

TikTok on the Clock, Will the Party Stop? Breaking Down the California Social Media MDL and the Upcoming Bellwether Trials

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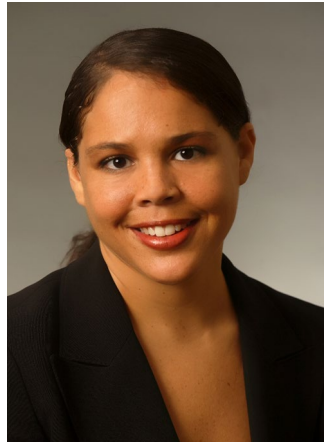
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TikTok on the Clock, Will the Party Stop?

Breaking Down the California Social Media MDL and the Upcoming Bellwether Trials

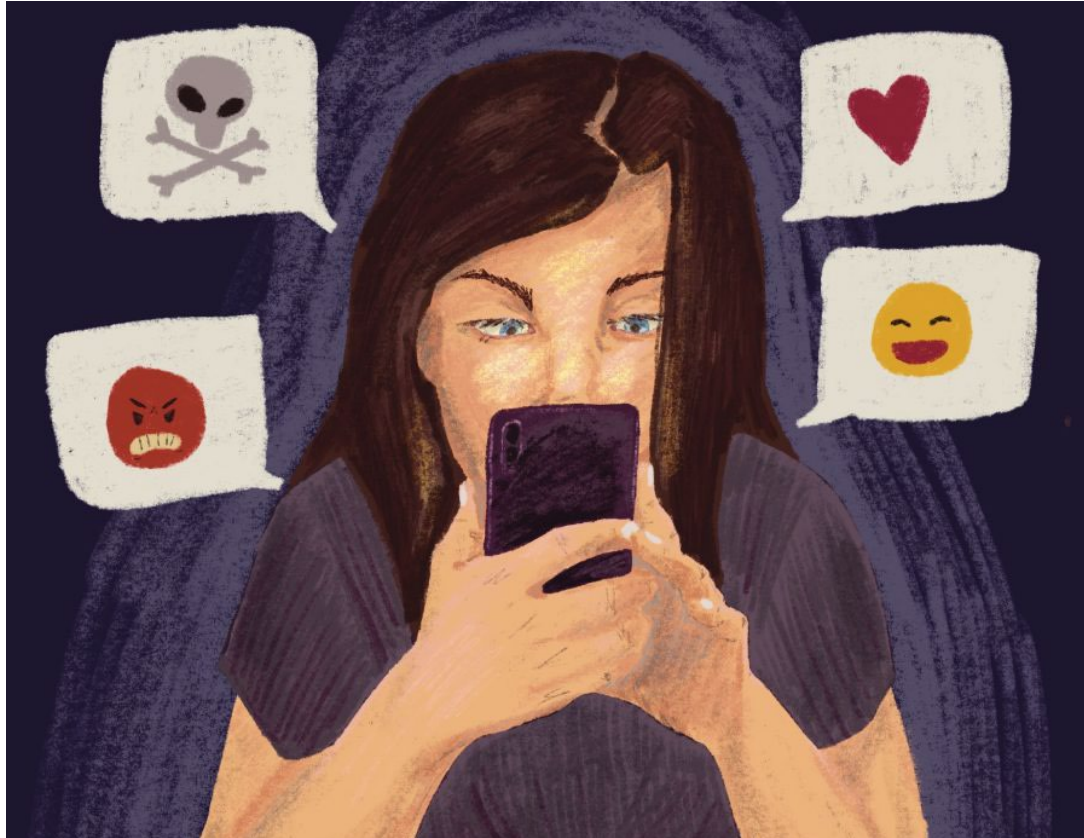


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Social Media Addiction: What is it?



- Compulsive engagement with social media platforms, significantly disrupting a person's life and well-being
- Marked by an inability to control the urge to use social media, even when it negatively impacts other areas of life like relationships, work, or studies.

Addicting Features of Social Media



- Infinite Scroll/Autoplay
- Personalization Algorithms
- Ephemeral Content
- Reels
- Push Notifications

Social Media Addiction: Negative Impacts

- Anxiety, depression, low self-esteem
- Exacerbation of ADHD, ODD, and anxiety
- Nervous system being pushed into fight-or-flight
- Triggering of dopamine-driven highs
- Persistent thoughts about social media
- Cyberbullying
- Sleep disruption
- Reduced social skills
- Preference for virtual interactions over real
- Withdrawal
- Body image concerns
- Inability to develop one's true identity



Social Media Addiction: Negative Impacts

NATIONAL

Family files 'dusting' trend

JULY 12, 2024 · 1:18 AM

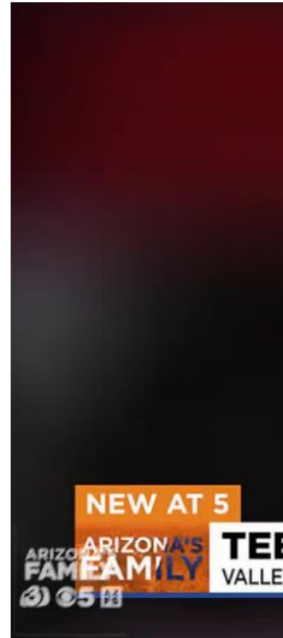
By The Associated Press



A Paqui One Chip Challenge chip. Credit: Steve LeBlanc/AP

BOSTON — A lawsuit filed by several others in the O'Rourke family participated in a social media trend.

Tempe teen



The dangerous trend may also be known as 'dusting'.

By Micaela Marshall

Published: Jun. 5, 2025 at 7:52 PM



TEMPE, AZ (AZFamily) — A Valley

"Dusting" is a viral trend in which the O'Rourke family never heard of dusting.

News

4-Year-Old Boy Dies After Trying 'Cinnamon Challenge'

A common household ingredient

By David Mikkelson



Boy, 12, Dies After Trying Dangerous Social Media Challenge: 'One Brief Moment Changed Everything'

The "blackout challenge" involves choking oneself, sometimes with a scarf, which deprives the brain of oxygen

By Charlotte Phillipp | Published on June 29, 2025 08:30PM EDT

9 COMMENTS



Sebastian. Credit: GoFundMe

Social Media Victims Law Center (SMVLC)



- Founded in 2021 by Matthew P. Bergman, founder of Bergman Draper Oslund Udo, a mesothelioma law firm
- A legal resource for teenage victims suffering from depression, an eating disorder, hospitalization, sexual exploitation, self-harm or suicide as a result of social media cyberbullying

C.U. and S.U. v. Meta Platforms, Inc. et al.



October 4, 2022

- Product Liability Action
- 13 yo girl from Long Beach, CA
- Injuries included addiction, sleep deprivation, anxiety, depression, self-harm, suicidal ideation, exploitation and abuse

C.U. and S.U. v. Meta Platforms, Inc. et al.

- Begin using Roblox at age 10
- Befriended by an adult male who moved conversation to Discord
- Discord offered a “Keep Me Safe” Setting
- Befriended by another adult male who manipulated her into giving him Robux and moved conversation to Instagram and Snapchat, which had a “My Eyes Only” feature
- Manipulated to send sexually explicit images via Snapchat
- S.U. was groomed, became addicted, and attempted suicide

C.U. and S.U. v. Meta Platforms, Inc. et al.

Tort Claims

- Strict Products Liability - Product
 - Failure to verify minor's age and identity
 - Inadequate parental control monitoring
 - Design of addictive social media products
 - Inadequate notification of parents of dangerous usage by minors
- Strict Product Liability – Failure to Warn
- Negligence
- Unjust Enrichment

C.U. and S.U. v. Meta Platforms, Inc. et al.

California State Law Claims

- Violation of California's Unfair Competition Law for fraudulent and deceptive business actions
- Invasion of Privacy, Cal. Const. Art. 1, § 1

Federal Claims

- Violation of 18 U.S.C. § 1595 and 1591 for facilitating sexual solicitation for commercial sex acts

Social Media Victims Law Center (SMVLC)



Social Media Victims Law Center (SMVLC)

We need the following video embedded with sound which can be cut off at 3:15.

<https://youtu.be/letis542hfQ>

Judges

U.S. District Judge
Yvonne Gonzalez Rogers



*MDL No. 3047 in the Northern District of
California*

Los Angeles Superior Court
Judge Carolyn B. Kuhl



*Judicial Council Coordination Proceedings in
California State Court*

JCCP: The Plaintiffs



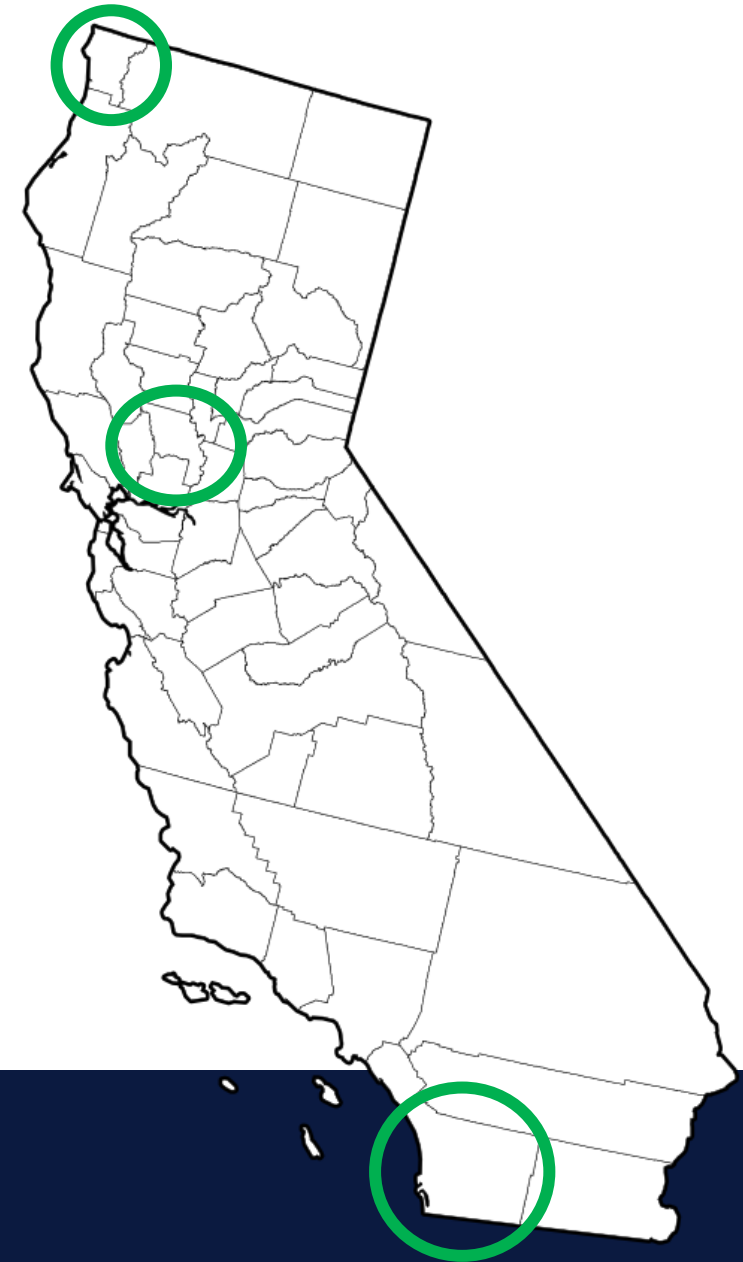
622 Individual Plaintiffs



546 School Districts

3 Local Governments

- Del Norte County
- Sacramento County
- San Diego County



The Defendants

 Meta



facebook



Instagram



Alphabet

Google YouTube



Snap, Inc.

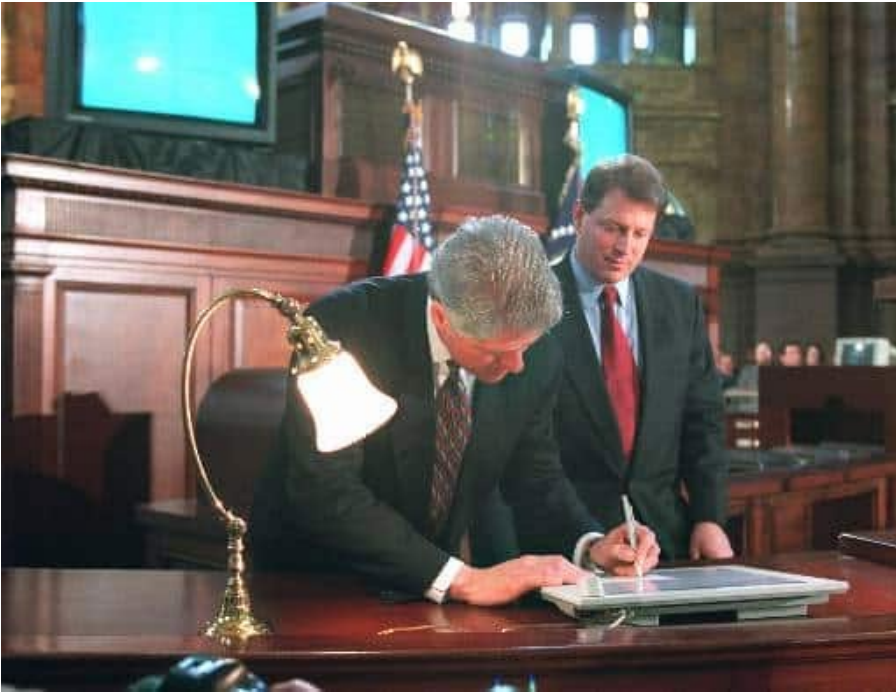


ByteDance

Additional Claims

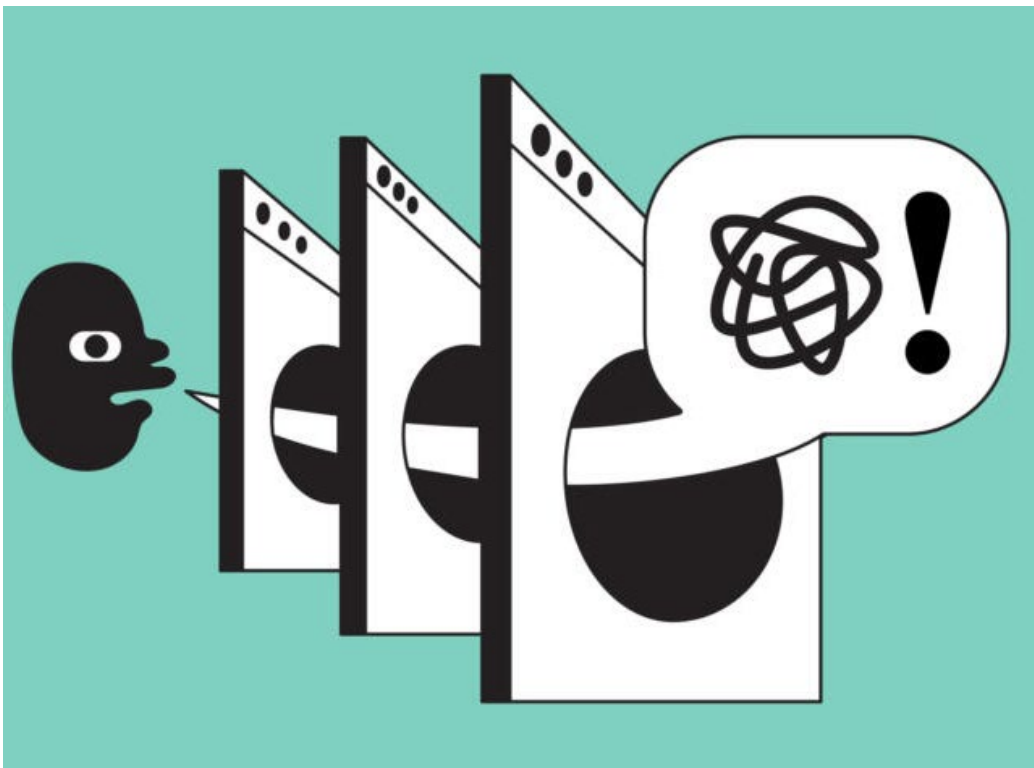
- Public Nuisance
- Fraudulent Concealment
- Violations of 18 U.S.C. § 2252A(f), 1466A – child pornography
- Violations of 18 U.S.C. § 228B and 2258A – reporting online child sexual exploitation
- Wrongful Death
- Survival Action
- Loss of Consortium and Society

Key Defenses: Section 230 of the Communications Decency Act



- Enacted as part of CDA of 1996
- Generally, precludes providers and users from being held legally liable for information provided by others
- Has been applied to protect online service providers and social media companies for transmitting content posted by others

Key Defenses: Section 230 of the Communications Decency Act



- **Section 230(c)(1):** “No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.”
- **Section 230(c)(2):** No provider or user of an interactive computer service shall be held liable for “any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable.”

Key Defenses: The First Amendment

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Other Defenses

- Contributory Negligence
- Statute of Limitations
- Privacy Defenses
- Misrepresentation of Content



Key Rulings: November 14, 2023

Order on Defendants' Motions to Dismiss

Case 4:22-md-03047-YGR Document 430 Filed 11/14/23 Page 1 of 52

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

Case No. 4:22-md-03047-YGR
MDL No. 3047

This Document Relates to:
Individual Plaintiffs' Master Amended
Complaint

**ORDER GRANTING IN PART AND DENYING
IN PART DEFENDANTS' MOTIONS TO
DISMISS**

Re: Dkt. Nos. 237 & 320

This Order addresses the first wave of legal arguments stemming from the filing, on behalf of children and adolescents, of hundreds of individual cases across the United States against five companies operating some of the world's most used social media platforms: Meta's Facebook and Instagram, Google's YouTube, ByteDance's TikTok, and Snapchat.¹ Notably, this multi-district litigation ("MDL") encompasses, in addition to individual suits, over 140 actions brought on behalf of school districts and actions filed jointly by over thirty state Attorneys General. While plaintiffs' complaint asserts eighteen claims against defendants, this Order addresses only defendants' motions to dismiss the individual plaintiffs' five priority claims.

MDL courts frequently phase motion to dismiss briefing to determine whether the gravamen of the complaint can proceed with discovery, then, in parallel, legal analysis of the remaining claims proceeds. Here, defendants were adamant that the entirety of the complaint should be dismissed under Section 230 of the Communications Decency Act of 1996 and the First Amendment. If true, there would be no need to analyze the remaining claims.

For the reasons set forth in this Order, based on a careful review of the pleadings and the briefing submitted by the parties as well as oral argument heard on October 27, 2023, the Court **GRANTS IN PART** and **DENIES IN PART** the motions to dismiss plaintiffs' products liability claims

A Table of Contents outlining the organization of this Order is attached as Appendix A for the reader's convenience.

¹ For clarity, the primary defendants in this litigation are Alphabet, Inc.; ByteDance, Inc.; Facebook Holdings, LLC, Facebook Operations, LLC, Facebook Payments, Inc., Facebook Technologies, LLC (collectively, "Facebook"); Google LLC; Instagram, LLC; Meta Platforms, Inc., Meta Payments, Inc., Meta Technologies, LLC (collectively, "Meta"); TikTok, Inc., TikTok, LLC, TikTok, Ltd. (collectively, "TikTok"); Snap, Inc. ("Snap"); and YouTube, LLC.

- Applied "*Barnes Test*" to determine if a claim is entitled to Section 230(c)(1) immunity of the CDA. *Barnes v. Yahoo!, Inc.*, 570 F.3d 1096 (9th Cir. 2009).
- Applied "*Roommates Test*" to determine if a platform's actions of altering or presenting content constituted development, namely, whether it provides "neutral tools" for creation of content. *Fair Hous. Council of San Fernando Valley v. Roommates.Com, LLC*, 521 F.3d 1157 (9th Cir. 2008).

Key Rulings: November 14, 2023

Order on Defendants' Motions to Dismiss

Alleged Product Defects **Barred** by Section 230

- Failing to put default protective limits to the length and frequency of sessions
- Failing to institute blocks to use during certain times of day (during school)
- Not providing a beginning and end to a user's "Feed"
- Publishing geolocating information for minors
- Recommending minor accounts to adult strangers
- Limiting content to short-form and ephemeral content, and allowing private content
- Timing and clustering of notifications of third-party content in a way that promotes addiction
- Use of algorithms to promote addictive engagement

Key Rulings: November 14, 2023

Order on Defendants' Motions to Dismiss

Alleged Product Defects **NOT** Barred by Section 230

- Not providing effective parental controls
- Not providing options to users to self-restrict time
- Making it challenging for users to choose to delete account
- Not using robust age verification
- Making it challenging for users to report predator accounts
- Offering appearance-altering filters
- Not labeling filtered content
- Timing and clustering notifications of content to increase addictive use
- Not implementing reporting protocols to allow users visitors of platforms to report CSAM and adult predator accounts specifically without need to create or log in to the products prior to reporting

Key Rulings: November 14, 2023

Order on Defendants' Motions to Dismiss

Case 4:22-md-03047-YGR Document 430 Filed 11/14/23 Page 1 of 52

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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- Court rejected 1st Amendment arguments to dismiss product claims based on user interaction with the platform
- Defendants' argument that 1st Amendment protects filters in the same way a magazine's uses of "computer technology to alter famous film stills" for fashion was rejected
- Court granted Motion to Dismiss based on 1st Amendment grounds as to products claims based on timing and clustering of notifications

Key Rulings: November 12, 2024

Order Dismissing Mark Zuckerberg

- Plaintiffs alleged Zuckerberg's personal involvement in shaping Meta's direction implied a level of direct accountability.
- Judge Gonzalez disagreed:
"Control of corporate activity alone is insufficient to establish personal liability."

META CEO MARK ZUCKERBERG CLEARED OF PERSONAL LIABILITY IN SOCIAL MEDIA ADDICTION LAWSUITS TARGETING KIDS



Image by JD Lasica from Pleasanton, CA, US - Mark Zuckerberg, CC BY 2.0, <https://commons.wikimedia.org/w/index.php?curid=72122235>

Reading Time: 5 minutes Published November 12, 2024 4:40 AM PST

June 16, 2025

Case Management Order 24

Case 4:22-md-03047-YGR Document 2055 Filed 06/16/25 Page 1 of 3

School District Bellwethers

Case Name	Member Case Number	Lexecon Objection
<i>Board of Education of Harford County v. Meta Platforms, Inc., et al.</i>	4:23-cv-03065	No
<i>DeKalb County School District v. Meta Platforms, Inc., et al.</i>	4:25-cv-02310	Yes
<i>Breathitt County Board of Education v. Meta Platforms, Inc., et al.</i>	4:23-cv-01804	No
<i>Irvington Public Schools v. Meta Platforms, Inc. et al.</i>	4:23-cv-01467	No
<i>Tuscan Unified School District v. Meta Platforms, Inc., et al.</i>	4:24-cv-01382	No
<i>Charleston County School District v. Meta Platforms, Inc., et al.</i>	4:23-cv-04659	No

Judge Rogers officially selected 11 bellwether cases that will be set for trial in the beginning of 2026 including:

- 6 School Districts in MD, KY, GA, NJ, AZ, SC
- 5 individuals

I. BELLWETHER SELECTION

The parties submitted briefing to the Court on selecting school district and individual plaintiff bellwether cases from the bellwether trial pool. (Dkt. Nos. 1966, 1967, 1968, 1969, 1970, and 1971.)¹ The Court considered the briefing and heard some additional argument on the prospective bellwethers.

¹ The Court grants plaintiff and defendant's administrative motions to file under seal. (Dkt. Nos. 1968 and 1969.)

June 16, 2025

Case Management Order 24

Case 4:22-md-03047-YGR Document 2055 Filed 06/16/25 Page 1 of 3

Individual Plaintiff Bellwethers		
Case Name	Member Case Number	Lexecon Objection
<i>D’Orazio v. Meta Platforms, Inc., et al.</i>	4:23-cv-03751	No
<i>Smith v. Meta Platforms, Inc., et al.</i>	4:23-cv-05632	No
<i>Melton v. Meta Platforms, Inc., et al.</i>	4:22-cv-06627	No
<i>Mullen v. Meta Platforms, Inc., et al.</i>	4:23-cv-00600	No
<i>Clevenger v. Meta Platforms, Inc., et al.</i>	4:22-cv-06457	No

United States Northern District of Maryland

17 TO ALL PARTIES AND COUNSEL OF RECORD:
18 The Court held a further case management conference in the above-captioned matter on
19 June 13, 2025. This order memorializes and expands upon the deadlines set and findings made by
20 the Court during that conference.
21 **I. BELLWETHER SELECTION**
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The Experts

- Psychologists
- Addiction Specialists
- Technological Experts
- Public Health Experts
- Economic Social Researchers



The Damages



- Medical Expenses
- Lost Wages
- Pain & Suffering
- Wrongful Death Damages
- Punitive Damages
- Injunctive Relief
- Public Health Experts