the start of the pandemic things had changed – they all spent a lot more time together during and
19 between meals, so were less worried about him isolating himself to play video games.

20 190. However, when the monitor broke, unbeknownst to his parents Alexander upped
21 his use of Snap, socializing in new ways.

22 191. Alexander began showing more difficulty sleeping, and his anxiety and depression
23 increased.

24 192. One week before Alexander died, his mother asked him what was wrong. She could
25 see that something was off.

26 193. On June 21, 2020, he disclosed to Amy that somebody on Snapchat had sold him
27 an Oxycodone pill which he'd taken. He said that he was curious about it but now, Alex said, he
28

1 was scared because he already wanted more. He admitted to his mom that he needed help.

2 194. Amy called a treatment center on the morning of June 22 and left a voicemail. Later
3 that day, Alexander went out to get a haircut, have lunch, and hang out with his friends. He got
4 home around 9 pm, said hi to his parents and sister, then went up to bed.

5 195. On the morning of June 23, 2020, Amy went to her son's room to wake him up for
6 an orthodontist appointment. She opened the bedroom door and found Alexander's body laying
7 lifeless on his bedroom floor.

8 196. Amy and Aaron administered CPR to their son as they waited for paramedics to
9 arrive, but it was too late. Alexander was pronounced dead at 9:59 a.m. on the morning of June 23,
10 2020. He died in his parents' home, where he should have been safe and where he would have
11 been safe **but for** Snapchat and its unauthorized presence in that home.

12 197. Personnel from San Diego Narcotics Task Force Team 10 arrived at the Neville's
13 home and took possession of Alexander's phone. The Narcotics Task Force later handed
14 information off to the Los Angeles Drug Enforcement Agency.

15 198. Alexander died of Fentanyl poisoning at the age of 14. Amy was made aware that
16 the pill that had been sold to Alexander was 100% Fentanyl, and that he obtained the pill through
17 Snapchat Dealer **Aj Smokxy**.

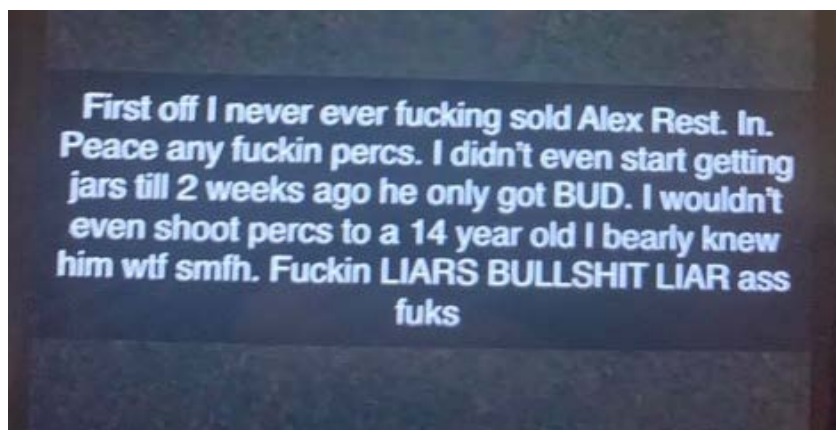
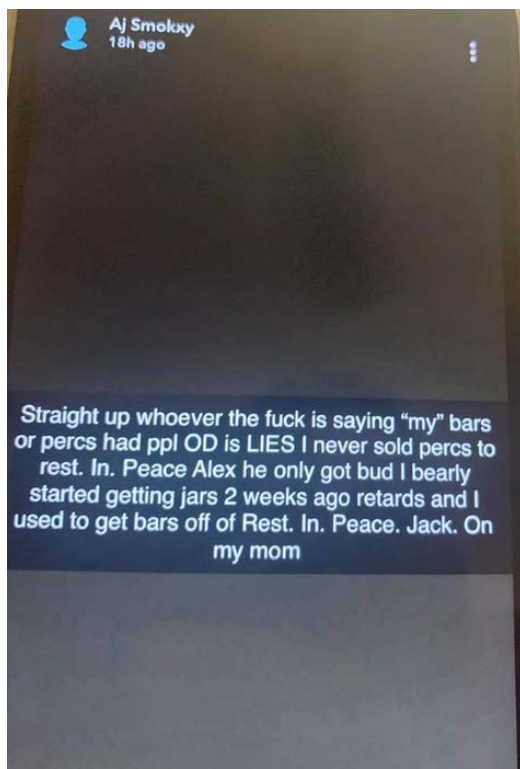
18 199. The authorities subpoenaed Snap for documents, and, on information and belief, it
19 took Snap nine months and multiple subpoenas to finally answer. Once Snap finally responded,
20 the information confirmed that Alexander met with the Snapchat Dealer **Aj Smokxy**.

21 200. Snap's product features, particularly the disappearing messaging features and
22 marketing of those features, convinced and enabled the dealer that he could communicate with
23 Alexander without the risk of the evidence of his crime being preserved for law enforcement.
24 Moreover, Snap connected **Aj Smokxy** to Alexander.

25 201. Even after being served the subpoena, Snap continued to let **Aj Smokxy** sell drugs
26 on Snap. They did not disable or block the Snapchat Dealer who sold Alexander counterfeit
27 Oxycodone, despite knowledge that **Aj Smokxy** was selling deadly Fentanyl pills to minors via
28

1 and because of its Snapchat product.

2 202. In August of 2020 – two months after Alexander’s death – Snap was still facilitating
3 the drug deals for **Aj Smokxy**. **Aj Smokxy** was also publicly denying his role in Alexander’s
4 death *while publicly admitting* that he did deal “jars” and “bud.”



26 203. Snap allowed **AJ Smokxy** to keep marketing his drugs through its platform – and
27 Snap continued to profit from its casual partnership with him.

28 204. Snap’s user profile feature enabled the dealer to advertise that he was selling drugs

1 illegally through Snapchat and what he was selling, helping him to make connections and find new
2 buyers – this information also automatically disappears after a set period of time. On information
3 and belief, these product features are why the dealer chose to deal on Snapchat, rather than finding
4 buyers in person or through word of mouth.

5 205. **AJ Smokxy** had no known connection to Alexander. They did not know each other
6 in real life. The two would never have connected but for Snapchat.

7 206. Snap caused the deaths of at least two more individuals after Alexander because of
8 drugs sold to these users by **AJ Smokxy**. Snap knew **AJ Smokxy** was under investigation for
9 drug-related homicide but continued to let him market and sell his drugs through their product,
10 refusing to delete his account even after they were on notice he was killing kids.

11 207. The extent to which Snap was on notice about deaths caused by this dealer prior to
12 Alexander's death is unknown.

13 208. While Snap was refusing to cooperate with law enforcement, frustrating their
14 attempts to investigate Alexander's deaths, his family watched powerlessly and became further
15 traumatized as **AJ Smokxy** continued to sell and children continued to die.

16 209. Later, they would learn the full extent of the Snap drug dealing network. Ultimately,
17 **AJ Smokxy** would go on to use the Snap drug network to supply counterfeit pills to the Snap
18 dealer, **Arnoldo_8286**, who found and contacted Daniel Elijah Figueroa ("Elijah") via Snap and
19 sold him a counterfeit pill. Elijah died three months after Alexander, in September 2020.

20 210. Snap knew that **AJ Smokxy** was using its Snapchat product to sell drugs to young
21 Snapchat users. Snap knew or should have known that **AJ Smokxy** was using its Snapchat product
22 because of its unique product features like disappearing messages and My Eyes Only. Snap knew
23 that it was benefitting financially from his Snapchat activities and from its refusal to deactivate his
24 account. Snap made the choice to take no action in connection with these illegal activities, and to
25 disregard its promises as per its terms of service. It did not de-activate the Snapchat Dealer account
26 or warn users or their parents of known illegal and potentially lethal harms arising from such use
27 and other Snapchat users were harmed and/or died a result of those decisions.
28

1 211. Snap's failure to act caused severe emotional harm to Alexander's family, the
2 deaths of other Snapchat users, and allowed **Aj Smokxy** to evade arrest and continue selling.

3 212. Amy has dedicated her life to serve in Alexander's memory, to support other
4 families who have lost children and loved ones to Fentanyl poisoning, to prevent more deaths, and
5 to encourage Snap to make its product safer for children. In the capacity she has personally met,
6 spoken with, or read about more than 500 families who lost their children in this manner. Of those
7 more than 500 families, she estimates that over 90% involve children who obtained their lethal
8 drug from a Snapchat Dealer; with the remainder comprised of situations where the minor got the
9 drug from a friend and, even then, those friends likely procured it from a Snapchat Dealer.

10 213. Of those more than 500 families, Amy has never met a family who lost their child
11 because of a different social media product. The only exception is in two cases where Instagram
12 was also used by the dealer to market its product, but even in those cases the most incriminating
13 transactions occurred on Snap because Snap's product is accommodating of such transactions and
14 protects dealers.

15 214. But for Snap's failure to conduct reasonable verification of age, identity, and/or
16 parental consent, failure to warn, and active concealment of the harms its product causes,
17 Alexander would not have been exposed to Snap's inherently dangerous and defective features
18 and designs. He was only 14 years old when he died.

19 215. But for Snap's development and marketing of products like disappearing messages,
20 My Eyes Only, and Snap Maps – which encourage, enable, and facilitate use of the Snapchat
21 product for illegal drug sales – the Snapchat Dealer who sold Alexander fentanyl would not have
22 been selling drugs via Snapchat and would not have sold to Alexander.

23 216. Since Alexander's death, Amy has been unable to return to work. Both Amy and
24 Aaron have suffered severe emotional and physical pain due to the trauma of finding their son's
25 dead body, while Alexander's little sister, E.N., has become extremely temperamental and
26 has developed social anxiety in the aftermath of her brother's death.

27 217. Amy and Aaron also worry that Snap will distribute its inherently defective and
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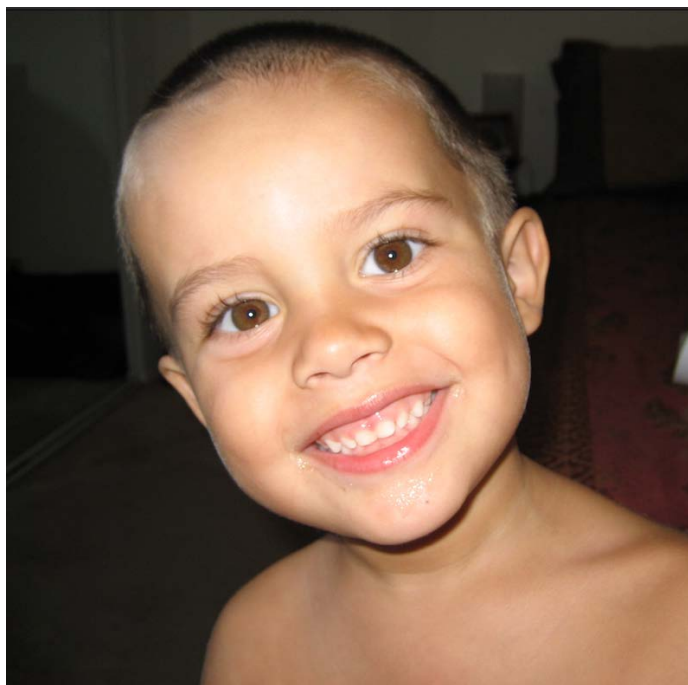
1 dangerous social media product to their youngest child, E.N., who is currently only 14 years old.
2 Snap knows that underage users are on its platform and has deliberately designed its product in a
3 manner intended to evade parental authority and consent, including but not limited to Snap's
4 failure to verify age and identity, provision of multiple accounts, failure to provide a point of
5 contact for parents to notify Snap of lack of consent, marketing aimed at children and that
6 encourages children to use Snap's social media product without consent, and multiple other
7 features and conduct by Snap which ensures that young users have a means to access Snap's social
8 media products no matter the circumstances. Amy and Aaron cannot watch E.N. every moment of
9 every day but are painfully aware of the incredible harm these social media products cause and
10 live in constant fear that Snap will cause the same harms to their other child.



218. Alexander is survived by his mother Amy, father Aaron, and 14-year-old sister E.N.

219. Alexander Neville died because of decisions Snapchat made about the marketing, design, and distribution of its multi-billion-dollar Snapchat product, its own economic interests, and non-disclosure of information every user and parent had a right to know.

1 **B. Snap Facilitated and Proximately Caused the Fentanyl Homicide of Daniel Puerta**



13 220. Daniel Puerta died at the age of 16 because of Snap.

14 221. Daniel was a sensitive and intelligent boy who loved sports and hanging out with
15 friends. People described Daniel as an old soul. He had a big group of friends – both male and
16 female – many of whom would go to Daniel to ask for advice and seek comfort in difficult times.
17

18 222. When Daniel was young, his cousin graduated from Penn State and became a
19 systems engineer. He taught Daniel coding and said that he couldn't believe how quickly Daniel
20 picked up on it. He was a natural and decided that this is what he wanted to do when he grew up.
21

22 223. Daniel got his first cell phone when he was 11 or 12, with the move from elementary
23 to middle school. He was an excellent student at the time, but then things began to change.
24

25 224. On information and belief, Daniel opened his first Snapchat account shortly after
26 getting his phone. His parents cannot be certain because, despite Snap's claimed age restrictions,
27 Snap never asked them for their consent. Daniel opened his first Snapchat account without their
28 knowledge or consent, and it is possible that he opened more than one Snapchat account, which is
information known only to Snap.

225. Daniel's secret use of and developing addiction to Snapchat coincided with a steady

1 decline in his mental health.

2 226. In elementary school, Daniel came home from school, did his homework, and was
3 in bed by 9 pm. In contrast, once in junior high, he was lethargic and tired during the day and said
4 that he couldn't sleep. He was accessing Snap's social media product at all hours of the day, and
5 Snap was sending him push notifications to encourage the same. For every minute Daniel spent on
6 Snap's product in the middle of the night and during school hours, Snap earned more money.

7 227. As a consequence, Daniel became sleep deprived, anxious, and depressed, and
8 suffered other mental and physical harms as a result.

9 228. Snap never notified Daniel's parents of his problematic and unauthorized use.
10 Instead, it programmed its products to send Daniel more push notifications and continuously re-
11 designed its product to be more addictive to minors, like Daniel.

12 229. By junior high, Daniel had to attend summer school to make up for his struggling
13 grades during the school year – an issue he never had until after he began using Snapchat.

14 230. In high school, Daniel became interested in football and his mental health seemed
15 to improve. He spent less time using Snapchat and more time playing sports, and his grades began
16 improving. But when football season ended, Daniel fell back into use of Snapchat and not sleeping
17 so that he could continue using Snapchat.

18 231. By mid-March, the Coronavirus pandemic had set in, and California was under
19 strict quarantine. On the evening of March 30, 2020, a Monday night, Daniel went into his father's
20 home office to let him know that he was leaving to take his German Shephard mix, Birdy, for a
21 walk. He returned home 15 minutes later, put Birdy's leash away, and went upstairs to his room.
22 After a few minutes, Daniel came back downstairs to show his dad a CD from his third birthday
23 party that he found. They looked at the CD together and laughed. At around 11:30 p.m., Daniel
24 hugged his father, said goodnight, and headed upstairs to bed.

25 232. Daniel was taking alternative learning and even though he was only required to
26 attend classes two times each week, he chose to attend every day. Partly, Daniel needed to make
27 up for how behind he'd gotten during the period of time coinciding with his increased dependence
28

1 on Snapchat.

2 233. On the morning of Tuesday, March 31, however, he was not up at his usual time.
3 His father Jaime went to Daniel's room to wake him up, opened the bedroom door, and found his
4 son unconscious and non-responsive. Daniel's eyes were half-shut and his skin was blue. Jaime
5 rushed over and shook his son, causing black bile to spill out of Daniel's mouth.

6 234. Upon information and belief, Jaime called 9-1-1. An ambulance rushed Daniel to
7 Henry Mayo hospital.

8 235. Upon information and belief, the doctors told Jaime that that Daniel had zero brain
9 function and put him on a ventilator to maintain his breathing and heart rate. For six days and
10 nights, Daniel's family sat vigil.

11 236. On April 6, 2020, the family was faced with the excruciatingly painful task of
12 telling doctors to take Daniel off life support. His mother climbed into the hospital bed to embrace
13 him, and his father held his hand. Daniel took his last breath at 5:08 p.m. on April 6, 2020.

14 237. The half a pill recovered from Daniel's bedroom had been taken into evidence,
15 tested, and proved to be 100% Fentanyl. Per the toxicology reports, the other half of the pill – the
16 half Daniel swallowed – caused his complete loss of brain function.

17 238. Daniel died of Fentanyl poisoning.

18 239. The investigation of Daniel's death determined that Daniel met a drug dealer
19 through Snapchat the evening of March 29.

20 240. Snap's disappearing messaging features and marketing of those features convinced
21 and enabled the dealer that he could communicate with Daniel without the risk of the evidence of
22 his crime being preserved for law enforcement.

23 241. Snap's user profile feature enabled the dealer to advertise that he was selling drugs
24 illegally through Snapchat and what he was selling, helping him to make connections and find new
25 buyers – this information also automatically disappears after a set period of time. On information
26 and belief, these product features are why the dealer chose to deal on Snapchat, rather than finding
27 buyers in person or through word of mouth.
28

1 242. The dealer has no known connection to Daniel, and they did not know each other
2 in real life. But for Snap, the two would never have connected.

3 243. Snap's location and mapping features enabled the dealer to identify Daniel as
4 somebody local he could sell to and, in fact, on information and belief, the Snapchat Dealer used
5 that location feature to meet Daniel while he was out walking the family dog and in order to drop
6 off what Daniel believed to be a non-lethal, prescription medication.

7 244. The seller and Snapchat induced Daniel to believe he was buying an Oxycodone.
8 The pill was blue and stamped with an M30, to resemble a standard Oxycodone and Daniel trusted
9 the Snapchat product. It was not an Oxycodone pill, however, but deadly fentanyl.

10 245. But for Snap's failure to conduct reasonable verification of age, identity, and/or
11 parental consent, Daniel would not have been exposed to Snap's inherently dangerous and
12 defective features and designs.

13 246. But for Snap's designed addiction and dependency, Daniel would not have
14 experienced the sleep deprivation, anxiety, and depression that comes from the sheer volume of
15 harmful content and addictive features Snap purposefully directs to and/or exposes minor users
16 and directed to and exposed Daniel.

17 247. But for Snap's development and marketing of products like disappearing messages,
18 My Eyes Only, and Snap Maps – which encourage, enable, and facilitate use of the Snapchat
19 product for illegal drug sales – the Snapchat Dealer who sold Daniel fentanyl would not have been
20 selling drugs via Snapchat, would never have connected with Daniel, and would not have sold to
21 Daniel on the evening of March 29, 2020.

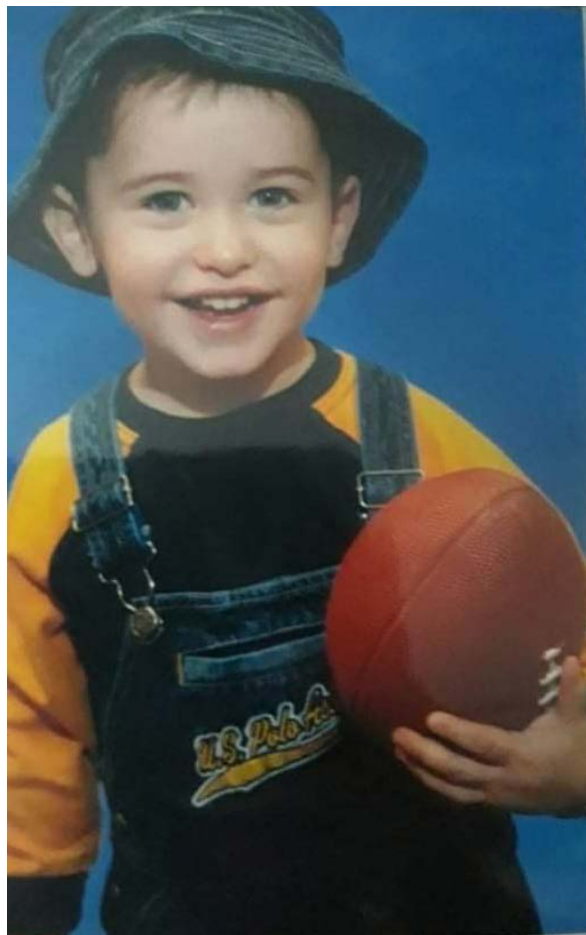
22 248. Jaime has devoted his time to support grieving families whose children experienced
23 untimely deaths because of Fentanyl-laced pills. Jaime has spoken with hundreds of families who,
24 like him, lost a child to Fentanyl poisoning. He estimates that Snapchat was responsible for at least
25 90% of those deaths. The only exception he knows of is the rare situation where Instagram was
26 also used by a dealer to market product, but even in those cases the riskiest transactions occurred
27 on Snap because Snap's product is accommodating of such transaction and protects dealers.
28



249. Daniel is survived by his father, Jaime, mother Denice, stepmother Claudia.

250. Daniel Puerta died because of decisions Snapchat made about the marketing, design, and distribution of its multi-billion-dollar Snapchat product, its own economic interests, and non-disclosure of information every user and parent had a right to know.

1 **C. Snap Facilitated and Proximately Caused the Fentanyl Homicide of Jeffrey Steven**
2 **Johnston, Jr. (“Jeff”)**



18
19 251. Jeff Johnston, Jr. died at the age of 17 because of Snap.

20 252. Jeff was a funny and brilliant child. He was described by teachers as one of the
21 greatest thinkers they’d ever taught, was an honor roll student, a self-taught auto mechanic, and a
22 star athlete who excelled in football, baseball, basketball, and boxing. Jeff could solve a Rubik’s
23 Cube in 23 seconds and was constantly finding ways to solve it quicker.

24 253. Jeff got his first cell phone when he was 11 or 12 because his father wanted to be
25 able to reach him.

26 254. Jeff opened his first Snapchat account shortly thereafter, without his parents’
27 knowledge or consent. Jeff’s mother, Mariam, discovered that he had a Snapchat account when he
28 was 13, though has no way to determine how long he had the account or whether he had more than

one account, due to the design of the Snapchat product.

255. Mariam was vigilant about her child's social media activity. She actively checked up on her son's social media activity, searching through his phone to make sure everything was okay. She did not want him to get in trouble and wanted to make sure that he was not being bullied or bullying anyone. At the time, she understood that *this* was the danger posted by social media products – the potential for bullying.

256. She couldn't do that with Snapchat, however, because of its disappearing messages. Whenever she tried to check in on her 13-year-old son, the messages already were gone. The most Mariam could see was who he had been communicating with, but not the actual communications.

257. Jeff became locked-in to Snap's social media product to the point where he would stay up late or wake up after his mom went to bed so he could use Snapchat. When his mother realized that he wasn't sleeping, she tried taking the phone away, but was unable to do so. Jeff was close with his mother and never gave her reason for concern, until after his Snapchat use began. The more dependent Jeff became on Snapchat, the less he was willing to part with his device. Jeff was normally calm and even-tempered, but that changed with Snapchat. The few times Mariam was able to get the device, Jeff would go looking for it – and not quietly. He was desperate and would do anything to get it back to the point where eventually he just started telling Mariam "No" and she had no way to physically take it from him.

258. Jeff's use of and developing addiction to Snapchat coincided with a steady decline in his mental health, and Mariam's loss of her right and ability to protect her child.

259. Mariam tried installing a parental protection application on the phone, and Jeff removed it. She also tried shutting off the wi-fi at night, but that created issues with Jeff needing access for homework; plus turning wi-fi off at night did not stop him from accessing Snapchat every other time of day. Ultimately, there was nothing Mariam could do to stop her son from using Snapchat nor to stop Snap from distributing its defective and inherently harmful social media product to her son, despite lack of parental consent.

260. In his sophomore year of high school, Jeff got in trouble for something he posted

1 to Snapchat. Mariam immediately made him delete his account, however, Snap designs its product
2 to evade parental control. Even taking these steps, Mariam could not stop Jeff from opening
3 another account or Snap from distributing its product to and profiting off Jeff – which is precisely
4 what happened. Jeff opened a new Snap account, without his mother’s knowledge or consent.

5 261. By the summer of 2021, Jeff had been working at an auto shop for years – since he
6 was 15. He was a professional car customizer and an expert at installing auto sound systems,
7 breathalyzers, and window tints. He wanted to continue that work after high school, while his mom
8 wanted him to go to college. Fortunately, they came to a compromise that worked for everyone:
9 Jeff wanted to master his craft and then go to college, with the goal of someday opening and
10 owning his own shop. There was no question in anyone’s mind that Jeff would accomplish those
11 goals as he was a natural at everything he tried.

12 262. On June 28, 2021, Jeff hung out with his small group of friends, as he often did. He
13 got home at a decent time, made himself a bowl of fried rice, told his mom “goodnight,” and
14 headed upstairs for bed. Mariam went to bed herself at around 11 p.m. and she slept soundly
15 knowing that her boy was home and safe.

16 263. Jeff was scheduled to work the morning of June 29. His grandmother Rosine was
17 his ride to work, so she headed to his room to tell him that she was ready. She called his name, but
18 Jeff didn’t answer. Rosine opened his bedroom door and found her grandson’s lifeless body lying
19 on his bed.

20 264. Rosine yelled for Mariam, who came running. Mariam pulled her son’s body off
21 the bed and onto the floor and started performing CPR while Rosine called 9-1-1. Mariam knew
22 not only from the temperature of his skin and his rigidity, but also by the foam at Jeff’s mouth that
23 her son was dead. It was extremely traumatizing to see her son that way but kept trying to
24 resuscitate him regardless and until the police arrived a few minutes later. They told her that he
25 was gone, but it was still too difficult to believe.

26 265. At the scene, police were able to deduce that Jeff died of fentanyl poisoning.

27 266. They recovered blue powder from a bowl in his room, took it into evidence and
28

1 tested it. It proved to be 100% pure Fentanyl.

2 267. Police subpoenaed Snap and eventually received what data remained of a
3 conversation Jeff had with Snapchat Dealer “**Sal**” approximately two weeks prior to his death.
4 What the police learned from that data is that Jeff attempted to purchase Percocet from a Snapchat
5 Dealer named **Sal**, who delivered the pills to Jeff’s place of work. Jeff and **Sal** (aka **Pimpzilla12**,
6 **SalMoneyBags**, **Sal65019**) did not know each other in real life – their only connection was
7 Snapchat.

8 268. Snap’s disappearing messaging features and marketing of those features convinced
9 the Snapchat Dealer that he could communicate with Jeff without the risk of the evidence of his
10 crime being preserved for law enforcement and enabled him to do just that.

11 269. Snap’s user profile feature enabled the Snapchat Dealer to advertise that he was
12 selling drugs illegally through Snap and what he was selling, helping him to make connections and
13 find new buyers – this information also automatically disappears after a set period of time. On
14 information and belief, these product features are why the dealer chose to deal on Snapchat, rather
15 than finding buyers in person or through word of mouth.

16 270. The dealer met Jeff because of the Snapchat product, which is how they connected
17 and communicated, and he would never have found Jeff otherwise.

18 271. Snap’s mapping feature enabled the dealer to identify Jeff as somebody local to
19 whom he could sell and helped him verify that he was who he claimed to be and, on information
20 and belief, the Snapchat Dealer used either Snap’s location features or message features to find
21 Jeff at his place of work so that he could deliver drugs.

22 272. The police subpoenaed Snapchat in or around August of 2021 for records relating
23 to Jeff and this Snapchat Dealer, and yet, Snap failed to stop him from selling drugs on its social
24 media product for months thereafter. On information and belief, other children were harmed and/or
25 died as a result of Snap’s failure to act despite actual knowledge that its product was facilitating
26 illegal drug sales to minors and young adults.

27 273. Mariam estimates that more than 75% of the families she had met or spoken with
28

1 who have lost children to Fentanyl poisoning involve situations where the purchase of the Fentanyl
2 can be traced back to Snapchat. The other situations are ones where families simply do not know
3 where their child got the Fentanyl (which likely was Snapchat since Snap provides access to its
4 product without parental knowledge or consent and then destroys the evidence of those drug deals),
5 and two instances where the purchase involved or also involved Instagram. To the best of her
6 knowledge, Mariam has never met a family who reports having lost their child or loved one to a
7 drug dealer who sold via any other app, excepting only the instances described above.

8 274. But for Snap's failure to conduct reasonable verification of age, identity, and/or
9 parental consent, Jeff would not have been exposed to Snap's inherently dangerous and defective
10 features and designs. Jeff was still a minor when he died, and his mother never consented to his
11 use or to Snap's distribution to him of the Snapchat product.

12 275. But for Snap's designed addiction and dependency, Jeff would not have
13 experienced the sleep deprivation, anxiety, and depression that comes from the sheer volume of
14 harmful content and addictive features Snap purposefully directs to and/or exposes minor users
15 and directed to and exposed Jeff.

16 276. But for Snap's development and marketing of products like disappearing messages,
17 My Eyes Only, and Snap Maps – which encourage, enable, and facilitate use of the Snapchat
18 product for illegal drug sales – the Snapchat Dealer who sold Jeff pills would not have been selling
19 drugs via Snapchat and would not have sold to Jeff in June of 2021.

20 277. Law enforcement continues to investigate the circumstances surrounding Jeff's
21 death, slowed at least in part by Snap's social media product and how Snap has chosen to distribute
22 and operate that product. The evidence of what happened is missing and incomplete because of
23 Snap's ephemeral messaging features and failure to program their systems in a reasonable manner.
24 Jeff's parents did not consent to his use of Snapchat, but also, did not know and had no way of
25 knowing just how deadly a product Snapchat is. Jeff was only 17 when he died.
26
27
28



278. Jeff is survived by his mother Mariam, grandmother Rosine, and biological father Jeffrey, as well as two half-siblings.

279. Jeff Johnston, Jr. died because of decisions Snapchat made about the marketing, design, and distribution of its multi-billion-dollar Snapchat product, its own economic interests, and non-disclosure of information every user and parent had a right to know.

1 **D. Snap Facilitated and Proximately Caused the Fentanyl Homicide of Dylan Kai Sarantos**



14
15 280. Dylan Kai Sarantos died at the age of 18 because of Snap.

16 281. Dylan was an artistic and creative boy. He loved to make music and create art of
17 all kinds. His favorite pastime was designing printed T-shirts and sweatshirts. He was a sensitive
18 soul and a romantic.

19 282. Dylan got his first cell phone when he was nine. His parents had separated and
20 wanted him to be able to speak with both of them directly. The device did not provide Dylan with
21 access to social media. He did not have access to an iTunes password, and his mother had to
22 download any apps on the phone. She monitored those downloads carefully. His mother, Cindy,
23 also required that he provide her with his password, which was a condition to him having a phone
24 at all. And she told him that he could not have a Snapchat account.

25 283. On information and belief, Dylan opened his first Snapchat account when he was
26 only 13 years old. He did so without Cindy's knowledge or consent.

27 284. Dylan's secret use of and developing addiction to Snapchat coincided with a steady
28 decline in his mental health.

1 285. Dylan became locked-in to Snap’s social media product, causing him to lose sleep.
2 He began staying up late to access Snapchat. As a consequence, Dylan became sleep deprived,
3 anxious, angry, and depressed.

4 286. When Cindy did discover the Snapchat account – which took a couple years, when
5 Dylan was around 16 – she did not realize and had no way to know how harmful of a product it
6 was. She knew that it was marketed to kids, and it also looked like it was made for kids – with
7 bright colors, cartoons, and silly photo filters.

8 287. Cindy made Dylan share his password, so she could occasionally go through his
9 phone and check in on his Snapchat account. The messages she found seemed harmless and
10 whenever she had a concern about someone he was communicating with via Snapchat, which she
11 understood to be only friends of his in real life, she would tell him to stop hanging out with that
12 friend – but it didn’t happen often. What Cindy could not do because of Snap’s product design was
13 see the disappearing content Dylan did not specifically save and know what content and which
14 other users Snap was directing to him in order to keep him engaged with its product.

15 288. Dylan was also invested in keeping his streaks, which Snap feature is particularly
16 addictive to minor users and was addictive to Dylan.

17 289. Dylan began getting into trouble, which was incredibly uncharacteristic of him. At
18 some point, Snapchat connected, likely through Snapchat’s Quick Add user recommendation
19 feature, Dylan with dealer(s) who sold him Xanax.

20 290. Upon realizing that Dylan had purchased Xanax, Cindy sought in-patient treatment
21 for Dylan. During the six months of treatment, Dylan did not have access to Snapchat.

22 291. Throughout his junior and the first part of his senior year of high school, Dylan
23 worked part-time at Chipotle in hopes of buying his first car. He had a strong work ethic and was
24 well liked by all of his co-workers and managers.

25 292. When COVID-19 started Dylan was in the middle of his senior year and had to
26 spend his second semester taking senior year classes remotely and from home. Dylan was sad to
27 miss his senior year with friends, but his mother was able to take time off from her job as a nurse
28

1 to stay home with him and help cheer him up and keep him on track at school.

2 293. Dylan expressed himself through art and would create his own clothing line designs
3 and started selling them. His art and design endeavors helped him stay busy after COVID started.
4 Dylan named his trademarked clothing line, No Care Cult.



COMPLAINT

1 294. On May 8, 2020, Cindy drove her partner, Julian, to get tested for COVID-19 and
2 ran some additional errands. When the two returned home, Cindy did some paperwork in her room
3 and Julian made himself a meal to take to work. Cindy was making bacon for dinner when she felt
4 as though something was off. Dylan regularly spent time in his room with his art but would always
5 come running when he smelled her cooking dinner. On May 8 he did not, and the house was
6 uncharacteristically quiet.

7 295. Cindy called for Dylan from the kitchen, but he did not respond. She walked to his
8 room knocked on his door, but still no response. She opened his door and saw headphones on
9 Dylan's head, so assumed he was awake and just couldn't hear her. Then she looked at the foot
10 of the bed and noticed that Dylan's toes were a deep shade of blue.

11 296. Cindy ran to her son and tried to wake him while screaming his name. She felt his
12 cold skin and rigid body immediately, saw that his face was pale, and that foam was coming out
13 of his mouth. Cindy checked for a pulse even though, as a nurse, she knew it was in vain. Cindy
14 could not even attempt to perform CPR on her son as it was too late.

15 297. Cindy called the police immediately, but later regretted making that call so quickly
16 as she never got to spend a quiet moment with her beloved son to say goodbye. The police arrived
17 quickly and were dressed in full hazmat suits because of the pandemic. Cindy began
18 hyperventilating and was made to leave her son's room, and told she had to wait for the coroner,
19 who took about 1 hour and 45 minutes to arrive on the scene.

20 298. Cindy later found four pills in Dylan's jacket pocket, pressed to appear as though
21 they were the recreational drug MDMA, and she found a Venmo transaction on Dylan's phone for
22 \$100. Cindy also found Snapchat content with Snapchat Dealer **gofauni**, who was openly
23 advertising and bragging about all of the money he was making from dealing drugs on Snapchat.

24 299. Dylan died of Fentanyl poisoning from one pill

25 300. Snap's user profile feature enabled the dealer to advertise that he was selling drugs
26 illegally through Snap and what he was selling, helping him to make connections and find new
27 buyers.
28

1 301. Snapchat Dealer **gofauni** had no known connection to Dylan outside of Snapchat,
2 and but for Snapchat, the two never would have connected.

3 302. On information and belief, Snap’s mapping feature enabled the dealer to identify
4 Dylan as somebody local to whom he could sell.

5 303. But for Snap’s development and marketing of products like disappearing messages,
6 My Eyes Only, and Snap Maps – which encourage, enable, and facilitate use of the Snapchat
7 product for illegal drug sales – the Snapchat Dealer who sold Dylan fentanyl disguised as ecstasy
8 would not have chosen Snapchat to sell drugs.

9 304. After Dylan’s death Snapchat continued to let **gofauni** market and sell his wares on
10 Snapchat. Two days later **gofauni** found and contacted another young man through and because
11 of the Snapchat product, sold him counterfeit Xanax, and that 19-year-old died.

12 305. After Dylan’s death, Cindy found herself on the frontline of other Fentanyl-related
13 deaths from Snapchat. In February of 2021, two of Dylan’s childhood friends died from Snapchat
14 purchases nine days apart. One was 17 and one was 18.

15 306. Cindy has met with hundreds of families whose children died from Fentanyl laced
16 poisonings. Cindy estimates that of all the families who have lost children and loved ones from
17 Fentanyl poisoning and where she met those families in person (hundreds of families), 80% or
18 more of those were caused by Snapchat, with most of the other cases being instances where the
19 family simply does not know the source of the fentanyl (likely Snapchat too).

20 307. But for Snap’s failure to conduct reasonable verification of age, identity, and/or
21 parental consent, Dylan would not have been exposed to Snap’s inherently dangerous and
22 defective features and designs when he was still a minor.

23 308. But for Snap’s designed addiction and dependency, Dylan would not have
24 experienced the sleep deprivation, anxiety, and depression, and self-harm that comes from the
25 sheer volume of harmful content and addictive features Snap purposefully directs to and/or exposes
26 minor users and directed to and exposed Dylan.

27 309. But for Snap’s development and marketing of products like disappearing messages,
28

1 My Eyes Only, and Snap Maps – which encourage, enable, and facilitate use of the Snapchat
2 product for illegal drug sales – the Snapchat Dealer who sold Dylan would not have been selling
3 drugs via Snapchat and would not have sold to Dylan in May of 2020.

4 310. Dylan died of Fentanyl poisoning one month after his 18th birthday and weeks
5 before his high school graduation.



17 311. Dylan is survived by his mother Cindy, brother Christian, biological father Mike,
18 and his mother's partner, Julian.

20 312. Dylan Kai Sarantos died because of decisions Snapchat made about the marketing,
21 design, and distribution of its multi-billion-dollar Snapchat product, its own economic interests,
22 and non-disclosure of information every user and parent had a right to know.

E. Snap Facilitated and Proximately Caused the Fentanyl Homicide of Devin Norring



313. Devin Norring died at the age of 19 because of Snap.

314. Devin was a shy, down-to-earth young man, who always had a spare moment to help those in need. He loved making music, hanging out with friends, and playing sports.

315. Devin got his first cell phone when he was around 11 years old. His family had just moved to a new town, and his parents wanted to be able to maintain contact and keep track of him.

316. Devin opened a Snapchat account shortly after getting his new phone, but his parents were not overly concerned. The Snapchat product was relatively new at the time and was being marketed and distributed to kids. Devin's parents thought that it would be a relatively safe and fun way to stay in touch with family. They understood that Devin would be using Snapchat to send silly photos with family, and also made him provide them with his password so that they could monitor his activity – which they did, to the best of their ability. They believe that Devin only had one Snapchat account and that he was using the Snapchat product to send silly photos to family but cannot be certain because of how Snap designs its product.

317. In 2019, Devin graduated from Hastings High School. He wasn't sure what he wanted to do right after high school, so got a full-time job at an auto parts supply company in Eagan, Minnesota. He began saving more money, spending more time with his brother, and got

1 into a regular routine – waking up every day at 7:00 a.m. and getting home at 6:30 p.m.

2 318. He enjoyed his work, but then also figured out what he wanted to do with his life.
3 Devin told his parents that he planned to move to California. He intended to go back to school to
4 pursue his music and learn about production. He planned a summer trip to California with friends,
5 so that he could check it out before making a final decision.

6 319. Around October of 2019, Devin started getting migraines. The migraines were bad
7 enough that he made the decision to stop driving until he could get them under control. He did not
8 want to risk causing an accident and hurting others if he had a migraine while behind the wheel.
9 He began carpooling to work with his dad.

10 320. In early 2020 Devin was also battling considerable discomfort from a tooth. At
11 night he ground his teeth and cracked a molar as a result.

12 321. Devin resolved to get his teeth and migraines under control. He scheduled
13 appointments on April 2, 2020 to fix his teeth and April 3, 2020 for an MRI in the hopes of finding
14 out what was causing his terrible headaches.

15 322. Unfortunately, the Coronavirus pandemic had begun and both doctors' offices
16 cancelled.

17 323. Saturday morning, April 4, 2020, began like any other. The Norring family was
18 spring cleaning their home and Devin was sleeping in. Bridgette asked her son Caden to wake up
19 his brother Devin so that Devin didn't miss the whole day.

20 324. When Caden got to Devin's room the door was locked, which was unusual and
21 caused him concern. Devin didn't open the door when Caden knocked so Caden picked the lock
22 and opened it himself, only to find his brother's unmoving body inside. Devin's skin was blue and
23 there was foam on his lips. Caden immediately called for his parents, who called 9-1-1, but Devin
24 was already dead.

25 325. Devin died of fentanyl poisoning.

26 326. The investigation into Devin's death resulted in his parents learning that Snapchat
27 had matched Devin and his friend, Jacob, with a Snapchat Dealer **CookieRocc** and the boys
28

1 purchased what they believed to be, and what **CookieRocc** was advertising on Snapchat as,
2 Percocet. But instead, the Snapchat Dealer gave them 100% pure fentanyl pills. On information
3 and belief, **CookieRocc** knew that the pills were counterfeit and dangerous, but continued to sell
4 on Snapchat anyway, believing that Snap would delete all of his incriminating communications.



23 327. The detective assigned to Devin's case told his parents that Snapchat was
24 subpoenaed and provided authorities with records evidencing the Snapchat communications
25 between Devin and Snapchat Dealer **CookieRocc**.

26 328. In April 2021, Bridgette Norring met with Snap Inc.'s Vice President of Global
27 Public Policy, Jennifer Stout, to talk about her son's death and the drug problem Snapchat is
28

1 causing. During that meeting, Snap told Bridgette that people can report drug dealers to Snap, and
2 that Snap would act, through an in-app reporting feature.

3 329. The Norrings had no prior knowledge of that feature. It was not disclosed or
4 explained to them by Snap at any time prior to Devin's death. Moreover, any parent wanting to
5 use that feature would need a Snapchat account and it is unknown whether Snap's feature is staffed,
6 its response rate, and/or effectiveness – all of which will require discovery in this lawsuit. Ms.
7 Stout also told Bridgett that she would send Bridgette her personal email address so that Bridgette
8 could report suspected drug dealers to her directly, but that information was never provided.

9 330. Based on Snap's representations, Bridgette Norring began reporting known
10 Snapchat Dealers to Snap through the product feature Snap told her to use. She reported ten
11 different dealers, but never heard back from Snap. She not only failed to hear back from Snap but
12 proceeded to check on the reported dealers – individuals blatantly marketing their drug menus on
13 Snap – and Snap removed none of their accounts. The Snapchat Dealers continued to sell drugs
14 via and because of the Snapchat product for weeks, months, now years, despite Snap's actual
15 knowledge of the harms they are causing.



331. More recently, Bridgette found a Snapchat Dealer selling drugs in her own neighborhood – which she was able to determine because of Snap’s product features. The Snapchat Dealer, **Ace**, is advertising his Snapchat drug dealing business with the phrase “Beating all tickets/prices go hit the tell n get tapped in” and a link to his drug and paraphernalia shop, called Aceos on Telegram, a secured and encrypted messaging app, where he communicates with interested buyers, through which kids can buy an assortment of advertised drugs and other contraband. Bridgette reported the dealer to Snap, as Snap told her to do. On October 5, 2022, she received a response from Team Snapchat, thanking her for “reporting something in the app. It helps us protect the Snapchat community.” Then “We wanted to let you know that we looked into your report, and have found that it does not violate our Community Guidelines.”





Thanks for reporting something in the app. It helps us protect the Snapchat community.

We wanted to let you know that we looked into your report, and have found that it does not violate our [Community Guidelines](#).

Thanks for your report,
Team Snapchat

332. Snap provides its social media product to tens of millions of children in the U.S. alone, yet does not have a customer service number or any mechanism whatsoever for non-Snap users to report unauthorized use, criminal misconduct, or harms to children occurring because of its app. On top of these deliberate defects, Snap's alleged in-app mechanism for reporting dangerous users and drug dealers is broken at best and intentionally defective at worst. Snap ignores reports of drug dealers, and children are dying as a direct and proximate result.

333. Bridgette Norring has spoken with and/or met hundreds of families whose children have died from Fentanyl poisoning and counterfeit pills. Bridgette estimates that **almost all** (99%) of those stories involve the purchase of drugs through the Snapchat social media product. In a few instances, the dealer used Snapchat and Instagram together, with the most incriminating messages taking place on Snapchat. She also recalls one instance where the dealer sold through Facebook.



334. Devin is survived by his mother Bridgette, father Thomas, brother Caden, and sister Hayley.

335. Devin Norring died because of decisions Snapchat made about the marketing, design, and distribution of its multi-billion-dollar Snapchat product, its own economic interests, and non-disclosure of information every user and parent had a right to know.

F. Snap Facilitated and Proximately Caused the Fentanyl Homicide of Jack McCarthy



336. Jack McCarthy died at the age of 19 because of Snap.

337. Jack was a smart and outgoing child. He was close with his family and had a close circle of friends, who he was always there for when they needed a shoulder. He believed in hope and second chances, and always strived to figure out when something was wrong so that he could work to fix it. Jack enjoyed sports, especially wrestling, which he got into in high school, mixed martial arts, and UFC fighting. He and his father spent hours watching UFC fighting and Jack's friends come over twice a month to this day to watch UFC with his dad, James.

338. Jack also loved music. He loved writing it and playing it and would often spend hours playing the guitar and working on songs. His dream was to go to college. He wanted to either major in political science to become a politician or study at Julliard to become an actor. Jack's aspirations of becoming a politician fell by the wayside his senior year of high school and freshman year of college. Although Jack was still undecided on his major going into his sophomore of college, he expressed significant interest in entrepreneurship much like his uncles. Either way, his goal was to have a family and pursue a career where he could make a positive difference in the world. As Jack wrote in his 6th grade Letter to Future Self assignment,

1 I've been married for several years. My wife and I met on a movie set in
2 London. We currently reside in a home in Los Angeles. My wife, Emma,
3 and I have three children. My son, Liam, is eight years old. My son,
4 Jamie, is six and my daughter, Alexandra is three years old.

5 I've been so fortunate to be so successful as an actor that I've been able
6 to donate to my time and money to several charities that that need my
7 star power.

8 339. Jack got his first phone around 6th grade when he was twelve. After the move to
9 middle school and since Jack would be riding the bus home, his parents wanted to be able to reach
10 him. They explained the importance of responsibility, and safety around strangers online. His
11 parents now believe that he secretly got a Snapchat account soon after.

12 340. His sister, Samantha, was three years older and was allowed to open a Snapchat
13 account when she was 15 or 16. At the time, their parents, Kathleen and James, understood that
14 Snapchat was a kids' app used for making silly faces and sending photos of silly faces to friends.
15 When Kathleen would ask her daughter, she would say "Mom, it's Snapchat. I am just snapping
16 friends." Kathleen saw the silly photos, made sillier because of the goofy filters Snap provided and
17 advertised to minors, and believed that Snapchat was what Snap said it was – a goofy and silly
18 product marketed to and made for kids, what allowed them to send silly photos that would
19 disappear after a few seconds, and nothing more. Kathleen did not know that minors could use
20 Snap to talk with strangers or that Snap had added a direct messaging product, other than the ability
21 to send photos. She very specifically understood that Snap was a product where no one could "slide
22 into [your child's] DMs."

23 341. Everything Kathleen saw in Snap's advertising confirmed her belief, including
24 cartoons, bitmojis, and ridiculous photo filters that held no appeal to Kathleen based on her age.
25 Kathleen's oldest child was also compulsive with what she called Streaks, and often explained to
26 her mother that she had to get on Snap at least once a day to keep up her "streaks" with her friends.

27 342. Kathleen now believes that Jack opened his own Snapchat account sometime
28

1 around when his older sister opened hers, only he opened his without his parents' knowledge or
2 consent.

3 343. Jack became locked into Snap's social media product, as intended, causing him to
4 feel like he couldn't sleep without it. He began staying up later to access Snapchat and, once
5 discovered, his parents required him to keep his phone in a common room at night. Only they
6 found him sneaking up and out of his room to get his phone, despite the risks and rules against it.
7 Jack was around 13 or 14 when the sleep deprivation began to really take a toll. He became sleep
8 deprived, anxious, depressed, more emotional, and was always tired. On information and belief,
9 Snap sent him excessive amounts of push notifications at all hours of the day, pulling him back
10 into the Snapchat product in manner that was harmful to his mental and physical health.

11 344. Jack was a calm person, and not easy to anger or outbursts. The only exception to
12 this was when someone tried to limit or take away his access to the Snapchat product. Whenever
13 Jack's parents tried to exercise their parental rights by limiting or restricting access to his phone
14 or computer, Jack had uncharacteristic reactions. He became agitated and would raise his voice at
15 his parents. He would become visibly panicked and irrational, willing to do and say anything to
16 get his device back.

17 345. When Kathleen tried to take his phone at night Jack would implore her to let him
18 at least keep it next to him. He said that taking the phone would "make it worse for me." He said
19 it would make his "insomnia" worse and that if she did not let him at least have the phone near
20 him he would sleep even less.

21 346. Jack struggled throughout high school, as a result of the mental and physical harms
22 that began with his unauthorized use of the Snapchat product. When he was 12, Jack had been
23 diagnosed with ADHD and prescribed Adderall. By the time he was 14, however, his parents
24 realized that Jack was not taking his Adderall as prescribed. Suffering from sleep deprivation and
25 anxiety, Jack struggled and turned to that prescription as a form of self-medication. As a result, his
26 psychiatrist recommended taking him off the Adderall, which is what they did.

27 347. In October of 2018, when Jack was 16, his mother could tell that something was
28

1 wrong – he was not acting like himself, and she was concerned. Jack entered rehab treatment
2 willingly. Jack participated in the program and stood out as a leader among his peers. He worked
3 to identify the issues with which he was struggling, so that he could work through them and get
4 past them – which is precisely what he appeared to do.

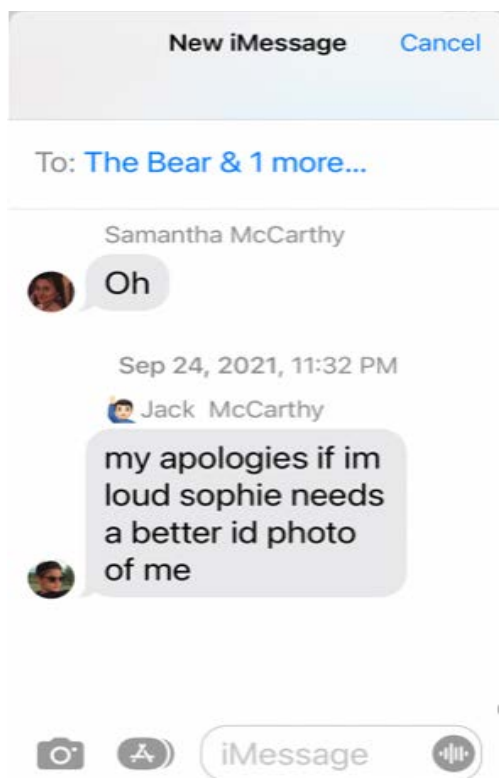
5 348. Upon graduation from high school, Jack was accepted to college just 20 minutes
6 from his parents' home. He worked hard and got a 3.4 G.P.A. his first semester of college, and he
7 obtained that G.P.A. despite the challenging circumstances caused by the pandemic. Jack was
8 taking most of his courses remotely and from home, though attended a few in person. He also
9 maintained his high school friendships, and he and his friends spent time together on a regular
10 basis – though cautiously – which helped them to avoid loneliness during the worst of COVID-19.

11 349. On the evening of September 24, 2021, Jack's mom Kathleen went to dinner with
12 her mother to celebrate her mother's birthday. Jack's sister, Samantha, went to work and his father,
13 James, was in Indiana on business. Kathleen got home from dinner at approximately 8:30 pm, and
14 Jack said he was heading over to his friend, Justin's, house to hang out.

15 350. There was nothing unusual about this. The boys often hung out at Justin's house
16 in the evenings and liked to have bonfires there. It was a typical Friday night.

17 351. Shortly after he left, Kathleen texted Jack to see if he could pick his sister up from
18 her shift at work. Jack responded that he was already out for the night, and her work was in the
19 opposite direction from Justin's. Kathleen said no problem and went to pick up Samantha herself.

20 352. Kathleen and Samantha were in bed before 11, and Kathleen fell asleep. But it was
21 a restless sleep since one of her babies was not yet tucked in safe and sound. She woke up briefly
22 after midnight, checked her phone, and saw that she had a text from Jack time stamped 11:32 p.m.,
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353. In the text, Jack wrote “apologies if im loud” referring, Kathleen presumed, to him playing loud music. But Kathleen didn’t hear any music which meant that he had gone to bed. Comforted in the knowledge that both of her kids were safe and sound, Kathleen fell back asleep.

354. Kathleen woke up around 9:00 am on the morning of September 25, 2021. She got out of bed to let the family dog out and, as she walked into the kitchen, she immediately saw her son’s body slumped over in a sitting position on the kitchen floor. His skin was turning blue, and it was clear that he was dead. Kathleen began yelling and Samantha started coming down the stairs, asking if she should call 9-1-1. Her mother told her to not come downstairs, but she did anyway.

355. Kathleen called 9-1-1 and Jack was pronounced dead on the scene.

356. The police found an unmarked prescription bottle in his pocket, containing what appeared to be Xanax and Adderall.



357. Law enforcement checked his electronic devices and were able to use extraction software to find Snapchat communications from the night before he died with somebody whose username was **detroitwealth**. Those conversations were incomplete. As noted in the police report, “Portions of the conversation were missing in the extraction software, which is common with Snapchat conversations.”

358. What the police were able to extract showed that Jack had purchased what he thought were prescription drugs the night before from Snapchat Dealer **detroitwealth**.

subject between approx. 0100 and 0222 hours on 9/25/21. Portions of the conversation were not accessible on the extraction software, however the following details were observed:

unknown: Always
unknown: Lmk
unknown: Lmk brody
unknown: A pint is 16 oz a line is 1 oz
unknown: yea lmk bro
McCarthy: 20 xans
McCarthy: 10 Adderall
McCarthy: one perc
McCarthy: twenty xans
McCarthy: ten Adderall
McCarthy: \$560
McCarthy: leaving my house
unknown: ok
unknown: idk you might like it
McCarthy: alr
unknown: ok
unknown: Come to door

Portions of the conversation were missing in the extraction software, which is common with Snapchat conversations. I retrieved McCarthy's actual iPhone from evidence and opened the

1 359. On information and belief, Jack attempted to purchase 20 Xanax, 10 Adderall, and
2 one Oxycodone (he originally attempted to purchase on Percocet, but the Snapchat Dealer offered
3 Oxycodone instead). Jack took the one pill he believed to be Oxycodone and died of Fentanyl
4 poisoning shortly thereafter.

5 360. On October 12, 2021, police raided the home of the Snapchat Dealer known as
6 **detroitwealth**. They recovered huge amounts of illicit drugs and guns, along with 26 blue pills
7 pressed to look like OxyContin but that tested positive for fentanyl instead.

8 361. Testing of the pills found on Jack's person confirmed that the "Adderall" were
9 Adderall, and the "Xanax" did not contain any illicit substance. The only pill missing was the
10 single prescription pain pill Jack believed he had purchased, while Jack tested with enough
11 Fentanyl in his system to kill at least two grown men.

12 362. But for Snap's failure to conduct reasonable verification of age, identity, and/or
13 parental consent, Jack would not have been exposed to Snap's inherently dangerous and defective
14 features and designs when he was still a minor.

15 363. But for Snap's designed addiction and dependency, Jack would not have
16 experienced the sleep deprivation, anxiety, depression, and other mental and physical harms that
17 comes from the sheer volume of harmful content and addictive features Snap purposefully directs
18 to and/or exposes minor users and directed to and exposed Jack.

19 364. But for Snap's misleading marketing of its product as disappearing and Snap's
20 development and marketing of products like those same disappearing messages, My Eyes Only,
21 and Snap Maps – which encourage and abet use of the Snapchat product for illegal drug sales –
22 the Snapchat Dealer who sold Jack Fentanyl disguised as Oxycodone would not have been selling
23 Fentanyl via Snapchat or to Snapchat users like Jack. Jack did not know this person in real life
24 and but for Snapchat, would never have met this person.

25 365. Since Jack's death, his parents and sister have suffered emotionally, including post-
26 traumatic stress disorder, depression, anxiety, and inability to sleep among other harms.

27 366. Since Jack's death, Kathleen has joined various support groups for parents who
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1 have lost children, including parents who have lost their children specifically in connection with
2 Fentanyl poisoning. Kathleen estimates there are roughly 500 members in these Fentanyl
3 poisoning related support groups. Of the dozens of families she's spoken to and posts she's read,
4 Kathleen has only seen two ways in which these kids are purchasing fentanyl disguised as
5 prescription drugs – via Snapchat or from a friend/known acquaintance. The majority of deaths in
6 the case of minors occurred via and because of the Snapchat product while she has yet to see a
7 single instance of a deadly drug deal conducted through Instagram or TikTok. There is no question
8 in Kathleen's mind based on the discussions she has had with and seen from other families that
9 the death of these children is not a social media issue in general, but rather, an issue with the
10 Snapchat product.



22 367. Jack is survived by his mother Kathleen, his father James, and his older sister
23 Samantha. All three have and continue to suffer incredible emotional harm from the actions and
24 inactions of Defendant Snap.

25 368. Jack McCarthy died because of decisions Snapchat made about the marketing,
26 design, and distribution of its multi-billion-dollar Snapchat product, its own economic interests,
27 and non-disclosure of information every user and parent had a right to know.
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1 **G. Snap Facilitated and Proximately Caused the Fentanyl Homicide of Alexandra**

2 **Capelouto**



16 369. Alexandra (“Alex”) Capelouto died at the age of 20 because of Snap.

17 370. Alex was a talented and outgoing child. Her grandfather was a pastor and, from the
18 time she was very young, they would read the bible together and talk about the stories and lessons
19 learned. She enjoyed church, and her faith was very important to her. It was what led her to pursue
20 a life of service, where she could give back and help others. Her dream was to be a social worker.

21 371. From an early age, Alex excelled in everything from academics to sports to
22 extracurricular activities. She worked hard in school and was eventually accepted into Arizona
23 State University on full academic scholarship.

24 372. Alex did not get her first cell phone until she was in 8th or 9th grade and, even then,
25 she could only download applications with her mother’s permission (and passcode) and her mother
26 had frequent talks with her and her sisters about internet safety. Her mother also put monitoring
27 software on Alex’s phone, which allowed her to track Alex’s location and even see texts and other
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1 messaging applications Alex used. She could not, however, monitor Snap because of Snap's
2 unique product design – its disappearing message features, and similar products.

3 373. Alex's parents believe that she got her first Snapchat account sometime around her
4 junior year of high school, when she was 16 or 17, but they don't know for certain because she
5 never asked permission to download it and Snap never sought their consent.

6 374. When Alex's parents did learn about her Snapchat account, they thought that Snap
7 was just a cute app that provided kids with cute filters so that they could send silly photos to one
8 another. Alex's mom tried to get a Snapchat account herself, so that she could keep tabs on her
9 daughter but, to this day, she has not been able to figure out how to work Snapchat. She was unable
10 to keep tabs on her daughter but took comfort in knowing that this is a product Snap advertises
11 and designs for minors, it is commonly used by kids and even educators, and Snap advertises itself
12 as being different from other social media products in that it is made for friends only and does not
13 provide strangers with a way to contact kids.

14 375. Alex became pretty hooked on Snapchat. As she used the Snapchat product more,
15 Alex she began to have trouble sleeping for the first time in her life. She would stay up late or wait
16 until her parents went to sleep and get back onto Snapchat, and her father occasionally found her
17 in her room as late as 2 or 3 am, locked-in to the Snapchat social media product. Matt encouraged
18 Alex to put the phone away and get some sleep, but she felt like she couldn't. She felt like she
19 could not sleep without her phone, but she could not sleep with it either.

20 376. As a consequence, Alex became sleep deprived, and her anxiety and depression
21 worsened as a direct and proximate result.

22 377. For a while, when Alex began spending more time with her boyfriend, hanging out
23 and watching movies, she became less compulsive about Snap. For the short time before she left
24 for college, Alex seemed to get better. She seemed happier and less anxious.

25 378. Then Alex left for college. She had a full academic scholarship to Arizona State
26 University and, away from family and her boyfriend, she slipped back into using Snapchat every
27 opportunity she got, and her insomnia, anxiety, and depression worsened again as a result.
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379. On December 21, 2019, Alex came home from college for winter break. The next day, she went Christmas shopping with her mother. They spent the entire day together, got gifts for family, and talked about life and their plans for the future. That day, Alex and her mother, Christine had an unusually poignant conversation. Alex told her mother that she'd spoken with God and that Christine was right "when you always said I am going to do great things and save lives. I am going to save a lot of lives. I just don't know how yet." Alex expressed resolve that her mission in life was to save lives and to make the world a better place for her having been in it.

380. In fact, during her darkest times, Alex wrote poems. She was a talented artist and felt like she should keep her art, and that perhaps someday it would get published and would help other kids who were hurting like she was. The following is just one example of what she wrote,

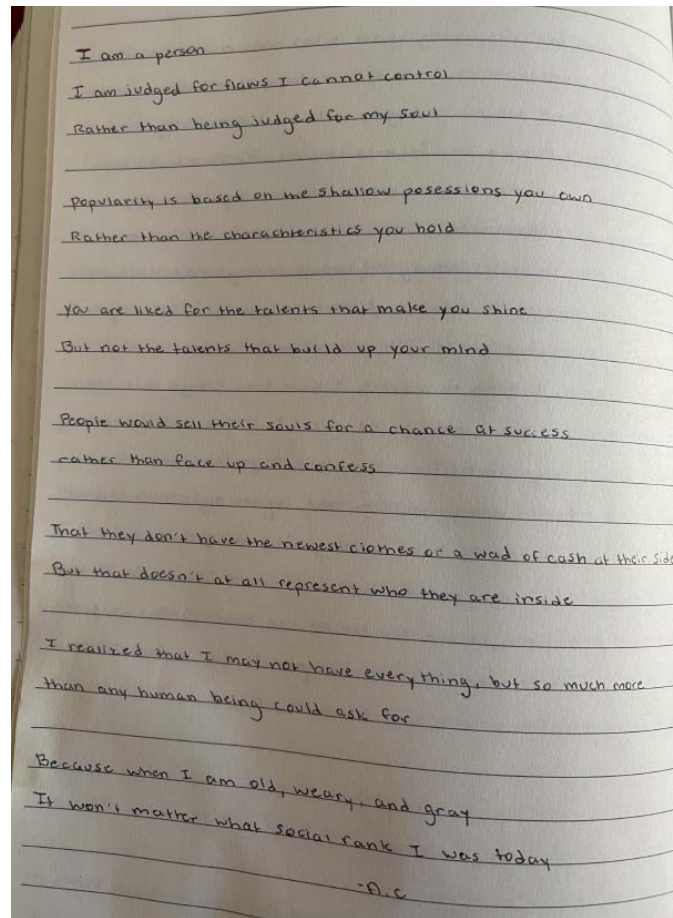
"I am a person

I am judged for flaws I cannot control

Rather than being judged for my soul ...

... when I am old, weary, and gray

1 It won't matter what social rank I was today"



17 381. After Alex and her mom returned home from Christmas shopping on December 22,
18 2019, Alex called her boyfriend and they talked until late into the evening. Her parents and sisters
19 thought that she had gone to bed, and her parents fell asleep with the comfort of having all of their
20 babies safe and sound, tucked in under their own roof.

21 382. At around 10:30 a.m. on December 23, Alex's mother wondered why Alex was not
22 up yet. She did not want her to miss the morning, so went to her room and checked in on her. She
23 opened the bedroom door, saw Alex lying on her bed, and immediately knew something was off.

24 383. Alex was not moving. She was not breathing and was cold to the touch. Christine
25 could tell almost immediately that she was dead. The medics pronounced Alex dead at the scene.

26 384. Police later confirmed that Alex died from fentanyl poisoning.

27 385. The investigation into Alex's death revealed that Snapchat Alex connected Alex
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1 with a dealer who had used the Snapchat social media product to find and had delivered her a
2 counterfeit Fentanyl-laced pill – what Alex believed to be Oxycodone – to her parents’ home. Alex
3 died in her childhood bedroom ... what should have been the safest place on Earth.

4 386. Snap’s disappearing messaging features and marketing of those features convinced
5 and enabled the dealer that he could communicate with Alex without the risk of the evidence of
6 his crime being preserved for law enforcement.

7 387. Snap’s user profile feature enabled the dealer to advertise that he was selling drugs
8 illegally through Snap and what he was selling, helping him to make connections and find new
9 buyers – this information also automatically disappears after a set period of time. On information
10 and belief, these product features are why the dealer chose to deal on Snapchat, rather than finding
11 buyers in person or through word of mouth. The product features also are why these dealers have
12 proven less concerned than a traditional in-person dealer when selling drugs they know to be
13 counterfeit and lethal – Snapchat Dealers believe that the Snap product will prevent them from
14 getting caught while providing them with a limitless supply of new, young customers, no matter
15 how many other children are lost to fentanyl poisoning.

16 388. The dealer had no known connection to Alex, and they did not know each other in
17 real life, such that but for Snapchat she would never have connected with him.

18 389. Officers at the Riverside Police Department along with the District Attorney
19 subpoenaed Snap for records and federal charges are underway against the dealer. There is no
20 question that the Snapchat Dealer knew that he was killing people and continued to try to sell the
21 deadly drugs on Snapchat anyway.

22 390. Alex’s parents started a non-profit and provide support for other families who have
23 lost children and loved ones as a result of Fentanyl poisoning, including a Facebook support group
24 with more than 10,000 members. They estimate that more than half of all families they have met
25 lost their loved ones because of Snapchat, with most of the rest of those families not knowing how
26 the drugs were obtained. It is rare to meet someone who lost a loved one to fentanyl poisoning
27 because of Instagram, TikTok, or any other social media product, because the dealing of drugs to
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1 children is not a social media problem – it is a Snapchat problem for the reasons discussed herein.

2 391. Alex’s death has been devastating for the whole family and caused a downward
3 spiral, especially for Christine. In December of 2021, two years from the date of Alex’s death,
4 Christine began experiencing shortness of breath. At the end of December, she found a small lump
5 in her right breast. By the time of her appointment, on January 11, 2022, the one lump had grown
6 to three large lumps protruding from her right breast.

7 392. Christine has stage four breast cancer. Her doctors stated that given the tests show
8 no genetic explanation for the rare kind of typically congenital cancer she has, they attribute her
9 illness to the extreme stress she suffered and is still suffering with the loss of Alex.



22 393. Prior to Alex’s death, Christine had no serious medical issues, and she is now
23 rapidly deteriorating from a fatal illness that has been linked in studies to extreme stress.

24 394. Alex is survived by her mother Christine, father Matthew, and her sisters Skye,
25 Brittney, and Brooke.

26 395. Alex Capelouto died because of decisions Snapchat made about the marketing,
27 design, and distribution of its multi-billion-dollar Snapchat product, its own economic interests,
28 and non-disclosure of information every user and parent had a right to know.

1 **H. Snap Facilitated and Proximately Caused the Fentanyl Homicide of Daniel (“Elijah”)**
2 **Figueroa**



15 396. Daniel Elijah Figueroa (“Elijah”) died at the age of 20 because of Snap.

16 397. Elijah had a heart of gold and even bigger dreams. He planned to become an
17 entrepreneur, to eventually launch charitable businesses and fund global missions. He was a young
18 man of conviction who insisted on going to youth service every weekend. In Kindergarten he was
19 teased by his peers for praying at the lunch table each day, but it didn’t deter him. Elijah had faith
20 and was considered to be something of a shepherd among his friends and family – someone who
21 would always listen and guide those around him to find support through difficult times.

22 398. In his free time, Elijah also played basketball, wrote music, and sang. He excelled
23 at sports and participated on the wrestling and track and field teams in high school.

24 399. Elijah got his first cell phone when he was 12, and his mother, Perla, made clear
25 that he was not allowed to open social media accounts.
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400. Perla believes Elijah opened his first Snapchat account when he was around 15, though it could have been sooner as Snapchat was already relatively popular by then. Elijah opened the Snapchat account without Perla's knowledge or consent, and Perla did not discover his use of Snapchat until he was 17.

401. Having grown up surrounded by danger and hardship in Compton, when Perla became pregnant, she was determined to make sure that her child had safety and all his needs met. A single mother, Perla worked hard to provide her son a nice home in the safest area she could afford with the best school district she could find.

402. Only then Elijah became locked into Snap's social media product and began staying up late and/or waking up after his mother went to sleep so that he could use Snapchat. Elijah began staying up late and was always tired and distracted. His sleep deprivation led to anxiety, depression, and other related stresses, and impacted his academic performance.

403. When Perla tried to exercise her parental rights by limiting or restricting access, Elijah had uncharacteristic reactions. He would throw fits, slam doors, and act like his whole life was falling apart – to the point where he acted like he could not function without social media.

404. Snapchat caused Elijah sleep deprivation, and resulting anxiety and depression, caused Elijah to struggle with aspects of life he found easy before Snap. At one point he questioned his faith in God, but then realized that his faith was the most important thing in his life and made the decision to turn things back around.

1 405. Over the summer of 2020, protests were occurring all over the nation and Elijah's
2 paternal grandmother, Albertina, sometimes became nervous staying alone at her home in Long
3 Beach, California.

4 406. Days before September 16, 2020, Albertina asked her grandson to spend the night
5 at her home. Being the protector that he was, Elijah readily agreed, packed his bag, and headed
6 over to her house to stay with his grandmother. On September 15, 2020, Elijah spoke with his
7 mom around 11:30 pm to say good night and everyone assumed he went to sleep.

8 407. In the early hours of September 16, 2020, Albertina woke up to use the restroom
9 and walked past the room where Elijah was staying. She noticed that his lights were on and then
10 saw his body atop the bed with his knees on the floor. It looked as though Elijah was praying, but
11 she knew immediately that something was wrong.

12 408. Elijah's grandmother rushed to his side and felt his skin, which was still warm and
13 sweaty. She tried to shake him awake and called his name, and immediately called 9-1-1 when he
14 was unresponsive. Long Beach police officers arrived at the home at around 4:55 a.m. and
15 pronounced Elijah dead immediately upon their arrival. He had no pulse and could not be
16 resuscitated.

17 409. Elijah's mother, Perla, arrived at the home around 6:00 am but was not allowed to
18 enter the room to hold her son and say goodbye.

19 410. Detectives at Long Beach Police Department launched an investigation into
20 Elijah's death, including two subpoenas to Snap in an attempt to find out what had happened. Snap
21 denied the first information request, claiming it was overbroad. The second time police requested
22 information, Snap complied, though it took the maximum time allowed – one month – to do so.

23 411. Based on the data Snap had in its possession – which, upon information and belief,
24 was only partial data and/or data that had been purposefully saved by at least one of the participants
25 – detectives learned that Elijah had connected with **Arnoldo_8286**, a Snapchat Dealer purportedly
26 selling Percocet, shortly before his death. Elijah attempted to purchase Percocet from
27 **Arnoldo_8286** and received 100% Fentanyl instead. He purchased fifteen pills and fourteen were
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found after his death – all it took was a single pill to kill him.

412. Troublingly, while the police were accessing Elijah’s Snapchat to collect his data the device powered down; and by the time they were able to re-establish access, the data was gone. Police were unable to find the messages they had moments before seen in Elijah’s Snapchat account, resulting in their inability to prosecute **Arnoldo_8286** in connection with Elijah’s death.

413. Shortly after Elijah’s death, the detective on his case brought Perla Elijah’s phone to show her the text he was writing just before his death – a text to her that he was never able to send, which read, “Lets get coffe[e] and go read our bibles ...”



414. Elijah died in a position of prayer, and his mother takes great comfort knowing that his last moments were spent with God, in whom he placed his trust, faith, and love.

415. Elijah died of Fentanyl poisoning September 16, 2020.

416. After Elijah’s death, the Long Beach Police Department sent information requests to Snap in connection with his death, Snapchat Dealer **Arnoldo_8286**, and their investigation of the same. Snap continued to let **Arnoldo_8286** use its platform to market and sell drugs.

1 417. In an attempt to protect other users, Perla took it upon herself to notify Snap about
2 **Arnoldo_8286**. She reported **Arnoldo_8286** to Snapchat through its help center three times after
3 Elijah's death, on December 4, 2020, January 18, 2021, and February 12, 2021. Snap did not
4 nothing and Perla's grief for her son was compounded by Snap continuing to let his killer stay on
5 the app and kill other people.

6 418. Snap did not deactivate **Arnoldo_8286**'s account until April 16, 2021 when
7 Business Insider interviewed Snap executives about why they were still letting this guy use the
8 product. This was 7 months after Elijah's death, 4 months after Perla's first notification, and less
9 than 24-hours after Business Insider interviewed Snap and asked about **Arnoldo_8286**.

10 419. Perla later learned that the dealer on Snapchat who supplied **Arnoldo_8286** was
11 somebody with the username **Aj Smokxy** and that Snap had actual knowledge from law
12 enforcement and co-Plaintiff Amy Neville that **Aj_Smokxy** was continuing to deal drugs through
13 the Snapchat product. Upon information and belief, **Arnoldo_8286** got the lethal dose that killed
14 Elijah from **Aj_Smokxy** and this transaction occurred through Snap and because Snap allowed
15 both dealers to continue using its social media product – and Snap profited as a result.

16 420. To this day, the Snapchat user previously doing business as **Arnoldo_8286** still has
17 an active account on Snapchat and, on information and belief, is using that account in connection
18 with illegal activities to the detriment of other Snapchat users and to the financial benefit of Snap.

19 421. **Arnoldo_8286** has no known connection to Elijah, and their meeting was
20 facilitated by the Snapchat product. But for Snap, Elijah would not have met this person.

21 422. Since Elijah's death, Perla has joined various support groups for parents who have
22 lost children in connection with Fentanyl poisoning and has participated in several events to raise
23 awareness of this issue. Each event was attended by upwards of 100 families who suffered this
24 type of loss and Perla estimates that she was met, spoken with, or read about more than 500
25 different families in total and, in all but a few cases,⁵³ those families lost their children to Snapchat.
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⁵³ One family reported a purchase that took place on Craigslist and another involved a purchase from a friend.



423. Elijah was an only child and is survived by his mother Perla, stepfather Aldo, and his dog, Charley.

424. Elijah Figueroa died because of decisions Snapchat made about the marketing, design, and distribution of its multi-billion-dollar Snapchat product, its own economic interests, and non-disclosure of information every user and parent had a right to know.

I. A.B.'s Mental Harms and Fentanyl Overdose were Proximately Caused by Snap's Inherently Dangerous Social Media Product, and There is an Ongoing and Significant Risk to A.B. of Additional Harms if Snap is Not Enjoined

425. A.B. was born in April of 2006 and is currently 16 years old.

426. A.B. was always a very outgoing and positive child. She was always making new friends and made them quickly, never afraid to start a conversation or join a group. She enjoyed swimming, hiking, crafts, and family outings. She loved animals and wanted to start a pet shelter when she grew up so that she could rescue and care for them. She also planned to attend college.

1 427. A.B. was 11 and in sixth grade when she got her first cell phone, which her parents
2 got for safety reasons. She had moved on to middle school and her school was in an area and had
3 a reputation for safety issues. E.B. and P.B. needed their daughter to have a way to reach them
4 both during school hours and after school hours.

5 428. Upon getting the phone, E.B. and P.B. talked with A.B. about responsible use. They
6 told her that the phone was for texting or calling home if she needed a ride or if a fight broke out
7 at school. They told her that her time on the phone would be limited, just like any other screen
8 time, and that she could not use the phone for browsing the internet or playing games more than
9 two hours per day. Lastly, they said no social media. They had no reason to think that A.B. could
10 not handle the responsibility of a phone. But also, she was only 12 and they understood that you
11 had to be at least 13 or 14 to use social media so had no reason to think that social media companies
12 would provide her with access to their products without their consent.

13 429. Plaintiffs E.B. and P.B. also took precautions to protect their child from even the
14 possibility of harm. P.B. was hesitant to create a situation where they were going through A.B.'s
15 phone and communications every night. He thought that they should try to respect her privacy and
16 did not want to convey complete lack of trust when A.B. had done nothing to lose trust; so E.B.
17 researched products they could use to monitor and protect their child in less invasive ways. She
18 researched, considered, and tried products like the Google Family App, Bark, and the Verizon app.

19 430. E.B. was frustrated that products aimed to help parents supervise their kids' online
20 use were aimed at either limiting time or tracking content, but not both – forcing her to choose. At
21 the time, E.B. didn't think much of Snapchat. While she was generally wary of social media and
22 the internet, she also had no reason to think that Snap's product posed a unique danger to her child.
23 It was her understanding that A.B., at only eleven years old, was too young to even access the
24 product. E.B. also had a general understanding that Snapchat was a relatively wholesome app used
25 by teens to take silly pictures with their friends, as opposed to product features that allowed adult
26 strangers and kids to connect and interact with one another.

27 431. When A.B. was 12 she opened her first Snapchat account, without parental
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1 knowledge or consent. Over time, A.B. opened at least four or five different Snapchat accounts.
2 Multiple accounts were active and accessed during the same periods of time, and A.B. used the
3 same email address and phone number when opening each account.

4 432. Plaintiffs E.B. and P.B. did not know about A.B.'s Snapchat accounts and would
5 not have allowed that product in their home when A.B. was so young.

6 433. A.B.'s secret use of Snapchat quickly developed into a dependency on the Snapchat
7 product and coincided with a steady decline in her mental health.

8 434. A.B. wanted to use Snapchat because it looked like fun and it felt like all her friends
9 were already using Snapchat. At 12, A.B. was considered to be late to the game. She did not see
10 Snapchat as a choice, but as a social imperative.

11 435. Once she started, however, she felt like she could not stop. A.B. began staying up
12 late and sneaking onto her cell phone to access Snapchat after her parents had gone to sleep,
13 resulting in severe sleep deprivation, which led to anxiety, depression, exhaustion, and related
14 stresses. It also made A.B. more vulnerable and impacted her ability to focus on school.

15 436. Over time, her parents tried installing or signing up for applications that would
16 allow them to monitor her use and prevent her from using her phone during sleeping hours. Each
17 time they did so, A.B. would find a way around it. She felt like she couldn't sleep without
18 Snapchat. That is, she couldn't fall asleep if she didn't have her phone. At the same time, she
19 couldn't sleep because she couldn't stop using Snapchat when she did have access.

20 437. A.B. also had no trouble meeting new people – complete strangers – the moment
21 she opened a Snapchat account. Snap began recommending her to strangers (including adults) via
22 its Quick Add feature, which strangers would then ask to “add” her and wanted to talk.

23 438. A.B. would stay up all night talking to users sent to her by Snap.

24 439. A.B. was under the age of 14 when Snap then exposed her to incredible amounts of
25 drug content, including dealer solicitations, and exploitation.

26 440. When A.B. wasn't using Snapchat, Snap sent A.B. emails and/or push notifications
27 to bring her back to the product Snap initiated and sent these types of A.B. in excessive numbers
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1 and at all hours of the day and night, including times when A.B. should have been in school or
2 sleeping.

3 441. A.B. began to struggle in school and social situations. For the first time in her life,
4 she also started getting into trouble at school. As somebody whose own mother was a teacher, not
5 to mention she'd grown up around teachers, A.B.'s behavior was out of the norm for her.

6 442. A.B.'s parents also grew concerned about the amount of time A.B. was spending
7 on her phone, as it was more than the two hours they allowed. They turned to apps that would
8 limit how long the phone could be used, which she eventually learned to get around. They tried
9 taking the phone away at night, and she eventually learned how to get access through other means.

10 443. After her use of the Snapchat product began, A.B. lost interest in almost everything
11 else. Common things like completing chores became a struggle, and she began acting resentful of
12 her parents for making it difficult to access social media.

13 444. When her parents tried to exercise parental control by restricting or removing
14 access, A.B. had strong and uncharacteristic reactions such as anger, extreme depression, and
15 defensiveness. Eventually, when her mother tried to take the phone, A.B. would escalate to the
16 brink of physical altercation.

17 445. In 2019 – about a year after A.B. began her secret use of Snapchat – E.B. and P.B.
18 started taking A.B. to a counselor, in the hopes of finding out what was happening with their child.

19 446. In 2021, A.B. ran away and was gone for five months. She dropped out of school
20 and stayed on the streets with somebody she met through Snap.

21 447. E.B. and P.B. believe that A.B. left home because her parents were being too
22 restrictive and nosy about what she was up to online; particularly the people she was meeting and
23 the habits she was forming through interactions facilitated by the Snapchat product.

24 448. On December 28, 2021, the police contacted E.B. and P.B. and told them that A.B.
25 had been found in an apartment building hallway after a concerned citizen called them, reporting
26 that she had overdosed. Once revived, A.B. fled, but the police caught up to her and were bringing
27 her home to E.B. and P.B. E.B. immediately took A.B. to the hospital, where she was admitted for
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1 one week and treated for a Fentanyl overdose.

2 449. A.B. currently living with her parents again, who have no way to keep her off the
3 Snapchat social media product.

4 450. Like millions of parents, E.B. and P.B. do not have the ability to protect their child
5 from Snap. They found that her compulsive use of the Snapchat product and Snap's continued
6 distribution to her (despite lack of parental consent) puts her at grave risk of experiencing another
7 Fentanyl poisoning and that her use of the product is inextricably linked to harm.

8 451. A.B. is still a minor and Snap knows or should know that she does not have parental
9 consent to use the Snapchat product; yet Snap continues to let A.B. use its product and is profiting
10 from that harmful and unauthorized use.

11 452. A.B. is only 16 years old and continues to use the Snapchat social media product
12 without her parents' consent. E.B. and P.B. are fearful for their daughter because of the Snapchat
13 product and believe that there is a strong likelihood of serious harm or even death if Snapchat is
14 not forced to implement safety features for the safety of its youngest users.

15 VI. PLAINTIFFS' CLAIMS

16 COUNT I - STRICT PRODUCT LIABILITY (Design Defect)

17 453. Plaintiffs Amy Neville, Aaron Neville, Jaime Puerta, Mariam Hernandez, Cindy
18 Cruz-Sarantos, Bridgette Norring, James McCarthy, Kathleen McCarthy, Matthew Capelouto,
19 Christine Capelouto, Perla Mendoza, E.B., and P.B. reallege each of the allegations in the
20 preceding paragraphs as if fully set forth herein.

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

26 455. Defendant Snap's Snapchat product is defective because the foreseeable risks of
27 harm posed by the product's design could have been reduced or avoided by the adoption of a
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1 reasonable alternative design by Snap and the omission of the alternative design renders the
2 product not reasonably safe. These defective conditions rendered the product unreasonably
3 dangerous to persons or property and existed at the time the product left Snap's control, reached
4 the user or consumer without substantial change in the condition and its defective condition was a
5 cause of Plaintiffs' injuries.

6 456. Defendant Snap designed, manufactured, marketed, and sold social media products
7 that were unreasonably dangerous because they were designed to be addictive to the minor users
8 to whom Snap actively marketed and because the foreseeable use of Snap's product causes mental
9 and physical harm to minor users.

10 457. Defendant Snap designed, manufactured, marketed, and sold social media products
11 that were unreasonably dangerous because they were designed to encourage and enable minors
12 and bad actors to act with impunity, and in a manner that made it impossible for parents and law
13 enforcement to protect those same minor users, the foreseeable consequence of which has been
14 mental and physical harm to minor users.

15 458. Defendant Snap's products were unreasonably dangerous because they contained
16 numerous design characteristics that are not necessary for the utility provided to the user but are
17 unreasonably dangerous and implemented by Snap solely to increase the profits it derives from
18 each additional user and the length of time it can keep each user dependent on its product.

19 **A. Inadequate Safeguards from Harmful and Exploitative Content**
20

21 459. Snapchat is defectively designed.

22 460. As designed Snapchat's recommendation and other product features are not
23 reasonably safe because they affirmatively direct minor users to harmful and exploitative content
24 and predatory users (including drug dealers) while failing to deploy feasible safeguards to protect
25 vulnerable teens from such harmful exposures. It is feasible to design a social media product that
26 substantially distinguished between harmful and innocuous content and users and protect minor
27 users from being exposed to harmful content and users without altering, modifying, or deleting
28 any third-party content posted on Snap's social media products. It is likewise feasible to design a

1 social media product that does not operate recommendation features at all and/or operates them in
2 a manner that prioritizes user safety over engagement and revenue to Snap. The cost of designing
3 and/or programming these products to incorporate these safeguards would be negligible while
4 benefit would be high in terms of reducing the quantum of mental and physical harm sustained by
5 minor users and their families.

6 461. As designed, Snapchat's recommendations and other product features are not
7 reasonably safe because they affirmatively direct and recommend minor users and other vulnerable
8 user populations to harmful content and other users, while failing to deploy feasible safeguards to
9 protect vulnerable users from such harmful exposures. It is feasible to design a social media
10 product that does not make harmful connection recommendations to minor users, or any
11 connection recommendations at all; it is feasible to design a social media product that does not
12 recommend harmful groups to minor users, or any group recommendations at all; and it is feasible
13 to restrict access to minor users by strangers and adult users via direct messaging, to restrict and
14 limit such access to users already on a minor user's "friend" list, or to prevent such access
15 altogether. Snap knows that these product features cause a significant number of harms to their
16 minor users, such as sexual exploitation, bullying, encouragement of self-harm and suicide, and
17 death.

18 462. Defendant Snap also engages in conduct, outside of the recommendation
19 technologies themselves, that is designed to promote harmful and exploitative content as a means
20 of increasing its revenue from advertisements. This includes but is not limited to efforts to
21 encourage advertisers to design ads that appeal to minors and product design features intended to
22 attract and engage minor users to these virtual spaces where harmful ad content is then pushed to
23 those users in a manner intended to increase user engagement, thereby increasing revenue to Snap
24 at the direct cost of user wellbeing.

25 463. Reasonable users and their parents would not expect that Defendant Snap's
26 products would knowingly expose them to such harmful content and/or would direct them to
27 harmful content at all, much less in the manipulative and coercive manner that they do.
28

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

2 464. Snapchat is defectively designed.

3 465. As designed, Defendants Snap's Snapchat product is not reasonably safe because it
4 does not provide for adequate age verification by requiring users to document and verify their age,
5 identity, and, in the case of minor users, parental consent.

6 466. Drug dealers frequently set up user accounts on Defendant Snap's social media
7 product because they know that they will have access to millions of vulnerable users (including
8 minors and young adults) and because Snap has assured them that its product will erase all
9 evidence of their crime. These features, along with others that inherently encourage and facilitate
10 Snapchat drug deals are killing children.

11 467. Minor users of social media and their parents do not reasonably expect that Snap is
12 riddled with drug dealers preying on minors and young adults, and these are persons who would
13 never have access to these teens and young adults but for the design and Snap's distribution and
14 operation decisions relating to its Snapchat product.

15 468. Likewise, minor users whose parents have taken affirmative steps to keep them
16 away from Defendant Snap's product often open multiple accounts, such that Snap knows or has
17 reason to know that the user is underage and/or does not have parental permission to use their
18 product. Snap has the information and means it needs to ascertain when these Snapchat terms are
19 violated but chooses to do nothing about that information for its own economic gain.

20 469. Likewise, Snap knows or has reason to know when a blocked user has opened
21 multiple accounts and/or when a Snapchat Dealer has opened multiple accounts. Snap has unique
22 control over its product and has the ability to make unilateral changes to its product to discourage
23 and stop Snapchat Dealers from using Snapchat to make illicit drug sales. Snap knows these sales
24 are inherently harmful to minor users. However, Snap chooses to do nothing with this knowledge
25 for its own economic gain.
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27
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1 **C. Inadequate Parental Control and Monitoring**

2 470. Snapchat is defectively designed.

3 471. Defendant Snap has intentionally designed its Snapchat product to frustrate the
4 exercise of parental responsibility by its minor users' parents. Parents have a right to monitor their
5 children's social media activity to protect them from harm. Snap has designed a product that makes
6 it difficult, if not impossible, for parents to exercise parental responsibility.

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

9 473. Defendant Snap's products are also defective for lack of parental controls,
10 permission, and monitoring capability available on many other devices and applications.

11 474. Defendant Snap's products are designed with specific product features intended to
12 prevent and/or interfere with parents' reasonable and lawful exercise of parental control,
13 permission, and monitoring capability available on many other devices and applications.

14 **D. Design of Addictive Social Media Products**

15 475. Snapchat is defectively designed.

16 476. As designed, Defendant Snap's social media product is addictive to minor users as
17 follows: When minors use design features such as "streaks" it causes their brains to release
18 dopamine, which creates short term euphoria. However, as soon as dopamine is released, minor
19 users' brains adapt by reducing or "downregulating" the number of dopamine receptors that are
20 stimulated and their euphoria is countered by dejection. In normal stimulatory environments, this
21 dejection abates, and neutrality is restored. However, Snapchat is designed to exploit users' natural
22 tendency to counteract dejection by going back to the source of pleasure for another dose of
23 euphoria. As this pattern continues over a period of months and the neurological baseline to trigger
24 minor users' dopamine responses increases, they continue to use the social media products at issue,
25 not for enjoyment, but simply to feel normal. Once they stop using these products, minor users
26 experience the universal symptoms of withdrawal from any addictive substance including anxiety,
27
28

1 irritability, insomnia, and craving.

2 477. Addiction is not restricted to a substance abuse disorders. Rather, the working
3 definition of addiction promulgated in the seminal article Addictive behaviors: Etiology and
4 Treatment published by the American Psychological Association in its 1988 Annual Review of
5 Psychology defines addiction as,

6 a repetitive habit pattern that increases the risk of disease and/or associate personal
7 and social problems. Addictive behaviors are often experienced subjectively as
8 'loss of control' – the behavior contrives to occur despite volitional attempts to
9 abstain or moderate use. These habit patterns are typically characterized by
immediate gratification (short term reward), often coupled with delayed deleterious
effects (long term costs). Attempts to change an addictive behavior (via treatment
or self-initiation) are typically marked with high relapse rate.

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

17 479. Social media addiction has emerged as a problem of global concern, with
18 researchers all over the world conducting studies to evaluate how pervasive the problem
19 is. Addictive social media use is manifested when a user (1) becomes preoccupied by social media
20 (salience); (2) uses social media in order to reduce negative feelings (mood modification); (3)
21 gradually uses social media more and more in to get the same pleasure from it (tolerance/craving);
22 (4) suffers distress if prohibited from using social media (withdrawal); (5) sacrifices other
23 obligations and/ or causes harm to other important life areas because of their social media use
24 (conflict/functional impairment); and (6) seeks to curtail their use of social media without success
25 (relapse/loss of control).
26

27 480. The Bergen Facebook Addiction Scale (BFAS) was specifically developed by
28 psychologists in to assess subjects' social media use using the aforementioned addiction criteria,

and is by far the most widely used measure of social media addiction. Originally designed for Facebook, BFAS has since been generalized to all social media. BFAS has been translated into dozens of languages, including Chinese, and is used by researchers throughout the world to measure social media addiction.

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

- a. You spend a lot of time thinking about social media or planning how to use it.
- b. You feel an urge to use social media more and more.
- c. You use social media in order to forget about personal problems.
- d. You have tried to cut down on the use of social media without success.
- e. You become restless or troubled if you are prohibited from using social media.
- f. You use social media so much that it has had a negative impact on your job/studies.

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

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

- a. Preoccupation with social media and withdrawal symptoms (sadness, anxiety, irritability) when device is taken away or not possible (sadness, anxiety, irritability).
- b. Tolerance, the need to spend more time using social media to satisfy the urge.
- 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.
- h. and Jeopardized school or work performance or relationships due to social media usage.

483. Defendant Snap's advertising profits are directly tied to the quantity of its users' online time and engagement, and its product features are designed to maximize the time users spend using the product through product designs that addict them to the platform. Reasonable minor users and their parents do not expect that online social media platforms are psychologically and neurologically addictive.

484. It is feasible to make Defendant Snap's product not addictive to minor users by turning off or even simply slowing recommendation technologies, limiting the frequency and duration of access, and suspending service during sleeping hours. Designing software that limits the frequency and duration of minor users' screen use and suspends service during sleeping hours could be accomplished at negligible cost; whereas the benefit of minor users maintaining healthy sleep patterns would be a significant reduction in depression, attempted and completed suicide,

1 and other forms self-harm among this vulnerable age cohort.

2 **E. Inadequate Notification of Parents of Dangerous and Problematic Social Media Usage**
3 **by Minor Users**

4 485. Snapchat is defectively designed.

5 486. Defendant Snap's Snapchat product is not reasonably safe as designed because it
6 does not include any safeguards to notify users and their parents of usage that Snap knows to be
7 problematic and likely to cause negative mental health effects to users, including excessive passive
8 use and use disruptive of normal sleep patterns.

9 487. It is reasonable for young users and parents to expect that social media products
10 that actively promote their platform to minors and young adults will undertake reasonable efforts
11 to notify users and, in the case of minors, their parents when such use becomes excessive. It is
12 feasible for Snap to design a product that identifies a significant percentage of its youngest users
13 who are using the product more than three hours per day or using it during sleeping hours at
14 negligible cost.

15 488. Defendant Snap's product is not reasonably safe as designed because, despite
16 numerous reported instances of drug dealers using Snapchat and of the death of minors and young
17 adult users due to Fentanyl poisoning and facilitated through the Snapchat product, Snap have not
18 undertaken reasonable design changes to protect its users from these harms, including notifying
19 parents of underage users when they have been messaged or solicited by an adult user or even
20 taking down reported drug dealer accounts. Indeed, despite this knowledge Snap does not have a
21 reporting mechanism users and parents can use to report drug dealing activity and other Snapchat
22 terms violations and harms. Snap's failure to provide a reasonable reporting mechanism for known
23 harms is incomprehensible.

24 489. It is reasonable for parents to expect that platforms such as Snapchat, which actively
25 promote their services to minors, will undertake reasonable efforts to protect such users from
26 known harms, and implement technological safeguards to notify parents by text, email, or other
27 reasonable means that their child is in danger.
28

1 490. As a proximate result of these dangerous and defective design attributes of
2 Defendant Snap's product, Plaintiffs children suffered severe mental and physical harms and, in
3 the case of all but one of these Plaintiffs, death. Plaintiffs did not know, and in the exercise of
4 reasonable diligence could not have known of these defective designs in Defendants' products
5 until after the harms had already occurred.

6 491. As a result of these dangerous and defective design attributes of Defendants'
7 product, Plaintiffs suffered severe emotional distress, physical harms, and pecuniary hardship.

8 492. Defendant Snap is further liable to Plaintiffs for punitive damages based upon the
9 willful and wanton design of its product that was intentionally marketed and sold to underage
10 users, whom it knew would be seriously harmed through their use of Snapchat.

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

12 493. Plaintiffs Amy Neville, Aaron Neville, Jaime Puerta, Mariam Hernandez, Cindy
13 Cruz-Sarantos, Bridgette Norring, James McCarthy, Kathleen McCarthy, Matthew Capelouto,
14 Christine Capelouto, Perla Mendoza, E.B., and P.B. reallege each of the allegations in the
15 preceding paragraphs as if fully set forth herein.

16 494. Defendant Snap's Snapchat product is defective because of inadequate instructions
17 or warnings because the foreseeable risks of harm posed by this product could have been reduced
18 or avoided by the provision of reasonable instructions or warnings by the manufacturer and the
19 omission of the instructions or warnings renders the product not reasonably safe. This defective
20 condition rendered the product unreasonably dangerous to persons or property, existed at the time
21 the product left Snap's control, reached the user or consumer without substantial change in the
22 condition in which it was sold, and were a cause of Plaintiffs' injuries.

23 495. Defendant Snap's Snapchat product is unreasonably dangerous and defective
24 because it contains no warning to users or parents regarding the addictive design and effects of
25 Snapchat or preponderance of use of Snapchat to sell drugs (including deadly counterfeit pills) to
26 minors and young adults.

27 496. Snap failed to warn users or parents that their children would be approached by
28

1 strangers, due to recommendations made by the Snapchat product, who would harm them.

2 497. The magnitude of harm from addiction to the Snapchat product is horrific, ranging
3 from simple diversion from academic, athletic, and face-to-face socialization to sleep loss, severe
4 depression, anxiety, self-harm, and suicide. Addicted users continue to use the Snapchat product
5 even when they know it is causing harm and because they feel like they do not have a choice.
6 Moreover, Snap has designed its product to be maximally addicting specifically to minors and
7 young adults, for which Snap also failed to provide warning of any kind.

8 498. Defendant Snap had actual knowledge of these harms.

9 499. Defendant Snap's Snapchat product is unreasonably dangerous because its lacks
10 any warnings that foreseeable product use can disrupt healthy sleep patterns or specific warnings
11 to parents when their child's product usage exceeds healthy levels or occurs during sleep hours.
12 Excessive screen time is harmful to adolescents' mental health and sleep patterns and emotional
13 well-being. Reasonable and responsible parents are not able to accurately monitor their child's
14 screen time because most adolescents own or can obtain access to mobile devices and engage in
15 social media use outside their parents' presence.

16 500. Defendant Snap's Snapchat product is unreasonably dangerous because its lacks
17 any warnings that foreseeable product use can include product-prompted connections to drug
18 dealers and other Snapchat predators, and that many of these dealers use the Snapchat product
19 because of its product features and the accessibility of minors and young adults. Snapchat
20 specifically markets to minors and represents to users and their parents that its product is safe and
21 fun, and does not provide warnings as to the various, inherently dangerous product features Snap
22 also operates as part of its product to increase its own revenue – features like Streaks and Trophies,
23 My Eyes Only, direct messaging, Quick Add, and similar. Reasonable and responsible parents are
24 not able to accurately assess the safety of Snap's product, or assess that product at all, because of
25 Snap's marketing, assurances, and failures to warn.
26

27 501. It is feasible for Defendant Snap to provide warnings and to make other product
28 related modifications that would prevent many of these harms at negligible cost to Snap.

1 502. Defendant Snap knew about these harms, knew that its users and their parents
2 would not be able to safely use the Snapchat product without warnings, and failed to provide
3 warnings that were adequate to make the product reasonably safe during ordinary and foreseeable
4 use by children.

5 503. As a result of Defendant Snap's failure to warn, A.B. suffered and continues to
6 suffer severe mental and physical harms due to her use of and dependency on the Snapchat product.

7 504. As a result of Defendant Snap's failure to warn, Alex Capelouto, Devin Norring,
8 Daniel Puerta, Dylan Kai Sarantos, Daniel (aka Elijah) Figueroa, Alexander Neville, Jeffrey
9 Steven Johnston, Jr., Jack McCarthy, and E.B suffered severe mental and physical harms due to
10 their use of and dependency on the Snapchat product, including death.

11 505. As a result of Defendant Snap's failure to warn, Plaintiffs have suffered emotional
12 distress and pecuniary hardship. Defendant Snap is further liable to Plaintiffs for punitive damages
13 based upon Snap's willful and wanton failure to warn of known dangers of the Snapchat product,
14 which was deliberately marketed and sold to minor users, whom they knew would be seriously
15 harmed through their use of Snapchat.

16 **COUNT III – NEGLIGENCE (Design Defect)**

17 506. Plaintiffs Amy Neville, Aaron Neville, Jaime Puerta, Mariam Hernandez, Cindy
18 Cruz-Sarantos, Bridgette Norring, James McCarthy, Kathleen McCarthy, Matthew Capelouto,
19 Christine Capelouto, Perla Mendoza, E.B., and P.B. reallege each of the allegations in the
20 preceding paragraphs as if fully set forth herein.

21 507. Defendant Snap is responsible for the design, manufacture, and marketing of
22 Snapchat, and Snap chat is a product.

23 508. At all relevant times, Defendant Snap had a duty to exercise reasonable care and
24 caution for the safety of individuals using its Snapchat product, including Plaintiffs' children.

25 509. Defendant Snap owe a heightened duty of care to minor and young adult users of
26 its Snapchat product because adolescents' brains are not fully developed which results in a
27 diminished capacity to make responsible decisions regarding social media use, eschew self-
28

1 destructive behaviors, and overcome emotional and psychological harm from negative and
2 dangerous social media encounters.

3 510. As a business owner, Defendant Snap owed the children and young adults who
4 visited its Snapchat social media platform and from whom it derives billions of dollars per year in
5 advertising revenue a duty of ordinary care substantially similar to that owed by physical business
6 owners to its business invitees.

7 511. Defendant Snap was negligent, grossly negligent, reckless and/or careless in that it
8 failed to exercise ordinary care and caution for the safety of those children and young adults to
9 whom it provided its Snapchat social media product – children and young adults like Alexander
10 Neville, Daniel Puerta, Jeff Johnston, Jr., Dylan Kai Sarantos, Devin Norring, Jack McCarthy,
11 Alexandra Capelouto, Elijah Figueroa, and A.B., Defendant Snap was negligent in failing to
12 conduct adequate testing and failing to allow independent academic researchers to adequately
13 study the effects of its products and levels of problematic use amongst minors and young adults.
14 Snap also was negligent in failing to conduct adequate testing about the dangerous posed by its
15 disappearing product features, rewards systems, and other tools and features that have resulted in
16 inherently harmful and problematic usage of the Snapchat product. Snap knows that its products
17 are harmful, are capable of causing and do cause extensive mental and physical harms to Snap's
18 youngest users, and that users are engaging in problematic and addictive use that parents, in the
19 case of minor users, and users themselves are helpless to monitor and prevent.

20
21 512. Defendant Snap was negligent in failing to fully assess, investigate, and restrict the
22 use of its Snapchat social media product by adults to sell drugs to minor and young adult Snapchat
23 users, and was negligent in designing its product in a manner that it knew or should have known
24 would encourage and facilitate such drug deals and in failing to warn users and the general public
25 (including parents) about these known dangerous arising from use of the Snapchat product.

26 513. Defendant Snap was negligent in failing to provide users and parents the tools to
27 ensure their social media products are used in a limited and safe manner by underage users.

28 514. Defendant Snap was negligent in failing to enforce and to provide any form of

1 reasonable reporting and enforcement mechanism as required to fulfill its promises to users and
2 the general public, including but not limited to Snap's commitments regarding age and consent
3 restrictions for use of its product and immediate action in the case of reported drug dealers and
4 other product use terms violations. People have died as a result of these negligent failures.

5 515. Defendant Snap easily could have but to this day has failed to implement safety
6 measures that would mitigate, reduce, and/or eliminate the above-described harms, which their
7 product causes to minor users.

8 516. As a direct and proximate result of Defendant Snap's negligence, Plaintiffs E.B.
9 and P.B.'s child A.G. suffered and continues to suffer severe mental harm from her use of the
10 Snapchat product, including but not limited to addiction, anxiety, depression, sleep deprivation,
11 and related mental health problems, as well as foreseeable physical harms arising from them.

12 517. As a direct and proximate result of Defendant Snap's negligence, Plaintiffs Amy
13 Neville, Aaron Neville, Jaime Puerto, Mariam Hernandez, Cindy Cruz-Sarantos, Bridgette
14 Norring, James McCarthy, Kathleen McCarthy, Samantha McCarthy, Matthew Capelouto,
15 Christine Capelouto, Perla Mendoza, Alexander Neville, Daniel Puerto, Jeff Johnston, Jr., Dylan
16 Kai Sarantos, Devin Norring, Jack McCarthy, Alexandra Capelouto, and Elijah Figueroa suffered
17 severe mental harm from their use of the Snapchat product and death.

18 518. As a direct and proximate result of Defendant Snap's negligence, every one of these
19 plaintiffs has suffered severe emotional distress and pecuniary hardship due to their child's mental
20 and physical harms resulting from use of the Snapchat social media product, which harms were
21 foreseeable by Snap.

22 519. Defendant Snap's conduct was carried on with a willful and conscious disregard
23 for the safety of Plaintiffs' children and other minor users of the Snapchat product. Snap knew
24 and, based on information it received from parents and law enforcement, as well as the existing
25 scientific and medical literature, should have known about the risks to minors associated with the
26 Snapchat product. Yet Snap chose to ignore those risks, downplay any safety issues in public
27 statements, conceal knowledge relating to its product and associated harms, fail to warn minors
28

1 and their parents, and delay implementation of feasible product safety features. Defendant's
2 decision to prioritize profits over children's safety and health is outrageous and justifies an award
3 of exemplary damages pursuant to California Code § 3294, in such a sum that will serve to deter
4 Defendant Snap and other social media companies from similar conduct in the future.

5 **COUNT IV – NEGLIGENCE (Failure to Warn)**

6 520. Plaintiffs Amy Neville, Aaron Neville, Jaime Puerta, Mariam Hernandez, Cindy
7 Cruz-Sarantos, Bridgette Norring, James McCarthy, Kathleen McCarthy, Matthew Capelouto,
8 Christine Capelouto, Perla Mendoza, E.B., and P.B. reallege each of the allegations in the
9 preceding paragraphs as if fully set forth herein.

10 521. Defendant Snap is responsible for the design, manufacture, and marketing of
11 Snapchat and Snapchat is a product.

12 522. Defendant Snap knew or reasonably should have known that Snapchat can be
13 dangerous to pre-teens, teens, and young adults when used in its intended or reasonably foreseeable
14 manner. Defendant Snap also know or reasonably should have known that ordinary users of
15 Snapchat, including pre-teens, teens, and young adults, would not appreciate those dangers.

16 523. As a product manufacturer marketing and selling products to consumers, Defendant
17 Snap had a duty to exercise ordinary care in the manufacture, marketing, and sale of its Snapchat
18 product, including a duty to warn users and, in the case of minor users, to warn their parents about
19 the many hazards that Snap knew to be present, but not obvious.

20 524. Defendant Snap breached its duty by failing to warn users or their parents of the
21 safety risks presented by Snapchat. Snap has not posted and, to this day, still does not post any
22 warnings that minors' use of Snapchat can lead to serious harms.

23 525. Defendant Snap does not post or display warnings that the Snapchat product
24 includes product features that are addictive, particularly to persons under 26 years old; that Snap
25 collects and utilizes user data to make its product progressively more addictive; that Snap connects
26 strangers to children and vice versa, for its own economic gain; that Snap allows children to
27 communication with strangers; that Snap has designed its product such that it makes parental
28

1 supervision impossible, and encourages drug dealers and other predators; that Snapchat is not
2 suitable for children under 18 without parental supervision; or that Snap has inadequate reporting
3 mechanisms, and will not notify parents in the event that their child is engaging in harmful use of
4 its social media product.

5 526. A reasonable company in Defendant Snap's position would have warned its minor
6 users and their parents about Snapchat's safety risks and would have instituted safety measures
7 years ago to protect its users from the known dangers created by its marketing decisions and
8 product design.

9 527. Defendant Snap was negligent in failing to provide adequate warnings about the
10 dangers associated with the use of its Snapchat social media product and in failing to advise users
11 and the general public (including parents) about how and when to safely use the Snapchat product
12 and features.

13 528. As a direct and proximate result of Defendant Snap's negligence, Plaintiffs E.B.
14 and P.B.'s child A.G. suffered and continues to suffer severe mental harm from her use of the
15 Snapchat product, including but not limited to addiction, anxiety, depression, sleep deprivation,
16 and related mental health problems, as well as foreseeable physical harms arising from them.

17 529. As a direct and proximate result of Defendant Snap's negligence, Plaintiffs Amy
18 Neville, Aaron Neville, Jaime Puerta, Mariam Hernandez, Cindy Cruz-Sarantos, Bridgette
19 Norring, James McCarthy, Kathleen McCarthy, Samantha McCarthy, Matthew Capelouto,
20 Christine Capelouto, Perla Mendoza, Alexander Neville, Daniel Puerta, Jeff Johnston, Jr., Dylan
21 Kai Sarantos, Devin Norring, Jack McCarthy, Alexandra Capelouto, and Elijah Figueroa suffered
22 severe mental harm from their use of the Snapchat product and death.

23 530. As a direct and proximate result of Defendant Snap's negligence, every one of these
24 plaintiffs has suffered severe emotional distress and pecuniary hardship due to their child's mental
25 and physical harms resulting from use of the Snapchat social media product, which harms were
26 foreseeable by Snap.

27 531. Defendant Snap's conduct was carried on with a willful and conscious disregard
28

1 for the safety of Plaintiffs' children and other minor users of the Snapchat product. Snap knew
2 and, based on information it received from parents and law enforcement, as well as the existing
3 scientific and medical literature, should have known about the risks to minors associated with the
4 Snapchat product. Yet Snap chose to ignore those risks, downplay any safety issues in public
5 statements, conceal knowledge relating to its product and associated harms, fail to warn minors
6 and their parents, and delay implementation of feasible product safety features. Defendant's
7 decision to prioritize profits over children's safety and health is outrageous and justifies an award
8 of exemplary damages pursuant to California Code § 3294, in such a sum that will serve to deter
9 Defendant Snap and other social media companies from similar conduct in the future.

10 **COUNT V – NEGLIGENCE (Infliction of Emotional Distress)**

11 532. Plaintiffs Amy Neville, Aaron Neville, Jaime Puerta, Mariam Hernandez, Cindy
12 Cruz-Sarantos, Bridgette Norring, James McCarthy, Kathleen McCarthy, Samantha McCarthy,
13 Matthew Capelouto, Christine Capelouto, Perla Mendoza, E.B., and P.B. reallege each of the
14 allegations in the preceding paragraphs as if fully set forth herein.

15 533. Defendant Snap owed a duty to exercise reasonable care and caution for the safety
16 of minors and young adults using the Snapchat product, and breached its duty to exercise
17 reasonable care through its negligent design of Snapchat, its failure to warn users or their parents
18 of any of the safety risks caused by use of Snapchat, and its calculated cost-benefit decisions to
19 not fix, restrict, or remove those dangerous product features and to not even act on instances of
20 actual knowledge of the harms its product was causing.

21 534. As a direct and proximate result of Defendant Snap's negligence, Plaintiffs – the
22 parents and/or siblings of children severely harmed and even killed because of Snapchat's
23 decisions, failures to warn, and refusals to act – have all suffered serious emotional distress. When
24 a manufacturer targets minors and causes harm to them, the natural consequence of that is harm to
25 their parents and/or guardians and immediate family. Snap not only manufactured and distributed
26 a defective and inherently dangerous product, but it placed that product into Plaintiffs' homes,
27 often without their knowledge or consent and always under false pretenses, targeting their own
28

1 children in their own homes.

2 535. Defendant Snap is further liable to Plaintiffs for punitive damages based upon its
3 extreme departure from the ordinary standard of conduct and its reckless disregard for the
4 wellbeing of minor users. Snap's actions are morally blameworthy, given its failure to change
5 Snapchat to avoid harm to Plaintiffs despite its knowledge of the harms it was causing. Punitive
6 damages should be awarded to prevent future harm from Defendant's negligence.

7 536. Defendant Snap chose to prioritize profits over children's safety and health, which
8 decisions were outrageous and justify an award of exemplary damages pursuant to California Code
9 § 3294, in such a sum that will serve to deter Defendant Snap and other social media companies
10 from similar conduct in the future.

11 **COUNT VI – VIOLATION OF CALIFORNIA'S UNFAIR COMPETITION LAW, CAL.**
12 **BUS & PROF. CODE §§ 17200, et seq.**

13 537. Plaintiffs A.B. and P.B. reallege each of the allegations in the preceding paragraphs
14 as if fully set forth herein.

15 538. Defendant Snap is a corporation and thus a "person" as defined by California
16 Business & Professions Code § 17201.

17 539. The UCL prohibits all conduct that is unlawful, unfair, or fraudulent.

18 540. Defendant Snap's conduct is unlawful as set forth in Counts I–III, above

19 541. Defendant Snap's conduct is unlawful also because it has knowledge of users under
20 the age of 13 on their platforms and users under the age of 18 who lack parental consent and, in
21 fact, Snap actively targets, markets to, and encourages use of its Snapchat product by minors with
22 or without parental consent.

23 542. Defendant Snap's conduct is unlawful also because it has knowledge of Snapchat
24 Dealers who are using its platform to sell illegal and lethal fentanyl laced pills to minors and young
25 adults on its platform, as well as the fact that these Snapchat Dealers are using its product designs,
26 technologies, and features to find new customers and to engage in illegal and harmful conduct with
27 the understanding that and because Snap will delete all evidence of their crime.
28

1 543. Defendant Snap further engaged in fraudulent and deceptive business practices in
2 violation of the UCL by promoting its Snapchat product and product features to underage users
3 while concealing critical information regarding the addictive nature and risk of harm these
4 products and product features pose. Snap knew and should have known that its statements and
5 omissions regarding the addictive and harmful nature of its product, use of its product by kids and
6 criminals, and safety measures Snap claimed to take to protect its young users but does not in fact
7 take unless forced to act were misleading and therefore likely to deceive the members of the public
8 who use Snap's products, who permit their underage children to use Snap's products, and who do
9 not take quick and extensive action to stop their underage children from the use of Snap's products.
10 Had these Plaintiffs known of the dangerous nature of the Snapchat product, every one of them
11 would have taken early and aggressive steps to stop or limit their child's use.

12 544. Defendant Snap's practices are unfair and violate the UCL because they offend
13 established public policy, and because the harm these practices cause to consumers greatly
14 outweighs any benefits associated with them. Additionally, Snap has designed its Snapchat product
15 to lock-in users, especially children and teens. It knows that the more minors invest in Snaps'
16 products the harder it is for them to switch. It is hard to switch because of network effects and sunk
17 costs, and Snap designs its Snapchat product explicitly around these designs for the purpose of
18 locking-in young users. As of now, Snap has locked-in the majority of all U.S. teens aged 13 to 17
19 and who have access to the internet.

20 545. Defendant Snap's conduct has resulted in substantial injuries that Plaintiffs could
21 not have reasonably avoided because of Snap's deceptive conduct. This substantial harm is not
22 outweighed by any countervailing benefits to consumers or competition.

23 546. As a direct and proximate result of the foregoing acts and practices, Defendant Snap
24 has received, or will receive, income, profits, and other benefits, which it would not have received
25 if it had not engaged in the violations of the UCL described herein. As a direct and proximate result
26 of the foregoing acts and practices, Snap have also obtained unfair advantages over similar
27 businesses that have not engaged in such practices.
28

1 547. As a result of Defendant Snap's UCL violations, Plaintiffs A.B. and P.B. have
2 suffered injuries in fact and lost money as set forth herein and are continuing to suffer injuries with
3 regard to their minor child.

4 548. Accordingly, Plaintiffs A.B. and P.B. seek injunctive and equitable relief to halt
5 and remedy Defendant Snap's unlawful, fraudulent, and unfair conduct.

6 **COUNT VII – UNJUST ENRICHMENT**

7 549. Plaintiffs Amy Neville, Aaron Neville, Jaime Puerta, Mariam Hernandez, Cindy
8 Cruz-Sarantos, Bridgette Norring, James McCarthy, Kathleen McCarthy, Matthew Capelouto,
9 Christine Capelouto, Perla Mendoza, E.B., and P.B. reallege each of the allegations in the
10 preceding paragraphs as if fully set forth herein.

11 550. As a result of Defendant Snap's conduct detailed herein, Snap received significant
12 benefits. Because Snap's advertising profits are directly tied to the number of user accounts and
13 the amount of time those users spend on Snapchat, it benefited directly from its engineered
14 addiction of Plaintiffs' children and its failure to enforce its terms of use as those relate to age
15 restrictions, allowing of multiple accounts, and action to block known drug dealer accounts. Snap
16 benefited from the time these users spent on its platform, which is why it failed to act despite its
17 knowledge of the irreparable harms its products were causing to Plaintiffs and their children.

18 551. Moreover, because Snap's advertising profits are directly tied to the number of user
19 accounts and the amount of time those users spend on Snapchat, it benefited directly from refusing
20 to provide any information about its Snapchat social media product and refusing to provide any
21 way for parents to make any report at all without opening their own Snapchat accounts – only to
22 then not respond to and otherwise render the inadequate reporting mechanisms available for
23 account holders meaningless. Snap benefited from every new account opened by Plaintiffs and all
24 time Plaintiffs spent on those accounts trying to monitor and/or protect their children, and to protect
25 other children from the ongoing and outrageous harms Snap was causing.

26 552. It would be unjust and inequitable for Defendant Snap to retain the ill-gotten
27 benefits at Plaintiffs' expense, in light of Snap's acts and omissions described herein.
28

1 553. Accordingly, Plaintiffs seek damages in an amount to be proven at trial.

2 **COUNT VIII – INVASION OF PRIVACY**

3 **(California Constitutional Right to Privacy, Cal. Const. Art. 1, § 1)**

4 554. Plaintiffs Amy Neville, Aaron Neville, Jaime Puerto, Mariam Hernandez, Cindy
5 Cruz-Sarantos, Bridgette Norring, James McCarthy, Kathleen McCarthy, Matthew Capelouto,
6 Christine Capelouto, Perla Mendoza, E.B., and P.B. reallege each of the allegations in the
7 preceding paragraphs as if fully set forth herein.

8 555. Defendant Snap intentionally intruded upon Plaintiffs’ solitude, seclusion, or
9 private affairs by knowingly designing its Snapchat product with features that were intended to,
10 and did, frustrate parents’ ability to monitor and control their children’s social media usage.

11 556. These intrusions are highly offensive to a reasonable person, particularly given
12 Defendant Snap’s interference with the fundamental right of parenting and its exploitation of
13 children’s special vulnerabilities for commercial gain, as well as its failure to warn and active
14 concealment of known harms.

15 557. Plaintiffs were harmed by Defendant Snap’s invasion of privacy, as detailed herein.

16 558. Plaintiffs therefore seek compensatory and punitive damages in amounts to be
17 determined at trial, as well as injunctive relief requiring Defendant Snap to cease the harmful
18 practices described throughout this Complaint.

19 **COUNT IX – PUBLIC NUISANCE**

20 **(Cal. Civil Code §§ 3479, 3480, 3491, 3493)**

21 559. Plaintiffs Amy Neville, Aaron Neville, Jaime Puerto, Mariam Hernandez, Cindy
22 Cruz-Sarantos, Bridgette Norring, James McCarthy, Kathleen McCarthy, Matthew Capelouto,
23 Christine Capelouto, Perla Mendoza, E.B., and P.B. reallege each of the allegations in the
24 preceding paragraphs as if fully set forth herein.

25 560. California Civil Code § 3479 provides that “[a]nything which is injurious to health
26 . . . or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to
27 interfere with the comfortable enjoyment of life or property . . . is a nuisance.”
28

1 561. California Civil Code § 3480 defines a “public nuisance” as “one which affects at
2 the same time an entire community or neighborhood, or any considerable number of persons,
3 although the extent of the annoyance or damage inflicted upon individuals may be unequal.”

4 562. California Civil Code § 3480 defines a “public nuisance” as “one which affects at
5 the same time an entire community or neighborhood, or any considerable number of persons,
6 although the extent of the annoyance or damage inflicted upon individuals may be unequal.”

7 563. California Civil Code § 3490 provides that “[n]o lapse of time can legalize a public
8 nuisance, amounting to an actual obstruction of public right.”

9 564. Defendant Snap has acted in a way injurious to the public health and interfered with
10 the comfortable enjoyment of life and property of Plaintiffs and other California residents by,
11 among other things, (a) affirmatively distributing the Snapchat product to minors users below the
12 age of 13 (b) affirmatively distributing the Snapchat product to minors users below 18 but without
13 parental consent, (c) obtaining parental consent via concealment and failure to warn known and
14 material dangers that a reasonable user and/or their parents could not ascertain, (d) directing users,
15 including children, teens, and young adults, to harmful and exploitative content and individuals,
16 including drug dealers and other Snapchat predators, (e) encouraging advertisers to design ads that
17 appeal to minors, (f) intentionally designing their social media products to frustrate the exercise of
18 parental responsibility by minor users’ parents, (g) designing their social media products to create
19 “public” profiles for minor users by default, (h) intentionally designing social media products that
20 are addictive to minor users, (i) designing its products in a manner that encourages, enables, and
21 facilitates the deadly sale of counterfeit prescription medications to children, teens, and young
22 adults, (j) extensive failures to warn users or their parents of known dangers.

23
24 565. Defendant Snap has unreasonably interfered with the public health, safety, peace
25 and comfort of Plaintiffs and other California residents by, among other things, failing to provide
26 adequate safeguards against minor users accessing harmful content and being introduced to drug
27 dealers and other Snapchat predators, failing to verify minor users’ ages and identities, failing to
28 provide parental controls, permission, and monitoring capability, failing to adequately protect

1 minor users from harm, failing to adequately notify the parents of minor users of dangerous and
2 problematic social media usage by minor users, and failing to warn minor users and their parents
3 about the addictive design and effects of their social media products.

4 566. As described above, by acting and by failing to act, Defendant Snap has knowingly
5 and intentionally created and allowed to exist a condition that is harmful to the health and well-
6 being of a substantial number of people – more than half of California’s teen and young adult
7 population, in fact – and including increased rates of mental and physical health injuries such as
8 depression, anxiety, self-harm, social media addiction, sleep deprivation, and substance abuse.

9 567. An ordinary person would be reasonably disturbed and/or annoyed by the condition
10 Defendant Snap has created and allowed to exist.

11 568. The seriousness of the harm caused by Defendant Snap’s conduct is not outweighed
12 by the social utility of that conduct. On the contrary, the only utility of Snap’s conduct and cost-
13 benefit decisions as described throughout this complaint has been Snap’s own profit at the expense
14 of its users’ lives.

15 569. Plaintiffs did not consent to Defendant Snap’s conduct.

16 570. Plaintiffs have further suffered special injury and damages as a direct and proximate
17 result of Defendant Snap’s conduct, including the death of their children because of the Snapchat
18 product and decisions Snap has made in connection with the same. The harm suffered by Plaintiffs
19 is different in kind, not merely in degree, from the type of harm suffered by the general public.

20 571. Defendant Snap’s conduct was a substantial factor in causing Plaintiffs’ harm.

21 572. Plaintiffs seek all legal and equitable relief allowed by law.

22 **DEMAND FOR JURY TRIAL**

23 Plaintiffs hereby demand a trial by jury.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiffs pray for judgment against Defendant Snap for relief as follows:

- 26 1. Past physical and mental pain and suffering of each of Plaintiffs’ children, in
27 amounts to be more readily ascertained at the time and place set for trial.
28

2. Loss of future income and earning capacity of each of Plaintiffs' children.
3. Past and future medical expenses of each of Plaintiffs' children.
4. Past physical and mental pain and suffering of each of Plaintiffs' children, in an amount to be more readily ascertained at the time and place set for trial.
5. Monetary damages suffered by Plaintiffs.
6. Punitive damages.
7. For the reasonable costs and attorney and expert/consultant fees incurred in this action.
8. For injunctive and affirmative relief, including but not limited to each of the following:
 - A. Prohibiting advertising to any person under 18, including but not limited to the use of cartoons and other products that appeal to minors and typically not adults.
 - B. Prohibiting distribution of certain addictive product features, such as Streaks, Trophies, Charms, and Scores.
 - C. Prohibiting distribution of Snapchat products to any user under the age of 13 and any user aged 13 to 17 without written parental consent.
 - D. Prohibiting any attempt to contract with persons under the age of 18, in any circumstance, and affirmatively requiring Snap to ensure that its terms of service are not false or misleading, including notification to all users that users under the age of 18 cannot not be bound by contractual terms.
 - E. Affirmatively requiring Snap to implement reasonable mechanisms to enforce age restrictions, including creation of 24-hour reporting vehicles (mail, email, and phone) with adequate staffing and available to parents and guardians to report underage and/or unauthorized use of the Snapchat product, as well as a national registry maintained by

1 Snap through which parents can affirmatively notify Snap of non-
2 parental consent and their child's name and birthdate, as well as other
3 reasonable information that would be in the parents' possession and
4 can be used by Snap to enforce these age restrictions.

5 F. Affirmatively requiring Snap to implement reasonable mechanisms to
6 enforce other user safety related terms, including creation of reporting
7 vehicles (mail, email, and phone) with adequate staffing and available
8 to all persons to report violations of Snap's terms of use and other
9 abuses of the Snapchat product in a manner that is harmful to minor
10 users, including drug dealer accounts, bullying, exploitation,
11 harassment, and other harms perpetrated via the Snapchat product.

12 G. Provision of warnings and disclaimers to all users of the fact that
13 minors under 13 are unauthorized and have no expectation of privacy
14 in their use of the Snapchat product (nor do any users in their
15 communications or interactions with such minors).

16 H. Provision of warnings and disclaimers to all users of the fact that
17 minors under 18 and who do not have parental or guardian consent at
18 the time of use of the Snapchat product are unauthorized and have no
19 expectation of privacy in their use of the Snapchat product absent an
20 express and unrevoked written consent by one or more parents or
21 guardians of the minor child (nor do any users in communications or
22 interactions with such minors in such circumstances).

23 I. Provision of warnings and disclaimers to all users that Snap's
24 limitation on multiple accounts shall be enforced and that any user
25 found to have opened more than one account will be blocked from use
26 of the Snapchat product.
27
28

1 J. Provision of warnings and disclaimers to all users that Snap's policies
2 and terms shall be enforced, and that any user found to have violated
3 those policies and/or terms will be blocked from use of the Snapchat
4 product, including a lifetime ban in the case of drug dealing,
5 grooming, exploitation, or abuse of a minor, posting, circulation, or
6 sharing of explicit content involving a minor, and any other illegal
7 activities; and enforcement of those bans, including by utilization of
8 user and device data Snap collects from each Snapchat user.

9 K. Programming of its products to not delete any content until a period
10 of at least twelve months has passed, and provision of warnings and
11 disclaimers to all users regarding the same – *i.e.* that while messaging
12 and stories is still ephemeral as among Snapchat's users, Snap itself
13 will retain all content for a minimum of twelve months and, in some
14 cases, longer, will provide all content to law enforcement promptly
15 and upon request, and will provide all content to the parents or
16 guardians of minor users upon request (including all content generated
17 when the user was under 18) and if legally required.

18 L. Prohibiting distribution of Snap's My Eyes Only product in the case
19 of minor users, and retention by Snap of all pin numbers and data
20 stored in My Eyes Only in accordance with the prior paragraphs for
21 any user over the age of 18.

22 M. On the case of minor accounts, prohibiting Snap from,

- 23 1. Sending push notifications.
- 24 2. Utilizing its Quick Add recommendation feature.
- 25 3. Allowing use of Direct Messaging.
- 26 4. Provision of access between 11 pm and 5 am.
- 27
- 28

1 5. Product features that identify, suggest, direct, or provide
2 unsolicited content or user recommendations.

3 6. Product features and technologies that maximize engagement
4 type metrics over user safety.

5 7. Features that rank or order any content or recommendations
6 except via objective and transparent methods, for example,
7 ranking in chronological order, which methods must be
8 disclosed to the parents of each such user in writing.

9 N. Development of tools for parental control and notification.

10 O. Distribution of any product that is suspected to or does operate with
11 any degree of algorithmic discrimination where such discrimination
12 would foreseeably impact any member of any protected class.

13 P. For users under the age of 18, any setting that makes the account
14 public or in any way visible to any person not specifically “connected”
15 to the user.

16 Q. Sending of any communication to any user under the age of 18 that is
17 not also sent to that user’s parent or guardian.

18 R. Notice to all users and the parents of all minor users regarding the
19 prevalence of Snapchat drug sales and providing users and parents of
20 minor users with resources to discuss the same.

21
22 9. Such other and further relief as this Court deems just and equitable.

23 DATED this 12th day of October 2022.

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EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

BRITTNEY DOFFING, *individually
and as next of friend to minor
plaintiff M.K.,*

Case No. 1:22-cv-00100-CL

Plaintiffs,

v.

**FINDINGS AND
RECOMMENDATION**

META PLATFORMS, INC.,
SNAP, INC.,

Defendants.

CLARKE, Magistrate Judge.

Plaintiff brings this case on behalf of herself and her minor daughter for injuries allegedly caused by defendants' social media products. This case comes before the Court on Defendant Snap, Inc.'s Motion to Transfer Venue for lack of personal jurisdiction, or alternatively, pursuant to its forum-selection clause. Defendant Meta Platforms, Inc. did not join the motion but submitted a statement of non-opposition. Oral argument was heard on June 7, 2022, in Medford, Oregon. For the reasons provided below, the Court recommends that the Motion to Transfer Venue (#37) be DENIED.

BACKGROUND

Plaintiff is a resident of Ashland, Oregon and is the mother and custodial parent of M.K., a minor that also resides in Ashland, Oregon. Defendant Snap, Inc. (“Snap”) owns and operates the social media platform known as Snapchat. Snap is a Delaware corporation with its principal place of business in Santa Monica, CA. Defendant Meta Platforms, Inc. (“Meta”) owns and operates the social media platform known as Instagram. Meta is a Delaware corporation with its principal place of business in Menlo Park, CA. According to Plaintiff, M.K.’s use of defendants’ products has occurred entirely in Oregon.

M.K. received a smart phone at age fourteen and shortly thereafter opened an account with Instagram and Facebook with her mother’s consent. M.K. also opened an account with Defendant Snap, Inc. against her mother’s instruction and without parental consent. According to Snap, when M.K. opened her account, she should have been presented with a screen that asks the user to enter a first and last name and then click “Sign Up & Accept.” Locascio Decl. ¶ 14. On the screen above “Sign Up & Accept,” included the following statement: “By tapping Sign Up & Accept, you acknowledge that you have read the Privacy Policy and agree to the Terms of Service.” *Id.* The terms “Privacy Policy” and “Terms of Service” contained within the above statement were hyperlinks that M.K. had to click on in order to access, review, and print the Privacy Policy and Terms of Service. *Id.* ¶ 15.

Snap’s Terms of Service consisted of approximately 15 pages and contained a statement relating to a minor’s use of the services.

Who Can Use this Service

No one under age of 13 is allowed to create an account or use the Services. If you are under 18, you may only use the Services with the prior consent of your parent or legal guardian. Please be sure your parent or legal guardian has

reviewed and discussed these Terms with you before you start using the Services.

Locascio Decl., Ex. 3 at 2. Plaintiff asserts that she did not consent to M.K.'s use of Snapchat, nor did she review or discuss the Terms with her daughter. Doffing Decl. ¶ 6. Plaintiff alleges that Defendant Snap should know because of its collection of data and utilization of algorithms, and because of the filing of this lawsuit, that M.K. is a minor and using Snapchat without parental consent. Yet, M.K. still has access to the multiple Snapchat accounts that she created and continues to receive communication from Snap as of the filing of Plaintiff's Opposition.

Snap's Terms of Service also includes a forum selection clause on or around page 13.

The clause is titled "Exclusive Venue" and states,

To the extent that these Terms allow you or Snap Inc. to initiate litigation in a court, both you and Snap Inc. agree that all claims and disputes (whether contract, tort, or otherwise), including statutory claims and disputes, arising out of or relating to the Terms or the use of the Services will be litigated exclusively in the United States District Court for the Central District of California. If, however, that court would lack original jurisdiction over the litigation, then all such claims and disputes will be litigated exclusively in the Superior Court of California, County of Los Angeles. You and Snap Inc. consent to the personal jurisdiction of both courts.

Locascio Decl. ¶ 23; Ex. 3 at 13-14.

Plaintiff alleges that defendants' products are designed to be used by children and are marketed to children across the United States. Plaintiff alleges that defendants created complex algorithms that are designed to be extremely addicting to minors and that they utilize methods that promote excessive use. These methods include sending text and email notifications to users while they are not using the application, which was allegedly designed to encourage users to re-engage. Plaintiff asserts that Snap sent thousands of notifications and emails directly to M.K.'s phone in Oregon from March 2020 to the present. Other methods employed by defendants to allegedly encourage excessive use include a feature known as "Snap Streaks," which Plaintiff

claims is a highly addictive feature that caused M.K. to “rather run away and put herself in danger than lose her streak.” Doffing Decl. ¶ 30.

Plaintiff alleges that within two weeks of opening social media accounts, M.K. displayed no interest in any activity other than viewing and posting on defendants’ platforms. Plaintiff alleges that defendants’ products caused M.K.’s mental health to suffer, she lost sleep, developed eating disorders, ran away from home to gain access to the platforms, and was taken to a medical facility in Medford, Oregon on three separate occasions after psychiatric episodes triggered by defendants’ products. *See* Doffing Decl. Plaintiff further alleges that defendants’ products were designed in a way that connected M.K. to adults in her geographic location that she did not otherwise know, and that because of this design feature, M.K. was messaged and solicited for sexual exploitive content on numerous occasions by adult users of Instagram and Snapchat.

Plaintiff alleges there are 1.3 to 1.4 million Snapchat users in Oregon, approximately 240,000 of which are children under the age of eighteen. Based on Snap’s reported revenue and Plaintiff’s calculations, Plaintiff asserts that Snap generated more than \$40 million in 2021 from advertising to only its Oregon users. In Snap’s 2021 Annual Report, Snap stated that substantially all of its revenue is generated from third-party advertising on Snapchat. Bergman Decl., Ex. B at 18. Snap describes its advertising program as follows:

We have invested heavily to build our self-serve advertising platform, which provides automated, sophisticated, and scalable ad buying and campaign management. We offer the ability to bid for advertisements that are designated to drive Snapchatters to: visit a website, make a purchase, visit a local business, call or text a business, watch a story or video, download an app, or return to an app, among others. Additionally, our delivery framework continues to optimize relevance of ads across the entire platform by determining the best ad to show to any given user based on their real-time and historical attributes and activity.

Id. at 11. Snap states that it relies heavily on its ability to collect and disclose to its advertisers personal data and metrics collected from its users so that it can attract new advertisers and retain

existing advertisers. *Id.* at 18. According to Snap, “Any restriction, whether by law, regulation, policy, or other reason, on our ability to collect and disclose data and metrics which our advertisers find useful would impede our ability to attract and retain advertisers.” *Id.*

Plaintiff alleges that Snap has location targeting features that allows it to suggest other users in the same geographic location and allows advertisers to target specific states and cities or a designated radius from a specific address. Advertisers can then specify the age and gender they want to reach within the specific geographic location. Snap describes in its annual report a feature called “Snap Map” as a “live and highly personalized map that allows Snapchatters to connect with friends and explore what is going on in their local area.” *Id.* at 9.

Snap Map makes it easy to locate nearby friends who choose to share their location, view a heatmap of recent Snaps posted to Our Story by location, and locate local businesses. . . . Snapchatters [may] take direct actions from Snap Map, such as sharing a favorite store, ordering takeout, or making a reservation.

Id.

Plaintiff asserts claims of strict liability based on defendants’ defective design of their social media products and failure to provide adequate warnings of the potential dangers arising from foreseeable use. Plaintiff also brings claims of common law negligence, sexual discrimination by a place of public accommodation, and violations of 47 U.S.C. § 1595 based on defendants’ alleged financial benefit garnered from knowingly assisting and facilitating sexual solicitation and exploitation of minor children.

DISCUSSION

Snap moves this Court to transfer venue to the Central District of California under 28 U.S.C. § 1631 for lack of personal jurisdiction, or alternatively, under 28 U.S.C. § 1404(a), pursuant to its forum-selection clause.

I. The Court finds specific personal jurisdiction over Snap.

Whether a court can exercise personal jurisdiction over a nonresident entity depends on whether jurisdiction is permitted under the forum state's long arm statute and is consistent with constitutional due process. *Boschetto v. Hansing*, 539 F.3d 1011, 1015 (9th Cir. 2008). Oregon's long-arm statute confers jurisdiction to the extent permitted by due process. *Triangle Fabricators, Inc. v. Forward Indus., Inc.*, 866 F. Supp. 467, 471 (D. Or. 1994) (citing *Gray & Co. v. Firstenberg Mach. Co.*, 913 F.2d 758, 760 (9th Cir.1990)). The two forms of personal jurisdiction that a court may exercise over a nonresident defendant are general jurisdiction and specific jurisdiction.” *Boschetto*, 539 F.3d at 1016. General jurisdiction is not applicable here, so the Court turns to specific jurisdiction.

A court may have specific personal jurisdiction if the defendant has had certain minimum contacts with the forum state, the controversy arose out of those contacts, and if the exercise of jurisdiction is reasonable. *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472-74 (1985). A business entity defendant must have purposefully availed itself of the privilege of conducting business activities within the forum state through such minimum contacts that it can reasonably anticipate being haled into court there, without offending traditional notions of fair play and substantial justice. *J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873, 880 (2011) (citing *Hanson v. Denckla*, 357 U.S. 235, 253 (1958)). Personal jurisdiction over a defendant who “purposefully directs” its activities at residents of a forum is allowable, even in the “absence of physical contacts” with the forum. *Burger King*, 471 U.S. at 476. “The proper question is not where the plaintiff experienced a particular injury or effect but whether the defendant’s conduct connects him to the forum in a meaningful way.” *Walden v. Fiore*, 571 U.S. 277, 290 (2014).

To evaluate purposeful direction of activity towards a forum state, courts in the Ninth Circuit apply the three-part test from *Calder v. Jones*, 465 U.S. 783 (1984). Under *Calder*, a defendant “must have (1) committed an intentional act, which was (2) expressly aimed at the forum state, and (3) caused harm, the brunt of which is suffered and which the defendant knows is likely to be suffered in the forum state.” *Pebble Beach Co. v. Caddy*, 453 F.3d 1151, 1156 (9th Cir. 2006).

Plaintiff has satisfied the first prong. Defendants acted intentionally when they entered into contracts with M.K., a minor that resided in Oregon and that used defendants’ products exclusively in Oregon. As for the second prong, the Court finds that Snap purposefully directed its conduct towards Oregon residents in Oregon. In the specific context where the defendants own and operate a website, several courts have found that merely operating a website that is accessible from the forum state is insufficient on its own to subject a defendant to personal jurisdiction. *See Smith v. Facebook, Inc.*, 262 F. Supp. 3d 943, 951 (N.D. Cal. 2017) (rejecting plaintiff’s theory that the operators of healthcare websites expressly aimed their conduct at California by sending users’ sensitive medical communications to Facebook every time a user sent a request to the health care website). *Blocker v. Black Entm’t TV, LLC*, 2018 U.S. Dist. LEXIS 134507 at *22 (D. Or. June 26, 2018) (finding no purposeful direction where the plaintiff failed to allege a connection between the website’s use in the forum and the injury suffered). However, in this case, Plaintiff has sufficiently shown that Snapchat is more than mere interactive website that Oregonians are simply logging onto to access a service or buy a product. Snapchat is a highly sophisticated product that has been purposefully distributed to Oregon residents in the State of Oregon, where it is used as a means to maintain almost constant

communication with Oregon residents and also collect and distribute Oregonian's personal information.

Snap has entered into contracts with thousands¹ of Oregon residents. Snap sent thousands of text messages and emails to M.K. in Oregon, and likely sends thousands of similar communications to its other Oregon users. Snap works with Oregon businesses to provide location-specific services targeted directly at Oregon residents. Snap tracks Oregon residents by their location and monitors how they use the product so that it can recommend new connections, products, or activities in order to increase user engagement. Snap also relies heavily on its ability to collect and disclose to its advertisers the personal data and metrics collected from Oregon residents, including M.K. Snap stores and utilizes incredible amounts of personal information from every Oregon user in a manner and to a degree that jurisdictional jurisprudence could not have imagined as little as ten years ago. To find that Snap did not purposefully avail itself of the privileges of conducting business activities within Oregon while Snap maintains near constant communication with Oregonians and continues to mine Oregonian's data would be contrary to the notions of fair play and substantial justice and would potentially impede on the Oregon Legislature's ability to protect Oregonians from the harms alleged in this lawsuit.

To be clear, the Court is limiting this opinion to Snap's conduct towards Oregon and Oregon residents. The Court does not find that Snap has purposefully directed its conduct to every forum where Snapchat is used.

Finally, Plaintiff has sufficiently alleged facts to satisfy the third prong of the *Calder* test. As a result of using Snap's allegedly defective product, M.K. allegedly became addicted to the product and was harmed in Oregon. For these reasons, the Court finds that Snap purposeful

¹ Plaintiff alleges that Snap has contracted with approximately 1.3 million Oregon residents.

directed its activities to Oregon residents in the State of Oregon to the degree that exercise of jurisdiction in Oregon is reasonable.

II. Snap's forum selection clause is unenforceable against M.K.

As an alternative to its personal jurisdiction argument, Snap moves for transfer pursuant to its forum selection clause contained in its Terms of Service.

When a case is subject to a valid forum-selection clause, the Supreme Court of the United States held that the clause should be given controlling weight in all but the most "exceptional cases." *Atl. Marine Constr. Co. v. United States Dist. Court*, 571 U.S. 49, 63 (2013). However, a district court may not rely on the forum-selection clause until it has decided that the clause was a valid contractual term. *Trans-Tec Asia v. M/V HARMONY CONTAINER*, 518 F.3d 1120, 1124 (9th Cir. 2008). To determine whether a forum selection clause is valid, federal courts "should apply ordinary state law principles that govern the formation of contracts." *See, e.g., Ingle v. Circuit City Stores, Inc.*, 328 F.3d 1165, 1170 (9th Cir. 2003) (quoting *First Options of Chicago, Inc. v. Kaplan*, 514 U.S. 938, 944 (1995)).

A plaintiff may overcome the presumption that a contract provision is valid and enforceable by raising "generally applicable [state law] contract defenses, such as fraud, duress, or unconscionability." *JPaulJones, L.P. v. Zurich Gen. Ins. Co. (China) Ltd.*, 533 F. Supp. 3d 999, 1005 (D. Or. 2021) (citing *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1268, 1287-88 (9th Cir. 2006)). Under Oregon law, a contract is not enforceable if it is contrary to law or against public policy. *Compton v. Compton*, 187 Or.App. 142, 145 (2003). Such law and public policy may be found in legislative enactments, administrative regulations, or the constitution. *Id.*

Under Oregon law, unconscionability is a question of law that must be determined based on the facts in existence at the time the contract was made. *W. L. May Co., Inc. v. Philco-Ford*

Corp., 273 Or. 701, 707 (1975). In assessing a claim of unconscionability, Oregon courts consider both procedural and substantive unconscionability, but “only substantive unconscionability is absolutely necessary.” *Chalk v. T-Mobile USA, Inc.*, 560 F.3d 1087, 1093 (9th Cir. 2009) (citations omitted) (“[I]f the terms of the agreement are unreasonably favorable to T-Mobile, the agreement may be unenforceable despite its lack of procedural unconscionability.”).

Moreover, contracts executed by a minor may be disaffirmed by the minor during minority or upon reaching majority. *See Pettit v. Liston*, 97 Or. 464, 469-70 (1920). While courts have grappled with the issue of compensation when a minor disaffirms, they have upheld the common principle that a minor will not be bound by a contract that she entered into during infancy. In *Pettit*, the Oregon Supreme Court held that an infant who disaffirmed a contract for the purchase of a motorcycle could not recover from the seller the amount paid without compensating the seller for the use and depreciation of the motorcycle while it was in the infant’s possession. *Id.* at 469-70. At no point did the court indicate that the minor was prohibited from withdrawing from the contract, nor did the court discuss hypothetical situations in which a minor would be prohibited from withdrawing. The court also explained that “if there has been any fraud or imposition on the part of the seller, or if the contract is unfair, or any unfair advantage has been taken of the minor in inducing him to make the purchase, then a different rule would apply. And whether there had been such an overreaching on the part of the seller would always, in case of a jury trial, be a question for the jury.” *Id.*

In this case, the Court finds the forum selection clause invalid because it is procedurally unconscionable, substantively unconscionable, and unenforceable against a minor. The forum selection clause is procedurally unconscionable because it was contained within a contract that

M.K. perhaps did not even open, much less had an opportunity to negotiate. M.K. purportedly agreed to Snap's forum selection clause when she clicked "Sign Up & Accept" on Snap's login screen that incorporated Snap's Terms of Service with the sentence "By tapping Sign Up & Accept, you acknowledge that you have read the Privacy Policy and agree to the Terms of Service." The words "Terms of Service" contained within the statement was a hyperlink that M.K. had to click on in order to access and review the Terms of Service. *See* Locascio Decl. ¶¶ 13-14. The forum selection clause was located on page 13 or 14 of the Terms of Service. It is undisputed that M.K. was fourteen years old when she clicked "Sign Up & Accept" to create her first Snapchat account. There is no evidence of a mechanism that required M.K. to open the Terms of Service before clicking "Sign Up & Accept." Nor is there any evidence indicating that M.K. actually did click on the hyperlink to the Terms of Service. The Court finds it unlikely that a minor acting without parental consent or guidance actually opened and read the Terms of Service. If she did open the Terms of Service, the Court finds it even less likely that she read all the way to the forum selection clause on page 13.

The clause is also substantively unconscionable because M.K. is a minor. Snap's Terms provide that "If you are under 18, you may only use the Services with the prior consent of your parent or legal guardian. Please be sure your parent or legal guardian has reviewed and discussed these Terms with you before you start using the Services." Locascio Decl., Ex. 3 at 2. Plaintiff asserts that she never gave her parental consent to M.K. to use Snapchat, nor did she review or discuss the Terms with M.K. before M.K. started using Snapchat. Plaintiff has continued to communicate her lack of consent through the filing of this lawsuit, and M.K. is still under the age of 18. Snap should be aware by now that M.K. is using the application without parental consent, and yet, Plaintiff alleges that M.K. continues to have access to her account and continues to

receive communication from Snap even up to the filing of Plaintiff's Opposition. Therefore, it seems that Snap is asking this Court to enforce a contract that Snap itself is reluctant to enforce.

Plaintiff argues that "seeking to bind M.K. to the terms of a 15-page document incorporated by reference through a 'Sign up and Accept' screenclick is a quintessential example of a minor being 'overreached.'" Plt's Opposition. This Court agrees. In contrast to *Pettit*, where the seller acted in good faith and suffered a financial loss when the minor disaffirmed, Snap allegedly derived a financial benefit from M.K. by collecting her data for use and distribution to advertisers while M.K. became addicted to social media to the point of hospitalization. Under Oregon law, Plaintiff, in her capacity as M.K.'s parent and guardian, is entitled to disaffirm any contracts defendants claim to have consummated with her minor child. For these reasons, Snap's alternative motion to transfer venue pursuant to its forum selection clause should also be denied.

RECOMMENDATION

For the foregoing reasons, Snap's Motion to Transfer Venue (Dkt. #37) should be DENIED. This Findings and Recommendation will be referred to a district judge. Objections, if any, are due no later than fourteen (14) days after the date this recommendation is filed. If objections are filed, any response is due within fourteen (14) days after the date the objections are filed. *See* Fed. R. Civ. P. 72, 6. Parties are advised that the failure to file objections within the specified time may waive the right to appeal the District Court's order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

DATED this 20 day of July, 2022.



MARK D. CLARKE
United States Magistrate Judge